

UNITED NATIONS



**OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
FIFTH SESSION**

ANNEXES

VOLUME I

1950

NEW YORK

NOTE

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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23	Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations
24	The problem of the independence of Korea
25	Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: advisory opinion of the International Court of Justice
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31	Advisory social welfare services: report of the Economic and Social Council
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33	Administrative unions affecting Trust Territories: report of the Trusteeship Council
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United Nations

**GENERAL
ASSEMBLY**

Official Records



Agenda items 1 and 2

ANNEXES

FIFTH SESSION

NEW YORK, 1950

Agenda item 1 : Opening of the session by the Chairman of the delegation of the Philippines

Agenda item 2 : Minute of silent prayer or meditation

(No documents)



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DOCUMENT A/1379

Letter dated 21 September 1950 from the Secretary-General addressed to the President of the General Assembly

[*Original text : English*]
[21 September 1950]

In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations and with the consent of the Security Council, I have the honour to send you herewith a notification to the General Assembly listing matters relative to the maintenance of international peace and security which are being dealt with by the Security Council.

(*Signed*) Trygve LIE
Secretary-General

**NOTIFICATION BY THE SECRETARY-GENERAL UNDER
ARTICLE 12, PARAGRAPH 2, OF THE CHARTER**

In accordance with the provisions of Article 12, paragraph 2, of the Charter and with the consent of the Security Council, I have the honour to notify the General Assembly of matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and also of matters with which the Security Council has ceased to deal.

The matters relative to the maintenance of international peace and security which are being dealt with by the Security Council, as set forth in the " Summary statement by the Secretary-General of matters of which the Security Council is seized and of the stage reached in their consideration " dated 13 September 1950 (S/1785) are as follows :

1. The regulation and reduction of conventional armaments and armed forces ;

2. Special agreements under Article 43 of the Charter and the organization of the armed forces to be made available to the Security Council ;

3. The Indonesian question ;

4. The Egyptian question ;

5. The Iranian question ;

6. The question of the Free Territory of Trieste ;

7. Appointment of a Governor for the Free Territory of Trieste ;

8. The Palestine question ;

9. The India-Pakistan question ;

10. The Hyderabad question ;

11. The Czechoslovakian question ;

12. Identic notifications dated 29 September 1948 from the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America ;

13. International control of atomic energy ;

14. Complaint of aggression upon the Republic of Korea ;

15. Complaint of armed invasion of Taiwan (Formosa) ;

16. Complaint of bombing by air forces of the territory of China

The Security Council has continued to deal with all matters relative to the maintenance of international

peace and security with which it was seized or has been seized since the notification to the fourth session (A/979) of the General Assembly under Article 12, paragraph 2, of the Charter.

DOCUMENT A/1379/Add.1

Letter dated 31 January 1951 from the Secretary-General addressed to the President of the General Assembly

[Original text: English]
[31 January 1951]

In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations, I have the honour to inform you of the following resolution, adopted by the Security Council at its 531st meeting held on 31 January 1951 :

“ The Security Council,

“ Resolves to remove the item ‘ Complaint of aggression against the Republic of Korea ’ from the list of matters of which the Council is seized ”.

(Signed) Trygve LIE
Secretary-General

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DOCUMENT A/1293 and Corr.1

Provisional agenda of the fifth session of the General Assembly

to be convened at the General Assembly Hall, Flushing Meadow, New York, on Tuesday, 19 September 1950, at 3 p.m.

[Original text : English]
[21 July 1950]

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Opening of the session by the Chairman of the delegation of the Philippines. 2. Minute of silent prayer or meditation. 3. Appointment of a Credentials Committee. 4. Election of the President. 5. Constitution of the Main Committees and election of officers. 6. Election of Vice-Presidents. 7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter. | <ol style="list-style-type: none"> 8. Adoption of the agenda. 9. Opening of the general debate. 10. Report of the Secretary-General on the work of the Organization. 11. Report of the Security Council. 12. Report of the Economic and Social Council. 13. Report of the Trusteeship Council. 14. Election of three non-permanent members of the Security Council. |
|---|--|

15. Election of six members of the Economic and Social Council.
16. Election of two members of the Trusteeship Council.
17. Appointment of the Secretary-General of the United Nations.
18. Installation of the Assistant Secretary-General in charge of Conference and General Services.
19. Admission of new Members : advisory opinion of the International Court of Justice (resolution 296 J (IV) of 22 November 1949).
20. Palestine :
 - (a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council (resolution 303 (IV) of 9 December 1949);
 - (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (resolution 302 (IV) of 8 December 1949).
21. Former Italian colonies (resolution 289 (IV) of 21 November 1949) :
 - (a) Report of the United Nations Commissioner in Libya;
 - (b) Reports of the administering Powers in Libya;
 - (c) Draft trusteeship agreement for Italian Somaliland : special report of the Trusteeship Council;
 - (d) Report of the United Nations Commission for Eritrea;
 - (e) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea;
 - (f) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.
22. Threats to the political independence and territorial integrity of Greece (resolution 288 (IV) of 18 November 1949) :
 - (a) Report of the United Nations Special Committee on the Balkans;
 - (b) Repatriation of Greek children : report of the Secretary-General.
23. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations : report of the Interim Committee of the General Assembly (resolution 292 (IV) of 8 December 1949).
24. The problem of the independence of Korea : report of the United Nations Commission on Korea (resolution 293 (IV) of 21 October 1949).
25. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms : advisory opinion of the International Court of Justice (resolution 294 (IV) of 22 October 1949).
26. International control of atomic energy (resolution 299 (IV) of 23 November 1949).
27. Action to achieve or maintain full employment and economic stability : report of the Economic and Social Council (resolution 308 (IV) of 25 November 1949).
28. Economic development of under-developed countries; report of the Economic and Social Council (resolution 306 (IV) of 16 November 1949).
29. Co-ordination between the United Nations and the specialized agencies :
 - (a) Agreements between the United Nations and the specialized agencies : report of the Economic and Social Council (resolution 309 (IV) of 24 November 1949);
 - (b) Concentration of effort and resources : report of the Economic and Social Council (resolution 310 (IV) of 24 November 1949);
 - (c) Administrative budgets of the specialized agencies : report of the Advisory Committee on Administrative and Budgetary Questions;
 - (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General.
30. Draft convention on freedom of information : report of the Economic and Social Council (resolution 313 (IV) of 20 October 1949).
31. Advisory social welfare services : report of the Economic and Social Council (resolution 316 (IV) of 17 November 1949).
32. Refugees and stateless persons (resolution 319 (IV) of 3 December 1949) :
 - (a) Provisions for the functioning of the High Commissioner's Office for Refugees : draft resolution proposed by the Economic and Social Council;
 - (b) Definition of the term " refugee " to be applied by the High Commissioner for Refugees : recommendations of the Economic and Social Council;
 - (c) Problems of assistance to refugees : memorandum from the General Council of the International Refugee Organization of 20 October 1949;
 - (d) Election of the High Commissioner for Refugees.
33. Administrative unions affecting Trust Territories : report of the Trusteeship Council (resolution 326 (IV) of 15 November 1949).
34. Information from Non-Self-Governing Territories :
 - (a) Summary and analysis of information transmitted under Article 73 e of the Charter : report of the Secretary-General;
 - (b) Information transmitted under Article 73 e of the Charter : report of the Special Committee;

- (c) Election of two members of the Special Committee (resolution 332 (IV) of 2 December 1949).
35. Question of South West Africa : advisory opinion of the International Court of Justice (resolution 338 (IV) of 6 December 1949).
36. Headquarters of the United Nations : report of the Secretary-General (resolution 350 (IV) of 24 November 1949).
37. Financial reports and accounts, and reports of the Board of Auditors :
- (a) United Nations, for the financial year ended 31 December 1949;
- (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949;
- (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950.
38. Status of budgetary authorizations for the financial year 1950 :
- (a) Statement of 1950 budget expenses to 30 June 1950;
- (b) Advances from the Working Capital Fund : report of the Secretary-General (resolution 358 (IV) of 10 December 1949);
- (c) Unforeseen and extraordinary expenses for 1950: report of the Secretary-General (resolution 357 (IV) of 10 December 1949);
- (d) Supplementary estimates for 1950 : report of the Secretary-General.
39. Budget estimates for the financial year 1951 :
- (a) Budget estimates prepared by the Secretary-General;
- (b) Salary, allowance and leave system of the United Nations : report of the Secretary-General;
- (c) Reports of the Advisory Committee on Administrative and Budgetary Questions.
40. Scale of assessments for the apportionment of the expenses of the United Nations : report of the Committee on Contributions (resolution 343 (IV) of 20 October 1949).
41. Permanent Financial Regulations of the United Nations : report of the Secretary-General.
42. Permanent Staff Regulations of the United Nations : report of the Secretary-General.
43. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly :
- (a) Advisory Committee on Administrative and Budgetary Questions;
- (b) Committee on Contributions;
- (c) Board of Auditors;
- (d) Investments Committee : confirmation of the appointment made by the Secretary-General;
- (e) United Nations Administrative Tribunal.
44. United Nations Joint Staff Pension Fund : annual report of the United Nations Staff Pension Committee.
45. Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs : report of the Secretary-General (resolution 353 (IV) of 24 November 1949);
46. Organization of a United Nations postal administration : report of the Secretary-General (resolution 342 (IV) of 20 October 1949).
47. United Nations telecommunications system : report of the Secretary-General (resolution 240 (III) of 18 November 1948).
48. Convention on the declaration of death of missing persons : report of the Secretary-General (resolution 369 (IV) of 3 December 1949).
49. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions : report of the Secretary-General (resolution 362 (IV) of 22 October 1949).
50. Reparation for injuries incurred in the service of the United Nations : report of the Secretary-General (resolution 365 (IV) of 1 December 1949).
51. Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act : report of the Secretary-General (resolution 372 (IV) of 3 December 1949).
52. Report of the International Law Commission on the work of its second session.
53. Draft declaration on rights and duties of States : report of the Secretary-General (resolution 375 (IV) of 6 December 1949).
54. Draft rules for the calling of non-governmental conferences : report of the Secretary-General (resolution 367 (IV) of 3 December 1949).
55. Registration and publication of treaties and international agreements : report of the Secretary-General.
56. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America : report of the Secretary-General.
57. Reservations to multilateral conventions : item proposed by the Secretary-General.
58. Treatment of people of Indian origin in the Union of South Africa : item proposed by India.
59. Permanent invitation to the Arab League to attend sessions of the General Assembly : item proposed by Syria.

60. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy : item proposed by Egypt.
61. Development of a twenty-year programme for achieving peace through the United Nations : item proposed by the Secretary-General.
62. Recognition by the United Nations of the representation of a Member State : item proposed by Cuba.

DOCUMENT A/1332

Supplementary list of items for the agenda of the fifth session

[Original text : English]
[24 August 1950]

1. Admission of new Members to the United Nations : item proposed by El Salvador.
2. Relations of States Members of the United Nations with Spain : item proposed by the Dominican Republic.
3. Draft first international covenant on human rights and measures of implementation : item proposed by the Economic and Social Council.
4. Draft convention relating to the status of refugees : item proposed by the Economic and Social Council.
5. Long-range activities for children. Establishment of United Nations International Children's Endowment Fund : item proposed by the Economic and Social Council.
6. Technical assistance for Libya after achievement of independence : item proposed by the Economic and Social Council.
7. Freedom of information :
 - (a) Interference with radio signals (Economic and Social Council resolution 306 B (XI)) : item proposed by the Economic and Social Council;
 - (b) Question of freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI)) : item proposed by the Economic and Social Council.
8. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace : item proposed by Chile.
9. Palestine :
 - (a) Repatriation of Palestine refugees and payment of compensation due to them; implementation of General Assembly resolutions regarding this question : item proposed by Egypt, by Iraq, by Saudi Arabia and by Syria;
 - (b) Report of the United Nations Conciliation Commission for Palestine.
10. Relations of States Members and specialized agencies with Spain : item proposed by Peru.
11. Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory : item proposed by Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

DOCUMENT A/BUR/122

Organization of the fifth session of the General Assembly : memorandum by the Secretary-General

[Original text : English]
[18 September 1950]

The Secretary-General has the honour to place before the General Committee certain observations and suggestions regarding the arrangements for the meetings of the General Assembly and its Main Committees during the fifth session.

SCHEDULE OF MEETINGS

1. It is suggested that both plenary and committee meetings should begin at 10.45 a.m. and 3.00 p.m. In view of the heavy programme, it is urged that delegations should make every effort to arrive at the scheduled meeting place on time.
2. It is proposed that a six-day working week should be established. On Saturdays one extended meeting will normally be scheduled for Committees from 10.45 a.m. to 2.00 p.m.
3. Plenary meetings will be held in the General Assembly hall at Flushing Meadow. The Main Committees

will meet in the conference rooms at Lake Success. The General Committee will be scheduled to meet in conference room A in the General Assembly building at Flushing Meadow or at Lake Success as appropriate.

4. The Secretary-General has made arrangements for the servicing of four Main Committees meeting simultaneously. He wishes to suggest that, in the initial stages of the Committees' work, four Main Committees should be scheduled to meet each morning and four each afternoon.

TARGET DATE FOR THE CLOSING OF THE SESSION

5. Rule 2 of the rules of procedure of the General Assembly, as amended during the fourth session, states : " On the recommendation of the General Committee, the General Assembly shall, at the beginning of each session, fix a target date for the closing of the session." The Secretary-General wishes to suggest that the General Committee should propose to the General Assembly 30 November 1950 as the target date for the closing of the fifth session.

DEADLINE FOR THE SUBMISSION OF REQUESTS FOR THE INCLUSION OF ADDITIONAL ITEMS IN THE AGENDA

6. To facilitate the planning of the total programme of work of the General Assembly, the Secretary-General suggests that the General Committee should recommend that a date should be determined after which requests for the inclusion of additional items in the agenda of the session could not be made. If it is desired to adopt such

a procedure, the Secretary-General proposes 4 October as such a deadline.

VERBATIM RECORDS OF MAIN COMMITTEES

7. The Secretary-General wishes again to bring to the attention of the General Committee the decision of the General Assembly of 20 November 1947, at the time of approval of the third annual budget of the United Nations, that the Secretary-General should be authorized to provide verbatim records " for one Main Committee at a time, the committee which, in the opinion of the General Committee, has the most important items on its agenda " ¹.

8. The General Committee is therefore required to decide for which of the Main Committees verbatim records shall be provided during the fifth session of the General Assembly.

SEATING ARRANGEMENTS

9. At a recent Secretary-General's staff meeting, lots were drawn to choose the Member to occupy the first desk on the Assembly floor from which the alphabetical seating order would begin. Sweden was the name drawn and, consequently, Sweden will sit at the first desk at the extreme right of the President. At the initial meetings of the Main Committees, the same seating order will be observed. There will be, however, a daily rotation of one place in the Main Committees thereafter.

¹ See *Official Records of the General Assembly, Second Session, Plenary Meetings*, vol. II, annex 6b.

DOCUMENT A/BUR/123

Adoption of the agenda and allocation of items to Committees : memorandum by the Secretary-General

[Original text : English]
[18 September 1950]

The Secretary-General has the honour to place before the General Committee, for its consideration, the following observations and proposals in connexion with the report to be made by the General Committee to the plenary meeting of the General Assembly on the adoption of the agenda of the fifth session and the allocation of agenda items to Committees.

I. ADOPTION OF THE AGENDA

1. All proposals for the inclusion of items in the agenda of the fifth session have been communicated to Members of the General Assembly in the following documents :

Provisional agenda of the fifth session of the General Assembly (A/1293 and Corr.1).

Supplementary list of items for the agenda of the fifth session (A/1332).

2. Certain items on the provisional agenda and the supplementary list relate to the same question and could usefully be grouped together or combined under a single item. In this connexion, the Secretary-General suggests the following :

(i) To combine item 20 of the provisional agenda and item 9 of the supplementary list as follows :

Palestine :

- (a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council;
- (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
- (c) Repatriation of Palestine refugees and payment of compensation due to them : implementation of

- General Assembly resolutions regarding this question;
- (d) Report of the United Nations Conciliation Commission for Palestine;
- (ii) To combine items 2 and 10 of the supplementary list as follows : Relations of States Members and specialized agencies with Spain;
- (iii) To combine item 19 of the provisional agenda and item 1 of the supplementary list as follows : Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice;
- (iv) To combine item 30 of the provisional agenda and item 7 of the supplementary list as follows :
- Freedom of information :
- (a) Draft convention on freedom of information : report of the Economic and Social Council;
- (b) Interference with radio signals (Economic and Social Council resolution 306 B (XI));
- (c) Question of freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI));
- (v) To combine item 32 of the provisional agenda and item 4 of the supplementary list as follows :
- Refugees and stateless persons :
- (a) Provisions for the functioning of the High Commissioner's Office for Refugees : draft resolution proposed by the Economic and Social Council;
- (b) Definition of the term " refugee " to be applied by the High Commissioner for Refugees : recommendations of the Economic and Social Council;
- (c) Problems of assistance to refugees : memorandum from the General Council of the International Refugee Organization of 20 October 1949;
- (d) Draft convention relating to the status of refugees;
- (e) Election of the High Commissioner for Refugees.
3. Taking into account the suggestions contained in paragraph 2 above, the agenda of the fifth session would read as follows² :
1. Opening of the session by the Chairman of the delegation of the Philippines (P.A.1).
 2. Minute of silent prayer or meditation (P.A.2).
 3. Appointment of a Credentials Committee (P.A.3).
 4. Election of the President (P.A.4).
 5. Constitution of the Main Committees and election of officers (P.A.5).
 6. Election of Vice-Presidents (P.A.6).
 7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter (P.A.7).
 8. Adoption of the agenda (P.A.8).
 9. Opening of the general debate (P.A.9).
 10. Report of the Secretary-General on the work of the Organization (P.A.10).
 11. Report of the Security Council (P.A.11).
 12. Report of the Economic and Social Council (P.A.12).
 13. Report of the Trusteeship Council (P.A.13).
 14. Election of three non-permanent members of the Security Council (P.A.14).
 15. Election of six members of the Economic and Social Council (P.A.15).
 16. Election of two members of the Trusteeship Council (P.A.16).
 17. Appointment of the Secretary-General of the United Nations (P.A.17).
 18. Installation of the Assistant Secretary-General in charge of Conference and General Services (P.A.18).
 19. Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice (P.A.19 and S.L.1).
 20. Palestine :
 - (a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council (P.A.20 (a));
 - (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (P.A.20 (b));
 - (c) Repatriation of Palestine refugees and payment of compensation due to them; implementation of General Assembly resolutions regarding this question (S.L.9 (a));
 - (d) Report of the United Nations Conciliation Commission for Palestine (S.L.9 (b)).
 21. Former Italian colonies (P.A.21) :
 - (a) Report of the United Nations Commissioner in Libya;
 - (b) Reports of the administering Powers in Libya;
 - (c) Draft trusteeship agreement for the Trust Territory of Somaliland under Italian administration : special report of the Trusteeship Council;
 - (d) Report of the United Nations Commission for Eritrea;
 - (e) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea;
 - (f) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.
 22. Threats to the political independence and territorial integrity of Greece (P.A.22) :

² The number in brackets after each item indicates the number under which the item appears on the provisional agenda (P.A.) or the supplementary list (S.L.).

- (a) Report of the United Nations Special Committee on the Balkans;
- (b) Repatriation of Greek children : report of the Secretary-General.
23. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations : report of the Interim Committee of the General Assembly (P.A.23).
24. The problem of the independence of Korea : report of the United Nations Commission on Korea (P.A.24).
25. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms : advisory opinion of the International Court of Justice (P.A.25).
26. International control of atomic energy (P.A.26).
27. Action to achieve and maintain full employment and economic stability : report of the Economic and Social Council (P.A.27).
28. Economic development of under-developed countries : report of the Economic and Social Council (P.A.28).
29. Co-ordination between the United Nations and the specialized agencies (P.A.29) :
- (a) Agreements between the United Nations and the specialized agencies : report of the Economic and Social Council;
- (b) Concentration of effort and resources : report of the Economic and Social Council;
- (c) Administrative budgets of the specialized agencies : report of the Advisory Committee on Administrative and Budgetary Questions;
- (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General.
30. Freedom of information :
- (a) Draft convention on freedom of information : report of the Economic and Social Council (P.A.30);
- (b) Interference with radio signals (Economic and Social Council resolution 306 B (XI)) (S.L.7 (a));
- (c) Question of freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI)) (S.L.7 (b)).
31. Advisory social welfare services : report of the Economic and Social Council (P.A.31).
32. Refugees and stateless persons :
- (a) Provisions for the functioning of the High Commissioner's Office for Refugees : draft resolution proposed by the Economic and Social Council (P.A.32 (a));
- (b) Definition of the term " refugee " to be applied by the High Commissioner for Refugees : recommendations of the Economic and Social Council (P.A.32 (b));
- (c) Problems of assistance to refugees : memorandum from the General Council of the International Refugee Organization of 20 October 1949 (P.A.32 (c));
- (d) Draft convention relating to the status of refugees (S.L.4);
- (e) Election of the High Commissioner for Refugees (P.A.32 (d)).
33. Administrative unions affecting Trust Territories : report of the Trusteeship Council (P.A.33).
34. Information from Non-Self-Governing Territories (P.A.34) :
- (a) Summary and analysis of information transmitted under Article 73 e of the Charter : report of the Secretary-General;
- (b) Information transmitted under Article 73 e of the Charter : report of the Special Committee;
- (c) Election of two members of the Special Committee.
35. Question of South West Africa : advisory opinion of the International Court of Justice (P.A.35).
36. Headquarters of the United Nations : report of the Secretary-General (P.A.36).
37. Financial reports and accounts, and reports of the Board of Auditors (P.A.37) :
- (a) United Nations, for the financial year ended 31 December 1949;
- (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949;
- (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950.
38. Status of budgetary authorizations for the financial year 1950 (P.A.38) :
- (a) Statement of 1950 budget expenses to 30 June 1950;
- (b) Advances from the Working Capital Fund : report of the Secretary-General;
- (c) Unforeseen and extraordinary expenses for 1950: report of the Secretary-General;
- (d) Supplementary estimates for 1950 : report of the Secretary-General.
39. Budget estimates for the financial year 1951 (P.A.39):
- (a) Budget estimates prepared by the Secretary-General;
- (b) Salary, allowance and leave system of the United Nations : report of the Secretary-General;
- (c) Reports of the Advisory Committee on Administrative and Budgetary Questions.
40. Scale of assessments for the apportionment of the expenses of the United Nations : report of the Committee on Contributions (P.A.40).

41. Permanent Financial Regulations of the United Nations : report of the Secretary-General (P.A.41).
42. Permanent Staff Regulations of the United Nations : report of the Secretary-General (P.A.42).
43. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly (P.A.43) :
- (a) Advisory Committee on Administrative and Budgetary Questions;
 - (b) Committee on Contributions;
 - (c) Board of Auditors;
 - (d) Investments Committee : confirmation of the appointment made by the Secretary-General;
 - (e) United Nations Administrative Tribunal.
44. United Nations Joint Staff Pension Fund : annual report of the United Nations Staff Pension Committee (P.A.44).
45. Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs : report of the Secretary-General (P.A.45).
46. Organization of a United Nations postal administration : report of the Secretary-General (P.A.46).
47. United Nations telecommunications system : report of the Secretary-General (P.A.47).
48. Convention on the declaration of death of missing persons : report of the Secretary-General (P.A.48).
49. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions : report of the Secretary-General (P.A.49).
50. Reparation for injuries incurred in the service of the United Nations : report of the Secretary-General (P.A.50).
51. Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act : report of the Secretary-General (P.A.51).
52. Report of the International Law Commission on the work of its second session (P.A.52).
53. Draft declaration on rights and duties of States : report of the Secretary-General (P.A.3).
54. Draft rules for the calling of non-governmental conferences : report of the Secretary-General (P.A.54).
55. Registration and publication of treaties and international agreements : report of the Secretary-General (P.A.55).
56. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America : report of the Secretary-General (P.A.56).
57. Reservations to multilateral conventions (P.A.57).
58. Treatment of people of Indian origin in the Union of South Africa (P.A.58).
59. Permanent invitation to the Arab League to attend sessions of the General Assembly (P.A.59).
60. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy (P.A.60).
61. Development of a twenty year programme for achieving peace through the United Nations (P.A.61).
62. Recognition by the United Nations of the representation of a Member State (P.A.62).
63. Relations of States Members and specialized agencies with Spain (S.L.2 and 10).
64. Draft first international covenant on human rights and measures of implementation (S.L.3).
65. Long-range activities for children. United Nations International Children's Endowment Fund (S.L. 5).
66. Technical assistance for Libya after achievement of independence (S.L.6).
67. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace (S.L.8).
68. Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory (S.L.11).

II. ESTABLISHMENT OF *Ad Hoc* COMMITTEES

4. In harmony with the procedure adopted at previous sessions, the Secretary-General proposes the establishment of the following two *ad hoc* committees, on which each Member may be represented by one person, as provided in rules 96 and 100 of the rules of procedure :

- (a) *Ad Hoc* Political Committee;
- (b) Joint Second and Third Committee.

III. JOINT MEETINGS OF THE JOINT SECOND AND THIRD COMMITTEE AND THE FIFTH COMMITTEE

5. It will be noted below that the Secretary-General has recommended the allocation of the following two items to both the Joint Second and Third Committee and the Fifth Committee :

Report of the Economic and Social Council (chapter IX).
Co-ordination between the United Nations and the specialized agencies :

- (a) Agreements between the United Nations and the specialized agencies : report of the Economic and Social Council;

- (b) Concentration of effort and resources : report of the Economic and Social Council;
- (c) Administrative budgets of the specialized agencies : report of the Advisory Committee on Administrative and Budgetary Questions;
- (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General.

If these allocations are recommended by the General Committee to the General Assembly, the Secretary-General suggests that the two Committees should be instructed to hold joint meetings for the consideration of the above items. In order that the necessary preparations for such joint meetings may be made, and in order to facilitate the attendance of senior representatives of the specialized agencies at the meetings, it is recommended that the joint meetings should be scheduled to begin on approximately 12 October 1950.

IV. ALLOCATION OF AGENDA ITEMS TO COMMITTEES

6. Subject to the recommendations of the General Committee with regard to the adoption of the agenda, the Secretary-General proposes, for consideration by the General Committee, the allocation of agenda items set forth below. In this connexion, the attention of the General Committee is called to paragraph 23 of the "Recommendations and suggestions of the Special Committee on Methods and Procedures approved by the General Assembly" during the fourth session³ in which it is recommended that the General Committee should suggest to the General Assembly which items on the agenda might be dealt with directly in plenary meeting without preliminary reference to a Committee. The Special Committee recommended that this method of dealing with certain items should be introduced on an experimental basis at future sessions.

Plenary meetings

1. Opening of the session by the Chairman of the delegation of the Philippines.
2. Minute of silent prayer or meditation.
3. Appointment of a Credentials Committee.
4. Election of the President.
5. Constitution of the Main Committees and election of officers.
6. Election of Vice-Presidents.
7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter.
8. Adoption of the agenda.
9. Opening of the general debate.
10. Report of the Secretary-General on the work of the Organization.

³ See *Rules of Procedure of the General Assembly (A/520/Rev. 1)*, annex II.

11. Election of three non-permanent members of the Security Council.
12. Election of six members of the Economic and Social Council.
13. Election of two members of the Trusteeship Council.
14. Appointment of the Secretary-General of the United Nations.
15. Installation of the Assistant Secretary-General in charge of Conference and General Services.
16. Election of the High Commissioner for Refugees.

First Committee and Ad Hoc Political Committee

1. Report of the Security Council.
2. Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice.
3. Palestine :
 - (a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council;
 - (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
 - (c) Repatriation of Palestine refugees and payment of compensation due to them : implementation of General Assembly resolutions regarding this question;
 - (d) Report of the United Nations Conciliation Commission for Palestine.
4. Former Italian colonies :
 - (a) Report of the United Nations Commissioner in Libya;
 - (b) Reports of the administering Powers in Libya;
 - (c) Report of the United Nations Commission for Eritrea;
 - (d) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea;
 - (e) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.
5. Threats to the political independence and territorial integrity of Greece :
 - (a) Report of the United Nations Special Committee on the Balkans;
 - (b) Repatriation of Greek children : report of the Secretary-General.
6. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of

- 14 August 1945 and from Soviet violations of the Charter of the United Nations : report of the Interim Committee of the General Assembly.
7. Problem of the independence of Korea : report of the United Nations Commission on Korea.
 8. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms : advisory opinion of the International Court of Justice.
 9. International control of atomic energy.
 10. Treatment of people of Indian origin in the Union of South Africa.
 11. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy.
 12. Development of a twenty-year programme for achieving peace through the United Nations.
 13. Recognition by the United Nations of the representation of a Member State.
 14. Relations of States Members and specialized agencies with Spain.
 15. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace.
 16. Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory.

Second Committee

1. Economic development of under-developed countries : report of the Economic and Social Council.
2. Technical assistance for Libya after achievement of independence.
3. Report of the Economic and Social Council (chapters II, III and IV).
4. Action to achieve and maintain full employment and economic stability : report of the Economic and Social Council.

Third Committee

1. Report of the Economic and Social Council (chapters V, VI and VII).
2. Advisory social welfare services : report of the Economic and Social Council.
3. Refugees and stateless persons :
 - (a) Provisions for the functioning of the High Commissioner's Office for Refugees : draft resolution proposed by the Economic and Social Council;
 - (b) Definition of the term "refugee" to be applied by the High Commissioner for Refugees : recommendations of the Economic and Social Council;
 - (c) Problems of assistance to refugees : memorandum

from the General Council of the International Refugee Organization of 20 October 1949;

- (d) Draft convention relating to the status of refugees.
4. Long-range activities for children. United Nations International Children's Endowment Fund.
5. Draft first international covenant on human rights and measures of implementation.
6. Freedom of information :
 - (a) Draft convention on freedom of information : report of the Economic and Social Council;
 - (b) Interference with radio signals (Economic and Social Council resolution 306 B (XI));
 - (c) Question of freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI)).

Joint Second and Third Committee

1. Report of the Economic and Social Council (chapters I, VIII, IX and X).
(Note : Chapter IX to be discussed in joint meeting with the Fifth Committee.)
2. Co-ordination between the United Nations and the specialized agencies :
 - (a) Agreements between the United Nations and the specialized agencies : report of the Economic and Social Council;
 - (b) Concentration of effort and resources : report of the Economic and Social Council;
 - (c) Administrative budgets of the specialized agencies : report of the Advisory Committee on Administrative and Budgetary Questions;
 - (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General.
 (Note : To be discussed in joint meeting with the Fifth Committee.)

Fourth Committee

1. Draft trusteeship agreement for the Trust Territory of Somaliland under Italian administration : special report of the Trusteeship Council.
2. Report of the Trusteeship Council.
3. Administrative unions affecting Trust Territories : report of the Trusteeship Council.
4. Information from Non-Self-Governing Territories :
 - (a) Summary and analysis of information transmitted under Article 73 e of the Charter : report of the Secretary-General;
 - (b) Information transmitted under Article 73 e of the Charter : report of the Special Committee;
 - (c) Election of two members of the Special Committee.
5. Question of South West Africa : advisory opinion of the International Court of Justice.

Fifth Committee

1. Financial reports and accounts, and reports of the Board of Auditors :
 - (a) United Nations, for the financial year ended 31 December 1949;
 - (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949;
 - (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950.
2. United Nations Joint Staff Pension Fund : annual report of the United Nations Staff Pension Committee.
3. Budget estimates for the financial year 1951 :
 - (a) Budget estimates prepared by the Secretary-General;
 - (b) Salary, allowance and leave system of the United Nations : report of the Secretary-General;
 - (c) Reports of the Advisory Committee on Administrative and Budgetary Questions.
4. Status of budgetary authorizations for the financial year 1950 :
 - (a) Statement of 1950 budget expenses to 30 June 1950;
 - (b) Advances from the Working Capital Fund : report of the Secretary-General;
 - (c) Unforeseen and extraordinary expenses for 1950 : report of the Secretary-General;
 - (d) Supplementary estimates for 1950 : report of the Secretary-General.
5. Scale of assessments for the apportionment of the expenses of the United Nations : report of the Committee on Contributions.
6. Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly :
 - (a) Advisory Committee on Administrative and Budgetary Questions;
 - (b) Committee on Contributions;
 - (c) Board of Auditors;
 - (d) Investments Committee : confirmation of the appointment made by the Secretary-General;
 - (e) United Nations Administrative Tribunal.
7. Headquarters of the United Nations : report of the Secretary-General.
8. Permanent Financial Regulations of the United Nations : report of the Secretary-General.
9. Permanent Staff Regulations of the United Nations : report of the Secretary-General.
10. Organization of a United Nations postal administration : report of the Secretary-General.
11. Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations signatories of the Convention of 19 February 1925 relating to narcotic drugs : report of the Secretary-General.
12. United Nations telecommunications system : report of the Secretary-General.
13. Report of the Economic and Social Council (chapter IX).
(Note : To be discussed in joint meeting with the Second and Third Committee.)
14. Co-ordination between the United Nations and the specialized agencies :
 - (a) Agreements between the United Nations and the specialized agencies : report of the Economic and Social Council;
 - (b) Concentration of effort and resources : report of the Economic and Social Council;
 - (c) Administrative budgets of the specialized agencies : report of the Advisory Committee on Administrative and Budgetary Questions;
 - (d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General.
 (Note : To be discussed in joint meeting with the Second and Third Committee.)

Sixth Committee

1. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions : report of the Secretary-General.
2. Reservations to multilateral conventions.
3. Convention on the declaration of death of missing persons : report of the Secretary-General.
4. Report of the International Law Commission on the work of its second session.
5. Registration and publication of treaties and international agreements : report of the Secretary-General.
6. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America : report of the Secretary-General.
7. Permanent invitation to the Arab League to attend sessions of the General Assembly.
8. Draft declaration on rights and duties of States : report of the Secretary-General.
9. Draft rules for the calling of non-governmental conferences : report of the Secretary-General.
10. Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act : report of the Secretary-General.
11. Reparation for injuries incurred in the service of the United Nations : report of the Secretary-General.

DOCUMENT A/BUR/124

Allocation of items to the First Committee and the *Ad Hoc* Political Committee : proposal submitted by the Netherlands

[Original text : English]
[21 September 1950]

First Committee

1. Problem of the independence of Korea : report of the United Nations Commission on Korea.
 2. United action for peace.
 3. Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations.
 4. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace.
 5. Threats to the political independence and territorial integrity of Greece :
 - (a) Report of the United Nations Special Committee on the Balkans;
 - (b) Repatriation of Greek children : report of the Secretary-General.
 6. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations : report of the Interim Committee of the General Assembly.
 7. Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory.
- (d) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea;
 - (e) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.
2. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy.
 3. Relations of States Members and specialized agencies with Spain.
 4. Palestine :
 - (a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council;
 - (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
 - (c) Repatriation of Palestine refugees and payment of compensation due to them : implementation of General Assembly resolutions regarding this question;
 - (d) Report of the United Nations Conciliation Commission for Palestine.
 5. Treatment of people of Indian origin in the Union of South Africa.
 6. Recognition by the United Nations of the representation of a Member State.
 7. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms : advisory opinion of the International Court of Justice.
 8. Report of the Security Council.

Ad Hoc Political Committee

1. Former Italian colonies :
 - (a) Report of the United Nations Commissioner in Libya;
 - (b) Reports of the administering Powers in Libya;
 - (c) Report of the United Nations Commission for Eritrea;

DOCUMENT A/1386

Report of the General Committee

[Original text : English]
[22 September 1950]

The General Committee, at its 69th and 70th meetings, held on 21 and 22 September 1950, considered the provisional agenda (A/1293 and Corr.1), the supplementary

list of items (A/1332), requests for the inclusion of additional items (A/1373, A/1375 and A/1376) and the allocation of agenda items to Committees. The Committee

also considered and approved a memorandum of the Secretary-General on the organization of the session (A/BUR/122).

I. ADOPTION OF THE AGENDA

1. The General Committee approved the suggestion of the Secretary-General that certain items on the provisional agenda and the supplementary list which related to the same question should be grouped together or combined under a single item. The General Committee therefore recommends to the General Assembly the adoption of the Secretary-General's suggestions (A/BUR/123, para. 2).

2. The General Committee decided to recommend that item 11 of the supplementary list should be redrafted as follows: "Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory", and that the additional item whose inclusion had been requested by the Soviet Union (A/1375) should be redrafted as follows: "Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America".

3. The General Committee decided to recommend the postponement to a future session of item 53 of the provisional agenda: "Draft declaration on rights and duties of States: report of the Secretary-General".

4. On the proposal of the representative of China, who had not yet received instructions from his Government, the General Committee agreed to postpone further consideration of the request of the United States for the inclusion in the agenda of the additional item: "The question of Formosa" (A/1373).

5. Taking the above modifications into account, the General Committee recommends to the General Assembly the adoption of the following agenda:

Agenda of the fifth session of the General Assembly
(For items 1 to 52 inclusive, see A/BUR/123, para 3.)

53. Draft rules for the calling of non-governmental conferences: report of the Secretary-General.
54. Registration and publication of treaties and international agreements: report of the Secretary-General.
55. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America: report of the Secretary-General.
56. Reservations to multilateral conventions.
57. Treatment of people of Indian origin in the Union of South Africa.
58. Permanent invitation to the Arab League to attend sessions of the General Assembly.
59. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with

- particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy.
60. Development of a twenty-year programme for achieving peace through the United Nations.
61. Recognition by the United Nations of the representation of a Member State.
62. Relations of States Members and specialized agencies with Spain.
63. Draft first international covenant on human rights and measures of implementation.
64. Long-range activities for children. United Nations International Children's Endowment Fund.
65. Technical assistance for Libya after achievement of independence.
66. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace.
67. Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory.
68. United action for peace.
69. Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations.
70. Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America.

II. ESTABLISHMENT OF *Ad Hoc* COMMITTEES

6. On the proposal of the Secretary-General, the General Committee recommends the establishment of an *Ad Hoc* Political Committee and a Joint Second and Third Committee on which each member may be represented by one person, as provided in rules 96 and 100 of the rules of procedure.

III. ALLOCATION OF AGENDA ITEMS TO COMMITTEES

7. The General Committee recommends the following allocation of agenda items to Committees:

Plenary meetings

1. Opening of the session by the Chairman of the delegation of the Philippines.
2. Minute of silent prayer or meditation.
3. Appointment of a Credentials Committee.
4. Election of the President.
5. Constitution of the Main Committees and election of officers.
6. Election of Vice-Presidents.

7. Notification by the Secretary-General under Article 12, paragraph 2, of the Charter.
8. Adoption of the agenda.
9. Opening of the general debate.
10. Report of the Secretary-General on the work of the Organization.
11. Election of three non-permanent members of the Security Council.
12. Election of six members of the Economic and Social Council.
13. Election of two members of the Trusteeship Council.
14. Appointment of the Secretary-General of the United Nations.
15. Installation of the Assistant Secretary-General in charge of Conference and General Services.
16. Election of the High Commissioner for Refugees.
17. Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice.
18. International control of atomic energy.
19. Convention on the declaration of death of missing persons : report of the Secretary-General.
20. Permanent invitation to the Arab League to attend sessions of the General Assembly.
21. Development of a twenty-year programme for achieving peace through the United Nations.

First Committee

1. The problem of the independence of Korea : report of the United Nations Commission on Korea.
2. United action for peace.
3. Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations.
4. Strengthening of democratic principles as a means of contributing to the maintenance of universal peace.
5. Threats to the political independence and territorial integrity of Greece :
 - (a) Report of the United Nations Special Committee on the Balkans;
 - (b) Repatriation of Greek children : report of the Secretary-General.
6. Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations : report of the Interim Committee of the General Assembly.
7. Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America.

Ad Hoc Political Committee

1. Former Italian colonies :
 - (a) Report of the United Nations Commissioner in Libya;
 - (b) Reports of the administering Powers in Libya;
 - (c) Report of the United Nations Commission for Eritrea;
 - (d) Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea;
 - (e) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.
2. The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy.
3. Relations of States Members and specialized agencies with Spain.
4. Palestine :
 - (a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council;
 - (b) Assistance to Palestine refugees : report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East;
 - (c) Repatriation of Palestine refugees and payment of compensation due to them : implementation of General Assembly resolutions regarding this question;
 - (d) Report of the United Nations Conciliation Commission for Palestine.
5. Treatment of people of Indian origin in the Union of South Africa.
6. Recognition by the United Nations of the representation of a Member State.
7. Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms : advisory opinion of the International Court of Justice.
8. Report of the Security Council.

Second Committee

See A/BUR/123, section IV.

Third Committee

See A/BUR/123, section IV, and add :

7. Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory.

Joint Second and Third Committee

See A/BUR/123, section IV.

Fourth Committee

See A/BUR/123, section IV.

Fifth Committee

See A/BUR/123, section IV.

Sixth Committee

1. Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions : report of the Secretary-General.
 2. Reservations to multilateral conventions.
 3. Report of the International Law Commission on the work of its second session.
 4. Registration and publication of treaties and international agreements : report of the Secretary-General.
 5. Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America : report of the Secretary-General.
 6. Draft rules for the calling of non-governmental conferences : report of the Secretary-General.
 7. Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act : report of the Secretary-General.
8. Reparation for injuries incurred in the service of the United Nations : report of the Secretary-General.
- IV. ORGANIZATION OF THE FIFTH SESSION OF THE GENERAL ASSEMBLY
8. On the proposal of the Secretary-General, the General Committee recommends that the General Assembly should approve the following arrangements relating to the schedule of meetings :
 - (a) That both plenary and Committee meetings shall begin at 10.45 a.m. and 3.00 p.m. ;
 - (b) That a six-day working week shall be established, and that normally on Saturdays one extended meeting shall be scheduled for Committees from 10.45 a.m. to 2.00 p.m.
 9. On the proposal of the Secretary-General, the General Committee recommends that the General Assembly should approve, in accordance with rule 2 of the rules of procedure of the General Assembly, 30 November 1950 as the target date for the closing of the fifth session.
 10. On the proposal of the Secretary-General, the General Committee recommends that the General Assembly should approve 4 October 1950 as the deadline after which requests for the inclusion of additional items in the agenda should not be made.

DOCUMENT A/1430**Second report of the General Committee**

[Original text : English]
[5 October 1950]

1. The General Committee, at its 71st meeting, held on 5 October 1950, considered requests for the inclusion of additional items in the agenda of the fifth session. Its recommendations thereon to the General Assembly are set out hereunder.

2. *The question of Formosa : item proposed by the United States of America* (A/1373, A/1381). The General Committee decided, by 10 votes to 3, to recommend that the item should be included in the agenda. It further decided, by a unanimous vote, that the item should be referred to the First Committee for consideration and report.

3. *Duties of States in the event of the outbreak of hostilities : item proposed by Yugoslavia* (A/1399). The General Committee decided unanimously to recommend that the item should be included in the agenda. It further decided by 10 votes to none, to recommend that the item should be referred to the First Committee for consideration and report, with the understanding that the legal aspects of

the question might later be referred to the Sixth Committee if that should be considered necessary.

4. *Establishment of a permanent commission of good offices : item proposed by Yugoslavia* (A/1401). The General Committee decided unanimously to recommend that the item should be included in the agenda and that it should be referred to the First Committee for consideration and report.

5. *Provision of a United Nations distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the principles of the Charter of the United Nations : item proposed by the Philippines* (A/1421). The General Committee decided by 12 votes to 2, to recommend that the item should be included in the agenda. It further decided, by a unanimous vote, that the item should be referred to the Sixth Committee for consideration and report.

6. The General Committee considered a request by the Soviet Union (A/1416, A/1419) for consideration of

the inclusion in the agenda of a proposal by the Central People's Government of the People's Republic of China (A/1415). The representative of the U.S.S.R. further requested that a second proposal by the Central People's Government (A/1410) should also be included in the agenda.

7. After discussion, the General Committee accepted a suggestion by the President that the titles of the two proposals should be combined as follows: "Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the

United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States."

8. The General Committee decided, by 11 votes to 1, to recommend to the General Assembly that the above item should be included in the agenda. It further decided, by 8 votes to 2, that the item should be referred to the *Ad Hoc* Political Committee for consideration and report.

DOCUMENT A/1534

Request for the inclusion of an additional item in the agenda of the fifth session : letter dated 17 November 1950 from the Chairman of the delegation of El Salvador addressed to the President of the General Assembly

[Original text : English]
[18 November 1950]

New York, 17 November 1950

On 14 November, I sent you a telegram from Washington, D. C., reading as follows :

"Acting under instructions received from my Government, I have the honour to request that the following item be added to the agenda of the General Assembly for its present session : 'Invasion of Tibet by foreign forces'. I hope to have an early opportunity at the next plenary meeting of the General Assembly to press for a decision on this important matter.

(Signed) Héctor David CASTRO,
*Chairman of the delegation
of El Salvador*

On the same date, I sent you a letter of confirmation of the text of the telegram by special delivery.

Due to the urgency of the case, it was my hope that the General Assembly could act on this matter without referring it to the General Committee. However, if this procedure cannot be dispensed with in this case, I shall be most willing to accept this fact and to see that the matter is referred to the General Committee for action. I shall be ready to appear before the Committee in order to explain the purposes of my Government in presenting the case for the consideration of the General Assembly.

I enclose herewith a supporting memorandum of facts and a set of copies of the proposed draft resolution.

I request that this letter and enclosures should be circulated as an official document.

I shall be most grateful for your co-operation in handling this matter in the most appropriate manner.

(Signed) Héctor David CASTRO,
*Chairman of the delegation
of El Salvador*

SUPPORTING MEMORANDUM

The Press of the whole world has published the fact that the peaceful nation of Tibet has been invaded,

without any provocation on its part, by foreign forces proceeding from the territory controlled by the government established at Peiping.

The fact that such forces were going to be sent into the territory of Tibet was publicly announced at Peiping. The news was also given out that some plenipotentiaries from Tibet were being sent to Peiping in order to negotiate with the government there for the purpose of settling the differences and avoiding an open conflict. In spite of this peaceful gesture, the forces were sent and have penetrated into the territory of the State of Tibet. The Government of Tibet has appealed to the United Nations to use its good offices in order to obtain a peaceful solution of the already existing conflict. This appeal cannot be ignored, unless the General Assembly of the United Nations is ready to ignore its primary responsibility "to maintain international peace and security" to which paragraph 1 of Article 1 of the Charter refers. It is true that Tibet is not a Member of the United Nations, but it is also a clear fact that the responsibilities of this Organization are not limited to the maintenance of international peace among the Member States but, on the contrary, that they are extended to the whole world.

The Government of El Salvador, in giving instructions to its delegation to request the General Assembly to include in its agenda for its present session the case of Tibet, has stated that it would be fatal to the credit of the United Nations before the eyes of the world if a case of international aggression, such as has taken place in the small country of Tibet, which has an autonomous government, were to be ignored by our Organization.

It has been published in the Press that in some quarters, unknown to me, there are some doubts concerning the independence of Tibet. It has even been suggested that Tibet is a province of China. However, anyone who takes the trouble to look at a map of Asia will realize that Tibet is separate and entirely different from the territory of China. Tibet was a protectorate of China, but at least since 1912 it has enjoyed complete indepen-

dence. It has an autonomous government which is chosen by the people. This government has not permitted interference of the Chinese Government in its internal affairs. The Chinese Government has been respectful and has not interfered in the political life of Tibet. In this manner, the independence of Tibet has been reaffirmed. It is only at the present time that the government established at Peiping wants to bring into subjection the free people of Tibet. Tibet cannot offer great resistance to the invading forces. It has resorted to the international organization which has been established to "maintain international peace and security" only in order to obtain some assistance that might be of help to that nation to preserve its freedom. Such an appeal cannot be ignored. The delegation of El Salvador has requested that the case of Tibet should be placed on the agenda of the General Assembly. In due time, this delegation will move that a special committee should be appointed by the Assembly to study the case with special reference to the plea of the Government of Tibet, and to suggest any appropriate measures that could be taken by the Assembly.

DRAFT RESOLUTION

The General Assembly,

Taking note that the peaceful nation of Tibet has been invaded, without any provocation on its part, by foreign forces proceeding from the territory controlled by the government established at Peiping,

Decides

1. To condemn this act of unprovoked aggression against Tibet;
2. To establish a committee composed of... (names of nations)... which will be entrusted with the study of the appropriate measures that could be taken by the General Assembly on this matter;
3. To instruct the committee to undertake that study with special reference to the appeal made to the United Nations by the Government of Tibet, and to render its report to the General Assembly, as early as possible, during the present session.

DOCUMENT A/1549

**Request by the delegation of El Salvador for the inclusion of an additional item in the agenda of the fifth session :
note by the Secretary-General**

[Original text : English]
[24 November 1950]

At the request of the delegation of El Salvador, the Secretary-General has the honour to communicate to the Members of the General Assembly the text of a cablegram dated 11 November 1950 received from the Tibetan delegation Shakabpa (House Kalimpong).

Kalimpong, 11 November 1950

The attention of the world is riveted on Korea where aggression is being resisted by an international force. Similar happenings in remote Tibet are passing without notice. It is in the belief that aggression will not go unchecked and freedom unprotected in any part of the world that we have assumed the responsibility of reporting to the United Nations Organization, through you, recent happenings in the border area of Tibet.

As you are aware, the problem of Tibet has taken on alarming proportions in recent times. This problem is not of Tibet's own making but is largely the outcome of unthwarted Chinese ambition to bring weaker nations on its periphery under its active domination. Tibetans have for long lived a cloistered life in their mountain fastnesses, remote and aloof from the rest of the world, except in so far as His Holiness the Dalai Lama, as the acknowledged head of the Buddhist Church, confers benediction and receives homage from followers in many countries.

In the years preceding 1912, there were indeed close friendly relations of a personal nature between the

Emperor of China and His Holiness the Dalai Lama. The connexion was essentially born of belief in a common faith and may correctly be described as the relationship between a spiritual guide and his lay followers ; it had no political implications. As a people devoted to the tenets of Buddhism, Tibetans had long eschewed the art of warfare, practised peace and tolerance, and for the defence of their country relied on its geographical configuration and on non-involvement in the affairs of other nations. There were times when Tibet sought but seldom received the protection of the Chinese Emperor. The Chinese, however, in their natural urge for expansion, have wholly misconstrued the significance of the time of friendship and inter-independence that existed between China and Tibet as between neighbours. To them China was suzerain and Tibet a vassal State. It is this which first aroused legitimate apprehension in the mind of Tibet regarding China's designs on its independent status.

The conduct of the Chinese during their expedition of 1910 completed the rupture between the two countries. In 1911-1912 Tibet, under the thirteenth Dalai Lama, declared its complete independence — even as Nepal simultaneously broke away from allegiance to China— while the Chinese revolution of 1911, which dethroned the last Manchurian Emperor, snapped the last of the sentimental and religious bonds that Tibet had with China. Tibet thereafter depended entirely on its isolation, its faith in the wisdom of the Lord Buddha, and

occasionally on the support of the British in India for its protection. No doubt in these circumstances the latter could also claim suzerainty over Tibet. Tibet, notwithstanding Anglo-Chinese influence from time to time, maintained its separate existence, in justification of which it may be pointed out that it has been able to keep peace and order within the country and remain at peace with the world. It continued to maintain neighbourly good will and friendship with the people of China but never acceded to the Chinese claim of suzerainty in 1914.

It was British persuasion which led Tibet to sign a treaty which superimposed on it the nominal (non-interfering) suzerainty of China and by which China was accorded the right to maintain a mission in Lhasa, though it was strictly forbidden to meddle in the internal affairs of Tibet. Apart from that fact, even the nominal suzerainty which Tibet conceded to China is not enforceable because of the non-signature of the treaty of 1914 by the Chinese. It will be seen that Tibet maintained independent relations with other neighbouring countries, such as India and Nepal. Furthermore, despite friendly British overtures, it did not compromise its position by throwing in its forces in the Second World War on the side of China. Thus it asserted and maintained its complete independence. The treaty of 1914 still guides relations between Tibet and India, and China not being a party to it may be taken to have renounced the benefits that would have otherwise accrued to it from the treaty. Tibet's independence thereby reassumed *de jure* status.

The slender tie that Tibet maintained with China after the 1911 revolution became less justifiable when China underwent a further revolution and turned into a full-fledged communist State. There can be no kinship or sympathy between such divergent creeds as those espoused by China and Tibet. Foreseeing future complications, the Tibetan Government broke off diplomatic relations with China and made a Chinese representative in Lhasa depart from Tibet in July 1949. Since then, Tibet has not even maintained formal relations with the Chinese Government and people. It desires to live apart, uncontaminated by the germ of a highly materialistic creed, but China is bent on not allowing Tibet to live in peace. Since the establishment of the People's Republic of China, the Chinese have hurled threats of liberating Tibet and have used devious methods to intimidate and undermine the Government of Tibet. Tibet recognizes that it is in no position to resist. It is thus that it agreed to negotiate on friendly terms with the Chinese Government.

It is unfortunate that the Tibetan mission to China was unable to leave India through no fault of its own but for want of British visas which were required for transit through Hong Kong. At the kind intervention of the Government of India, the Chinese People's Republic condescended to allow the Tibetan mission to have preliminary negotiation with the Chinese Ambassador to India, who arrived in New Delhi only in September. While these negotiations were proceeding in Delhi,

Chinese troops, without warning or provocation, crossed the Dre Chu river, which has for long been the boundary of Tibetan territory, at a number of places on 7 October 1950. In quick succession places of strategic importance such as Demar, Kamto, Tunga, Tshame, Rimochegoty, Yakalo and Markham, fell to the Chinese. Tibetan frontier garrisons in Kham, which were maintained not with any aggressive design, but as a nominal protective measure, were all wiped out. Communist troops converged in great force from five directions on Chamdo, the capital of Skham, which fell soon after. Nothing is known of the fate of a Minister of the Tibetan Government posted there.

Little is known in the outside world of this sneak invasion. Long after the invasion had taken place, China announced to the world that it had asked its armies to march into Tibet. This unwarranted act of aggression has not only disturbed the peace of Tibet, but it is also in complete disregard of a solemn assurance given by China to the Government of India and it has created a grave situation in Tibet and may eventually deprive Tibet of its long cherished independence. We can assure you, Mr. Secretary-General, that Tibet will not go down without a fight, though there is little hope that a nation dedicated to peace will be able to resist the brutal effort of men trained to war, but we understand that the United Nations has decided to stop aggression whenever it takes place.

The armed invasion of Tibet for the incorporation of Tibet in communist China through sheer physical force is a clear case of aggression. As long as the people of Tibet are compelled by force to become a part of China against their will and consent, the present invasion of Tibet will be the grossest instance of the violation of the weak by the strong. We therefore appeal through you to the nations of the world to intercede in our behalf and restrain Chinese aggression.

The problem is simple. The Chinese claim Tibet as a part of China. Tibetans feel that racially, culturally and geographically, they are far apart from the Chinese. If the Chinese find the reactions of the Tibetans to their unnatural claim not acceptable, there are other, civilized, methods by which they could ascertain the views of the people of Tibet, or, should the issue be purely juridical, they are open to seek redress in an international court of law. The conquest of Tibet by China will only enlarge the area of conflict and increase the threat to the independence and stability of other Asian countries.

We Ministers, with the approval of His Holiness the Dalai Lama, entrust the problem of Tibet in this emergency of the ultimate decision of the United Nations, hoping that the conscience of the world will not allow the disruption of our State by methods reminiscent of the jungle.

The Kashag (Cabinet) and National Assembly of Tibet
Tibetan delegation Shakabpa (House Kalimpong)

Dated Lhasa, the 27th day of the ninth Tibetan month
of the Iron Tiger Year (7 November 1950)

DOCUMENT A/1628

Third report of the General Committee

[Original text: English]
[5 December 1950]

1. The General Committee, at its 74th meeting, held on 5 December 1950, considered the request of the delegations of Cuba, Ecuador, France, Norway, the United Kingdom and the United States for the inclusion of an additional item in the agenda of the fifth regular session entitled: "Intervention of the Central People's

Government of the People's Republic of China in Korea".

2. The General Committee decided to recommend to the General Assembly that this item should be included in the agenda and that it should be allocated to the First Committee for consideration and report.

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A/1289	Provisional agenda of the fifth session of the General Assembly: letter dated 10 July 1950 from the Permanent Representative of India to the United Nations addressed to the Secretary-General		See fascicule relating to agenda item 57.
A/1290	Provisional agenda of the fifth session of the General Assembly: letter dated 12 July 1950 from the Chargé d'Affaires of the delegation of Syria addressed to the Secretary-General		Mimeographed document only.
A/1291	Provisional agenda of the fifth session of the General Assembly: letter dated 12 July 1950 from the Permanent Representative of Egypt to the United Nations addressed to the Secretary-General		See fascicule relating to agenda item 59.
A/1292	Provisional agenda of the fifth session of the General Assembly: letter dated 19 July 1950 from the Alternate Representative of Cuba to the United Nations addressed to the Secretary-General		See fascicule relating to agenda item 61.
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A/1309	Supplementary list of items for the agenda of the fifth session: telegram dated 28 July 1950 from the Minister for External Relations of El Salvador addressed to the Secretary-General		See fascicule relating to agenda item 19.
A/1310	Supplementary list of items for the agenda of the fifth session: letter dated 2 August 1950 from the Permanent Representative of the Dominican Republic to the United Nations addressed to the Secretary-General		See fascicule relating to agenda item 62.
A/1317	Supplementary list of items for the agenda of the fifth session: letter dated 17 August 1950 from the Alternate Representative of Chile to the United Nations addressed to the Secretary-General		See fascicule relating to agenda item 66.
A/1323	Supplementary list of items for the agenda of the fifth session: telegram dated 17 August 1950 from the Minister for Foreign Affairs of Egypt addressed to the Secretary-General		See fascicule relating to agenda item 20.
A/1324	Supplementary list of items for the agenda of the fifth session: telegram dated 17 August 1950 from the Minister for Foreign Affairs of the Syrian Republic addressed to the Secretary-General		See fascicule relating to agenda item 20.
A/1325	Supplementary list of items for the agenda of the fifth session: telegram dated 18 August 1950 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General		See fascicule relating to agenda item 20.

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A/1327	Supplementary list of items for the agenda of the fifth session : telegram dated 20 August 1950 from the delegations of Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General		See fascicule relating to agenda item 67.
A/1328	Supplementary list of items for the agenda of the fifth session : telegram dated 18 August 1950 from the Permanent Representative of Peru to the United Nations addressed to the Secretary-General		See fascicule relating to agenda item 62.
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A/1375	Request for the inclusion of an additional item in the agenda of the fifth session : letter dated 20 September 1950 from the Secretary-General of the delegation of the Union of Soviet Socialist Republics addressed to the President of the General Assembly		Incorporated in the 69th meeting of the General Committee, para. 57.
A/1376	Request for the inclusion of an additional item in the agenda of the fifth session : letter dated 20 September 1950 from the Secretary-General of the delegation of the Union of Soviet Socialist Republics addressed to the President of the General Assembly		See 279th plenary meeting, para. 138, and fascicule relating to agenda item 69.
A/1377	United action for peace : note dated 20 September 1950 from the Chairman of the delegation of the United States of America addressed to the Secretary-General		See fascicule relating to agenda item 68.
A/1381	The question of Formosa : letter dated 21 September 1950 from the Chairman of the delegation of the United States of America addressed to the Secretary-General		See fascicule relating to agenda item 71.
A/1382	Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America : communication dated 21 September 1950 from the delegation of the Union of Soviet Socialist Republics addressed to the Secretary-General		See fascicule relating to agenda item 70.
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A/1399	Request for the inclusion of an additional item in the agenda of the fifth session : letter dated 26 September 1950 from the Vice-President and Minister for Foreign Affairs of the Federal People's Republic of Yugoslavia addressed to the Secretary-General		See fascicule relating to agenda item 72.
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A/1401	Request for the inclusion of an additional item in the agenda of the fifth session : letter dated 26 September 1950 from the Vice-President and Minister for Foreign Affairs of the Federal People's Republic of Yugoslavia addressed to the Secretary-General		See fascicule relating to agenda item 73.
A/1410	Communication dated 27 September 1950 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the Secretary-General		See fascicule relating to agenda item 75.

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A/1416	Communication dated 24 September 1950 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the Secretary-General : letter dated 29 September 1950 from the Head of the delegation of the Union of Soviet Socialist Republics addressed to the President of the General Assembly		See fascicule relating to agenda item 75.
A/1419	Communication dated 24 September 1950 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the Secretary-General : letter dated 1 October 1950 from the Head of the delegation of the Union of Soviet Socialist Republics addressed to the Secretary General		See fascicule relating to agenda item 75.
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Agenda item 9 : Opening of the general debate

(No documents)



Agenda item 10 : Report of the Secretary-General on the work of the Organization

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Agenda item 11: Report of the Security Council

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DOCUMENT A/1679

Report of the *Ad Hoc* Political Committee

[*Original text: English*]
[12 December 1950]

1. At its 285th plenary meeting on 26 September the General Assembly decided to refer the report of the Security Council to the General Assembly covering the period from 16 July 1949 to 15 July 1950 (A/1361) ¹ to the *Ad Hoc* Political Committee for consideration and report.

2. At its 78th meeting, held on 12 December 1950, the *Ad Hoc* Political Committee considered the report and adopted, by 42 votes to none with 8 abstentions,

a draft resolution proposed by Australia recommending that the General Assembly should take note of the report of the Security Council.

3. The *Ad Hoc* Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

REPORT OF THE SECURITY COUNCIL

The General Assembly

Takes note of the report of the Security Council covering the period from 16 July 1949 to 15 July 1950.

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 2*

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Agenda item 12 : Report of the Economic and Social Council

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DOCUMENT A/1352

Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General

[Original text : English]
[7 September 1950]

1. The General Assembly, by resolution 311 A (IV), adopted on 24 November 1949, requested the Secretary-General and the heads of the specialized agencies to continue studies designed to co-ordinate and simplify administrative and financial arrangements, giving special attention to reserve funds, utilization of soft currencies, form of budget, organization of administrative and financial services, and standards of conference services. The United Nations and the several specialized agencies were requested to give continued attention to the relative urgency and productivity of their projects and to a reduction in the total number of meetings, as well as to strive towards a balanced over-all meeting calendar. The resolution also drew the attention of Member States of the United Nations and the specialized agencies to

the necessity for prompt payment of contributions to assure the adequate financing of budgets approved by them. Resolution 311 B (IV) stated the belief of the General Assembly that there was room for closer relationship between the assessments of Member States for contributions to the budgets of the United Nations and of the specialized agencies, and authorized the Committee on Contributions to recommend or advise on the scale of contributions for a specialized agency if requested by that agency to do so. In resolution 311 C (IV), the General Assembly noted with concern the situation as regards arrears in contributions, and recommended that each specialized agency should keep its expenditure from its regular budget each year within the amount of funds reasonably expected

to be received in respect of that year. By resolution 347 (IV), the General Assembly expressed the hope that all agencies would participate in the common system of external audit which it had adopted on the recommendation of the Secretary-General and of the heads of specialized agencies.

2. While the Administrative Committee on Co-ordination has already reported to the Economic and Social Council on a number of studies conducted under its aegis (E/1682),¹ and the Secretary-General has reported briefly on administrative and budgetary co-ordination in his annual report on the work of the Organization to 30 June 1950,² it seems desirable to present to the General Assembly a comprehensive and up-to-date report on administrative and budgetary co-ordination to assist it in its review of the budgets of the specialized agencies for 1951, as well as in its over-all evaluation of the relations of the United Nations with the specialized agencies.

3. The Secretary-General considers the most concrete accomplishments in this field to have been the drawing up of a common set of permanent financial regulations which will be presented by the head of each agency to the appropriate legislative organs of that organization, and a preliminary agreement on a set of principles to be embodied in the permanent staff regulations of each agency. The Secretary-General is recommending the conclusions reached after long and intensive discussions of these draft regulations to the General Assembly in documents A/1331 and A/1360. The solutions to many of the specific problems referred to the Secretary-General and the heads of the specialized agencies by the General Assembly during the past four years are reflected in these proposed new regulations. If common permanent financial and staff regulations for the United Nations and each of the agencies can be approved during the coming year, a real milestone in administrative and budgetary co-ordination will have been passed.

4. Progress on the specific assignments in the matter of co-ordination made by the General Assembly at its fourth regular session is reported in parts A, B and C below. Other related activities are noted in part D.

A. BUDGETARY CO-ORDINATION

5. Resolution 311 (IV) contained three recommendations relating specifically to the budgets of specialized agencies: (a) an over-all recommendation on budget policy, namely, that budgetary expenditures should be kept within the limits of anticipated annual receipts in respect of each budget year; (b) a request that continued attention should be given to the relative urgency and productivity of each project to ensure the best results from budgetary expenditures, to a reduction in the total number of meetings, and to the achievement of a balanced calendar of meetings; and (c) a request that the Secretary-General and the heads of the agencies

should intensify their efforts to achieve a common form of budget, giving particular attention to common definitions of administrative and operational expenses, to the quality of budget justification and to methods for showing estimates of reimbursement for services rendered.

6. In respect of (a), the heads of several specialized agencies brought the recommendation to the attention of their appropriate legislative bodies early in 1950. The World Health Organization and the United Nations Educational, Scientific and Cultural Organization took specific steps to provide for a "plan of expenditure" at a lower level than the approved budgets for those organizations, in view of anticipated arrears in contributions. The Secretary-General, while fully recognizing the necessity for prudence in expenditures in all circumstances, including the problem of arrears, must reiterate the argument advanced in the Fifth Committee of the General Assembly by the Chairman of the Advisory Committee on Administrative and Budgetary Questions and by several delegations at the time the above-mentioned resolution was adopted:³ that formal action requesting a governing body or council to set up a "plan of expenditure" smaller than the approved budget may encourage default in payments. Furthermore, this type of action deprives the General Assembly or the annual conference of final budgetary control, since in such circumstances the approved budget is not the real authorization to the head of the agency to spend funds for approved programmes. The Secretary-General deems it desirable for the General Assembly to reconsider this point when making its recommendation on the 1951 budgets of the specialized agencies.

7. The problem of establishing priorities within the programmes of each agency and also among broad fields of work has been dealt with at length in the Economic and Social Council and in the Administrative Committee on Co-ordination during 1950; the results of these discussions are reflected in the reports of each agency to the United Nations, the report of the Council to the General Assembly, and in the budgets themselves. It will be noted that the modest increases which are to be seen in the budgets of some of the specialized agencies are primarily the result of automatic increases in establishment costs, but that, in general, the size of staffs has been stabilized largely on account of more careful scheduling of programmes and meetings.

8. A considerable effort has been made by technical working parties of the ACC in seeking a common form of budget. The Secretary-General is glad to report agreement on model budget justifications, on methods for showing estimates for reimbursements for services rendered by other international organizations, and on standard budget summaries for 1951. However, in the time at its disposal, the ACC has not been able during 1950 to arrive at a common definition of administrative and operational budgets. The problem has

¹ See *Official Records of the Economic and Social Council, Eleventh Session, Annex*, agenda item 43 (c).

² See *Official Records of the General Assembly, Fifth Session, Supplement No. 1*.

³ *Ibid.*, *Fourth Session, Joint Second and Third Committee*, 41st meeting — joint meeting with the Fifth Committee, and document A/C.2&3/L.8-A/C.5/L.26.

been complicated by the addition of special budgets for technical assistance and other activities financed from voluntary contributions. As indicated in the report of the Advisory Committee on the 1951 budget estimates of the United Nations,⁴ the form of the United Nations budget has not yet been entirely stabilized; this is also true of each of the newer specialized agencies. It is hoped that another year or two will produce a model budget form acceptable to the General Assembly and to the legislative bodies of each of the agencies.

B. FINANCIAL ARRANGEMENTS

Scales of assessment

9. In accordance with the request of the General Assembly in resolution 311 B (IV), the Secretary-General notified the specialized agencies that they might call upon the Committee on Contributions to recommend or advise on their scale of contributions. When the Committee met in August 1950, requests for information and data had been received from three agencies. Details of the action of the Committee are available in its report to the General Assembly.⁵

Utilization of soft currencies

10. In accordance with the terms of resolution 311 A (IV), the Secretary-General and the heads of the specialized agencies have exchanged information regarding methods for increasing the utilization of soft currencies by their organizations over the direct expenditures made in support of regional or branch offices; each agency has agreed to review its expenditure programme, particularly for certain items such as salaries, printing and other procurement, and travel, where greater possibilities for the utilization of soft currencies might be found. The United Nations has been able to substantially increase its utilization of soft currencies, particularly in printing, and in the purchase of furnishings, fixtures and equipment for the permanent Headquarters. The Secretary-General invited the payment of assessments in currencies other than United States dollars up to 22 per cent in 1950—15 per cent in Swiss francs and 7 per cent in ten other currencies.

11. At the same time, several specialized agencies pointed out that the use of numerous soft currencies involved increases in the administrative and financial work-loads and, in some cases, actually resulted in some increase in total expenditures. This problem has led to the consideration of a plan for the collection and disbursing of soft currencies which would limit the number of soft currencies to be collected. Studies of the feasibility of the plan are being made with the help of technical experts in this field. It is hoped and expected that results will be available before the next series of annual conferences of the specialized agencies in 1951.

Arrears in contribution

12. The Secretary-General and the heads of the specialized agencies welcomed the action of the General Assembly in urging the prompt payment of contributions by Member States. The problem continues to be a serious one for several specialized agencies. There has been some exchange of information concerning techniques used in collection, but the problem does not lend itself to solution at the Secretariat level. The Secretary-General is presenting full information to the General Assembly on the arrears for 1949 in respect of all agencies for which data is available.⁶

Funding arrangements

13. In response to the specific request of the General Assembly, contained in paragraph 4 in resolution 311 A (IV), the Secretary-General and the heads of specialized agencies made an intensive study of the reserve funds of the United Nations and the agencies' including their adequacy and simplicity of arrangements, and the purposes and conditions for the use of these funds. As regards the question of adequacy of existing funds, attention was given to the experience of several organizations with regard to the collection of contributions. It was considered that there was not yet sufficient common experience in the collection of contributions to ascertain theoretically the adequacy of any percentage amount to meet requirements for working capital. The fact that, in certain organizations, the present working capital provisions were inadequate, as a result of serious arrears in contributions, was shown in the present financial position of those organizations. However, each member of the Administrative Committee on Co-ordination agreed to transmit the following principles to the appropriate legislative bodies of his organization.

(a) Each organization should have a working capital fund for the financing of:

- (i) Delays in the receipt of contributions;
- (ii) Unforeseen and extraordinary (contingency) expenses which cannot be met from current budgetary provisions;
- (iii) Other financing requirements outside the normal scope of the operation of the budget appropriations.

(b) The working capital fund should be the subject of regular resolutions by the organization's Conference or Assembly establishing:

- (i) The amount of the fund;
- (ii) Purpose of the fund and conditions for its use.

(c) The amount of the fund should be assessed on the members in accordance with a scale of assessments to be determined by the Conference or Assembly.

(d) Payments into the fund by members should be considered as advances to the fund. Such advances would be carried to the credit of the members making such payments.

⁴ *Ibid.*, Fifth Session, Supplement No. 7.

⁵ *Ibid.*, Supplement No. 13.

⁶ *Ibid.*, Supplement No. 5a (Annex IV to the budget estimates for 1951).

(e) The amount of the fund should be determined periodically by the Conference or Assembly on the basis of a realistic appraisal of needs, as demonstrated by experience, taking into consideration the rate of disbursements, the rate of collection of contributions, the nature and size of unforeseen and extraordinary expenses, and the size of other authorized demands on the fund.

These principles have been embodied in the draft permanent financial regulations submitted to the General Assembly (A/1331).

Joint panel of auditors

14. In resolution 347 (IV) the General Assembly adopted, for the United Nations, the common audit principles as agreed by the Administrative Committee on Co-ordination, together with certain recommendations made by the Economic and Social Council, and approved the principles regarding a joint panel of auditors for the United Nations and the specialized agencies. The General Assembly nominated the members of the Board of Auditors of the United Nations to the Joint Panel, and expressed the hope that such of the specialized agencies as had not yet agreed to the common system of external audit would do so.

15. Real progress has been made in the implementation of this plan. The International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the Food and Agriculture Organization and the International Civil Aviation Organization have adopted the audit principles referred to above. ILO and WHO have chosen a common auditor (Mr. Brunskog) for their 1950 accounts and have nominated him to the Joint Panel; UNESCO has selected a new auditor (Sir Frank Tribe) and has nominated him to the Panel. The Director-General of FAO will propose the selection of the same auditor by the Council of that organization at the next session. The Council of ICAO has requested the Secretary-General of that organization to discuss the question with the Auditor-General of Canada (who is already a member of the Panel as Chairman of the United Nations Board of Auditors) and with the Secretary-General of the United Nations, with a view to making suitable arrangements for ICAO to co-operate in the scheme. The first meeting of the Panel to plan the audits for 1950 will be held in early October.

16. It may also be noted that the Technical Assistance Board has reached the following agreement concerning the external audit of the special account for the Expanded Programme of Technical Assistance for economic development :

(i) Planning of the audits and final co-ordination between them should be effected through the Joint Panel of Auditors of the United Nations and the specialized agencies;

(ii) The Central Fund should be audited by the United Nations Board of Auditors;

(iii) The audit of distributed funds should be carried out by the regular auditors of the participating organizations;

(iv) The report should be submitted to the appropriate governing body of each agency, with a copy to TAB.

C. ADMINISTRATIVE SERVICES

17. The General Assembly also requested, in paragraph 6 of resolution 311 A (IV), further study of the organization of administrative and financial services and standards of conference services, in order to achieve a maximum of economy and efficiency. It is gratifying to report that no difficulty has been encountered in the United Nations and most of the agencies in agreeing on the functions necessary to maintain proper administrative and financial control and general organizational relationships between those functions. The degree of decentralization of these functions continues to vary from agency to agency according to its size, its constitutional arrangements and financial and staff regulations. All the agencies concerned agree that administrative, financial and personnel services should be as small as is consistent with sound administrative and financial control. The Secretary-General is of the opinion that little is to be gained by further consideration by the Administrative Committee on Co-ordination of this subject at the present time.

18. On the other hand, preliminary studies on standards of conference services indicated that fruitful work might be done in this field, particularly in the area of documentation. Standardization of these services would not only result in savings in the United Nations and several of the agencies, but would contribute to the solution of the vexing problem of inter-agency charges for services.

19. In this connexion, the Secretary-General wishes to call attention to paragraphs 25 and 26 of the report of the Board of Auditors for the year ended 31 December 1949.⁷ The Secretary-General has been concerned for some time over the slow progress made in implementation of the provision in the agreements between the United Nations and the specialized agencies which stresses the desirability " in the interest of administrative and technical uniformity and of the most efficient use of personnel and resources, of avoiding whenever possible, the establishment and operation of competitive or overlapping facilities and services... ". While it is impossible to separate this issue from that of the location of headquarters, there do still exist possibilities for greater economy with some sacrifice of convenience. In accordance with this recommendation and those of the Economic and Social Council at its eleventh session [resolution 324 (XI)] the Secretary-General intends to press the matter during the coming year, particularly in respect of regional and branch offices.

D. PERSONNEL ADMINISTRATION

20. In addition to the specific tasks given to the Secretary-General by resolution 311 (IV), a considerable amount of time has been devoted to the subject of common standards for personnel administration in the United Nations and the specialized agencies. This work was materially assisted by the deliberations of the International Civil Service Advisory Board at its session in

⁷ *Ibid.*, Supplement No. 6.

March 1950. Its report on recruitment methods and standards has been published under the symbol COORD/CIVIL SERVICE/2/Rev.1, and is available as an unrestricted document.

21. Representatives of the Secretary-General and of the Directors-General of the specialized agencies met in early September in Paris to review again the proposed salaries, allowances and leave systems of the United Nations and the specialized agencies in the light of the observations and recommendations of the Advisory Committee⁸ on the report of the Committee of Experts. The results of this meeting will be made available to the Fifth Committee of the General Assembly prior to its discussion of the question.

22. As noted in the annual report of the Staff Pension Committee on the United Nations Joint Staff Pension Fund (A/1335), agreements for participation in the Fund have been concluded with WHO and FAO,

⁸ *Ibid.*, Supplement No. 7a.

and decisions to participate have been taken by the governing bodies of UNESCO, ICAO and ILO. This represents a considerable improvement over the position a year ago. Separate systems still exist for the International Bank for Reconstruction and Development, the International Monetary Fund, the Universal Postal Union, the International Telecommunication Union and for a part of the International Labour Organisation. The first session of the Joint Staff Pension Board is expected to be held during the last quarter of 1950.

23. On the whole, the Secretary-General believes that progress has been made in the administrative and budgetary co-ordination of the family of United Nations organizations during 1949 and 1950. The adoption of permanent staff and financial regulations, patient attention to the details of co-ordination by the administrative officials of the various organizations and co-operation between the several administrative and financial control bodies of the United Nations and the agencies will produce the results which Member States have a right to expect.

DOCUMENT A/1395

Co-ordination between the United Nations and the specialized agencies : concentration of effort and resources— Note by the Secretary-General

[Original text : English]
[26 September 1950]

1. At its fourth session, the General Assembly, in resolution 310 (IV), adopted on 24 November 1949, resolved, *inter alia*,

“ 1. To urge Member States to refrain from initiating new projects other than those which are urgently required and which can be effectively carried out;

“ 2. To draw the attention of the competent organs of the United Nations and of the specialized agencies to the recommendations contained in the annex to resolution 259 (IX)⁹ of the Economic and Social Council of 9 August 1949, with special attention to paragraph 2 of section 1 relating to a greater concentration of effort and resources;

“ 3. To request the Secretary-General, through the Administrative Committee on Co-ordination, to assist the Economic and Social Council in the discharge

of its responsibility in this regard by putting before it any relevant recommendations;...”

2. In accordance with the request contained in paragraph 3 of the above resolution, the Secretary-General submitted to the Economic and Social Council, on 10 May 1950, a report on the concentration of effort and resources of the United Nations and the specialized agencies, prepared in consultation with the specialized agencies.

3. At its eleventh session, the Council, by resolution 324 A (XI) adopted on 9 August 1950, decided, *inter alia*, to transmit the above report to the General Assembly. This report is available as document E/1683.¹⁰

4. An account of the discussion in the Council on this matter will be found in chapter IX of the report of the Economic and Social Council to the General Assembly.¹¹

⁹ See *Official Records of the Economic and Social Council, Ninth Session, Resolutions*, page 68.

¹⁰ *Ibid.*, *Eleventh Session, Annex*, agenda item 43 (b).

¹¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3*.

DOCUMENT A/1441

Administrative budgets of the specialized agencies for 1951 : sixth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[16 October 1950]

1. In accordance with the provisions of Article 17, paragraph 3, of the Charter of the United Nations and resolution 14 A (I) adopted by the General Assembly

on 13 February 1946, the Advisory Committee on Administrative and Budgetary Questions has examined, on behalf of the General Assembly, the administrative

budgets of those specialized agencies which have formal agreements with the United Nations providing for the transmittal of their budgets for examination by the Assembly.

2. The following agencies have submitted their budgets or budgetary estimates for 1951 to the United Nations : International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization, Food and Agriculture Organization, International Civil Aviation Organization, International Refugee Organization (for the supplementary period 1 July 1950-31 March 1951) and Universal Postal Union.

3. The budget estimates for 1951 of the International Telecommunication Union were not available in time for consideration by the Advisory Committee. The Committee therefore limited its review to the relevant parts of the annual report presented by ITU to the United Nations together with the amended budget for 1950.

4. The Agreements concluded with the International Bank for Reconstruction and Development and the International Monetary Fund provide that "... in the interpretation of paragraph 3 of Article 17 of the Charter, the United Nations will take into consideration that the Bank [Fund] does not rely for its annual budget upon contributions from its members, and that the appropriate authorities of the Bank [Fund] enjoy full autonomy in deciding the form and content of such budget". The budgets of these organizations are not submitted to the United Nations for examination.

5. Details of the budgets or budgetary estimates of the United Nations and certain specialized agencies appear in Information Annex IV to the Secretary-General's budget estimates for 1951 (A/1267/Add.1), as required by the provisional financial regulations. The gross totals of the 1951 budgets or budgetary estimates are shown in the table below, together with the corresponding figures for the preceding financial year :

	1950 <i>US dollars</i>	1951 <i>US dollars</i>
International Labour Organisation	6,023,526	6,269,506
United Nations Educational, Scientific and Cultural Organization	8,010,000	8,210,000
Food and Agriculture Organization	5,000,000	5,000,000 ¹²
International Civil Aviation Organization	2,670,552	2,727,273
World Health Organization	7,501,500	7,300,000
International Refugee Organization	4,500,000	2,506,893 ¹³
Universal Postal Union	322,964	291,305
Sub-total (specialized agencies) ..	34,028,542	32,304,977
United Nations	49,641,773	45,450,800
GRAND TOTAL ...	83,670,315	77,755,777

6. Contributions from States members of ITU to its 1951 budget are expected to add a figure of about \$1,500,000 to the above total, while the operational

budget of IRO has been approved at a figure of \$52,658,553 for the period 1 June 1950-31 March 1951.

7. Before offering its comments on the individual budgets, the Advisory Committee wishes to bring to the attention of the General Assembly of the United Nations and the legislative bodies of the specialized agencies certain problems which are common to most or all of the agencies.

8. Of these problems, perhaps the most important concerns the control of technical assistance funds and other extra-budgetary funds, as well as the form of presentation of the relevant estimates. At present, such funds are not incorporated in the annual budgets of the agencies and, except in the case of WHO, even the presentation of the estimates for technical assistance is entirely separate from the annual budgets.

9. As a consequence of this procedure, the annual budgets do not reflect the whole of the activities of the organization for the year to which they refer, and a comprehensive appraisal can be made only by reference to a number of separate documents.

10. The Advisory Committee therefore suggests that the specialized agencies should be requested to include, as information annexes to their annual budget documents, the estimates and plans for expenditure of any other funds which may be available for use during the year covered by the regular budget estimates.

11. As regards the control of technical assistance expenditures, the Advisory Committee notes that under Economic and Social Council resolution 222 A (IX) the Secretary-General of the United Nations and the executive heads of the organizations participating in the technical assistance programme " shall, after consultation, make appropriate arrangements for the audit of contributions and expenditures under this programme ". The Committee recommends that in addition, a consolidated audit report on the expenditures connected with the programme should be submitted for examination and approval to the General Assembly of the United Nations, and the appropriate audit reports to the general conferences of the specialized agencies.

12. A second problem to which the Advisory Committee directs attention concerns the collection of contributions, which appears to be causing serious financial difficulties in most of the specialized agencies. Default or delay in the payment of contributions assessed against States members of the specialized agencies may result in a severe drain on the Working Capital Funds of those agencies, and hamper the execution of programmes approved in the budgets. The General Assembly may wish to invite the specialized agencies to give special consideration to this problem. Precise information on the status of contributions may be found in Information Annex IV to the 1951 budget estimates of the United Nations (A/1267/Add.1).

13. It was this problem which led the General Assembly to recommend in resolution 311 C (IV) " to each specialized agency that it keep its expenditure each year from its regular budget within the amount

¹² Estimates.

¹³ Covers final period of existence of the organization, 1 June 1950-31 March 1951. The General Council of IRO at its sixth session, which opened on 9 October 1950, is considering a proposal submitted by the Director-General to rescind its earlier decision fixing 31 March 1951 as the termination date for IRO's activities, and to continue the work of the organization for a further period, possibly of six months.

of funds reasonably expected to be received in respect of that year". Furthermore, several agencies can never expect to receive the full amount of the assessments on their members, inasmuch as their scale of contributions includes States which have not joined, or have given notice of withdrawal from, the organization, as well as States which, for other reasons, are in arrears or have defaulted on their contributions. In so far as the latter group is concerned, the Committee had noted that any plan of expenditure based on the assumption of non-payment of contributions may have undesirable effects. An examination of the 1951 estimates of those agencies which have found it necessary to adopt a plan of expenditure substantially below the approved budget raises some doubt concerning this technique of financial control. In such circumstances, the budget estimates become a theoretical target, and it is suggested that the Secretary-General, in consultation with the administrative heads of the agencies and the Advisory Committee, might also study and report on alternative procedures for attaining the objectives of the General Assembly.

14. In addition, the Advisory Committee draws attention to the unsatisfactory position in regard to common administrative services for organizations situated in the same area. While efforts have been made to secure a measure of co-ordination in this field among the specialized agencies with headquarters in Geneva and the European Office of the United Nations, the results so far achieved are, in the opinion of the Committee, inadequate. It suggests that the Secretary-General of the United Nations and the administrative heads of the agencies concerned might consider the desirability of setting up in Geneva a joint management board to undertake a survey of existing administrative services and to determine the possibility of creating joint service units. Similar efforts in Paris, Bangkok, Cairo, New Delhi and Santiago should also prove fruitful.

15. The Advisory Committee suggests that consideration should also be given to the question of uniformity in the presentation of resolutions adopted by the main legislative bodies of the specialized agencies and the General Assembly of the United Nations, as a means of facilitating the review of budgets in relation to programmes both by the specialized agencies and by the General Assembly. This question might, in the opinion of the Committee, appropriately be studied by the Consultative Committee on Administrative Questions. Further progress might also be made in developing a standard terminology and a common form of presentation of the budgets of the several agencies.

16. It is recognized that basic comparability of the estimates depends upon common financial regulations concerning the estimates, treatment of budgetary surpluses, treatment of revenue, and other matters. The Advisory Committee therefore trusts that the permanent financial regulations eventually adopted by the General Assembly will be favourably considered by each of the agencies.

17. The General Assembly has previously invited the specialized agencies to review their programmes

of meetings with a view to reducing the number of formal meetings of governmental representatives and, in particular, to consider whether a full-scale conference is necessary (resolution 210 (III)). In the opinion of the Advisory Committee, it would be desirable to call further attention to this matter, to which reference is also made in paragraph 45 below.

OBSERVATIONS REGARDING THE BUDGETS OR BUDGETARY ESTIMATES OF SPECIFIC AGENCIES

International Labour Organisation

US dollars

1951 appropriation	6,269,506 (gross)
1950 appropriation	6,023,526 (gross)
1949 expenditure	5,034,154

18. As shown above, total gross appropriations voted by the International Labour Conference exceed the corresponding appropriations for 1950 by \$245,980. The net figure for 1951 is, however, \$9,737 lower than in 1950. This is due to a modification of ILO's Working Capital Fund structure, whereby one-fifth (\$245,715) of the original Working Capital Fund is to be distributed to those of its members entitled to it, whereas a first annuity to the new Working Capital Fund, in the amount of \$250,000, is included in the gross total of the budget.

19. Estimated expenditure during 1951 is distributed under the following main heads, as compared with corresponding figures for 1950 :

	<i>1951</i> <i>US dollars</i>	<i>1950</i> <i>US dollars</i>
I. Meetings	855,712	878,177
II. Personal services	4,167,469	3,979,926
III. General services	803,781	791,394
IV. Special projects and activities	75,000	75,000
V. Equipment purchase	81,659	76,485
VI. Property account	26,385	100
VII. Other budgetary provisions	259,500	222,444
	GROSS TOTAL	6,269,506
		6,023,526
Less : Casual revenue	50,000	40,000
Distribution of one-fifth of original Working Capital Fund	245,715	—
	NET TOTALS	5,973,791
		5,983,526

20. The Advisory Committee was informed that adequate attention is being given by the Director-General and by the legislative bodies of ILO to the question of relative priority of projects to be undertaken by that organization; and, further, that the terms of reference of existing commissions and committees are kept under constant review for the purpose of determining the necessity for their continuation. It is suggested that a similar review might profitably be undertaken by other specialized agencies.

21. As regards the recommendation made last year by the Advisory Committee concerning a possible amalgamation of the Working Capital Fund and the Reserve Fund, the Committee was informed of the action taken in respect of the reorganization of the Working Capital Fund. While appreciating the difficulty of undertaking the proposed amalgamation concurrently with such

a reorganization, the Committee nevertheless recommends that further consideration be given to its proposal.

22. The question of printing documents in countries other than Switzerland was also examined by the Advisory Committee. Although it notes that efforts are being made to allocate printing orders in various European countries, it suggests that continuing attention be given to increasing the volume of printing undertaken in soft-currency countries.

23. The Advisory Committee takes note of the administrative and financial arrangements made by ILO in connexion with the grant from certain members of the Organization for European Economic Co-operation for the financing of certain activities in the field of migration. The Committee suggests that ILO may wish to consider attaching information about such grants to the annual budgetary estimates, so that the budget document may reflect a comprehensive picture of ILO activities.

United Nations Educational, Scientific and Cultural Organization

US dollars

1951 appropriation	8,210,000 (gross)
1950 appropriation	8,010,000 (gross)
1949 obligations and expenditures ...	7,780,000

24. The total appropriations voted by the UNESCO General Conference for 1951 show an increase of \$200,000 by comparison with the 1950 figure. The Advisory Committee notes that this increase is due to (a) the addition of Spanish as a working language of the General Conference; (b) expanded programmes in Germany and Japan; and (c) expanded activities in the field of human rights.

25. The effort to maintain the annual expenditure at about the same level is apparent in the various discussions held during the examination of the 1951 budget estimates, and is the subject of a specific reference in the report on the 1951 estimates submitted by the Executive Board. An increase in appropriation was nevertheless deemed unavoidable, and is reflected in an increase in the number of posts from 824 in 1950 to 855 in 1951.

26. The Advisory Committee has previously expressed the view that a concentration of the programme on fewer projects would be beneficial to UNESCO. The elimination of completed and less urgent projects would in the view of the Committee facilitate this concentration of programme within the limits of the existing budget.

27. The budget appropriation for 1951 is distributed among the following main heads, as compared with the 1950 appropriation :

	1951 <i>US dollars</i>	1950 <i>US dollars</i>
I. Meetings	216,940	297,656
II. Personal services	5,205,841	4,729,120
III. General services	1,573,940	1,722,369
IV. Special projects	1,210,050	1,168,739
V. Equipment purchase	103,229	92,116
GROSS TOTALS	8,310,000	8,010,000
<i>Less</i> : Casual revenue	20,000	10,000
Savings due to institution of local salary system and other changes in salary and allowance systems	100,000	
Contribution by the Government of Cuba to the Regional Office in the Western Hemisphere	10,000	10,000
NET TOTALS	8,180,000	7,990,000

28. The Advisory Committee was informed that UNESCO is at present negotiating for additional office space. Since some of its offices have in the past been made available to national delegations, the Committee suggests that before the additional space is rented, consideration should be given to the possibility of releasing such offices to the UNESCO secretariat. In the event that the proposed renting of additional premises entails expenditure for improvement of premises, purchase of equipment, and similar items, such expenditure should be included for amortisation, on an appropriate basis, in the rentals charged by UNESCO to national delegations requesting office accommodation.

29. The Advisory Committee took note of the resolutions adopted by the UNESCO General Conference concerning the transfer of certain items to the 1951 income estimates of the organization (resolutions 19.421-425), in order to make up for the estimated deficit in the collection of contributions. It is clear that such measures, being of an exceptional and, for the most part, non-recurring character, cannot offer a lasting solution to the problem at issue. The solution can be found only in the prompt and full payment of contributions assessed against the members of the organization.

30. The Advisory Committee notes with satisfaction that UNESCO has adopted a practice under which any proposals for activities to be undertaken by that organization are accompanied by a statement to the legislative body concerned of the financial implications of such proposals.

31. The decision to hold a session of the Budget Committee of the General Conference one week prior to the opening of the Conference seems likely to make for a fuller and more careful examination of the annual estimates and work programme of the organization.

Food and Agriculture Organization

US dollars

1951 proposed budget	5,000,000
1951 plan of expenditure	4,500,000
1950 appropriation	5,000,000
1949 expenditure	4,654,519

32. The Advisory Committee notes that the estimates for FAO for 1951, as prepared by the Director-General,

conform to the following recommendation made by the Council of FAO at its ninth session (May 1950) :

“ The Council recommends that in framing the budget for 1951 the Director-General should

“ (a) While assuming that the budget of the organization will continue to be \$5,000,000, plan the expenditure so that it does not exceed the expected income of the organization, and that he assume an income figure of \$4,500,000. ”

33. The above recommendation results from the difficulty hitherto experienced by FAO in collecting the full amount of assessments made against its members and, while the Advisory Committee recognizes the desirability in the circumstances of limiting 1951 expenditures to the level of anticipated income, it draws attention to the general observation on this problem contained in paragraph 12 above.

34. FAO's estimates of expenditure for 1951 are distributed among the following main heads :

	1951		1950 US dollars
	Proposed budget US dollars	Plan of expenditure US dollars	
I. Meetings	264,185	202,565	171,780
II. Personal services	3,315,111	3,070,520	3,608,585
III. General services	881,172	792,062	1,081,000
IV. Special projects	—	—	1,000
V. Equipment purchase	39,500	31,500	33,780
VI. Other budgetary provisions .	500,032	403,353	103,855
GROSS TOTAL	5,000,000	4,500,000	5,000,000

35. It is clear from a review of the budget estimates that the adoption of the \$4,500,000 ceiling of expenditure calls for a certain reduction in activities planned for 1951, as compared with those approved for 1950. The number of posts proposed under the expenditure ceiling, 593, contrasts with an approved total of 701 for 1950.

36. The Advisory Committee was informed of the status of various grants which have been made to FAO for the execution of specified activities. The Committee believes that an account of the administrative and financial status of such grants might be included as an annex to the FAO annual budget estimates, in order to provide, in a single document, reference to all activities to be undertaken by the organization during a given year.

International Civil Aviation Organization

	US dollars ¹⁴
1951 appropriation	2,727,273
1950 appropriation	2,670,552
1949 expenditure	2,344,880

37. The provision made for the years 1950 and 1951 under the various parts of the budget of ICAO is shown in the following table :

	1951	1950
	US dollars ¹⁴	US dollars ¹⁴
I. Meetings	90,909	143,727
II. Personal services	1,936,364	1,882,041
III. General services	572,727	562,693
IV. Special projects and activities	—	—
V. Equipment purchase	50,000	73,909
VI. Property account	—	—
VII. Other budgetary provision	77,273	8,182
TOTAL	2,727,273	2,670,552
Less : Casual revenue	170,909	115,455
NET TOTALS	2,556,364	2,555,097

38. While the programme of meetings for 1951 represents an appreciable increase by comparison with 1950, the budgetary provision for part I—meetings—at approximately \$53,000 less, reflects the savings anticipated on the 1951 ICAO Assembly session, which will be devoted solely to questions of an administrative character. The increase of some \$69,000 in part VII is due to the provision of retirement benefits for the Secretary-General.

39. In its final report to the fourth session of the ICAO Assembly, the Administrative Commission referred to the widespread concern which had been in evidence during its deliberations over the upward trend of expenditures, particularly in relation to the mounting cost to States of participation in all international organizations. “ It was emphasized ”, states the report, “ that extraordinary means of financing, such as appropriations from the Working Capital Fund, would not continue to be available, and it was apparent that there was a general desire for eventual stabilization of the cost of the organization to States ”.

40. The ICAO Assembly, in approving the budget estimates for 1951, directed that the gross expenditure of \$2,727,273 should be financed in the following manner :

	US dollars
I. By assessment to contracting States ...	2,363,636
II. By appropriation from the Working Capital Fund	120,000
III. By appropriation from the General Fund Reserve	72,727
IV. By income from casual revenue (estimated)	170,910
	<u>2,727,273</u>

41. The ICAO Assembly, at its fourth session, suspended the voting power of six of its members which had “ failed to discharge completely their financial obligations to the organization ” in respect of the period ending on 30 June 1948. The Assembly further adopted a resolution authorizing the Council, at its discretion, and subject to appropriate safeguards for the safety, regularity of efficiency of international air navigation, to suspend from the States in question, so long as their voting power is in suspense, a part of the general services furnished to contracting States.

42. The Advisory Committee notes that the Council of ICAO, which had not previously found it possible to accept the joint system or external audit recommended by the General Assembly for the United Nations and the specialized agencies, has now requested the Secretary-General of ICAO to discuss with the Auditor-General of

¹⁴ Conversion from Canadian dollars made at rate of dollar (Canadian) 1.10 : dollar U.S. 1.00.

Canada and the Secretary-General of the United Nations the possibility of ICAO's participating in the joint system while retaining the services of commercial auditors.

43. Since 1 July 1950, the system of deductions in lieu of income tax has been replaced by a staff assessment plan similar to that of the United Nations. The Advisory Committee was informed that, in view of the fact that the scale of assessment under the plan exceeds the present rate of Canadian income tax, the Canadian tax authorities have agreed to offset against the assessment income tax on salaries received by Canadian staff members from ICAO in respect of the period subsequent to 1 July 1950.

44. The third Assembly of ICAO (1949) recommended that the Council review the ICAO salary and allowance scales "in the light of all relevant factors." The Advisory Committee takes note of the reports of the Council to the effect that while its Finance Committee had this matter under study, there was not sufficient time to complete the task before the 1950 Assembly.

45. In paragraph 17 above, reference is made to the question of the appropriate frequency of full-scale annual conferences. The Advisory Committee therefore draws attention to the following resolution (resolution A4-6) on the character and scope of future sessions of the ICAO Assembly, which was adopted by the fourth Assembly (1950):

" 1. That plans should be made to hold a major session of the Assembly once every three years, each such session to be convened in the year in which the election of Council Member States takes place, except that the agenda of intervening limited sessions convened to deal with budgetary and administrative matters required by the Convention should allow for examination of any type of problem which the Council may decide is of urgent importance;

" 2. That the question of character and scope of sessions of the Assembly should be reviewed at the next major session of the Assembly in the light of experience gained."

World Health Organization

	<i>US dollars</i>
1951 appropriation	7,300,000
1950 appropriation	7,501,500
1949 expenditure	4,776,608

46. The figures recorded above in respect of the years 1950 and 1951 represent the budgetary totals approved by the World Health Assembly. In view, however, of the unsatisfactory status of contribution, the Executive Board of WHO has found it necessary to establish an expenditure ceiling of \$6,300,000 for 1950, and of \$6,150,000 for 1951.

47. The estimated expenditure for 1951 is distributed under the following main heads, as compared with the corresponding figures for 1950:

	<i>1951 US dollars</i>	<i>1950 US dollars</i>
I. Meetings	277,758	266,858
II. Personal services	4,423,530	4,450,923
III. General services	1,432,021	1,499,167
IV. Special projects and activities	1,033,933	1,073,533
V. Equipment purchases	132,758	211,019
	7,300,000	7,501,500

48. The establishment of expenditure ceilings points to the difficulties experienced in collecting the total of assessments made against the members of WHO. The planning of expenditure in such a manner as to obviate an excess of expenditure over income is in accordance with recommendations made by the General Assembly in 1949. Nevertheless, in the case of WHO, the difference between the approved budget and the expenditure ceiling—\$1,150,000—tends to make the budgetary estimates unrealistic.

49. The Advisory Committee notes that WHO has adopted the practice of printing some of its documents in countries other than Switzerland. Since this procedure increases the proportion of expenditure incurred in soft currencies, the Committee suggests that every effort should be made to develop and extend the practice.

50. As regards the co-ordination of common administrative services in Geneva, a statement was made to the Advisory Committee on behalf of the Director-General of WHO concerning the use made by his organization of such services. The facts presented were helpful in pointing out the difficulties encountered in this field, and the Committee took note that, in spite of these difficulties, WHO has at certain points made progress towards a fuller use of services in common with the European Office of the United Nations and with other agencies situated in Geneva. While the text of the statement is too lengthy for reproduction in the present report, it can, on request, be made available to the General Assembly.

51. Nevertheless, WHO has recently made arrangements for the accommodation in the *Palais des Nations* of a travel agency, which will handle travel and hotel reservations in return for office space and other services. The Committee feels that such arrangements may be open to objection and that, in the specific case under consideration, continuation of the common travel service with the European Office of the United Nations would have been preferable in the interest of co-ordination.

International Refugee Organization

	<i>US dollars</i>
1950/51 (nine months) plan of expenditure approved	2,506,893
1949/50 plan of expenditure approved	4,500,000
1948/49 actual expenditure	4,299,985

52. The appropriation for IRO for 1950/51 covers the period 1 July 1950-31 March 1951, during which the Organization is expected to liquidate its activities. Part of such activities (legal protection of refugees) will then be taken over by the High Commissioner's Office for Refugees, established by resolution 319 (IV) of the General Assembly of the United Nations.

53. As noted in the report of the Advisory Committee on the 1949/50 appropriation for IRO (A/1005, paragraph 50) the present administrative arrangements of the organization have been adapted to a temporary existence, during which an exceptionally large operational programme had to be undertaken.

54. The Advisory Committee last year recommended that the heads of specialized agencies should hold open any offers of employment to IRO officials until the termination of the organization's activities, in order that staff of the highest quality might be retained in the closing stages of the organization's life. It now seems opportune to recommend that consideration be given by the United Nations and the specialized agencies to the possible utilization of the services of those staff members of IRO who have proved themselves as international civil servants.

International Telecommunication Union

	<i>US dollars</i>
1950 amended budget	
Ordinary expenses	1,068,224
Extraordinary expenses	680,540
1949 budget	
Ordinary expenses	954,205
Extraordinary expenses	2,040,047
1948 amended budget	
Ordinary expenses	346,425
Extraordinary expenses	550,864

55. In accordance with a resolution adopted by the Administrative Council, the budget estimates of ITU are submitted to the United Nations "as approved by the Administrative Council". The Council was scheduled to meet during September of the current year and the approved budget had not yet been transmitted to the United Nations at the time of the review by the Advisory Committee. The latter understands that the Secretary-General of ITU transmitted to the United Nations a copy of the estimates which he proposed to submit to the Administrative Council; these estimates were not received in sufficient time to be examined by the Committee.

56. The Advisory Committee once again desires to point out that, so long as the Administrative Council adheres to its present calendar arrangements, it will clearly not be possible for ITU to comply with the request of the General Assembly for the transmission of budgets or budgetary estimates to the United Nations by 1 July; nor will it be possible for the General Assembly to obtain a complete picture of the financial obligations likely to fall upon Member States during a following year.

57. The Advisory Committee notes that the level of expenditures of ITU is extremely variable from year to year, the basic reason being that conferences and other meetings are held at indeterminate intervals. Thus, the extraordinary expenditures for one year may be entirely disproportionate to those incurred in a following year. Thus, a number of large conferences—such as the Administrative Telegraph and Telephone Conference in Paris and the International High Frequency Broadcasting Conference in Mexico City—were held in 1949, calling

for substantial expenditures, far beyond those required in the preceding or succeeding years.

58. It appears to the Advisory Committee that the costs of such special conferences, as well as the arrears in contributions, might be financed by some less expensive method than the present one consisting in borrowing at 6 per cent interest.

59. An examination of the amended 1950 budget for ITU indicates that the form of budgeting offers scope for improvement. The presentation of three different sets of estimates—"ordinary", "extraordinary" and "printed matter" renders an appraisal of the over-all budget unnecessarily difficult, and the consolidation of these different parts in a single statement would, in the opinion of the Committee, be advantageous.

60. The Advisory Committee suggests that, in view of the fact that a large number of specialized agencies have agreed on a common set of financial regulations, ITU may wish to give consideration to the principles contained therein, as well as to the actual drafting of the regulations before introducing modifications in its existing regulations. A similar consideration also applies to the question of staff rules and regulations. It appears undesirable to the Committee that, when revising its financial and personnel rules and regulations, ITU should adopt procedures at variance with those agreed upon by the United Nations and specialized agencies, except if such procedures are dictated by exceptional or peculiar circumstances.

61. The Advisory Committee notes with regret that ITU has not found it possible to enter the United Nations Joint Staff Pension Fund, and has instead decided to introduce an independent pension scheme. The Committee has on previous occasions stressed the importance of achieving the greatest possible measure of uniformity in personnel arrangements among the United Nations and the specialized agencies.

Universal Postal Union

	<i>US dollars</i>
1951 budget estimates	291,305 (gross)
1950 appropriation	322,964 (gross)
1949 expenditure	297,388

62. In its report on the 1950 estimates of UPU, the Advisory Committee recommended that the accounting system and the form of the budget should be studied with a view to facilitating comparisons between expenditures of previous years and budget estimates. The Committee is glad to note that, accordingly, the budget estimates for 1951 have, in fact, been prepared in the form of the standard budget summary approved for specialized agencies; it is thus in a position to examine the estimates in detail and to make comparison with the expenditures of previous years.

63. The estimates for 1951 appear to reflect the stability which has been achieved in the level of expenditures. The total amount estimated falls short of the 1950 appropriation and is on virtually the same level as actual expenditures in 1949.

	1951 US dollars	1950 US dollars	1949 US dollars
I. Meetings	33,294.39	33,294.39	33,257.60
II. Personal services	128,758.41	120,851.87	132,598.79
III. General services	45,373.83	57,873.83	50,123.12
IV. Special projects	81,308.41	109,074.77	78,420.28
V. Equipment purchase ..	2,570.09	1,401.86	2,440.32
VI. Property account	—	467.29	23.26
VII. Other budgetary provision	—	—	174.74
GROSS TOTALS	291,305.13	322,964.01	297,038.11
Less: Casual revenue	6,308.41	6,074.77	13,686.08
NET TOTALS	284,996.72	316,889.24	283,352.03

64. In examining the status of the pension fund of UPU, the Advisory Committee was struck by what appears to be an unduly large difference between total assets and total liabilities, and it suggests that UPU review the structure of the Fund, with a view to determining whether or not the rate of annual contributions should be adjusted.

65. With a view to facilitating any action which the General Assembly may wish to take on the recommendations contained in the present report, the Advisory Committee submits the following draft resolution :

Draft resolution

" The General Assembly,

" Having received the sixth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1441) on the budgets of the specialized agencies for 1951,

" 1. Requests the specialized agencies to continue

their efforts to stabilize their regular budgets by elimination or deferment of less urgent projects;

" 2. *Draws* the attention of all States members of the United Nations and of the specialized agencies to the necessity for prompt payment of contributions to assure the adequate financing of budgets approved by them;

" 3. *Requests* specialized agencies participating in the Technical Assistance Programme to provide information concerning the estimates for expenditure of technical assistance funds, as well as other extra-budgetary funds, in their regular budget documents, and to agree to the transmittal of the audit reports relating to expenditure of technical assistance funds allocated from the Special Account to the General Assembly of the United Nations for examination and approval, after approval of the appropriate audit reports by the general conferences of the specialized agencies;

" 4. *Requests* the specialized agencies to consider at an early date the adoption of common financial regulations and staff regulations modelled on those adopted by the General Assembly at its fifth session so far as their constitutional arrangements will permit;

" 5. *Requests* the Secretary-General, after consultation with the heads of the specialized agencies and with the Advisory Committee on Administrative and Budgetary Questions, to report to the next regular session of the General Assembly in respect of progress made in achieving a common salary system, in developing common budgetary policies and a common form of budget, in increasing the utilization of soft currencies, in efficiencies and economies to be achieved through further development of common services, and in dealing with arrears in contributions."

DOCUMENT A/C.3/L.45

Haiti : draft resolution

[Original text : French]
[3 October 1950]

The General Assembly,

Considering the importance of the studies entrusted to the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities, and having regard to the fact that, in order to enable the Sub-Commission to continue those studies, the term of office of its members was extended by three years by decision of the Commission on Human Rights, dated 16 May 1949,

Considering that the last meeting of the Sub-Commission was held in January 1950,

Requests the Economic and Social Council to rescind its decision (resolution 336 (XI)) to hold no session of the Sub-Commission in 1951—which would mean that the Sub-Commission would not have held a session for more than two years.

DOCUMENT A/C.3/L.46

Peru : draft resolution

[Original text : Spanish]
[3 October 1950]

The General Assembly

Considering that resolution 238 (IX) of the Economic and Social Council established an *ad hoc* committee to

study the problem of slavery; and considering that in view of the importance of this problem it is necessary to broaden the membership of the investigating body by

granting representation in it to as many Member States as possible,

Resolves :

(a) To set up a special commission on slavery consisting of the representatives of twelve Member States, which shall be chosen by the Economic and Social Council at its twelfth session;

(b) That the commission shall receive and assume responsibility for the examination of all documentation

and reports collected and in the possession of the *Ad Hoc* Committee on Slavery, the functions of which it shall take over;

(c) That the first meeting of the commission shall be held in May 1951;

(d) That the item in the Budget of the United Nations relating to the cost of the *Ad Hoc* Committee shall be applied to the operation of the commission set up by the present resolution.

DOCUMENT A/C.3/L.47

Egypt : draft resolution

[Original text : French]
[3 October 1950]

The General Assembly,

Considering that the Sub-Commission on Freedom of Information and of the Press has prepared the draft international code of ethics for persons connected with information and the Press which was referred to in resolution 306 E (XI) of the Economic and Social Council,

Considering that it would be desirable for the Sub-Commission on Freedom of Information and of the Press to study the draft for an international court which has been submitted to the Sub-Commission and which is an

indispensable supplement to the above-mentioned code of ethics,

Considering that the Sub-Commission should continue to study the agenda items referred to it by the Economic and Social Council for consideration,

Decides to invite the Economic and Social Council to reconsider its resolution 336 (XI), in order to include in its Calendar of Conferences for 1951 at least one session of the Sub-Commission on Freedom of Information and of the Press.

DOCUMENT A/C.2&3/92

Communication dated 2 October 1950 from the Acting Permanent Representative of Czechoslovakia to the Secretary General

[Original text : English and French]
[6 October 1950]

New York, 2 October 1950

I have been directed by the Ministry of Foreign Affairs of Czechoslovakia to transmit to you the protest of the Lawyers Association of Czechoslovakia and to request you to circulate to the delegations to the United Nations this protest which is enclosed.

(Signed) J. NOSEK
*Acting Permanent Representative
of Czechoslovakia to the
United Nations*

PROTEST OF THE LAWYERS' ASSOCIATION OF CZECHOSLOVAKIA ADDRESSED TO THE ECONOMIC AND SOCIAL COUNCIL

At the end of its meeting held on 19 July 1950 the Economic and Social Council of the United Nations decided to discontinue its co-operation under Article 71

of the Charter of the United Nations with the International Association of Democratic Lawyers, and to withdraw consultative status from that Association.

As a member of the International Association of Democratic Lawyers, the Lawyers' Association of Czechoslovakia wishes to condemn this unjustified decision and vigorously protests against it. Instead of helping to maintain peace—at the time of the American imperialists' aggression against Korea—this organ of the United Nations is excluding an international organization whose task is to unite all progressive lawyers throughout the world and whose work is fully in accordance with its motto "Law in the service of peace". The Economic and Social Council has taken advantage of the absence of the representatives of the U.S.S.R. and the democratic countries—which are fully entitled to refuse sitting in the presence of the representative of the Kuomintang régime, who does not represent anybody at all—deliberately to exclude from co-operation world-wide progressive organizations representing millions of people,

so as to be able to carry out more easily the orders of the American imperialists. This procedure only proves its intention to support the criminal plans of the capitalists, the instigators of a new war.

The Lawyers' Association of Czechoslovakia expresses its profound indignation at this infamous and unjustifiable procedure, which is aimed directly against the peace, and hereby states that it will give all the more

support to that world peace movement, which is becoming increasingly powerful and extensive.

Igor DAXNER
President of the LAC

Jar. JABLONSKY
Secretary of the LAC

Prague, 29 August 1950

DOCUMENT A/C.2&3/L.16

Brazil, Chile, Cuba, India, Lebanon, Mexico and Yugoslavia : joint draft resolution

[*Original text : Spanish*]
[5 October 1950]

The General Assembly,

Takes note with satisfaction the Economic and Social Council's decision to undertake in the near future a complete review of its organization and operation and that of its commissions; and

Expresses the opinion that the regional economic commissions should be maintained, although their organization and terms of reference may have to be revised in the light of the experience acquired since their establishment.

DOCUMENT A/C.2&3/L.17

Egypt : draft resolution

[*Original text : French*]
[10 October 1950]

The General Assembly,

Considering resolutions 207 (III) and 208 (III) of the General Assembly of 18 November 1948,

Taking note of resolution 295 (XI) adopted by the Economic and Social Council on 16 August 1950,

1. *Recommends* to the Economic and Social Council to draw the attention of the committee to be appointed in pursuance of its resolution 295 (XI) to the necessity of

taking into consideration General Assembly resolution 207 (III) relating to the distribution of membership in subsidiary organs of the Economic and Social Council;

2. *Draws the attention* of Members of the United Nations to the necessity of implementing as soon as possible resolution 208 (III) of the General Assembly concerning the participation of Member States in the work of the Economic and Social Council.

DOCUMENT A/C.2&3/L.18/Rev.3

Argentina : draft resolution

[*Original text : Spanish*]
[15 November 1950]

The General Assembly,

Considering the desirability of laying down guiding principles for the special committee set up to review the organization and operation of the Economic and Social Council and its commissions, and

Bearing in mind resolution 208 (III) of the General Assembly,

Suggests to the special committee that it is desirable that the largest number of Member States compatible with efficacy should be enabled to participate in the organization and work of the Economic and Social Council and its subordinate bodies.

DOCUMENT A/C.2&3/93-A/C.5/375

Chapter IX of the report of the Economic and Social Council—Inter-governmental organizations : International Penal and Penitentiary Commission; report by the Secretary-General under resolution 333 H (XI) of the Economic and Social Council

[Original text: English]
[5 October 1950]

1. At its ninth session, in connexion with its review of inter-governmental organizations in the economic and social fields, the Council adopted resolution 262 B (IX) with respect to the International Penal and Penitentiary Commission.

2. The Secretary-General communicated the text of this resolution to sixty-eight governments (States members of the United Nations and of the IPPC) with the request that they should submit their comments and suggestions on the subject by 31 December 1949. Twenty-two replies were received to the Secretary-General's communication.¹⁵ The majority of the governments consulted stated that they were in favour of the eventual integration of the IPPC within the United Nations.

3. Furthermore, in pursuance of that same resolution, the Secretary-General invited the International Penal and Penitentiary Commission to enter into consultation with him, and on 7, 8, 9 and 16 June 1950 his representatives held a series of meetings with three duly accredited representatives of the IPPC.

4. Taking into account the views expressed at the ninth session of the Economic and Social Council, the principles set forth in section II of the resolution of the International Penal and Penitentiary Commission of 3 August 1949, and the comments later transmitted by governments, the representatives of the IPPC and of the Secretary-General of the United Nations prepared a draft plan providing for the integration of the International Penal and Penitentiary Commission within the United Nations.

5. A report (E/1735)¹⁶ containing the draft plan, accompanied by a note with respect to the financial implications involved (E/1735/Add.1),¹⁶ was submitted by the Secretary-General to the Economic and Social Council, at its eleventh session.

6. In considering this report,¹⁷ the Economic and Social Council adopted resolution 333 H (XI).

7. On 12 August 1950, the International Penal and Penitentiary Commission also adopted a resolution¹⁸ approving the above-mentioned draft plan with respect to the transfer of the functions of the IPPC to the United Nations. This resolution was transmitted to the Secretary-General of the United Nations by letter dated 25 August 1950 from the Secretary-General of the IPPC.¹⁹

8. In deciding that the functions of the IPPC should be transferred to the United Nations, the General Assembly will be maintaining its previous policy which is clearly expressed in resolution 310 (IV) and particularly in paragraphs 6 and 7 thereof.

9. For the convenience of the General Assembly the following draft resolution, giving effect to the recommendations of the Economic and Social Council, is submitted for consideration :

" The General Assembly,

" Noting resolutions 262 B (IX) and 333 H (XI) of the Economic and Social Council and the resolution adopted by the International Penal and Penitentiary Commission on 12 August 1950,

" 1. Approves the plan contained in the report prepared by the Secretary-General, in consultation with the IPPC, concerning the transfer of the functions of the IPPC to the United Nations and which is annexed to the present resolution;

" Notes the decision of the IPPC with respect to its residual assets;

" Expresses its appreciation to the IPPC for donating its library and its archives to the United Nations on the conditions specified in the above-mentioned plan;

" Notes that these arrangements do not involve the assumption by the United Nations of responsibility for any liabilities of the IPPC;

" Authorizes the Secretary-General, in consultation with the Secretary-General of the IPPC, to make arrangements for the transfer of the functions of the IPPC, and its library and archives to the United Nations on a mutually satisfactory date prior to 31 December 1951;

" 2. Pays tribute to the accomplishments of the IPPC during the long period of its existence in the field of the prevention of crime and the treatment of offenders. "

¹⁵ See documents E/CN.5/205 dated 21 February 1950, E/CN.5/205/Add.1 of 6 April 1950 and E/CN.5/205/Add. 2 of 7 April 1950.

¹⁶ See *Official Records of the Economic and Social Council, Eleventh Session, Annex*, agenda item 44.

¹⁷ See *Official Records of the Economic and Social Council, Eleventh Session*, 396th meeting and Summary Records of the 51st and 52nd meetings of the Co-ordination Committee (E/AC.24/SR. 396).

¹⁸ See Appendix II to the present Annex.

¹⁹ See Appendix III to the present Annex.

APPENDIX I

DRAFT PLAN PREPARED BY THE SECRETARY-GENERAL OF
THE UNITED NATIONS IN CONSULTATION WITH THE INTER-
NATIONAL PENAL AND PENITENTIARY COMMISSION

(a) All Members of the United Nations, and all existing members of the IPPC, which are not members of the United Nations, and any other States designated by the Economic and Social Council, should be invited by the Council to appoint one or more representatives of expert qualifications or experience, professional or scientific, in the field of the prevention of crime and the treatment of offenders. The experts so appointed should act in the first instance as individual correspondents with the United Nations Department of Social Affairs.

(b) They should also be called upon to meet together in appropriate groups (in the composition of which ethnical, legislative and customary affinities should be taken into account) to consider questions of particular interest to such groups, as well as those which may be submitted by the participating governments, by the Economic and Social Council, the Social Commission or by the Secretary-General of the United Nations. The experts so appointed should constitute "United Nations consultative groups" in the field of the prevention of crime and the treatment of offenders. The groups should meet biennially, or more often if required. The first group set up should be composed of the present members of the IPPC. Pending the establishment of other groups, new members may be added to the first group. As other groups are set up, any members of the first group may join such groups as is most appropriate. With respect to the composition of groups to study questions of special importance to the less developed areas it might be practicable to utilize the procedure employed for United Nations seminars, under General Assembly resolution 58 (I). Findings of fact and recommendations as to policy approved by the experts appointed under (a) or by the expert group meeting under (b) should be transmitted to the Secretary-General of the United Nations for publication, for communication in appropriate cases to the policy-making bodies, or such other action as he considers necessary.

(c) The Secretary-General should invite each group to submit names from among its members to assist the Secretary-General in selecting a small international *ad hoc* advisory committee of experts. The purpose of such a committee would be to advise the Secretary-General and the Social Commission in devising and formulating programmes for study on an international basis and policies for international action in the field of the prevention of crime and the treatment of offenders and also to advise on the co-ordination of the work of the United Nations consultative groups. It is hoped that such a committee could meet annually at the Headquarters of the United Nations.

(d) The United Nations should convene every five years an international congress similar to those previously organized by the IPPC. Resolutions adopted at such international congresses should be communicated to the Secretary-General and, if necessary, to the policy-making bodies.

(e) The expenses of attendance of the international *ad hoc* advisory committee of experts at meetings convened at the

Headquarters of the United Nations would be borne by the United Nations. The expenses of experts who participate in the biennial group meetings and in the quinquennial congresses would be borne by the respective governments. The United Nations would be financially responsible for furnishing the services required for the efficient organization of such meetings when held at the Headquarters or at the regional headquarters of the United Nations. When such meetings, on the invitation of a government, are held away from Headquarters, the financial responsibility for the furnishing of similar services should be met otherwise.

(f) The United Nations should publish an international review which should include the recommendations and the findings of the groups mentioned under (b) and the committee mentioned under (c), as well as a legislative and administrative series on the prevention of crime and the treatment of offenders.

(g) The United Nations would welcome the transfer of the library of the IPPC to the library of the United Nations in Geneva. Should the IPPC decide on the transfer, suitable measures would be taken to indicate that the volumes donated originated from the IPPC, by arranging for appropriate markers to be used, and the preservation of the library as an entity so far as practicable.

The archives of the IPPC should also be transferred to the archives of the United Nations and should be available to delegations and to other interested parties.

(h) In view of the enlargement of the functions of the United Nations, and in order to maintain continuity in the work, the United Nations should invite the services of two professional officers at present employed by the IPPC. One officer specialized in the field of the prevention of crime and the treatment of offenders should be detached for duty at the European Office of the United Nations in Geneva.

(i) While it is for the IPPC to decide as to the disposition of its residual assets, the United Nations would welcome a decision to transfer those assets to the United Nations. Such a decision would not, however, involve the assumption by the United Nations of responsibility for any liabilities of the IPPC. In the event of the transfer of the assets and proceeds realized, all such funds would become part of the general revenue of the United Nations unless the IPPC would prefer that they be added to the capital of the library endowment fund. The resulting increase in the income of the library endowment fund would make it possible for the United Nations library to become one of the most complete and up-to-date libraries in the field of social defence. The setting aside of the residual assets of the IPPC in a special fund in the United Nations is not desirable from the point of view of United Nations policy and practice, nor is such a fund necessary to ensure the continuation within the United Nations of the objectives and purposes described in article I of the Constitutional Regulations of the IPPC.

(j) The transfer should take place at such time as may be agreed upon between the Secretary-General of the IPPC and the Secretary-General of the United Nations and, in any case, before the end of 1951.

APPENDIX II

RESOLUTION ADOPTED BY THE INTERNATIONAL PENAL AND
PENITENTIARY COMMISSION ON 12 AUGUST 1950

Representatives of the IPPC pursuant to its resolution

of 3 August 1949, and of the United Nations Secretariat pursuant to the resolution of the Economic and Social Council of 10 August 1949, having met at Lake Success on 7-9 June 1950, drafted an agreement.

The International Penal and Penitentiary Commission

1. Approves this Agreement;
2. Instructs its Secretary-General, if the Agreement is approved by the Fifth General Assembly of the United Nations, to make the necessary arrangements for the transfer of functions to the United Nations before the end of 1951;
3. Declares that as soon as the Executive Committee certifies, prior to 31 December 1951, to the members of the Commission that the provisions of the Agreement and other decisions of the Commission have been carried out, the IPPC is dissolved and ceases to exist as an inter-governmental organization;
4. Agrees to donate its library and its archives to the United Nations on the conditions specified in the Agreement mentioned under paragraph 1;

5. Observing that the Agreement provides that the setting aside of the residual assets of the IPPC in a special fund in the United Nations is not desirable from the point of view of United Nations policy and practice, nor is such fund necessary to ensure the continuation within the United Nations of the objectives and purposes described in Article 1 of the Constitutional Regulations of the IPPC, therefore decides to place all its residual assets into a trust fund to be expended for purposes consonant with the purposes of the IPPC and in accordance with plans proposed by a special committee and submitted for the consideration of the members of the Commission at its final meeting in 1951;

6. Instructs the Secretary-General to communicate this resolution to the Secretary-General of the United Nations and to the governments of all member countries.

APPENDIX III

LETTER, DATED 25 AUGUST 1950, FROM THE SECRETARY-GENERAL OF THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

In accordance with the instructions of the IPPC, I hereby transmit to you a copy of the resolution adopted by the Commission on 12 August, 1950.

The delegates of sixteen of the twenty-four member States were present and the vote was unanimous.²⁰ Although the Constitution of the IPPC requires that all the member States, whether present or absent at a meeting, cast a vote on a motion to dissolve the Commission or transfer its assets, and the final result of the vote of the eight absent member States has not yet been completely recorded, the affirmative vote of sixteen constitutes the required two-thirds majority which makes the decision final. The decision is therefore not affected by the vote of the absent members.

I have been instructed by the Commission to say that in the course of discussion on this resolution, the Commission expressed the hope that the United Nations, in the application of the agreed plan, would take account of the following wishes expressed by the Commission. These suggestions are made with the sincere desire to ensure the most effective possible organization of the work for the future.

²⁰ In a letter dated 22 September 1950 the Secretary-General of the IPPC informed the Secretary-General of the United Nations that three additional countries (Egypt, Finland and Greece) had voted in favour of the integration of the IPPC within the United Nations.

(1) That all studies and researches of the Commission in progress at the date of integration should be continued by the first consultative group to be set up in accordance with the plan.

(2) That facilities should be afforded to the consultative group to carry out studies, where necessary, through the method of sub-committees.

(3) That the officer of the United Nations Secretariat to be stationed at Geneva should be authorized to act as Secretary of the group and in that capacity to correspond directly with its members.

(4) That the group should be at liberty to elect a small executive committee and a President who would not only preside at the meetings of the group but act as may be necessary between meetings to further the business of the group.

(5) That the international consultative group which will be set up by the United Nations be given a specific title which in an appropriate manner will describe the scope and nature of its work.

If the draft agreement referred to in the resolution is adopted by the Fifth General Assembly of the United Nations, I shall be glad to discuss with you at the earliest possible moment the ways and means of effecting the transfer of functions, the transfer of our library and archives and the appointment of my professional assistants to fill appropriate positions in your Secretariat.

DOCUMENT A/C.2&3/94-A/C.5/389

Communication dated 20 October 1950 from the Assistant Director-General for Administration and Finance of the World Health Organization to the Secretary-General, concerning the use of common services in Geneva

[Original text: English]
[24 October 1950]

New York, 20 October 1950

I have the honour to transmit herewith a statement on the use of services utilized by WHO in Geneva in common with the United Nations European Office and with other specialized agencies. The Director-General of the World Health Organization wishes this statement placed before

the General Assembly of the United Nations in connexion with the report of the Advisory Committee on Administrative and Budgetary Questions on the administrative budgets of the specialized agencies for 1951.

(Signed) Milton P. SIEGEL
Assistant Director-General
Administration and Finance

Statement on behalf of the Director-General of the World Health Organization to the United Nations Advisory Committee on Administrative and Budgetary Questions

REGARDING PARAGRAPHS 217 AND 316 OF THE SECOND REPORT OF 1950 TO THE GENERAL ASSEMBLY (A/1312)

WHO has made and will continue to make consistent efforts to utilize services in Geneva in common with the United Nations European Office and with other specialized agencies with offices there. WHO would agree with the suggestion contained in paragraph 26 of the Report of the Board of Auditors on the 1949 accounts of the United Nations (A/1256), that a study be made of services which are common to the United Nations and the specialized agencies " to determine (a) which among them are susceptible to consolidating; and (b) whether the European Office or a specialized agency is better adapted to operate a common service on a reimbursement basis ". WHO suggests that this study might well be made as a joint management survey by the United Nations and the specialized agencies concerned, and would welcome an opportunity for WHO to participate in such a study.

It is recognized that the statements which appear in paragraphs 217 and 316 of the Second Report of 1950 to the General Assembly are of a general nature, and WHO wishes the Advisory Committee and the General Assembly to have specific information regarding its use of services in common with other agencies in Geneva. The Director-General is therefore presenting that information, and would like it distributed to Members of the General Assembly. It is believed that this statement might appropriately be incorporated in the report of the Advisory Committee on its examination of the WHO Program and Budget for 1951 and that the Advisory Committee may prefer to have it reach the Members of the General Assembly in that form.

There are set forth below the details of the use made by WHO of services in common with other agencies in Geneva.

1. *Travel and transportation*—Very recently, arrangements have been made for a travel agency to be installed in the *Palais des Nations* which will carry out all of the arrangements for travel, at a considerable saving to WHO. The travel agency will provide its own staff, and will handle all travel and hotel reservations at no service cost to the agency.

WHO is using services of the United Nations for packing, shipping, reception and handling of all official freight by rail, sea or air.

2. *Procurement*—WHO is co-operating with the United Nations and other agencies in Geneva in a study of markets and an exchange of information about rates, prices, etc. WHO uses United Nations services in some instances for the purchase of its administrative supplies and equipment. WHO and the United Nations are jointly studying this problem, including storekeeping; if the study reveals that an economy will result, WHO would be disposed to agree to the establishment of a supply service in common with the other agencies.

3. *Translation*—WHO has made occasional use of the United Nations Translation Service for the translation of non-technical material. The United Nations has shown every willingness to co-operate, but only accepted the work on the condition that it be revised by WHO staff, since 50 per cent of the translation work of WHO is technical, 35 per cent is " semi-technical " and only 15 per cent is of general text; translators therefore need to be in close and uninterrupted contact with the special fields and work of

WHO. It should be noted that any agency could be expected to require especially trained staff to deal with its special technical translation work. In some cases, it has been found desirable to commission translation of technical medical texts from outside medical experts who have the necessary linguistic proficiency.

4. *Reproduction and documents distribution*

(a) Reproduction of documents: the United Nations provides mimeograph, multigraph and photostat service for WHO; that system works very satisfactorily.

(b) Printing services: Printing of all WHO publications is undertaken through the United Nations Printing Division which makes contracts with the printers and supervises their work with regard to quality and rapidity of execution. It is also responsible for first reading of proofs, preparation of purchase orders, checking of printers' invoices and purchase of paper supplies.

(c) Documents distribution and sales services: The United Nations distribution service undertakes both free and paid distribution of WHO publications, including distribution to members of WHO secretariat. The United Nations Sales Service is responsible for executing all orders for WHO publications, for correspondence relating to sales and for the maintenance of accounts in connexion therewith.

5. *Space*—The United Nations provides all building maintenance and operation services for WHO; even in the temporary barracks occupied only by WHO, the United Nations carries out all services.

6. *Employment of conference staff*—The United Nations employs interpreters for WHO meetings and conferences. The only problem in using those interpreters is that such staff need to have a working knowledge of medical material and of WHO procedure. To meet this problem, WHO expects to reach an agreement with the United Nations to ensure that, wherever possible, the United Nations will supply the same interpreters for various meetings and that it will supply all the interpreters required for the Executive Board and the Assembly, so that WHO will not have to employ " free-lance " interpreters in addition to those supplied by the United Nations. The position on the employment of précis-writers is the same as that for interpreters.

7. *Mailing service*—All WHO mail is handled by the United Nations service.

8. *Library services*—It is normal practice at universities and similar institutions to establish the medical library separately from the general library, in order to provide the specialized service and information required by medical people. Even with the separate library, especially services, the present situation whereby the WHO library is physically located at some distance from the medical staff has been very awkward. When new space arrangements are made after completion of the new construction, it is planned to locate the medical library as nearly as possible to the centre of WHO space. Although WHO and the United Nations maintain separate librarians in Geneva, there is in fact no duplication of services between the two organizations. Daily use is made by the WHO Library of services provided by the United Nations Library, including reference to the United Nations library catalogue, bibliographical

works, books and periodicals. There is a reciprocal arrangement whereby the United Nations Library borrows books and periodicals in the WHO Library. It is unnecessary for WHO to purchase general reference books which would otherwise be necessary or for the United Nations purchase medical reference works which it might require. WHO is prepared to make a further study of the possibility of taking further joint action, and to make such additional arrangements as appear necessary.

The Advisory Committee has suggested that common disbursement and personnel services may be desirable. WHO wishes to make the following comments on these suggestions :

Disbursement functions : WHO believes that the question of a joint disbursement service should be studied carefully and in detail, with a view to determining whether such joint services would result in a more economical and efficient service, and if so, which agency should provide it.

Personnel functions : WHO believes that the question of joint personnel services requires careful examination in the light of the types of personnel activity carried on at the headquarters of WHO as a world-wide organization. These are, in general terms :

1. Policy and planning functions for the whole organization;
2. Supervision and guidance of personnel activity at offices away from headquarters; and
3. Direct personnel services at headquarters.

The first and second of these activities are an integral part of the over-all management responsibilities of the Director-General and can only be performed by staff intimately familiar with the work of the organization.

In connexion with the third type of activity, it should be noted that important progress has been made in co-ordinating personnel activities among the several organizations in Geneva. The United Nations, ILO, ITO and WHO have, in the past six months, completed a survey of local employment conditions in Geneva and tentatively agreed upon uniform salary, allowance and tenure arrangements for staff locally recruited. This is the essential foundation for any joint personnel activity.

The same agencies, as well as the IRO, have recently established an inter-agency recruitment committee to co-ordinate recruitment activities among the agencies. This committee has already begun functioning and is currently developing plans for joint stenographic examinations. The United Nations, ILO and WHO have for several years operated a single medical service.

As is evidenced by the joint activities now carried on, consideration has been given to personnel activities which can profitably be undertaken jointly. In accordance with the policy which WHO has consistently followed, this agency will continue to participate in joint agency studies of personnel administration, and will urge and participate in such joint action as is found to be appropriate and desirable.

DOCUMENT A/C.2&3/L.20-A/C.5/L.53

Australia and Canada : joint draft resolution

[Original text : English]
[21 October 1950]

The General Assembly

Noting that certain specialized agencies may require advice on the nature and extent of investment of their funds

Authorizes the United Nations Investments Committee

to provide advice to a specialized agency at the request of that agency, and

Requests the Secretary-General to inform the specialized agencies that the United Nations Investments Committee is available for this purpose.

DOCUMENT A/C.2&3/L.21-A/C.5/L.54

Australia : draft resolution

[Original text : English]
[23 October 1950]

The General Assembly,

Recalling its responsibilities under Articles 17 (3) and 58 of the Charter,

Recalling its resolution 310 (IV) declaring that the resources devoted to the economic and social work of the United Nations and the specialized agencies should be concentrated on tasks of major importance,

Noting with appreciation the work of the Economic and Social Council at its eleventh session in determining

principles for establishing priorities within the fields allotted to the various bodies composing and associated with the United Nations,

Believing that a necessary step in establishing priorities is to consider the allocation of resources among the major fields of action,

1. *Establishes* a committee of fifteen members, of whom two shall be States members of a specialized agency but not of the United Nations, to consider the programmes

and budgets of the specialized agencies and, in the economic and social fields, of the United Nations, and to report to the General Assembly on the present allocation of the available resources as among major fields of activity, in order that the General Assembly may consider at its sixth session whether it should recommend any reallocation of financial resources among these organizations;

2. *Appoints* the following States to be members of this Committee :.....;

3. *Directs* the Committee to consult fully with the Secretary-General of the United Nations and with representatives of the specialized agencies;

4. *Authorizes* the Committee to seek the assistance of the Advisory Committee on Administrative and Budget-

ary Questions on the financial aspects of this matter;

5. *Requests* the Committee to complete its report by 30 June 1951, and requests the Secretary-General to circulate it immediately to all States members of the United Nations or of a specialized agency;

6. *Requests* the Economic and Social Council, in consultation with the specialized agencies, to examine the report and to submit its comments thereon to the next session of the General Assembly; and,

7. *Recommends* that, pending the review of this problem by the General Assembly at its sixth session, each specialized agency keep its estimated expenditure from its regular budget for 1952 within the regular budget approved for 1951 by its conference.

DOCUMENT A/C.2&3/L.23-A/C.5/L.56

Mexico, Netherlands and United States of America : amendments to the Australian draft resolution (A/C.2&3/L.21-A/C.5/L.54)

[Original text : English]
[23 October 1950]

In the third paragraph, substitute the word " criteria " for the word " principles ".

Beginning with the fourth paragraph substitute the following paragraphs for the balance of the draft resolution :

" *Recognizing* that the successful carrying out of the economic and social work of the United Nations and the specialized agencies is likely to be jeopardized by undertaking projects beyond their technical, administrative, and financial resources,

" *Recognizing* that the extent of activity is determined by the programme decisions and by the budgetary appropriations of the United Nations and the specialized agencies,

" *Requests* the Economic and Social Council and the specialized agencies :

" (a) To review their programmes during 1951, and using to the greatest possible extent the criteria set forth in the report of the Co-ordination Committee as adopted by the Economic and Social Council,²¹ to

allocate priorities for 1952 so that the resources placed at the disposal of the United Nations and the specialized agencies may be applied where they are most needed; and,

" (b) To indicate, when new projects are adopted, which current projects may be deferred, modified or eliminated to assure that the economic and social work of the United Nations and the specialized agencies will be carried on most effectively;

" *Requests* the Economic and Social Council :

" (a) To seek, in reviewing the programmes, the assistance of the Advisory Committee on Administrative and Budgetary Questions on the financial aspects of this matter; and,

" (b) To report to the sixth session of the General Assembly on the results of these reviews;

" *Requests* the Secretary-General and the administrative heads of the specialized agencies to include a schedule showing, in so far as practicable, the estimated costs of the projects provided for in the budgets of the United Nations and the specialized agencies in Annex IV to the Secretary-General's budget estimates. "

²¹ See *Official Records of the Economic and Social Council, Eleventh Session, Resolutions*, Annex to resolution 324 (XI).

DOCUMENT A/C.2&3/L.23/Rev.1-A/C.5/L.56/Rev.1

Australia : draft resolution incorporating the joint revised amendments by Mexico, the Netherlands and the United States of America

[Original text : English]
[25 October 1950]

The General Assembly,

Recalling its responsibilities under Articles 17 (3) and 58 of the Charter,

Recalling its resolution 310 (IV) declaring that the resources devoted to the economic and social work of the United Nations and the specialized agencies should be concentrated on tasks of primary importance,

Noting with appreciation the work of the Economic and Social Council at its eleventh session in determining criteria for establishing priorities within the fields allotted to the various bodies composing and associated with the United Nations,

Recognizing that the successful carrying out of the economic and social work of the United Nations and the specialized agencies may be jeopardized by undertaking so many projects as to exceed the available technical, administrative and financial resources,

Recognizing that the extent of activity is determined by the programme decisions and by the budgetary appropriations of the United Nations and the specialized agencies and,

Declaring that the resources placed at the disposal of the United Nations and the specialized agencies should be applied where they are most needed,

Requests each specialized agency to review its 1952 programme during 1951, using the criteria set forth in the report of the Co-ordination Committee as adopted by the Economic and Social Council;

Requests the Economic and Social Council and the specialized agencies to indicate, when new projects are adopted, which current projects may be deferred, modified or eliminated to ensure that the economic and social work of the United Nations and the specialized agencies will be carried on most effectively;

Requests the Economic and Social Council :

(a) To review during 1951 the 1952 programmes of the United Nations and the specialized agencies, using the criteria set forth in the report of the Co-ordination Committee as adopted by the Economic and Social Council;

(b) To seek, in reviewing the programmes, the assistance of the Advisory Committee on Administrative and Budgetary Questions on the administrative and financial aspects of this matter; and,

(c) To report to the sixth session of the General Assembly on the results of these reviews;

Requests the Secretary-General in co-operation with the administrative heads of the specialized agencies to include in Annex IV to the Secretary-General's Budget Estimates a summary schedule of the estimated costs of the projects provided for in the budget of the United Nations and the specialized agencies; and further,

Having noted the steps taken and progress made by Economic and Social Council, the Secretary-General, the Administrative Committee on Co-ordination and the specialized agencies,

Urges that the efforts which are being made to ensure the fullest co-ordination of the programmes and activities of the United Nations and the specialized agencies be vigorously prosecuted.

DOCUMENT A/C.2&3/L.24-A/C.5/L.57

Canada : amendments to draft resolution submitted by the Advisory Committee on Administrative and Budgetary Questions (A/1441)

[Original text : English]
[23 October 1950]

(a) In paragraph 1 : substitute the words "urges" and "intensify" for the words : "requests" and "continue" respectively, so that this paragraph would now read :

" 1. *Urges* the specialized agencies to intensify their efforts, etc. "

(b) Insert the following new paragraph 5 between paragraphs 4 and 5 :

" 5. *Requests* the Secretary-General, in consulta-

tion with the heads of the specialized agencies, to pay particular attention in 1951 to the further development of satisfactory arrangements for the provision of common services, particularly in respect of regional and branch offices of the United Nations and specialized agencies, with a view to achieving greater efficiency and economy. "

(c) Paragraph 5 of the Advisory Committee's draft resolution would become paragraph 6.

DOCUMENT A/C.2&3/L.25/Rev.1-A/C.5/L.58/Rev.1

Israel : revised draft resolution

[Original text : English]
[25 October 1950]

The General Assembly,

Noting that some of the specialized agencies do not enjoy universal participation of all Member States in their work;

Considering the principle of universal participation as

an important condition for the full success of the activities of the specialized agencies;

Expresses the hope that these Members not participating at this time may find their way to resume, as soon as possible, their full participation in the specialized agencies.

DOCUMENT A/C.2&3/L.26-A/C.5/L.59

Request for information on proposed integration of the International Penal and Penitentiary Commission within the United Nations

[Original text: English]
[25 October 1950]

(CIRCULATED AT THE REQUEST OF THE DELEGATION OF CANADA)

1. The proposal to integrate the IPPC within the United Nations is based on the commendable desire to simplify the structure of inter-governmental organizations while ensuring that desirable and worthwhile activities are carried out in a more efficient and economical manner.

2. In order for delegations to know whether these objectives will, in fact, be attained under the proposed merger, it is necessary to have more information on the following specific questions:

(a) To what extent do the actual functions and present activity of IPPC duplicate the work performed under the social defence programme of the United Nations in accordance with directives from the Social Commission and the Economic and Social Council?

(b) To what extent will the over-all structure be simplified after integration has been achieved? For instance, will the advisory and legislative organs of IPPC have to be reconstituted within the United Nations Secretariat? To what extent will present staff of the Social Affairs Department now engaged in related work have to be increased?

(c) What will the relation be between the Social Commission, the Economic and Social Council, and such new organs as would be established under the draft plan, i.e., "United Nations consultative groups", "ad hoc advisory committee of experts", quinquennial congresses?"

(d) Will the transfer of the two professional officers mentioned in paragraph (h) of the draft plan,²² to be transferred from the IPPC Secretariat to the United

Nations Secretariat, release other Secretariat officers presently employed in related duties for other activities in the Social Affairs Department? Is it intended to replace at Headquarters the officer who will be detached for duty at the European Office in Geneva?

(e) What does the Secretary-General of the IPPC mean in the last paragraph of his letter²³ by "I shall be glad to discuss with you... the appointment of my professional assistants to fill appropriate positions in your Secretariat"?

(f) What will be the financial implications, once integration has been achieved, of the appointment of the individual correspondents with the United Nations Department of Social Affairs mentioned in paragraph (a) of the draft plan?

(g) What will be the financial implications, once integration has been achieved, of the holding of biennial meetings of the United Nations consultative groups and quinquennial congresses in connexion with the servicing of these meetings when held at Headquarters?

(h) Is it intended that such meetings should be held normally at Headquarters or away from Headquarters on the invitation of a government?

(i) Under the draft plan, it is stipulated in paragraph (j) that

"The United Nations should publish an international review which should include the recommendations and the findings of... (United Nations consultative groups, quinquennial congresses)..., "as well as a legislative and administrative series on the prevention of crime and the treatment of offenders". What are the anticipated financial implications of such publications?

(j) What will be the residual assets of the IPPC after settlement of any outstanding liabilities?

²² See document A/C.2&3/93-A/C.5/375, Appendix I.

²³ *Ibid.*, Appendix III.

DOCUMENT A/C.2&3/L.28-A/C.5/L.65

Inter-governmental organizations: proposed integration of the International Penal and Penitentiary Commission within the United Nations: note by the Secretary-General

[Original text: English]
[1 November 1950]

The following information is presented in response to questions raised in the Joint Second and Third Committee meeting jointly with the Fifth Committee at its meeting on 25 October 1950²⁴ including the questions raised

²⁴ See *Official Records of the General Assembly, Fifth Session, Joint Second and Third Committee, 50th meeting, Fifth Committee, 253rd meeting.*

in document A/C.2&3/L.26-A/C.5/L.59. Since a number of these questions were dealt with in the financial statement made in the Committee on behalf of the Secretary-General, that statement is annexed for reference.

Question No. 1. To what extent do the actual functions and present activity of IPPC duplicate the work performed under the social defence programme of the

United Nations in accordance with directives from the Social Commission and the Economic and Social Council ?

Answer : The work programme of the United Nations Secretariat, as defined by the Social Commission and approved by the Economic and Social Council, covers almost completely the work programme of the IPPC.

With regard to studies and research, the two programmes are practically identical. With regard to the dissemination of information, the long-range work programme approved by the Economic and Social Council at its eleventh session and voted by the Third Committee of the General Assembly would provide for the publication by the United Nations of an international review on the prevention of crime and the treatment of offenders. The International Penal and Penitentiary Commission has been issuing a similar publication entitled *Select Papers on Penal and Penitentiary Affairs*.

The United Nations work programme includes a number of activities in which the IPPC is not engaged, among them technical assistance to governments (experts, fellowships, seminars, pilot projects).

Question No. 2

(a) To what extent will the over-all structure be simplified after integration has been achieved ? For instance, will the advisory and legislative organs of IPPC have to be reconstituted within the United Nations Secretariat ?

(b) To what extent will present staff of the Social Affairs Department now engaged in related work have to be increased ?

Answer :

(a) The structure of the IPPC, including its advisory and legislative organs, would cease to exist. However, the United Nations would henceforth set up consultative groups and an international *ad hoc* advisory committee, and would sponsor a quinquennial congress.

(b) The integration of the IPPC would lead to no increase in the number of posts in the Department of Social Affairs. (See paragraphs 5 and 6 of the Appendix to this document).

Question No. 3. What will the relation be between the Social Commission, the Economic and Social Council, and such new organs as would be established under the draft plan, i.e., United Nations consultative groups, *ad hoc* advisory committee of experts, quinquennial congresses ?

Answer : The United Nations work and action programme would continue as presently organized and would, as is now the case, remain under the direct guidance and supervision of the Social Commission, the Economic and Social Council and the General Assembly. The consultative groups and the international *ad hoc* advisory committee to be set up under the plan for integration would give technical advice to the Secretary-General and, through him, to the Social Commission. The quinquennial congress would provide a means for a world-wide exchange of views and the possible framing of recommendations for consideration by the Social Commission.

Question No. 4

(a) Will the transfer of the two professional officers mentioned in paragraph (h) of the draft plan,²⁵ to be transferred from the IPPC Secretariat to the United Nations Secretariat, involve an increase in the total number of established posts within the Department of Social Affairs ?

(b) Would the post in Geneva be additional to the establishment for social defence at Headquarters ?

Answer :

(a) No : See paragraph 5 (d) of Appendix.

(b) No : The Secretary-General would propose the transfer of an existing post from Headquarters.

Question No. 5. What does the Secretary-General of the IPPC mean in the last paragraph of his letter²⁶ by " I shall be glad to discuss with you... the appointment of my professional assistants to fill appropriate positions in your Secretariat " ?

Answer : This statement is assumed to refer to the fact that, in the event of adoption of the draft plan, practical arrangements would have to be made concerning the terms of employment for the officers referred to in question No. 4 above.

Question No. 6. What will be the financial implications, once integration has been achieved, of the appointment of the individual correspondents with the United Nations Department of Social Affairs mentioned in paragraph (a) of the draft plan ?

Answer : No expenditure would be involved.

Question No. 7. What will be the financial implications, once integration has been achieved, of the holding of biennial meetings of the United Nations consultative groups and quinquennial congresses in connexion with the servicing of these meetings when held at Headquarters ?

Answer : See paragraph 5 (b) and (c) of Appendix.

Question No. 8. Is it intended that such meetings should be held normally at Headquarters or away from Headquarters on the invitation of a government ?

Answer : The consultative groups would normally meet away from Headquarters, at the invitation of a government. It is thought that the two first meetings might be organized in Europe and the Middle East. See paragraph 5 (a) of Appendix.

The quinquennial congress would normally meet at Headquarters. See paragraph 5 (c) of Appendix.

If the invitation of a government were accepted by the Economic and Social Council, it would be assumed that necessary services would be provided by the host government, and the United Nations would incur only travel expenses for about four professional staff members.

²⁵ See document A/C.2 & 3/93-A/C.5/375, Appendix I.

²⁶ *Ibid.*, Appendix III.

Question No. 9. Under the draft plan, it is stipulated in paragraph (f) that "The United Nations should publish an international review which should include the recommendations and the findings of"... (United Nations consultative groups, quinquennial congresses) ..., "as well as a legislative and administrative series on the prevention of crime and the treatment of offenders". What are the anticipated financial implications of such publications?

Answer: The publication of an international review, referred to in the draft plan for integration, as stated in (1) above, is a part of the long-range programme of the Social Commission approved by the Economic and Social Council in resolution 309 (XI) and now before the General Assembly. The legislative and administrative series would be developed so as to fit into the existing programme and would not entail extra costs.

For the financial implications of the review, see paragraphs 3 and 4 of the Appendix.

Question No. 10. What will be the residual assets of the IPPC after settlement of any outstanding liabilities?

Answer: The Secretary-General has been informed that if all States members of IPPC were to pay their

contributions for 1950 and 1951, the residual assets of IPPC including real property would be 450,000 Swiss francs at the end of 1951.

Question No. 11. Would the members of the regional groups and the quinquennial congress appointed by governments act as individual experts or as representatives of their countries?

Answer: Delegates to the consultative groups and to the quinquennial congress, while they should be experts on specific problems, would attend as representatives of governments.

Question No. 12. Why is it proposed that the first consultative group consist of former members of the IPPC?

Answer: There now exists the nucleus of a European consultative group within the active membership of the IPPC itself and the IPPC was most anxious that there should be no break in the continuity of its operation. The intention would be to permit such a group to meet, while attempting to constitute other groups as quickly as possible, according to ethnic, economic and social conditions in various regions.

APPENDIX

FINANCIAL STATEMENT MADE BY THE REPRESENTATIVE OF THE SECRETARY-GENERAL AT THE JOINT MEETING OF THE JOINT SECOND AND THIRD COMMITTEE AND FIFTH COMMITTEE HELD ON 25 OCTOBER 1950

1. In response to the request made to the Secretariat at the end of the last meeting of the Committee, I should like to give the Committee a clear picture of the budget for the United Nations' existing programme in the social defence field, as well as of the financial implications of the draft plan for the integration of the IPPC within the United Nations as approved by the Economic and Social Council.

I. ESTABLISHED SOCIAL DEFENCE PROGRAMME

2. In the budget estimates for 1951 (A/1267),²⁷ continuing provision is made in section 11 (Department of Social Affairs) for the established social defence programme. This provision, which totals approximately \$110,000 for 1951 and which has already been acted upon by the Fifth Committee, is not dependent upon the outcome of the proposal for the integration of the IPPC within the United Nations.

3. If the decisions taken by the Economic and Social Council in resolution 309 (XI) on the report of the Social Commission are fully implemented, additional costs of \$18,750 would be involved for the preparation of certain highly technical studies and for the employment, beginning in 1951, of a qualified person to edit the proposed international review.

4. This supplemental budget estimate will be put to the Fifth Committee in connexion with the Third Commit-

tee's report concerning chapter VI, section IX, of the Economic and Social Council's report to the General Assembly (A/1345).

II. DRAFT PLAN FOR INTEGRATION OF THE IPPC

5. The plan is not expected to come into force until very late next year. No additional costs are expected in 1951. Beginning in 1952, the following costs would arise:

(a) United Nations consultative groups

The United Nations would not pay for the costs of participation of representatives in these groups. The only cost to the United Nations would be that covering travel and subsistence of two professional Secretariat members servicing the meeting. Assuming two meetings a year, the annual cost would be \$4,000 beginning in 1952.

(b) International ad hoc advisory committee of experts

This advisory committee would meet at Headquarters. Expenses of members would be paid by the United Nations. Meetings would be scheduled by the Council, as part of the Council's Calendar of Conferences. The annual costs of meeting would be about \$7,000, starting in 1952.

(c) Quinquennial congress

The first quinquennial congress under United Nations auspices would take place in 1955. All expenses of delegates would be met by the governments concerned. Assuming that the congress is to meet at Headquarters, the servicing costs could be absorbed within the normal conference programme and the only extra costs would be about \$5,000 for printing the proceedings.

(d) IPPC personnel

Following integration, the United Nations would obtain the services of two experienced professional staff members

²⁷ See *Official Records of the General Assembly, Fifth Session, Supplement No. 5.*

now employed by the IPPC. The annual salary costs involved would amount to about \$10,000. It is assumed that this cost could be absorbed in the normal appropriations for 1952 and thereafter.

6. The estimated costs, in 1951 and subsequent years, of implementing resolution 333 H (XI) of the Economic and Social Council are therefore these: 1951, no cost; 1952,

about \$11,000; 1953 and thereafter, about \$11,000 plus the provision in 1955 and every fifth year thereafter, of about \$5,000 for printing the proceedings of the quinquennial congress.

7. To sum up, the total additional cost growing out of the plan of integration recommended by the Council would average approximately \$12,000 a year, beginning in 1952.

DOCUMENT A/C.2&3/L.30-A/C.5/L.70

Canada: amendment to the revised Australian draft resolution incorporating the revised amendments of Mexico, the Netherlands, and the United States of America (A/C.2&3/L.23/Rev.1-A/C.5/L.56/Rev.1)

[Original text: English]
[4 November 1950]

Amend the second operative paragraph of the text contained in document A/C.2&3/L.23/Rev.1-A/C.5/L.56/Rev.1 as follows:

“Requests the Economic and Social Council and the specialized agencies, when new projects are considered for adoption or current projects are considered for expansion, to review their existing programmes and to indicate to what extent current projects may be

deferred, modified, or eliminated in order to ensure:

“(a) That the activities from well integrated programmes are comprised of high priority projects, and

“(b) That the financial and personnel resources likely to be available for the economic and social work of the United Nations and the specialized agencies may be utilized most effectively.”

DOCUMENT A/C.5/383/Rev.1

Financial implications of two draft resolutions on item 12 proposed by the Third Committee: note by the Secretary-General

[Original text: English]
[24 October 1950]

At its 277th and 278th meetings on 3 and 6 October 1950, the Third Committee recommended (A/1440) that the General Assembly invite the Economic and Social Council to reconsider its resolution 336 (XI) with a view to including in its Calendar of Conferences for 1951 a session of the Sub-Commission on Freedom of Information and of the Press, as well as a session of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities. The following statement of the budgetary consequences of these proposals is submitted to the Fifth Committee for its consideration, in accordance with rule 152 of the rules of procedure of the General Assembly.

1. In his budget estimates for 1951, the Secretary-General made provision of \$15,900 for one session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and of \$15,000 for one session of the Sub-Commission on Freedom of Information and of the Press (A/1267, section 3, chapters IV and V).²⁸

2. If the proposals of the Third Committee are approved by the General Assembly, the original budget provision for the two Sub-Commissions would be required, pending a final decision by the Economic and Social Council.

3. The Secretary-General wishes to point out that, should the Commission on Human Rights meet in Geneva, he would consider it appropriate that the meetings of both Sub-Commissions should also be held at the same place following the session of the Commission on Human Rights. The staff sent from Headquarters to service this Commission could also furnish services to the Sub-Commissions. The Secretary-General expects that the costs involved could be met within the total provided for in the budget estimates.

The Fifth Committee is informed that the Secretary-General will submit a revised estimate on all of section 3 (the Economic and Social Council, commissions and committees), after the Economic and Social Council during its current session has acted upon the question of place of meeting for its own twelfth session, as well as upon the present proposal of the Third Committee, should this proposal be referred to it.

²⁸ *Ibid.*

DOCUMENT A/1625

Report of the Second Committee

[Original text: English]
[5 December 1950]

1. The General Assembly, at its 284th meeting held on 26 September 1950 decided to place on the agenda of its fifth session the item " Report of the Economic and Social Council " ²⁹ and, at its 285th meeting held on the same day, decided to allocate to the Second Committee for consideration and report chapters II, III and IV of that report.

2. The Second Committee considered the item during its 144th meeting.³⁰

3. No proposals were submitted to the Committee under this item, in view of the fact that the Committee had discussed the major problems covered by chapters II, III and IV of the Council's report under other agenda items³¹ allocated to it by the General Assembly (A/1524 and A/1513).

²⁹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3*.

³⁰ *Ibid.*, *Second Committee, 144th meeting*.

³¹ Agenda item 28 " Economic development of under-developed countries " and agenda item 65 " Assistance to Libya after achievement of independence ".

4. The Committee decided to recommend that the General Assembly take note of chapters II, III and IV of the report of the Economic and Social Council so that, on the basis of the present report and those of the other Committees concerned, the General Assembly could adopt an appropriate resolution.

5. In connexion with this action by the Committee, the representative of the Union of Soviet Socialist Republics stated that " the Economic and Social Council had no power to make decisions with the participation of a Kuomintang representative who does not represent China and also without the participation of representatives of four of the members of the Council, namely, the U.S.S.R., China, Poland and Czechoslovakia, and that such decisions taken in violation of the United Nations Charter are illegal. " He further stated that he was abstaining from the decision of the Committee to recommend to the General Assembly that it take note of the aforementioned chapters of the report of the Economic and Social Council. The representatives of the Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland and the Ukrainian Soviet Socialist Republic also indicated their abstentions.

DOCUMENT A/1440

Chapter V (section VI³² and section VII, part 2,³³) of the report of the Economic and Social Council: interim report of the Third Committee

[Original text: English]
[16 October 1950]

1. The General Assembly, on 26 September 1950, decided to refer to the Third Committee for consideration and report chapters V, VI and VII of the report of the Economic and Social Council.

2. The Third Committee, at an early stage in its discussion of these chapters of the report, considered the decisions taken by the Economic and Social Council at its eleventh session that no session of the two sub-commissions of the Commission on Human Rights should be scheduled for 1951.

3. With regard to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee had before it a draft resolution submitted by Haiti (A/C.3/L.45).

³² Section VI: " Prevention of discrimination and protection of minorities ".

³³ Section VII, part 2: " Freedom of information. Report of the Sub-Commission on Freedom of Information and of the Press ".

4. As regards the Sub-Commission on Freedom of Information and of the Press, a draft resolution was tabled by Egypt (A/C.3/L.47).

5. Following discussion, during which minor drafting changes were approved, at its 278th meeting, the Committee adopted the first of these draft resolutions by 28 votes to 10 with 9 abstentions. At its 277th meeting the Committee adopted the second draft resolution by 28 votes to 15 with 2 abstentions.

6. In view of the fact that the Economic and Social Council is meeting during the present session of the General Assembly, the Third Committee requests the Assembly to consider the desirability of expressing its opinion on the two draft resolutions submitted herewith and, should it adopt them, of informing the Council of its decision immediately in order to enable the necessary action to be taken. The Third Committee is therefore presenting an interim report on its consideration of chapter V of the report of the Economic and Social Council.

7. The Committee wishes to point out that the budget estimates for 1951 as submitted by the Secretary-General (A/1267) provide a sum of \$15,000 for a session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and a sum of \$15,900 for a session of the Sub-Commission on Freedom of Information and of the Press.

8. The Third Committee recommends to the General Assembly for adoption the following draft resolutions :

A

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (CHAPTER V, SECTION VI) : PROPOSAL FOR A SESSION IN 1951 OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

The General Assembly,

Considering the importance of the studies entrusted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and having regard to the fact that, in order to enable the Sub-Commission to continue those studies, the term of office of its members was extended by three years by a decision of the Commission on Human Rights dated 16 May 1949,

Considering, moreover, that the last meeting of the Sub-Commission was held in January 1950,

Resolves to invite the Economic and Social Council to reconsider its resolution 336 (XI) of 16 August 1950, with a view to including in its Calendar of Conferences for 1951 a session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

B

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL (CHAPTER V, SECTION VII, PART 2) : PROPOSAL FOR A SESSION IN 1951 OF THE SUB-COMMISSION ON FREEDOM OF INFORMATION AND OF THE PRESS

The General Assembly,

Considering it desirable that the Sub-Commission on Freedom of Information and of the Press should continue the study of the agenda items referred to it by the Economic and Social Council for consideration,

Resolves to invite the Economic and Social Council to reconsider its resolution 336 (XI) of 16 August 1950, with a view to including in its Calendar of Conferences for 1951 a session of the Sub-Commission on Freedom of Information and of the Press.

DOCUMENT A/1689

Chapters V, VI and VII of the report of the Economic and Social Council : report of the Third Committee

[Original text : English]
[12 December 1950]

1. The General Assembly, on 26 September 1950, decided to refer to the Third Committee for consideration and report chapters V, VI and VII of the report of the Economic and Social Council (A/1345). Parts of these chapters were also referred to the Committee under five separate items of the agenda of the fifth session, namely : (a) Draft First International Covenant on Human Rights and measures of implementation [63]; (b) Freedom of information [30]; (c) Advisory social welfare services [31]; (d) Long-range activities for children [64]; (e) Refugees and stateless persons [32]; Reports on each of these items have been submitted to the General Assembly (A/1559, A/1630, A/1436, A/1455 and A/1682).

2. At its 277th, 278th and 345th meetings the Third Committee considered those parts of the report of the Economic and Social Council which are not related to the above-mentioned items. An interim report (A/1440) concerning the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Sub-Commission on Freedom of Information and of the Press was presented to the General Assembly at its 314th plenary meeting.

3. At the 345th meeting of the Committee, the representative of Chile submitted a draft resolution

(A/C.3/L.153) suggesting that the General Assembly take note of chapters V, VI and VII of the report.

4. In connexion with the action to be taken by the Committee, the representative of the Union of Soviet Socialist Republics, explaining his abstention in the vote, stated that " the Economic and Social Council had no power to make decisions with the participation of a Kuomintang representative who does not represent China and also without the participation of representatives of four of the members of the Council, namely, U.S.S.R., China, Poland and Czechoslovakia ", and that " such decisions taken in violation of the United Nations Charter are illegal ". The representatives of the Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland and the Ukrainian Soviet Socialist Republic also indicated that they would abstain for the same reasons.

5. The representative of China stated that the remark of the representative of the U.S.S.R. was out of order. China was a Member of the United Nations and it was not for any single other Member of the Organization to judge whether or not the participation of the Chinese delegation in the work of the United Nations was legal. The representatives of Chile and Colombia

associated themselves with the Chinese representative's comments.

6. The Third Committee adopted the Chilean draft resolution (A/C.3/L.153) by 43 votes to none, with 5 abstentions.

7. The Third Committee therefore recommends to the General Assembly for adoption the following draft resolution, with the understanding that it would, in due course, be incorporated with similar draft resolu-

tions recommended by other Committees to which other chapters of the report of the Economic and Social Council had been referred, in order to form a single resolution taking note of the report as a whole :

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

The General Assembly

Takes note of chapters V, VI and VII of the report of the Economic and Social Council.

DOCUMENT A/1474

Financial implications of the draft resolutions proposed by the Third Committee (A/1440) on chapter V (section VI and section VII, part 2) of the report of the Economic and Social Council : eleventh report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[2 November 1950]

1. In accordance with a decision taken by the Fifth Committee at its 252nd meeting on 20 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/383/Rev.1) on the financial implications of the draft resolutions proposed by the Third Committee on the subject of the holding during 1951 of one session each of the Sub-Commission on Freedom of Information and of the Press and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (A/1440).

2. The Advisory Committee desires to draw particular attention to the fact that, at its eleventh session, when adopting the Calendar of Conferences for 1951, the Economic and Social Council decided that no session of either of the above Sub-Commissions should be scheduled for the year 1951 (resolution 336 (XI)). Attention is also called to the reasons which prompted this decision, as set forth in the relevant report submitted to the Council by the Interim Committee on Programme of Meetings (E/1834, par. 6) :

“ While in no way under-estimating the importance of the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Sub-Commission on Freedom of Information and of the Press, the Committee recommends to the Council that, in view of the peculiar administrative difficulties confronting the Secretariat in 1951, as stated in paragraph 2 of document E/1789⁸⁴ referred to above, and in order to allow sufficient time for the material to be received and prepared for transmission to the Sub-Commissions, the next sessions of these two Sub-Commissions be postponed until 1952... ”

3. In its second report of 1950 (A/1312, para. 52) the Advisory Committee recommended the total estimate for section 3 of the 1951 budget estimates for provisional approval as submitted by the Secretary-General, subject to appropriate adjustment in respect of sessions which might be eliminated or curtailed. This estimate, which was based on the assumption that sessions would be held at Headquarters, includes provisions in the amounts of \$15,900 and \$15,000 for one session each of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Sub-Commission on Freedom of Information and of the Press, respectively, and the Committee notes that the Secretary-General has proposed that both sessions, if approved, should be held at Geneva. The cost of servicing the Sub-Commissions would be met within the total budgetary provision for 1951.

4. Although the amount involved (\$30,900) is not substantial, the Advisory Committee draws the attention of the General Assembly to the fact that the proposed resolutions appear to contravene the spirit, if not the letter, of General Assembly resolution 310 (IV) of 24 November 1949 concerning the proliferation and overlapping of the programmes of the United Nations and of the specialized agencies. By that resolution the Economic and Social Council and other competent organs of the United Nations and the specialized agencies were requested to take all necessary steps to reduce the schedules of meetings and to eliminate the proliferation of activities.

5. The effect of the two draft resolutions, if adopted, would be that the Economic and Social Council, having taken appropriate action in these cases, partly at any rate in response to General Assembly resolution 310 (IV), would then be requested to review its action.

6. The Advisory Committee therefore suggests that the Fifth Committee may wish to consider the broader policy implications of the proposed resolutions. The

⁸⁴ See *Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 47.*

Committee also calls attention to the view expressed by the Secretary-General in the foreword to his budget estimates for 1951 that it would be in the interest of

the Organization as a whole if the number of sessions of commissions and committees were kept at the very minimum during 1951.

DOCUMENT A/1567 and A/1567/Corr.1

Chapters I, VIII (section II) and X of the report of the Economic and Social Council : the problem of the independence of Korea—plans for relief and rehabilitation of Korea : report of the Joint Second and Third Committee

[Original text : English]
[30 November 1950]

1. At its 285th plenary meeting held on 26 September 1950, the General Assembly decided to establish a Joint Second and Third Committee and to refer to it the following items of the agenda of the fifth regular session; item 12, " Report of the Economic and Social Council (chapters I, VIII, IX and X) " and item 29, " Co-ordination between the United Nations and the specialized agencies " (A/C.2&3/91). Chapter IX of the report of the Economic and Social Council and item 29 were considered in joint meetings with the Fifth Committee.

2. Chapters I, VIII and X of the report of the Economic and Social Council deal respectively with :

- (i) Constitutional and organizational matters;
- (ii) General questions, i.e. questions relating to both the economic and social fields;
- (iii) Non-governmental organizations.

3. Following upon the suggestion of the President of the General Assembly (A/C.2&3/91) that the chairmanship of the Joint Second and Third Committee should be decided upon by mutual arrangement between the Chairmen of the Second and Third Committees, it was agreed by the Chairmen concerned that the meetings of the Joint Committee would be presided over by the Chairman of the Second Committee, Mr. G. Gutiérrez (Cuba).

4. The Committee held its 45th, 46th, 47th,³⁵ 52nd, 53rd, 54th, 55th and 56th meetings on 4 and 5 October and 11, 13, 15, 20 and 25 November 1950 respectively.

5. At its 45th meeting, the Committee unanimously elected as Rapporteur Mrs. D. B. Sinclair (Canada).

6. With regard to the order of discussion, the Committee agreed with the suggestions of the Chairman (A/C.2&3/L.15). Accordingly, discussion of section I of chapter VIII of the Council's report, dealing with " Assistance for the civil population of Korea ", was deferred in view of the fact that the question of Korea was then under consideration in the First Committee. At the request of the General Assembly at its 296th plenary meeting, the Joint Second and Third Committee considered separately the following question : " Problem of the independence of Korea : plans for relief and rehabilitation of Korea ", on the basis of the draft

resolution submitted by the Economic and Social Council (A/1493, Appendix)³⁶ in pursuance of the General Assembly resolution of 7 November (A/1435). The discussion of this question in the Joint Committee is contained in part II of the present report. The Committee decided to give no separate consideration to section 3 of chapter X, which deals with " Draft rules for the calling of non-governmental conferences ", in view of the fact that this subject formed a separate item on the agenda of the General Assembly and had been allocated to the Sixth Committee. The Committee began with a general discussion held concurrently on chapter I, chapter VIII (section II) and chapter X, followed by consideration of proposals which were submitted on the question of the review of the organization and operation of the Council and its commissions (part I below). It then considered the " problem of the independence of Korea : plans for relief and rehabilitation of Korea " (part II below).

PART I

CHAPTERS I, VIII (SECTION II) AND X OF THE REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

7. In the general debate, members dealt principally with the question of the organization of the work of the Council and its commissions. The relationship of non-governmental organizations with the Council was also discussed.³⁷

8. The Committee heard Mr. Santa Cruz, President of the Economic and Social Council, who made a comprehensive statement³⁸ on the activities of the Council in the economic, social and co-ordination fields and drew attention to the fact that the Council had established, at its eleventh session, an *ad hoc* committee to examine in detail the present organization and operation of the Council and its commissions. Mr. Santa Cruz expressed the hope that members of the Joint Committee would make their views known on this question.

9. With respect to the organization of the work of the Council and its commissions, several members of

³⁵ The 48th, 49th, 50th and 51st meetings were held jointly with the Fifth Committee.

³⁶ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 1 A, Resolutions, No. 338 (XI)*.

³⁷ See *Official Records of the General Assembly, Fifth Session, Joint Second and Third Committee, 45th, 46th, 47th and 52nd meetings*.

³⁸ *Ibid.*, 45th meetings.

the Committee, while paying tribute to the achievements of the Council, voiced the opinion that there was, however, an imperative need for the United Nations and the specialized agencies to review their economic and social activities. They felt that the General Assembly itself should lay down a policy which would permit the establishment of an order of priorities for economic and social projects and a distinction between the tasks to be undertaken immediately and those which were not of pressing importance. In their opinion, stabilization or reallocation of budgets for the economic and social activities of the United Nations and of the specialized agencies would greatly facilitate the determination of priorities and result in substantial economies.

10. On the other hand, several representatives, although they were in favour of any measures which would eliminate proliferation of separate organizations with overlapping functions, expressed concern about any scheme which, for reasons of economy, might curtail the vital functions of the Council. Some members felt that the importance of the tasks of the Council justified the United Nations spending the bulk of its income on economic and social matters.

11. On the subject of constitutional and organizational questions, various representatives expressed their opinion on questions relating to membership of the Council, the importance of the principle of geographical distribution in the membership of commissions, the possible rearrangement of the sessions of the Council, the advisability of maintaining certain functional commissions and sub-commissions of the Council.

12. As regards the relationship of the Council with the non-governmental organizations, resolution 288 (X) of the Council on the review of consultative arrangements with non-governmental organizations was generally praised as improving the efficiency of the machinery for consultation. Several representatives, however, strongly objected to this modified statute, and, in particular, to the provisions relating to the new procedure to be followed by non-governmental organizations in category A in submitting their proposals for the inclusion of items in the provisional agenda of the Council.

13. In the course of the general debate, the representative of the Union of Soviet Socialist Republics asked to have his statement recorded that the Economic and Social Council had no power to take decisions with the participation of a Kuomintang representative who did not represent China and also without the participation of representatives of four of the members of the Council, namely the U.S.S.R., China, Poland and Czechoslovakia and that such decisions taken in violation of the United Nations Charter were illegal.

Draft resolutions on the review of the organization and operation of the Council and its commissions

14. At the conclusion of the general debate, the Committee proceeded to a discussion³⁹ of the following draft resolutions and amendments thereto :

(i) Draft resolution submitted by Brazil, Chile, Cuba, India, Mexico, Lebanon and Yugoslavia (A/C.2&3/L.16) ;

(ii) Draft resolution submitted by Egypt (A/C.2&3/L.17 and A/C.2&3/L.17/Add.1) ;

(iii) Draft resolution submitted by Argentina (A/C.2&3/L.18/Rev.3).

15. The joint draft resolution (A/C.2&3/L.16) called for the maintenance of the regional economic commissions, although recognizing that their organization and terms of reference might shortly have to be revised. In the course of the discussion, which generally indicated approval of the work of these commissions, some members doubted whether the General Assembly should express an opinion on their maintenance before it had received the report of the Economic and Social Council on the question. To do so would, in effect, be to predetermine the findings of the *Ad Hoc* Committee of the Economic and Social Council which was appointed to examine the organization and operation of the Council and its commissions. Some representatives expressed their agreement with the draft resolution, on the understanding that the work of the regional economic commissions would be co-ordinated with that of other inter-governmental bodies. One representative asked for a separate vote on each paragraph and another requested a roll-call vote on the second paragraph.

The first paragraph was approved unanimously.

The second paragraph was adopted by 31 votes to 4, with 8 abstentions.

The joint draft resolution as a whole was adopted by 32 votes to 3, with 7 abstentions (see draft resolution I, A, annexed to the present report).

16. The draft resolutions submitted by the representative of Egypt (A/C.2&3/L.17 and A/C.2&3/L.17/Add.1) and the representative of Argentina (A/C.2&3/L.18/Rev.3) were discussed together. The Egyptian proposal was designed to recommend to the Council to draw the attention of its *Ad Hoc* Committee, appointed to review the organization and operation of the Council and its commissions, to the necessity of taking into consideration General Assembly resolution 207 (III) concerning the distribution of membership in subsidiary organs of the Council; to draw the attention of Members of the United Nations to the necessity of implementing General Assembly resolution 208 (III) concerning the participation of Member States in the work of the Economic and Social Council; and to request the Secretary-General to submit a report to the General Assembly on the proposals communicated by Member States in pursuance of General Assembly resolution 208 (III). The purpose of the Argentine draft resolution was to suggest to the *Ad Hoc* Committee of the Council that it was desirable that the largest number of Member States compatible with efficiency should be enabled to participate in the organization and work of the Council and its subordinate bodies. One representative requested that the first paragraph of the operative part of the Egyptian proposal should be voted upon separately.

The first paragraph of the operative part of the Egyptian draft resolution was approved by 24 votes to 5, with 11 abstentions.

³⁹ *Ibid.*, 52nd and 55th meetings.

The draft resolution as a whole (A/C.2&3/L.17 and A/C.2&3/L.17/Add.1) was adopted by 33 votes to 2, with 9 abstentions (see draft resolution I, B, annexed to the present report).

The Argentine draft resolution was adopted by 33 votes to none with 9 abstentions (see draft resolution I, C, annexed to the present report).

17. Following the practice of previous sessions, the Committee decided to recommend to the General Assembly that it should take note of chapters I, VIII and X of the report of the Economic and Social Council (A/1345), on the understanding that this recommendation would in due course be incorporated with similar recommendations by other Committees to which parts of the report had been referred, so that the General Assembly could adopt a single resolution "taking note" of the report as a whole. (Section I of chapter VIII was included in this recommendation after the Joint Committee had completed its action on the draft resolution of the Economic and Social Council on the "problem of independence of Korea: plans for relief and rehabilitation of Korea" (A/1493, Appendix).)

PART II

THE PROBLEM OF THE INDEPENDENCE OF KOREA : PLANS FOR RELIEF AND REHABILITATION OF KOREA

18. The General Assembly, at its 294th meeting held on 7 October 1950, decided to refer paragraph 3 of its resolution relating to the problem of the independence of Korea to the Economic and Social Council with a request that it report within three weeks on plans for relief and rehabilitation of Korea upon the termination of hostilities. By a decision taken at its 296th plenary meeting, the General Assembly decided to extend the time for the submission of the Council's report to 10 November 1950 and, at the same time, decided that it should be referred to the Joint Second and Third Committee.

19. The Economic and Social Council completed consideration of the question on 7 November 1950.

20. The Joint Second and Third Committee considered the draft resolution submitted by the Council (A/1493, Appendix), which referred to the report of the Temporary Committee on a Provisional Programme for Relief and Rehabilitation Needs of Korea (E/1864), at its 52nd, 53rd, 54th and 56th meetings on 11, 13, 15 and 25 November 1950. The Joint Second and Third Committee agreed that the Fifth Committee should be requested to advise it regarding the financial arrangements for the programme as a whole, including the provisions of paragraph 7 of the draft resolution submitted by the Economic and Social Council. The Joint Committee also agreed to proceed with the general debate but to defer voting on the draft resolution and the amendments thereto pending consideration of the financial arrangements by the Fifth Committee.

21. In accordance with this decision, the Fifth Committee considered the question of financial arrangements

for the proposed relief programme at its 268th meeting held on 21 November 1950. Its recommendations were transmitted to the Joint Second and Third Committee by the President of the General Assembly on 22 November 1950 (A/C.2&3/95).

22. The Joint Second and Third Committee had before it the following documents :

A/1435 : Resolution adopted by the General Assembly at its 294th plenary meeting on 7 October 1950;

A/1493 : Letter dated 8 November 1950 from the President of the Economic and Social Council to the President of the General Assembly transmitting the draft resolution of the Council;

A/C.2&3/95 : Letter dated 22 November 1950 from the President of the General Assembly transmitting a letter from Chairman of the Fifth Committee on financial arrangements;

A/C.2&3/L.32 and Rev.2 : Chile : amendment to the draft resolution proposed by the Economic and Social Council concerning plans for the relief and rehabilitation of Korea (A/1493);

A/C.2&3/L.32/Rev.4 : Chile, United States of America and Uruguay : revised draft of Chilean amendment (A/C.2&3/L.32/Rev.2);

A/C.2&3/L.34 : Uruguay : draft amendment to the resolution contained in A/1493;

A/C.2&3/L.35 : United States of America : draft amendment to the resolution contained in A/1493;

A/C.2&3/L.36 : Australia : amendment to the amendment proposed by Chile, the United States of America and Uruguay (A/C.2&3/L.32/Rev.4);

A/C.2&3/L.38 : Amendment to the draft resolution submitted by the Economic and Social Council (A/1493) proposed by the Secretary-General;

E/1864 : Report by the Temporary Committee on Provisional Programme for the Relief and Rehabilitation Needs of Korea.

23. The draft resolution submitted by the Economic and Social Council relating to (i) the establishment of the United Nations Korean Reconstruction Agency for the Relief and Rehabilitation of Korea and (ii) general policy on Korean relief and rehabilitation, formed the basis for the discussion (A/1493, Appendix). In the course of the general debate, several representatives expressed their appreciation of the work accomplished by the Council, and stressed the urgency of the task of the United Nations in developing and carrying out plans for the relief and rehabilitation of Korea. It was pointed out in this connexion that it was not easy to separate the political and military aspects of the situation from its economic and social aspects.

24. Some representatives expressed their concern with regard to the legal and constitutional relationship between all the various authorities in Korea and feared the possibility of confusion as to the respective spheres of competence of the United Nations Korean Reconstruction Agency and the United Nations Commission for the Unification and the Rehabilitation of Korea. They also specifically asked for a clear definition of the

functions and powers of the Agent General and for clarification of his relationship with the proposed advisory committee (see paragraph 6 of draft resolution II, A, annexed to the present report). On the other hand it was argued that the draft resolution provided for an adequate distribution of authority between the political organs of the United Nations represented by the United Nations Commission for the Unification and Rehabilitation of Korea, the financial and advisory bodies meeting at Headquarters, and the administrative, technical and executive organization directed by the Agent General. Some representatives feared that paragraphs 9 and 10 would give the Agent General dictatorial powers and permit foreigners to interfere in Korea's domestic affairs.

25. The representative of the Union of Soviet Socialist Republics proposed the deletion of paragraphs 3 and 4 of the preamble of the draft resolution as infusing political considerations into an economic and social question. Other representatives, in reply, reiterated their arguments in support of decisions of the Security Council relating to Korea and of the General Assembly resolution of 7 October 1950. The proposal of the representative of the U.S.S.R. was rejected by 31 votes to 5, with 5 abstentions.

26. The representative of Chile proposed an amendment to the draft resolution designed to clarify the relations between the United Nations Commission for the Unification and Rehabilitation of Korea and the Agent General (A/C.2&3/L.32 and subsequent revisions 1 and 2). In the debate that followed, a general feeling was expressed that the Agent General should have wider executive powers than those envisaged in the Chilean amendment. In view of this, the representative of Chile withdrew his proposal and subsequently a joint text was submitted by Chile, the United States of America and Uruguay (A/C.2&3/L.32/Rev.4). This text, with an additional clause proposed by Australia (A/C.2&3/L.36), was adopted by the Committee by 35 votes to none, with 7 abstentions.

27. The representative of Uruguay submitted five amendments (A/C.2&3/L.34) to the draft resolution, but withdrew three of them (1, 2 and 5) following the adoption of the joint amendment of Chile, the United States of America and Uruguay (A/C.2&3/L.32/Rev.4). The two other amendments (3 and 4 in A/C.2&3/L.34), which dealt with financial procedures and budgetary techniques, were adopted by the Committee, one as amended by Chile by 34 votes to none, with 7 abstentions, and the other as amended by Canada by 33 votes to none, with 5 abstentions.

28. The Secretary-General proposed a reworded text (A/C.2&3/L.38) of paragraph 9 of part B of the draft resolution dealing with the proceeds from the sale of relief and rehabilitation supplies. During the ensuing discussion the representative of the United States withdrew amendments which he had proposed (A/C.2&3/L.35) to the above paragraph. The text, as proposed by the Secretary-General and amended in two respects by Australia and Chile, was adopted by 37 votes to none, with 5 abstentions.

29. The representative of Mexico drew attention to the distinction between the relief and the rehabilitation supplies and proposed an amendment designed to safeguard free distribution of relief supplies. After discussion, the Mexican text as proposed orally, and amended by Chile, was adopted by 37 votes to none, with 5 abstentions, and was placed at the end of paragraph 8 of part B of the resolution.

30. The representative of the United States proposed orally an additional paragraph to invite non-member countries to participate in financing the programme of relief and rehabilitation in Korea. It was accepted by the Committee as paragraph 15 of part A of the resolution.

31. The representative of the Union of Soviet Socialist Republics in explanation of his abstention in the final vote, stated that his delegation, although in favour of the principle of relief and rehabilitation in Korea, could not vote for the draft resolution in view of certain unacceptable provisions contained in it.

32. The draft resolution was adopted by 35 votes to none, with 5 abstentions (see draft resolution II, A, annexed to the present report).

Financial arrangements

33. As regards the financial arrangements, the draft resolution of the Economic and Social Council recommended that the General Assembly should examine the estimates referred to in the report of the Council's Temporary Committee on Provisional Programme for Relief and Rehabilitation Needs of Korea (E/1864) in the light of the development of the military situation in Korea. It also recommended that the methods of financing the proposed programme should be determined by the General Assembly itself. Paragraphs 17 to 22 of the report of the Council's Temporary Committee summarize the conclusions arrived at by the Committee on 1 November 1950 and presented to the Economic and Social Council on 6 November 1950. The paragraphs read as follows :

" 17. The estimates of requirements submitted by the representative of the United States and by the representative of the Secretary-General, for the period ending 31 December 1951, are of approximately the same order of magnitude, when account is taken of the supplies required before the end of 1950. Since these estimates have been prepared by competent authorities of the Unified Command working in close co-operation with representatives of the Government of the Republic of Korea and the ECA in Korea, they constitute the best available estimates of requirements at this moment. However, the Committee has not itself been in a position to examine the assumptions and detailed data on which these estimates are based.

" 18. It should be noted that the estimate of 364 million dollars for the period 25 June 1950 to 31 December 1951 includes not only what is being supplied currently by the Unified Command but also what is being received from Member States, specialized

agencies and non-governmental organizations under procedures established jointly by the Unified Command and the Secretary-General. The Unified Command has been unable to give the Committee precise information on the total amount or cost of goods and services supplied for civilian relief and rehabilitation in Korea to date. However, it is thought that the cost will be about 100 million dollars by 1 January 1951.

“ 19. Consideration of the scale of the programme required, and of the period to which it should relate, is complicated by the fact that certain elements in the situation must inevitably be largely unknown at the present time, such as the period in which military operations will still be necessary, the extent of war damage in the North of Korea, the magnitude of the recovery effort of which the Korean people themselves will be capable, including the level of Korean exports as well as production out of Korean resources for home consumption and reconstruction, and the contributions that Member States will be able to provide in response to the emergency requests received from the Unified Command as well as for the programme to be administered by the Agent General to be appointed by the United Nations.

“ 20. In the opinion of the Committee it is not possible at this time to estimate with any degree of accuracy how much of the programme could, in fact, be implemented by 31 December 1951, including the commitment of funds for expenditure on contracts to be completed after that date. A satisfactory estimate will only become possible after the Agent General has set up his organization and proceeded with the necessary surveys.

“ 21. The Committee therefore considers, on the basis of the figures submitted to it, that a programme costing approximately 250 million dollars will be required for a period beginning 1 January 1951 and extending at least into the earlier part of 1952. The Committee recognizes, however, that a final decision on the programme to be financed by the United Nations and the period for which it should apply can only be taken in the light of information as to the amount of contributions which Member States will be able to make in relation to that period. Whatever programme and period are adopted by the General Assembly during its present session, the Committee believes that it will be necessary for the General Assembly, at its sixth session, to re-consider the total programme and to define the period which it should cover.

“ 22. In approving the programme, the General Assembly should also determine what account should be taken of goods or services furnished, or funds contributed prior to 1 January 1951, either by the Unified Command or Member States, under procedures established by the Secretary-General and the Unified Command, for the purpose of meeting requirements in Korea for relief and rehabilitation.”

34. The Fifth Committee, at its 268th meeting, had before it the draft resolution submitted by the Economic and Social Council (A/1493), including the request for advice on financial arrangements together with the

Eighteenth Report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1526), to which the request of the Joint Committee was referred for examination and report.

35. The Fifth Committee recommended for inclusion in the draft resolution submitted by the Economic and Social Council paragraphs relating to the financing of the programme, and providing for the establishment of a negotiating committee. It was understood that this committee would be composed of seven or more members appointed by the President of the General Assembly for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments might be willing to contribute on a voluntary basis towards both the proposed relief and rehabilitation programme in Korea and the current and future relief and re-integration programme for Palestine refugees. The President of the General Assembly transmitted the recommendations of the Fifth Committee, contained in the letter addressed to him by the Chairman of the Fifth Committee, to the Chairman of the Joint Second and Third Committee (A/C.2&3/95).

36. The Joint Committee adopted the recommendations of the Fifth Committee, as contained in A/C.2&3/95 by 35 votes to none, with 7 abstentions (see draft resolution II, B, annexed to the present report).

37. The representatives of Argentina and Chile considered that the negotiating committee would conduct preliminary consultations with governments and that tentative proposals made in the course of such consultations would not represent final financial commitments. The final commitments in the field of contributions would be made only after the negotiating committee had completed its preliminary work.

38. The representative of Mexico asked that the Secretary-General should prepare a document showing the estimated figures for relief and the figures for rehabilitation in the first year of the programme. Some other members supported this request.

39. The representative of the Union of Soviet Socialist Republics expressed the opinion that the contributions of each country should be voluntary and that the arrangements agreed upon should be such as to enable them to be made in national currencies for the purchase of goods or services required in Korea for the purposes of the relief and rehabilitation programmes.

As a result of the discussions, the Joint Second and Third Committee recommends to the General Assembly the adoption of the following draft resolutions.

I

ORGANIZATION AND OPERATION OF THE WORK OF THE ECONOMIC AND SOCIAL COUNCIL AND ITS COMMISSIONS

DRAFT RESOLUTION A

The General Assembly

1. *Takes note* with satisfaction of the Economic and Social Council's decision to undertake in the near future

a complete review of its organization and operation and that of its commissions;

2. *Expresses* the opinion that the regional economic commissions should be maintained, although their organization and terms of reference may have to be revised in the light of the experience acquired since their establishment.

DRAFT RESOLUTION B

The General Assembly,

Considering resolutions 207 (III) and 208 (III) of the General Assembly of 18 November 1948,

Taking note of resolution 295 (XI) adopted by the Economic and Social Council on 16 August 1950,

1. *Recommends* the Economic and Social Council to draw the attention of the Committee appointed in pursuance of its resolution 295 (XI) to the necessity of taking into consideration General Assembly resolution 207 (III) concerning the distribution of membership in subsidiary organs of the Economic and Social Council;

2. *Draws the attention* of Members of the United Nations to the necessity of implementing as soon as possible General Assembly resolution 208 (III) concerning the participation of Member States in the work of the Economic and Social Council;

3. *Invites* the Secretary-General to give consideration to the proposals which will be communicated to him by Member States in pursuance of General Assembly resolution 208 (III), and to submit a report on this subject to the General Assembly.

DRAFT RESOLUTION C

The General Assembly,

Considering the desirability of laying down guiding principles for the Committee appointed to review the organization and operation of the Economic and Social Council and its commissions,

Bearing in mind General Assembly resolution 208 (III),

Suggests to the Committee that it is desirable that the largest number of Member States compatible with efficiency should be enabled to participate in the organization and work of the Economic and Social Council and its subordinate bodies.

II

DRAFT RESOLUTION A

RELIEF AND REHABILITATION OF KOREA

The General Assembly,

Having regard to its resolution of 7 October 1950 on the problem of the independence of Korea,

Having received and considered a report of the Economic and Social Council submitted in accordance with that resolution,

Mindful that the aggression by North Korean forces and their warfare against the United Nations seeking to restore peace in the area has resulted in great devastation and destruction which the Korean people cannot themselves repair,

Recognizing that as a result of such aggression the people of Korea are desperately in need of relief supplies and materials and help in reconstructing their economy,

Deeply moved by the sufferings of the Korean people and determined to assist in their alleviation,

Convinced that the creation of a United Nations programme of relief and rehabilitation for Korea is necessary both to the maintenance of lasting peace in the area and to the establishment of the economic foundations for the building of a unified and independent nation,

Considering that, under the said resolution of 7 October 1950, the Commission for the Unification and Rehabilitation of Korea is the principal representative of the United Nations in Korea and hence must share in the responsibility for the work undertaken by the United Nations in furtherance of the objects and purposes mentioned in the said resolution,

Considering that it is nevertheless desirable to set up a special authority with broad powers to plan and supervise rehabilitation and relief and to assume such functions and responsibilities related to planning and supervision, to technical and administrative matters, and to questions affecting organization and implementation as are to be exercised under the plans for relief and rehabilitation approved by the General Assembly, such authority to carry out its responsibilities in close co-operation with the Commission,

A

Establishment of the United Nations Korean Reconstruction Agency for the Relief and Rehabilitation of Korea

1. *Establishes* the United Nations Korean Reconstruction Agency (UNKRA) under the direction of a United Nations Agent General, who shall be assisted by one or more deputies. The Agent General shall be responsible to the General Assembly for the conduct (in accordance with the policies established by the General Assembly, and having regard to such general policy recommendations as the United Nations Commission for the Unification and Rehabilitation of Korea may make) of the programme of relief and rehabilitation in Korea, as that programme may be determined from time to time by the General Assembly;

2. *Authorizes* the United Nations Commission for the Unification and Rehabilitation of Korea :

(a) To recommend to the Agent General such policies concerning the Korean Reconstruction Agency's programme and activities as the Commission may consider necessary for the effective discharge of the Commission's responsibilities in relation to the establishment of a unified, independent and democratic government in Korea;

(b) To determine, after consultation with the Agent General, the geographical areas within which the Agency shall operate at any time;

(c) To designate authorities in Korea with which the Agent General may establish relationships; and to advise the Agent General on the nature of such relationships;

(d) To take such steps as may be needed to support the Agent General in fulfilling his task in accordance with the policies established by the General Assembly for relief and rehabilitation;

(e) To consider the reports of the Agent General to the General Assembly and to transmit any comments thereon to the Economic and Social Council and the General Assembly;

(f) To call for information on those aspects of the work of the Agent General which the Commission may consider necessary for the proper performance of its work;

3. *Authorizes* the Commission to consult from time to time with the Agent General in regard to the provisional programme adopted by the General Assembly on the recommendation of the Economic and Social Council and especially with regard to the adequacy of that programme to meet the needs of Korea as defined in the statement of general policy, and to make recommendations thereon to the Economic and Social Council;

4. *Directs* the Agent General :

(a) To co-ordinate his programme with measures taken by the United Nations Commission for the Unification and Rehabilitation of Korea to carry out the recommendations of the General Assembly relating to the establishment of a unified, independent and democratic government in Korea, and to support the Commission in fulfilling this task;

(b) To commence the operation of the programme in Korea at such time as may be agreed upon by the United Nations Unified Command, the United Nations Commission for the Unification and Rehabilitation of Korea and the Agent General;

(c) To consult with and generally be guided by the advice of the United Nations Commission for the Unification and Rehabilitation of Korea on the matters set forth under paragraph 2 (a) and be governed by its advice on the matters covered in paragraphs 2 (b) and 2 (c);

5. *Further directs* the Agent General, in the carrying out of his functions :

(a) To ascertain, after consultation with the designated authorities in Korea, the requirements for supplies and services for relief and rehabilitation made necessary by the consequences of armed conflict in Korea;

(b) To provide for the procurement and shipment of supplies and services and for their effective distribution and utilization within Korea;

(c) To consult with and assist the appropriate authorities in Korea with respect to measures necessary for the rehabilitation of the Korean economy and the effective distribution and utilization within Korea of supplies and services furnished;

(d) To submit reports to the General Assembly through the Secretary-General, transmitting copies simultaneously to the United Nations Commission for the Unification and Rehabilitation of Korea, and to the Economic and Social Council;

(e) To be guided in matters of administration, to the extent consistent with the special requirements of the programme, by the rules and regulations established for the operation of the Secretariat of the United Nations;

Specifically he shall :

(1) Select and appoint his staff in accordance with general arrangements made in agreement with the Secretary-General, including such of the staff rules and regulations of the United Nations as the Agent General and the Secretary-General shall agree are applicable;

(2) Utilize, wherever appropriate, and within budgetary limitations, the existing facilities of the United Nations;

(3) Establish, in consultation with the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, and in agreement with the Advisory Committee established under paragraph 6 below, financial regulations for the United Nations Korean Reconstruction Agency;

(4) Arrange, in consultation with the Advisory Committee on Administrative and Budgetary Questions, for the rendering and audit of the accounts of the Agency under procedures similar to those applicable to the rendering and audit of the accounts of the United Nations;

6. *Establishes* an Advisory Committee consisting of representatives of... (five Member States) to advise the Agent General with regard to major financial, procurement, distribution and other economic problems pertaining to his planning and operations. The Committee shall meet on the call of the Agent General but not less than four times a year. The meetings of the Committee shall be held at the Headquarters of the United Nations except in special circumstances, when the Committee, after consultation with the Agent General, may meet elsewhere if it deems that this would be essential to the proper performance of its work. The Committee shall determine its own methods of work and rules of procedure;

7. *Requests* the Secretary-General, after consulting the United Nations Commission for the Unification and Rehabilitation of Korea and the Advisory Committee to appoint the United Nations Agent General for Korean Reconstruction, and authorizes the Agent General to appoint one or more Deputy Agents General in consultation with the Secretary-General;

8. *Authorizes* the Secretary-General to establish a special account to which should be credited all contributions in cash, kind or services, the resources credited to the account to be used exclusively for the programme of relief and rehabilitation and administrative expenses connected therewith; and directs the Secretary-General to make cash withdrawals from the account upon request of the Agent General. The Agent General is authorized to use contributions in kind or services at his discretion;

9. *Recommends* that the Agent General in carrying out his functions :

(a) Make use at his discretion, of facilities, services and personnel that may be available to him through existing national and international agencies and organizations both governmental and non-governmental;

(b) Consult with the Secretary-General and the heads of the specialized agencies before appointing his principal subordinate personnel in their respective fields of competence;

(c) Make use of the advice and technical assistance of the United Nations and the specialized agencies and, where appropriate request them to undertake specific projects and special tasks either at their own expense or with funds made available by the Agent General;

(d) Maintain close contact with the Secretary-General for the purpose of ensuring fullest co-ordination of efforts of the organs of the United Nations and the specialized agencies in support of the programme;

10. *Authorizes* the Agent General to enter into agreements with such authorities in Korea as the United Nations Commission for the Unification and Rehabilitation of Korea may designate, containing terms and conditions governing measures affecting the distribution and utilization in Korea of the supplies and service furnished, in accordance with the statement of general policy on Korean relief and rehabilitation contained in section B of the present resolution;

11. *Requests* the Secretary-General to make available to the maximum extent possible, and subject to appropriate financial arrangements, such facilities, advice and services as the Agent General may request;

12. *Requests* the specialized agencies and non-governmental organizations to make available to the maximum extent possible, and subject to appropriate financial arrangements, such facilities, advice and services as the Agent General may request;

13. *Requests* the Economic and Social Council to review the reports of the Agent General and any comments which the United Nations Commission for the Unification and Rehabilitation of Korea may submit thereon, and such other data as may be available on the progress of relief and rehabilitation in Korea and to make appropriate reports and recommendations thereon to the General Assembly;

14. *Calls upon* all governments, specialized agencies and non-governmental organizations, pending the beginning of operations by the United Nations Korean Reconstruction Agency, to continue to furnish through the Secretary-General such assistance for the Korean people as may be requested by the Unified Command;

15. *Invites* countries not members of the United Nations to participate in financing the programme of relief and rehabilitation in Korea.

B

Statement of general policy on relief and rehabilitation in Korea

Approves the following statement of general policy :

1. The United Nations programme of relief and rehabilitation in Korea is necessary to the restoration of peace and the establishment of a unified, independent and democratic government in Korea.

2. To this end, it is the objective of the United Nations to provide, subject to the limit of the resources placed at its disposal for this purpose, relief and rehabilitation supplies, transport and services, to assist the Korean people to relieve the sufferings and to repair the devastation caused by aggression, and to lay the necessary economic foundations for the political unification and independence of the country.

3. The United Nations programme of relief and rehabilitation for Korea shall be carried out in practice in such a way as to contribute to the rapid restoration of the country's economy in conformity with the national interests of the Korean people, having in view the strengthening of the economic and political independence of Korea and having in view that, in accordance with the general principles of the United Nations, such assistance must not serve as a means for foreign economic and political interference in the internal affairs of Korea and must not be accompanied by any conditions of a political nature.

4. The United Nations programme is to be a supplement to the general recovery effort that will be undertaken by the Korean people on their own initiative and responsibility, through the most effective utilization of their own resources as well as of the aid which is rendered under the programme.

5. Whilst the programme should be consistent with the pattern of long-term economic development in Korea, it is itself necessarily limited to relief and rehabilitation, and contributions and supplies furnished under this programme shall be used exclusively for that purpose.

6. First priority shall be given to the provision of the basic necessities of food, clothing and shelter for the population of Korea and measures to prevent epidemics. Second highest priority shall be given to projects which will yield early results in the indigenous production of basic necessities; this will include the reconstruction of transport and power facilities. As the programme develops, emphasis should be shifted to the provision of other materials, supplies and equipment for the reconstruction or replacement of war-damaged facilities necessary to the economic life of the country.

7. The necessary measures shall be taken to ensure that distribution shall be so conducted that all classes of the population shall receive their equitable shares of essential commodities without discrimination as to race, creed or political belief.

8. Subject to adequate control, the distribution of supplies shall be carried out, as appropriate, through public and co-operative organizations, through non-profit-making voluntary organizations such as the Red Cross, and through normal channels of private trade. At the same time, measures shall be taken to ensure that the cost of distribution and the profit from the sale of supplies are kept to the minimum. Measures shall be taken to ensure that the special needs of refugees and other distressed groups of the population are met through appropriate public welfare programmes, and accordingly the sale of relief supplies will take place only in justifiable cases and under conditions agreed upon with the Commission for the Unification and Rehabilitation of Korea.

9. The local currency proceeds derived from the sale of relief and rehabilitation supplies or, at the discretion of the Agent General, an amount commensurate with the value of goods and services supplied, shall be paid into an account under the control of the Agent General. The Agent General, after consultation with the Commission for the Unification and Rehabilitation of Korea, and in agreement with the Advisory Committee referred to in paragraph 6 of Part A of this resolution, shall use these funds for appropriate additional relief and rehabilitation activities within Korea, for the local currency expenses of the relief and rehabilitation operations of the United Nations, or for measures to combat inflation. The proceeds shall not be used for any other purpose.

10. The necessary economic and financial measures shall be taken by the authorities in Korea to ensure that the resources provided under the United Nations programme, as well as Korean resources, are effectively employed to aid in laying the economic foundations of the country. Among these, special attention should be given to measures to combat inflation, to sound fiscal and monetary policies, to the requisite pricing, rationing and allocation controls (including the pricing of goods imported under the programme), to the prudent use of Korean foreign exchange resources together with promotion of exports, and to the efficient management of government enterprise.

11. Import taxes shall not be imposed on relief and rehabilitation supplies received under the United Nations programme.

12. The authorities in Korea should maintain such records and make such reports on the receipt, distribution and use of relief and rehabilitation supplies as may be determined by the Agent General after consultation with them.

13. All authorities in Korea shall freely permit the personnel of the United Nations to supervise the distribution of relief and rehabilitation supplies, including the examination of all storage and distribution facilities as well as records.

14. The personnel of the United Nations shall be accorded within Korea the privileges, immunities and facilities necessary for the fulfilment of their function.

15. All authorities in Korea and the Secretary-General shall use their best efforts to inform the people of Korea of the sources and purposes of the contributions of funds, supplies and services.

16. In determining Korea's needs for relief and rehabilitation, in drawing up programmes and plans, and in implementing such programmes and plans, the Agency created to administer the relief and rehabilitation programme should consult with and utilize, to the greatest extent feasible, the services of Korean authorities.

DRAFT RESOLUTION B

RELIEF AND REHABILITATION OF KOREA: FINANCIAL ARRANGEMENTS

The General Assembly

1. *Requests* the President to appoint a negotiating committee composed of seven or more members for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments may be willing to contribute towards the financing of the programme for the relief and rehabilitation of Korea;

2. *Authorizes* the Negotiating Committee to adopt procedures best suited to the accomplishment of its task, bearing in mind:

(a) The need for securing the maximum contribution in cash;

(b) The desirability of ensuring that any contribution in kind is of a nature which meets the requirements of the contemplated programmes; and,

(c) The degree of assistance which can be rendered by specialized agencies, non-member States and other contributors;

3. *Requests* that, as soon as the Negotiating Committee has ascertained the extent to which Member States are willing to make contributions, all delegations be notified accordingly by the Secretary-General in order that they may consult with their governments;

4. *Decides* that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall, at the Committee's request, arrange, during the current session of the General Assembly, an appropriate meeting of Member and non-member States at which Members may commit themselves to their national contributions and the contributions of non-members may be made known.

DOCUMENT A/1547

Co-ordination between the United Nations and the specialized agencies : report of the Joint Second and Third Committee and the Fifth Committee, meeting jointly

[Original text : English]
[23 November 1950]

1. At its 285th plenary meeting held on 26 September 1950, the General Assembly decided to refer the following items for consideration at joint meetings of the Joint Second and Third Committee and the Fifth Committee :

Item 12. Chapter IX of the Report of the Economic and Social Council : questions of co-ordination and relations with specialized agencies (A/1345).⁴⁰

Item 29. Co-ordination between the United Nations and the specialized agencies :

(a) Agreements between the United Nations and the specialized agencies : report of the Economic and Social Council (A/1345, paragraph 399);

(b) Concentration of effort and resources : report of the Economic and Social Council (A/1345, paragraphs 388-396, and a note by the Secretary-General, A/1395);

(c) Administrative budgets of the specialized agencies : report of the Advisory Committee on Administrative and Budgetary Questions (A/1441);

(d) Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General (A/1352).

2. Following the suggestion of the President of the General Assembly (A/C.2&3/91) that the chairmanship of the joint meetings should be decided upon by arrangement among the Chairmen of the Second, Third and Fifth Committees, it was agreed by the three Chairmen concerned that the joint meetings would be presided over by the Chairman of the Fifth Committee, the Maharaja Jam Saheb of Nawanagar (India).

3. The joint meetings were held on 23 and 25 October and 4 November 1950 (48th, 49th, 50th and 51st meetings of the Joint Second and Third Committee; and 253rd, 254th, 255th and 260th meetings of the Fifth Committee respectively).

4. At their first meeting, the Committees elected as Rapporteur Mrs. D. B. Sinclair (Canada), Rapporteur of the Joint Second and Third Committee.

5. With respect to the order of discussion, the Committees accepted the suggestion of the Chairman (A/C.2 & 3/L.19-A/C.5/L.52) that, in view of the fact that the items before the Committees represented aspects of co-ordination of the activities of the United Nations and the specialized agencies which were closely inter-connected and much of the documentation was common to all of them, there should first be a general discussion on co-ordination. This would be followed by consideration of any particular proposals raised in the course of the general debate, and of the particular questions on which formal action was necessary.

6. In the course of the general debate, satisfaction was expressed with the progress that had been made in co-ordinating the work of the international organizations and in promoting the concentration of effort and resources in accordance with resolution 310 (IV) adopted by the General Assembly at its fourth session. In regard to priorities, a subject which had received especial emphasis in that resolution, appreciation was expressed of the work accomplished by the Economic and Social Council. The Council, as a first practical step towards achieving the ends which the General Assembly had in mind, had suggested various criteria by which priorities might be established within a given field and had recommended that these criteria should be applied by all the bodies concerned. Some members, however, still felt it desirable that early consideration should be given to the question of priorities between particular fields of activity and the proportion of international resources allotted to the work of each of the international organizations.

7. It was generally considered that caution should be shown in embarking on new projects, and several representatives expressed concern at the continued expansion of agency budgets. They felt that an increasing number of members of agencies might be unable to meet their obligations and that, if the budgets became too large, some States might even have to withdraw from membership.

8. In the matter of administrative and budgetary co-ordination, considerable improvement had occurred since the fourth session of the General Assembly, though further development of uniform practices was urged. The use of common administrative services by agencies situated in the same area was advocated as a means of economizing both personnel and resources. The Committees were informed that the Administrative Committee on Co-ordination had already considered this and had arranged for a survey to be made.

9. The attention of the Committees was drawn to the increased resources available to the United Nations and to specialized agencies under the technical assistance plan. Since these funds were not incorporated in the regular budgets members commented favourably on the recommendation of the Advisory Committee on Administrative and Budgetary Questions that the agencies should be requested to include, as annexes to their annual reports, information on the manner in which these funds were being used.

10. With regard to the general problem of co-ordination, one member warned against attempts to seek solutions of a purely administrative or financial character. He felt that the aim should be to encourage all efforts that would promote the development of international action by ensuring not only the necessary co-ordination but also the maintenance of the drive essential

⁴⁰ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3.*

to the success of that action. Another member felt that a greater degree of independence should be given to the agencies in order to reduce to a minimum the exercise of authority over them by the United Nations for which there was no provision in the Charter.

11. Discussion indicated some doubt as to whether sufficient study was given by the Economic and Social Council to the reports of the specialized agencies.

12. Support was given to an appeal to governments to participate as fully as possible in the work of the specialized agencies.

13. Several members emphasized that really effective co-ordination could only be achieved if there was a greater degree of national co-ordination to ensure that policies advocated by the delegation of a member State in one organization would be followed by that member's delegation attending the meetings of other organizations.

14. At the conclusion of the general debate, the Committees proceeded to a detailed discussion of the draft resolutions before them and amendments thereto. These are described under headings as follows :

A. ADMINISTRATIVE BUDGETS OF THE SPECIALIZED AGENCIES

15. In reviewing administrative and budgetary co-ordination with the specialized agencies, the Committees considered the report of the Advisory Committee on Administrative and Budgetary Questions (A/1441) and the draft resolution contained therein. The Committees also had before them the report of the Secretary-General (A/1352) on the progress that had been made in co-ordination on administrative and financial questions.

16. The Committees noted that progress had been made in the implementation of resolution 311 A (IV) adopted by the General Assembly. The Joint Panel of Auditors had been established, the United Nations Joint Staff Pension Board was holding its first meeting, and the organizations had taken some steps to increase the proportion of their expenditures made in soft currencies. A model set of financial regulations had been developed by the Administrative Committee on Co-ordination, and there had been a co-ordinated approach by the organizations in respect of the proposed salary and allowances scheme and in the development of a common pattern of staff regulations.

17. On the other hand, several members noted that much remained to be done. The Committees' attention was drawn to the fact that at least one large agency had not yet adhered to the Joint System of Audit, and that several agencies had not found it possible to join the Joint Staff Pension scheme. The action which had so far been taken to give member States a degree of relief from contributions in hard currencies was still not as substantial as might be hoped, and it was suggested that further attention should be given to effecting contractual procurement and printing in soft-currency areas.

18. Attention was drawn to the provisions of General Assembly resolution 311 B (IV) making the services of

the United Nations Committee on Contributions available to the specialized agencies. This resolution had been adopted in the hope that such action would result in more uniformity in scales of assessments among the various organizations. It was noted that this service would be available to the World Meteorological Organization which would be adopting a scale of assessments at its first Congress to be held in 1951.

19. A further step towards achieving a greater degree of common services was suggested by an Australian and Canadian joint draft resolution (A/C.2&3/L.20-A/C.5/L.53) making available to the agencies the services of the United Nations Investments Committee (see section B).

20. One representative commended those agencies which, in accordance with General Assembly resolution 311 C (IV), had planned their expenditure on the basis of their probable receipts. He had noted that, in their reports, the Advisory Committee and the Secretary-General had pointed out that this meant the setting up of second budgets, but he believed that it had been an essential measure in the financial circumstances in which the agencies had found themselves. He felt that a more realistic method of assessing member States and collecting their contributions was the remedy for the budgetary difficulties of the agencies. It was somewhat unrealistic to assess countries which had formally declared that they were not members of an agency. Secondly, there was need for strict measures against defaulters. He drew the attention of the Committees to the fact that one agency had suspended the voting power of six of its members which had failed to discharge completely their financial obligations to the agency. Lastly, he stressed the need for economy in the budgets of the various international organizations.

21. Attention was drawn to the difficulties resulting from the fact that Member States did not receive the annual accounts and the related audit reports of the specialized agencies in sufficient time to allow careful consideration prior to the meeting of the Assembly or Conference.

22. Members suggested that it would be useful to have more information from the various organizations on the actual number of their staff and the distribution of their staff by grades.

23. The Committees expressed general support of the Advisory Committee's report and the draft resolution contained therein.

24. The representative of Canada, with a view to strengthening paragraph 1 of the draft resolution dealing with the stabilization of the budgets of the specialized agencies and emphasizing the desire of the Committees to avoid duplication of administrative expenses of the international organizations, proposed an amendment (A/C.2&3/L.24-A/C.5/L.57) to the draft resolution.

25. It was recognized that events in Korea had created additional demands on the United Nations and the specialized agencies which they would probably be unable to meet from their present resources. The representative of the United Kingdom therefore introduced an amend-

ment (A/C.2&3/L.22-A/C.5/L.55) urging that every effort should be made to meet these new demands by the deferment of less urgent projects. The Chairman of the Advisory Committee stated that he was in agreement with these amendments, which were adopted by the Committees.

26. The draft resolution as amended was adopted unanimously. The text presented to the General Assembly for adoption is attached as draft resolution A.

B. INVESTMENTS COMMITTEE

27. In the course of the general discussion, an Australian and Canadian joint draft resolution (A/C.2&3/L.20-A/C.5/L.53) was introduced. This draft resolution proposed that the United Nations Investments Committee should be authorized to provide advice to a specialized agency at the request of that agency, and requested the Secretary-General to inform the specialized agencies that the Committee was available for that purpose.

28. The draft resolution was adopted by 46 votes to none, with 2 abstentions. The text presented to the General Assembly for adoption is attached as draft resolution B.

C. CONCENTRATION OF EFFORT AND RESOURCES

29. A draft resolution (A/C.2&3/L.21-A/C.5/L.54) submitted by Australia formed the basis of discussion on this matter. The draft resolution was proposed with a view to the consideration of the present division of the available resources among the major fields of action of the United Nations. It called for the establishment of a fifteen-member committee to consider the programmes and budgets of the specialized agencies and of the United Nations in the economic and social fields. It recommended that, pending the review of the report of this committee at the sixth session of the General Assembly, each specialized agency should keep its estimated expenditure from its regular budget for 1952 within the regular budget for 1951 approved by its conference.

30. In the general discussion, several members expressed disagreement with the suggestion that another body should be created to undertake the functions which should properly be performed by the existing co-ordinating machinery.

31. Mexico, Netherlands and the United States of America jointly presented a draft amendment (A/C.2&3/L.23/Rev.1-A/C.5/L.56/Rev.1) proposing substantial changes to the Australian draft resolution. The joint amendment requested the Economic and Social Council to review, during 1951, the 1952 programmes of the United Nations and the specialized agencies, and requested the agencies themselves to review their own programmes, with the aid of the criteria for priorities established by the Council at its eleventh session. Before adopting new projects, the Council and the agencies would indicate which current projects might be deferred, modified or eliminated, to ensure that the economic and

social work of the United Nations and the specialized agencies would be carried on most effectively.

32. In the course of the discussion, one representative requested that the President of the Council should be asked to examine the possibility of convening the Co-ordination Committee some time before the opening of the Council sessions to enable the Committee to submit co-ordinated programmes of work to the Council.

33. A Canadian amendment (A/C.2&3/L.30-A/C.5/L.70) was withdrawn after considerable discussion. A Yugoslav amendment (A/C.2&3/L.27-A/C.5/L.60) was withdrawn without discussion. Various oral amendments were accepted by the representative of Australia and the sponsors of the joint amendment. The Australian representative accepted the joint amendment, but reserved the right to re-open the question at the next session of the General Assembly.

34. The Australian draft resolution, as amended, was adopted unanimously. The text presented to the General Assembly for adoption is attached as draft resolution C.

D. MEMBERSHIP IN SPECIALIZED AGENCIES

35. The representative of Israel introduced a draft resolution (A/C.2&3/L.25/Rev.1-A/C.5/L.58/Rev.1), expressing the hope that those members not participating at the present time in the work of the specialized agencies might assume, or resume, full participation as soon as possible. In introducing the draft resolution, the representative of Israel referred to the Seventh Report of the Administrative Committee on Co-ordination to the Council, which contained a statement reaffirming the validity of the principle of universality of membership. Oral amendments were introduced by the representatives of Mexico and Lebanon. This proposal received general support, and the draft resolution was adopted by 36 votes to none, with 9 abstentions. The text presented to the General Assembly for adoption is attached as draft resolution D.

E. TRANSFER OF FUNCTIONS OF THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION

36. The Committees had before them a report of the Secretary-General on the proposed integration of the functions of the International Penal and Penitentiary Commission within the United Nations (A/C.2&3/93-A/C.5/375) prepared under resolution 333 H (XI) of the Economic and Social Council.

37. In supporting the plan several representatives pointed out that interest in the question of the prevention of crime and the treatment of offenders was common both to the IPPC and to the Economic and Social Council and that the proposed integration would avoid duplication and concentrate the action which could be taken in that field.

38. One member raised the question whether the proposed plan was in conformity with the practices of

the United Nations, and suggested that it might be advisable to defer a final decision until further studies had been made. The question was also raised whether by the terms of the proposed transfer the IPPC was being treated in a privileged manner compared with other inter-governmental organizations. It was, however, the understanding of the Committees that the arrangements proposed would be subject to review, in the light of experience, at any time by the appropriate organs of the United Nations.

39. Several members asked for additional information, particularly concerning the financial implications of the plan, and the representative of Canada submitted a list of questions (A/C.2&3/L.26-A/C.5/L.59). In reply, the representative of the Secretary-General made a statement (A/C.2&3/L.28-A/C.5/L.65).

40. The draft resolution contained in the Secretary-General's report was adopted by the Committees by 37 votes to 4, with 1 abstention. The text presented to the General Assembly for adoption is attached as draft resolution E.

F. AGREEMENTS BETWEEN THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

41. The Committees took note of paragraph 399 of the report of the Economic and Social Council (A/1345) which contained the Council's recommendation that unless the matter was raised by the General Assembly, by the Council itself, by the Secretary-General or by one of the specialized agencies, it would be unnecessary for the Council to consider further the question of a possible revision of the Agreements until more experience in their working had been obtained.

G. CHAPTER IX OF THE REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

42. Following the practice of previous sessions, the Committees decided to recommend to the General Assembly that it should "take note" of chapter IX of the report of the Economic and Social Council, on the understanding that this action would, in due course be incorporated with similar action by other Committees to which parts of the report had been referred, in order to form a single resolution "taking note" of the report as a whole.

43. As a result of the discussions, the Joint Second and Third Committee and the Fifth Committee recommend to the General Assembly the adoption of the following draft resolutions :

Draft resolution A

ADMINISTRATIVE BUDGETS OF THE SPECIALIZED AGENCIES

The General Assembly,

Having received the sixth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

(A/1441) on the budgets of the specialized agencies for 1951,

1. *Urges* the specialized agencies to intensify their efforts to stabilize their regular budgets by elimination or deferment of less urgent projects;

2. *Draws* the attention of all States Members of the United Nations and of the specialized agencies to the necessity for prompt payment of contributions to assure the adequate financing of budgets approved by them;

3. *Requests* specialized agencies participating in the technical assistance programme to provide information concerning the estimates for expenditure of technical assistance funds, as well as other extra-budgetary funds, in their regular budget documents, and to agree to the transmittal to the General Assembly of the United Nations for examination and approval, of the audit reports relating to expenditure of technical assistance funds allocated from the Special Account after approval of the appropriate audit reports by the general conferences of the specialized agencies;

4. *Requests* the specialized agencies to consider at an early date the adoption of common financial regulations and staff regulations modelled on those adopted by the General Assembly so far as their constitutional arrangements will permit;

5. *Requests* the Secretary-General, in consultation with the heads of the specialized agencies, to pay particular attention, in 1951, to the further development of satisfactory arrangements for the provision of common services, particularly in respect of regional and branch offices of the United Nations and specialized agencies, with a view to achieving greater efficiency and economy;

6. *Requests* the Secretary-General, after consultation with the heads of the specialized agencies and with the Advisory Committee on Administrative and Budgetary Questions, to report to the next regular session of the General Assembly in respect of progress made in achieving a common salary system, in developing common budgetary policies and a common form of budget, in increasing the utilization of soft currencies, in efficiencies and economies to be achieved through further development of common services, and in dealing with arrears in contributions;

7. *Requests* the specialized agencies and the United Nations to make every effort, during 1951, to meet as fully as possible demands for expert assistance in Korea, and other operational programmes where the need is urgent, by deferment of less urgent projects.

Draft resolution B

UTILIZATION OF THE SERVICES OF THE UNITED NATIONS INVESTMENTS COMMITTEE BY SPECIALIZED AGENCIES

The General Assembly,

Noting that certain specialized agencies may require advice on the nature and extent of investment of their funds,

1. *Authorizes* the United Nations Investments Committee to provide advice to a specialized agency at the request of that agency;

2. *Requests* the Secretary-General to inform the specialized agencies that the United Nations Investments Committee is available for this purpose.

Draft resolution C

CONCENTRATION OF EFFORT AND RESOURCES

The General Assembly,

Recalling its responsibilities under Article 17, paragraph 3, and Article 58 of the Charter,

Recalling its resolution 310 (IV) declaring that the resources devoted to the economic and social work of the United Nations and the specialized agencies should be concentrated on tasks of primary importance,

Taking note of the work of the Economic and Social Council at its eleventh session in determining criteria for establishing priorities within the fields allotted to the various bodies composing and associated with the United Nations,

Recognizing that the successful carrying out of the economic and social work of the United Nations and the specialized agencies may be jeopardized by undertaking so many projects as to exceed the available technical, administrative and financial resources,

Recognizing that the extent of activity is determined by the programme decisions and by the budgetary appropriations of the United Nations and the specialized agencies,

Declaring that the resources placed at the disposal of the United Nations and the specialized agencies should be applied where they are most needed,

1. *Requests* each specialized agency to review its 1952 programme during 1951, using the criteria set forth in the report of the Co-ordination Committee⁴¹ as adopted by the Economic and Social Council;

2. *Requests* the Economic and Social Council and the specialized agencies to indicate, when new projects are adopted, which current projects may be deferred, modified or eliminated to ensure that the economic and social work of the United Nations and the specialized agencies will be carried on most effectively;

3. *Requests* the Economic and Social Council :

(a) To review during 1951 the 1952 programmes of the United Nations and the specialized agencies, using the criteria set forth in the report of the Co-ordination Committee as adopted by the Economic and Social Council;

(b) To seek, in reviewing the programmes, the assistance of the Advisory Committee on Administrative and

Budgetary Questions on the administrative and financial aspects of this matter;

(c) To report to the sixth session of the General Assembly on the results of these reviews;

4. *Requests* the Secretary-General, in co-operation with the administrative heads of the specialized agencies, to include in annex IV to the Secretary-General's budget estimates a summary schedule of the estimated costs of the projects provided for in the budgets of the United Nations and of the specialized agencies; and, further,

Having noted the steps taken and progress made by the Economic and Social Council, the Secretary-General, the Administrative Committee on Co-ordination and the specialized agencies,

5. *Urges* that the efforts which are being made to ensure the fullest co-ordination of the programmes and activities of the United Nations and the specialized agencies be vigorously pursued.

Draft resolution D

MEMBERSHIP IN SPECIALIZED AGENCIES

The General Assembly,

Considering the principle of international co-operation as an important condition for the full success of the activities of the specialized agencies,

Noting that some of the specialized agencies do not enjoy participation of all Member States in their work,

Expresses the hope that those Members not participating at the present time may find their way to assume or resume, as soon as possible, full participation in the specialized agencies.

Draft resolution E

TRANSFER OF FUNCTIONS OF THE INTERNATIONAL PENAL AND PENITENTIARY COMMISSION

The General Assembly,

Noting resolutions 262 B (IX) and 333 H (XI) of the Economic and Social Council and the resolution adopted by the International Penal and Penitentiary Commission on 12 August 1950,

1. *Approves* the plan contained in the report prepared by the Secretary-General, in consultation with the International Penal and Penitentiary Commission, concerning the transfer of the functions of the Commission to the United Nations, and which is annexed to the present resolution;

2. *Notes* the decision of the Commission with respect to its residual assets;

3. *Expresses* its appreciation to the Commission for donating its library and its archives to the United Nations on the conditions specified in the above-mentioned plan;

⁴¹ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 1, Resolutions, Annex to resolution 324 (XI)*.

4. *Notes* that these arrangements do not involve the assumption by the United Nations of responsibility for any liabilities of the Commission;

5. *Authorizes* the Secretary-General of the United Nations, in consultation with the Secretary-General of the International Penal and Penitentiary Commission, to make arrangements for the transfer of the functions

of the Commission and of its library and archives to the United Nations on a mutually satisfactory date prior to 31 December 1951;

6. *Pays tribute* to the accomplishments of the Commission, during the long period of its existence, in the field of the prevention of crime and the treatment of offenders.

DOCUMENT A/1562

Chapter V (section VI and section VII, part 2) of the report of the Economic and Social Council : report of the Fifth Committee

[Original text : English]
[29 November 1950]

1. In accordance with rule 152 of the rules of procedure and with the request of the President of the General Assembly in his letter to the Chairman of the Fifth Committee dated 16 October 1950 (A/C.5/382), the Fifth Committee, at its 261st and 262nd meetings on 7 and 9 November 1950, considered the administrative and financial implications of draft resolutions adopted by the Third Committee (A/1440), inviting the Economic and Social Council to reconsider its resolution 336 (XI) with a view to including in its Calendar of Conferences for 1951 a session of the Sub-Commission on Freedom of Information and of the Press, as well as a session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities.

2. The Fifth Committee had before it a note by the Secretary-General (A/C.5/383/Rev.1) pointing out that section 3, chapters IV and V of his budget estimates for 1951 (A/1267),⁴² which had been prepared before the Economic and Social Council had taken its decision at its eleventh session, included an amount of \$15,900 for one session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and of \$15,000 for one session of the Sub-Commission on Freedom of Information and of the Press. If the proposals of the Third Committee were accepted by the General Assembly, the original budget provision for the two Sub-Commissions would be required, pending a final decision by the Economic and Social Council. The Secretary-General also informed the Committee that, should the Commission on Human Rights meet in Geneva, he would consider it appropriate that the meetings of both Sub-Commissions should also be held there, on the understanding that the costs involved would be met within the total provided for in the budget estimates.

3. The Advisory Committee on Administrative and Budgetary Questions, in its eleventh report of 1950 (A/1474) called attention to the fact that the draft resolutions of the Third Committee appeared to contravene the spirit, if not the letter, of General Assembly resolu-

tion 310 (IV) of 24 November 1949, under which the Economic and Social Council and other competent organs of the United Nations and the specialized agencies were requested to take all necessary steps to reduce the schedules of meetings and to eliminate the proliferation of activities. In the Advisory Committee's opinion, the effect of the two draft resolutions, if adopted, would be that the Economic and Social Council, having taken appropriate action in these cases, partly at any rate in response to General Assembly resolution 310 (IV) would then be requested to review its action. The Fifth Committee, it was suggested, might therefore wish to consider the broader policy implications of the proposed resolutions, attention being also called, in this connexion, to the view expressed by the Secretary-General in his foreword to the budget estimates that it would be in the interests of the Organization as a whole if the number of sessions of commissions and committees were kept at the very minimum during 1951.

4. At the Fifth Committee's 261st meeting, a draft resolution in the following terms was presented jointly by the United Kingdom and the United States of America :

" Having regard to the decision taken by the General Assembly in resolution 310 (IV) of 24 November 1949 concerning the proliferation and overlapping of the programmes of the United Nations and the specialized agencies and,

" Having regard to the paramount need for economy,

" The Fifth Committee does not feel able to authorize the expenditure in respect of the two proposed sessions of the Sub-Commissions referred to in A/1474 and, accordingly, does not see its way to concur in draft resolutions A and B of A/1440 of 16 October 1950, proposed by the Third Committee. "

As a result of amendments suggested by the representatives of the Netherlands and of Australia, a new proposal, jointly sponsored by the United Kingdom, the United States of America, the Netherlands, Australia and Brazil, was subsequently offered in place of the original United Kingdom-United States draft. This revised joint proposal was as follows :

⁴² See *Official Records of the General Assembly, Fifth Session, Supplement No. 5.*

" The Fifth Committee

" Informs the General Assembly :

" 1. That a decision to hold meetings of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and of the Sub-Commission on Freedom of Information and of the Press during 1951, would require budgetary provision in the amount of \$30,900;

" 2. That, having regard to the decision taken by the General Assembly in resolution 310 (IV) of 24 November 1949, concerning the proliferation and overlapping of the programmes of the United Nations and the specialized agencies; and,

" Considering that the purposes of that resolution are furthered by the decision of the Economic and Social Council in its resolution 336 (XI),

" The Fifth Committee is unable to recommend that provision be included in the 1951 budget for meetings of the two Sub-Commissions. "

5. At its 262nd meeting, the Committee had also before it the following alternative proposal presented by the representative of Egypt :

" The Fifth Committee,

" Considering that the Third Committee has adopted a resolution inviting the Economic and Social Council to reconsider its resolution that no provision should be made in the Calendar of Conferences for 1951 sessions of the Sub-Commission on Freedom of Information and of the Press and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

" Considering that the decisions of the General Assembly and the Economic and Social Council should not be prejudiced,

" Authorizes the retention *pro memoria* of the estimates for the sessions of the Sub-Commission on Freedom of Information and of the Press and the Sub-Commission on Prevention of Discrimination and Protection of Minorities. "

In deference to certain views expressed in the course of the debate concerning the competence and responsibilities of the Fifth Committee, the representative of Egypt later amended his proposal by deleting the second paragraph of the preamble and by substituting in the operative paragraph the word " Recommends " in place of the word " Authorizes. "

6. Delegations supporting the joint draft resolution maintained that the decision which had been reached by the Economic and Social Council, after duly considering all the relevant facts, should be upheld. This decision, moreover, as the Advisory Committee had pointed out, was consistent with the purposes of General Assembly resolution 310 (IV) and also with the objective for which the Fifth Committee had constantly striven : of securing efficiency with economy. Attention was called, in that connexion, to the reasons which had prompted the Council's Interim Committee on Programme of Meetings to recommend postponement, including the peculiar administrative difficulties confronting the Secretary-General

in 1951 and the desirability of allowing sufficient time for material to be received and prepared for transmission to the Sub-Commissions. Certain delegations indicated their approval of the joint proposal on the understanding that should the Economic and Social Council, for good and sufficient reasons, see fit to reconsider its earlier decision, the costs of the two sessions could be met, with the concurrence of the Advisory Committee, by an advance from the Working Capital Fund.

7. Delegations supporting the Egyptian draft resolution maintained, however, that the considerations influencing the decision of the Economic and Social Council had materially altered in so far as there was now no reason to anticipate administrative difficulties in servicing the proposed sessions, while the bulk of the preparatory documentation required was already available. By its terms of reference the existence of the Sub-Commission on Freedom of Information and of the Press was due to end on 31 December 1952 so that failure to meet during 1951 would leave it with only one session in which to complete its work, including the additional questions recently referred to it by the Economic and Social Council. In the case of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, elimination of the 1951 session would result in an interval of two—possibly three—years between sessions. As regards General Assembly resolution 310 (IV), it was contended that, since none of the specialized agencies dealt with matters coming within the competence of the two Sub-Commissions, no question of proliferation or overlapping arose. Furthermore, protection of the high purposes and ideals of the United Nations should take precedence over any other consideration, and on these grounds the request of the Third Committee that the decision of the Economic and Social Council should be reconsidered was wholly justified. Finally, it was pointed out that the costs involved were relatively modest, and that the necessary budgetary provision had already been made in the estimates as presented by the Secretary-General and recommended for approval by the Advisory Committee.

8. A vote was taken by roll call on the Egyptian draft resolution with the following result :

In favour : Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, France, Guatemala, Haiti, Iran, Iraq, Lebanon, Mexico, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, China, Greece, India, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Argentina, Brazil, Colombia, Israel, Thailand.

The Egyptian draft resolution was thus adopted by 27 votes to 13, with 5 abstentions.

The cost involved in holding sessions of the two Sub-Commissions during 1951 would, as indicated in paragraph 4 above, amount to \$30,900.

9. The Fifth Committee therefore decided in accordance with rule 152 of the rules of procedure, to inform the General Assembly of the following :

" The Fifth Committee,

" Considering that the Third Committee has adopted a resolution inviting the Economic and Social Council to reconsider its resolution that no provision should be made in the Calendar of Conferences for 1951 for sessions of the Sub-Commission on Freedom of Information and of the Press and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

" Recommends the retention pro memoria of the estimates for the sessions of the Sub-Commission on Freedom of Information and of the Press and the Sub-Commission on Prevention of Discrimination and Protection of Minorities "

10. At its 271st meeting on 29 November, the attention of the Fifth Committee was called to the draft resolution adopted on 22 November 1950 by the Third Com-

mittee (A/C.3/548),⁴³ concerning the proposed appointment of a committee consisting of the representatives of fifteen Member States to meet at the Headquarters of the United Nations not later than 1 March 1951 for the purpose of preparing a draft Convention on Freedom of Information. The opinion was expressed by the representative of the Union of Soviet Socialist Republics, and was supported by a number of other representatives, that the circumstances under which the Fifth Committee had previously reached its conclusions, as stated in paragraph 9 above, were changed by virtue of this further proposal of the Third Committee and that a decision to appoint the committee of fifteen would render unnecessary a meeting of the Sub-Commission on Freedom of Information and of the Press during 1951. Subject to this opinion being brought to the notice of the General Assembly, the Fifth Committee decided, by 19 votes to 5, with 14 abstentions, to approve the report of its Rapporteur.

⁴³ See *Official Records of the General Assembly, Fifth Session, Third Committee, 323rd meeting.*

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
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A/1345	Report of the Economic and Social Council to the General Assembly		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 3.</i>
A/1352	Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General	2	
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E/1660	Report of the <i>Ad Hoc</i> Committee on Slavery (first session)		<i>Official Records of the Economic and Social Council, Eleventh Session, Annex, item 24.</i>
E/1672	Report of the Sub-Commission on Freedom of Information and of the Press (fourth session)		<i>Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5 A.</i>
E/1712	Report of the Commission on the Status of Women (fourth session)		<i>Ibid., Supplement No. 6.</i>
A/C.3/536	Text of the draft resolution adopted by the Third Committee (Chapter V, Section VII, part 2 of the report of the Economic and Social Council)		See document A/1440, draft resolution B.
A/C.3/537	Text of the draft resolution adopted by the Third Committee (Chapter V, Section VI of the report of the Economic and Social Council)		See document A/1440, draft resolution A.
A/C.3/558	Text of the draft resolution adopted by the Third Committee (Chapters V, VI and VII of the report of the Economic and Social Council)		See document A/1689.
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A/C.3/L.153	Chile : draft resolution		Adopted without change. See document A/1689.
A/C.2&3/91	Letter dated 29 September 1950 from the President of the General Assembly to the Chairmen of the Second, Third and Fifth Committees		Mimeographed document only.
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A/C.2&3/L.17/Add.1	Egypt : addendum to draft resolution (A/C.2&3/L.17)		Incorporated in the Summary Record of the 55th meeting, paragraph 43.
A/C.2&3/L.18/Rev.3	Argentina : draft resolution	15	
A/C.5/382	Letter dated 16 October 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document only.
A/C.5/383	Note by the Secretary-General		Superseded by document A/C.5/383/Rev.1
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Agenda item 13: Report of the Trusteeship Council

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DOCUMENT A/C.4/L.70

Yugoslavia : draft resolution on the procedures of the Trusteeship Council

[Original text : English]
[11 October 1950]

The General Assembly,
Considering the significance of a thorough study of petitions from Trust Territories and the taking of action with regard to them,

Considering the importance of visiting missions to Trust Territories and the fact that the detailed study of the reports of the said missions may serve a useful purpose,

Recalling resolution 321 (IV) of the General Assembly on petitions and visiting missions,

Bearing in mind that the Trusteeship Council should develop an ever-increasing activity for the purpose of fulfilling its functions,

Desiring that the Trusteeship Council should be enabled to examine thoroughly the question of the all-round development of Trust Territories, without neglecting, however, *ad hoc* and other questions within its competence,

Recommends to the Trusteeship Council to avail itself of the possibilities offered by its rules of procedure and

to set up a special committee of the whole in order to :

(a) Study annual reports and other documents submitted by the Administering Authorities, including documents on administrative unions;

(b) Examine petitions from Trust Territories and take action thereon;

(c) Examine the reports of visiting missions;

(d) Submit to the Trusteeship Council reports concerning the material which has been studied and submit recommendations concerning the measures to be undertaken in Trust Territories.

DOCUMENT A/C.4/L.71

Yugoslavia : draft resolution on anonymous petitions

[Original text : English]
[11 October 1950]

The General Assembly,

Recalling its resolution 321 (IV) concerning the procedure with regard to petitions from Trust Territories,

Considering that due attention should be given to anonymous petitions, as well as to information of a general character, and that it is necessary to establish an equitable procedure for that purpose,

Recommends to the Secretary-General to give the necessary assurance to the petitioners who so desire that their names shall not be disclosed;

Recommends to the Trusteeship Council to receive all anonymous petitions and all information of a general character, to publish them, circulate them to all Member States of the United Nations and place them on the agenda of its sessions at the request of one or several members.

DOCUMENT A/C.4/L.72

Cuba : draft resolution on the presentation of the annual report of the Trusteeship Council to the General Assembly

[Original text : Spanish]
[12 October 1950]

The General Assembly

Having examined the report of the Trusteeship Council on its sixth and seventh sessions, together with the decisions and recommendations adopted during those sessions,

Reiterates its resolutions 320 (IV), 322 (IV), 323 (IV) and 324 (IV) adopted at its fourth session, and

Recommends the Trusteeship Council to present its next report in such a way that all matters relevant to a particular question or territory are grouped together, and to state in the report an opinion or judgment on the manner in which the Administering Authorities are carrying out the recommendations of the General Assembly and the Trusteeship Council with regard to political, economic, social and educational advancement.

DOCUMENT A/C.4/L.73

Cuba : draft resolution on the examination of petitions

[Original text : Spanish]
[12 October 1950]

The General Assembly

Considering that the right of petition, which is among the fundamental human rights, is one of the most import-

ant factors in the operation of the International Trusteeship System;

Considering that the careful study of petitions is one

of the fundamental responsibilities of the Trusteeship Council;

Considering that the number of petitions addressed to the Trusteeship Council is growing greater each year, and that their examination during its sessions arouses increasingly complex problems of procedure;

Recommends the Trusteeship Council :

(a) To instruct its visiting missions to undertake, on the spot, as thorough a preliminary examination as possible of the petitions submitted to them;

(b) To study the possibility of setting up a permanent advisory body to carry out between sessions of the

Council the preparatory work necessary for the careful examination of petitions by the Council;

(c) To recommend the Administering Authorities to submit their observations upon the petitions which concern them within one month from the date of their receipt in order to enable the permanent organ advocated in the foregoing paragraph to examine them without delay;

(d) To study all other measures that may serve to improve the procedure now followed with respect to petitions;

(e) To recommend the Administering Authorities to submit annually special reports concerning the action taken on the Council's recommendations in respect of each petition examined.

DOCUMENT A/C.4/L.74

Cuba and Norway : draft resolution on visiting missions

[Original text : Spanish-French]
[13 October 1950]

The General Assembly

Considering that the sending of visiting missions to the Trust Territories in conformity with Article 87 c of the Charter, is one of the most effective methods of ensuring the successful operation of the Trusteeship System and achieving its high objectives;

Considering that in 1948, 1949 and 1950, the Trusteeship Council constituted various visiting missions which travelled through all the Trust Territories and submitted valuable reports to the Council;

Considering that past experience shows that the organization of visiting missions should be improved in various respects before a new series of visits to Trust Territories is begun;

Recommends the Trusteeship Council to review the organization of periodic visits, and more particularly to consider the following points :

(a) That visiting missions should remain for longer

periods in each Territory in order to facilitate a more thorough study of any problems that may arise;

(b) That no visiting mission should be required to visit more than two Trust Territories;

(c) That steps should be taken to give each visiting mission the greatest possible mobility and to reduce to a minimum the material difficulties of the local administration receiving the mission and to facilitate its task;

(d) That means should be sought to extend the length of stay in each Territory without prolonging the interval between visits to the same Territory, possibly by increasing the number of missions while decreasing the numbers of their members;

(e) That the terms of reference of visiting missions should include the examination of specific problems; and

(f) That the terms of reference of visiting missions should include the preliminary examination of petitions submitted to them during their travels.

DOCUMENT A/C.4/L/75

Pakistan and Indonesia : draft resolution

[Original text : English]
[16 October 1950]

The General Assembly,

Considering that the promotion of educational advancement of the inhabitants of Trust Territories is essential for their progressive development as early as possible towards self-government and independence,

Finding the efforts made so far by the Administering

Authorities in the Territories under their charge to be insufficient,

Recommends to the Trusteeship Council to formulate a ten-year plan for such advancement in consultation with the specialized agencies of the United Nations and to ensure that such a plan be carried out by the Administering Authorities in the respective Territories under their charge.

DOCUMENT A/C.4/L.76/Rev.1

India, Indonesia, Pakistan and Philippines : revised draft resolution

[Original text : English]
[10 November 1950]

The General Assembly,

Considering that by rule 99 of its rules of procedure the Fourth Committee is entitled the Trusteeship Committee (including Non-Self-Governing Territories),

Considering that, while there is a marked difference between the responsibilities of the General Assembly in respect of trusteeship affairs and the functions which it exercises in respect of information from Non-Self-Governing Territories, the general question of political, economic, social and educational advancement are often of a common character,

Considering that the principles laid down in Articles 73 and 76 of the Charter aim at the promotion of the political, economic, social and educational advancement of the peoples of Trust and other Non-Self-Governing Territories,

Decides that, in future, items on the agenda of the General Assembly which are referred to the Fourth Committee should be so organized as to permit the common discussion of functional problems in Trust and Non-Self-Governing Territories, without prejudice to the full consideration of the reports of the Trusteeship Council and of any Special Committee on Information transmitted under Article 73 e of the Charter which may be appointed, or to the full consideration of such special

matters relating exclusively to the Trust Territories as may arise out of petitions, visiting missions, the annual reports of the Administering Authorities and the discussions in the Trusteeship Council;

Decides that, to this end, the agenda of the General Assembly should comprise the consideration of political conditions in the Trust Territories, of economic problems in Trust and Non-Self-Governing Territories, of social problems in Trust and Non-Self-Governing Territories and of educational problems in Trust and Non-Self-Governing Territories on the basis of the reports of the Trusteeship Council and of any Special Committee on Information transmitted under Article 73 e of the Charter; and that provision should also be made for the separate examination of questions of procedure, substance and general principle arising out of the report of the Trusteeship Council and of procedural recommendations emanating from the Special Committee on Information transmitted under Article 73 e of the Charter;

Requests the Trusteeship Council and the Special Committee on Information transmitted under Article 73 e of the Charter to plan their reports in such a way as to facilitate the discussions in the Fourth Committee according to the recommendations made in the previous paragraph.

DOCUMENT A/C.4/L.79

Cuba and Mexico : joint draft resolution concerning information on the results of the implementation of General Assembly and Trusteeship Council resolutions relating to the Trust Territories

[Original text : Spanish]
[17 October 1950]

The General Assembly

Considering that it is necessary that both the General Assembly and the Trusteeship Council should have at their disposal information on the results of the implementation of the recommendations approved by both bodies in matters relating to Chapters XII and XIII of the Charter;

Requests the Secretary-General :

(a) To prepare a list, classified by subjects, of such

resolutions, including in each case the text of the operative part of the document;

(b) To report annually to the Assembly on the measures taken and the progress achieved in pursuance of such resolutions;

(c) Where necessary, and if there has been no action on the part of an Administering Authority, to set forth the reasons given by that Authority for delay in the implementation of any particular resolution.

DOCUMENT A/C.4/L.86**Denmark : amendment to the draft resolution proposed by Cuba (A/C.4/L.72)**

[Original text : English]
[26 October 1950]

Replace the beginning of the last paragraph by the following :

“ *Recommends* that the Trusteeship Council consider the possibility of rationalizing and simplifying in general the form of its report to the General Assembly,

and in particular that the Council present its report in such a way that all information concerning a particular question in a Territory together with the observations, conclusions and recommendations of the Council thereon are grouped in a single coherent section and that it state...”

DOCUMENT A/C.4/L.88**Report of Sub-Committee 8 to the Fourth Committee**

Rapporteur : Mr. Peter ANKER (Norway).

[Original text : English-French-Spanish]
[30 October 1950]

1. At its 153rd meeting, on 18 October 1950, the Fourth Committee appointed a Sub-Committee for the purpose of considering the possibility of co-ordinating and amalgamating a number of the draft resolutions relating to the report of the Trusteeship Council which were before it. The Sub-Committee was also to consider any amendments to those draft resolutions which might be submitted. The Committee approved the proposal of the Chairman that the members of the Sub-Committee should be Chile, Cuba, France, India, New Zealand, Norway, Poland, Syria, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

2. The draft resolutions referred to the Sub-Committee were the following :

(a) A Yugoslav proposal (A/C.4/L.70) dealing with the procedures of the Trusteeship Council;

(b) A second Yugoslav proposal (A/C.4/L.71) relating to the procedure for dealing with anonymous petitions;

(c) A Cuban draft resolution (A/C.4/L.72) calling for the reiteration of resolutions on various aspects of advancement in the Trust Territories adopted at the fourth session of the General Assembly and for improvements in the form of the annual reports of the Trusteeship Council;

(d) A second Cuban draft resolution (A/C.4/L.73) calling for improvements in the procedures of the Trusteeship Council for examining petitions;

(e) A joint Cuban and Norwegian draft resolution (A/C.4/L.74) calling for improvements in the organization of visiting missions;

(f) A proposal by India, Indonesia, Pakistan and Philippines (A/C.4/L.76 and Add.1 and Corr.1) on the procedure to be followed in the Fourth Committee in its

future discussion of conditions in Trust Territories and Non-Self-Governing Territories.

3. The Sub-Committee also had before it, in addition to those draft resolutions, an amendment by the delegation of Denmark (A/C.4/L.86) to the first Cuban draft resolution (A/C.4/L.72).

4. At its first meeting, on 19 October 1950, the Sub-Committee unanimously elected Mr. Peter Anker (Norway) as its Chairman, and requested him also to perform the duties of Rapporteur. The Sub-Committee held six meetings, at the last of which, on 27 October, the present report was adopted.

5. The Sub-Committee conducted its work on the basis of a working paper presented by the delegation of Cuba (A/C.4/SC.8/L.1), which combined in a single text the proposals relating to the procedures of the Trusteeship Council, petitions and visiting missions.

6. In its discussion of section B of that text, which related to the form of the reports of the Trusteeship Council, the Sub-Committee received explanations by the Cuban representative of the interpretation to be given to his proposal. In particular, the representative of Cuba explained that the proposal to the effect that all the pertinent data contained in information examined by the Council (including information derived from petitions and reports of visiting missions) should be grouped according to subject matter, did not preclude a separate section on the action taken with respect to individual petitions, whether of a personal or general character.

7. With respect to one of the working documents prepared by the Secretariat, the representative of Cuba requested that the report should mention that his delegation disapproved of and protested against the following facts :

(a) The Spanish text of the working paper did not follow faithfully the Spanish text about which the Secretariat of the Sub-Committee had consulted the Cuban delegation and which had received the approval of the latter;

(b) In one or two passages of the document prepared by the Secretariat, the Spanish text differed from the original Spanish text which, however, had been approved without any change by the Sub-Committee. That took place, in the opinion of the Cuban delegation, because, almost certainly, the Spanish text, in spite of being the only original, had to be re-translated from the English. Such procedure could not be accepted by the Cuban delegation because it presupposed the subordination of one language, in the present case Spanish, to another, in the present case English.

8. As a result of its examination of the Cuban working paper, the Sub-Committee decided to present the draft given below. In doing so, the Sub-Committee wishes, however, to point out that the eleven delegations represented on it have not in any way committed themselves with regard to the substance of any of the provisions of the draft and that they entirely reserve their position until it is considered by the Fourth Committee.

9. Regarding the joint proposal of India, Indonesia, Pakistan and Philippines (A/C.4/L.76 and Add.1 and Corr.1), the Sub-Committee decided to recommend without discussion that it should be considered separately by the Fourth Committee, it being understood that it might be necessary to revise the last paragraph of that draft resolution after the final text of part B of the draft presented by the Sub-Committee had been approved by the Fourth Committee.

10. When the present report was approved, the delegation of Cuba reserved its position in the Fourth Committee owing to the fact that it did not clearly see the meaning that the Sub-Committee intended to attach to the word "draft" in the first sentence of paragraph 8 of this report, the text of which was discussed in the English version only. The reasons for that attitude arose from the fact that two or three delegations, at the last moment, had presented reservations not only of substance, a very legitimate position, but also of form. On the other hand, despite the repeated requests of the Cuban delegation that the position should be clarified, the Sub-Committee did not express its views, by a vote, on the character of the proposal submitted to the Fourth Committee. The Cuban delegation accordingly wished to place on record that it reserved the most complete liberty to suggest new amendments and special procedures if the view that the document resulting from the work of the Sub-Committee should be discussed as if it were various separate resolutions should prevail in the Fourth Committee.

INTERNATIONAL TRUSTEESHIP SYSTEM PROCEDURES OF THE TRUSTEESHIP COUNCIL

The General Assembly,

Considering that, under Article 7 of the Charter, the General Assembly and the Trusteeship Council have been established as principal organs of the United Nations,

Considering that, under Article 75 of the Charter, the International Trusteeship System has been established under the authority of the United Nations,

Considering that, under Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic shall be exercised by the General Assembly,

Considering that, under Article 85, paragraph 2, of the Charter, the Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out its functions with regard to the Trusteeship System,

Considering that, under Article 87, sub-paragraphs b and c, of the Charter, the General Assembly and, under its authority, the Trusteeship Council, may accept petitions and examine them in consultation with the Administering Authority and provide for periodic visits to the Trust Territories, and that under sub-paragraph d of the same Article they may take these and other actions in conformity with the terms of the trusteeship agreements,

Considering that under Article 90 of the Charter, the Trusteeship Council shall adopt its own rules of procedure,

Considering that the annual report of the Trusteeship Council is prepared principally for the use of the General Assembly,

1. *Expresses the hope* that there will be continued improvement in the methods of work of the Trusteeship Council, including the procedure relating to petitions and visiting missions; and that the General Assembly will continue to find in the future reports of the Council increasingly effective assistance in the discharge of its important duties relating to the International Trusteeship System; and, to this end,

A. *In respect of general procedure*

2. *Notes* the increase in the volume of work and in the length of the sessions of the Trusteeship Council;

3. *Considers* that the effective discharge by the Council of its duties appears to require a review of its methods of work;

4. *Recommends* accordingly that the Council undertake a review of its general procedure, having in mind the possibility of establishing a standing committee of the whole Council to undertake a preliminary examination of :

(a) The annual reports on the administration of the Trust Territories;

(b) The reports of visiting missions;

(c) Petitions submitted in respect of the Trust Territories;

(d) Any special questions such as that of administrative unions which may be referred to it by the Council;

B. *In respect of the annual reports of the Trusteeship Council*

5. *Considers* that the present arrangement of the subject-matter of the report of the Trusteeship Council to the General Assembly, which conforms strictly to the various functions of the Council, might be improved so as to enable the General Assembly to form a clearer understanding of conditions in the Trust Territories;

6. *Requests* the Council accordingly in its future reports to the General Assembly :

(a) To gather in a single section all the information relating to the circumstances existing in each of the following fields, namely, political, economic, social and educational, with respect to each Trust Territory, so that each section shall include all pertinent data contained in the information examined by the Council as well as the observations, conclusions and recommendations of the Council and the observations of its members on the topic under review;

(b) To give in each case in the appropriate section a special account of the manner in which the Administering Authority has carried out each important recommendation of the General Assembly or the Trusteeship Council;

(c) To state also in the same section its conclusions on the extent of the action taken by the Administering Authority and on the measures which in its opinion should be adopted in view of those conclusions;

C. *In respect of the organization of visiting missions*

7. *Notes* that periodic visiting missions of the Trusteeship Council have now visited each of the Trust Territories for the first time and have submitted valuable reports to the Council;

8. *Notes* that since these missions were the first of their kind and since the time spent by them in each of the Trust Territories was limited, they have not in general entered into the details of all the problems existing in the Trust Territories;

9. *Considers* that the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review the organization of visiting missions in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council;

10. *Requests* the Council accordingly to undertake such a review, and more particularly to consider the possibility of :

(a) Arranging for visiting missions to remain long enough in each Trust Territory to be able to study its problems more thoroughly;

(b) Reducing the number of Trust Territories to be visited by a single visiting mission;

(c) Ensuring the greatest possible flexibility in the itinerary of each visiting mission;

(d) Extending the duration of visits without diminishing their frequency, if necessary by reducing the number of members of each mission;

(e) Continuing to include in the terms of reference of each visiting mission the examination of specific problems;

(f) Continuing to include in the terms of reference of each visiting mission the preliminary examination on the spot of all petitions submitted to it, and of such other petitions as the Council may deem appropriate;

D. *In respect of the examination of petitions*

11. *Considers* that the right of petition, which is one of the fundamental human rights, is one of the most important factors in the operation of the International Trusteeship System, and that the careful study of petitions is one of the fundamental responsibilities of the Trusteeship Council;

12. *Considers* that it is essential in the interest of the inhabitants of Trust Territories to continue to improve in every possible way the procedure for the examination of petitions;

13. *Considers* further that due attention should be given to anonymous petitions, whether of an individual or of a general character, and that an appropriate procedure should be established for this purpose;

14. *Recommends* that the Council accordingly :

(a) Consider the possibility of constituting the *Ad Hoc* Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council;

(b) Request the Administering Authorities to submit such observations as they may wish to make upon petitions which concern them within two months of their receiving such petitions;

(c) Authorize the Secretary-General to give each petitioner who so desires the assurance that his name shall not be disclosed, and to circulate each such petition in the usual manner to the members of the Council;

(d) Undertake the examination of any anonymous petition upon the request of any one of its members;

(e) Study all other measures which may serve to improve the present procedure for the examination of petitions;

(f) Request the Administering Authorities to submit each year special information concerning action taken upon the recommendations of the Council in respect of petitions examined, except in those cases where the Council does not deem it necessary.

DOCUMENT A/C.4/L.89**Cuba : amendment to section B of the draft contained in document A/C.4/L.88**

[Original text : Spanish]
[1 November 1950]

1. Insert the following paragraphs at the beginning of section B :

“ *Considering* that under Article 85, paragraph 2, of the Charter, the Trusteeship Council, operating under the authority of the General Assembly, assists the General Assembly in carrying out its functions with regard to the Trusteeship System;

“ *Considering* that the annual report of the Trusteeship Council is prepared principally for the use and assistance of the General Assembly;

“ *Considering* that certain rules of procedure of the Trusteeship Council relate to the preparation of the annual report; that under Article 90 of the Charter the Council adopts its own rules of procedure; and that in so doing the Council is at all times bound to consider the inclusion of all provisions required to assist the General Assembly in carrying out its functions with regard to the Trusteeship System as provided in the Charter ”.

2. At the beginning of paragraph 5, delete the word “ *Considers* ” and insert the word “ *Considering* ”.

DOCUMENT A/C.4/L.90/Rev.1**United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution on the examination of petitions (A/C.4/L.99)**

[Original text : English]
[7 November 1950]

In the operative paragraph :

(1) Add the words “ consider the possibility of ”, after the words “ Recommends that the Trusteeship Council accordingly ”.

(2) In sub-paragraph (a), delete the words “ Consider the possibility of ”.

(3) In sub-paragraph (b), substitute “ Requesting ” for “ Request ”.

(4) Delete sub-paragraph (c).

(5) Delete sub-paragraph (d).

(6) In sub-paragraph (e), substitute “ Studying ” for “ Study ”.

(7) In sub-paragraph (f), substitute “ Requesting ” for “ Request ”.

DOCUMENT A/C.4/L.91**Cuba : amendments to section C of the draft contained in document A/C.4/L.88**

[Original text : Spanish]
[1 November 1950]

1. At the beginning of section C insert the following text :

“ *Considering* that, under Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic shall be exercised by the General Assembly,

“ *Considering* that, as provided in Article 87, para-

graph c of the Charter, the General Assembly and, under its authority, the Trusteeship Council may provide for periodic visits to the Trust Territories.”

2. In paragraph 7, replace “ *Notes* ” by “ *Noting* ”.

3. In paragraph 8, replace “ *Notes* ” by “ *Noting* ”.

4. In paragraph 9, replace “ *Considers* ” by “ *Considering* ”.

DOCUMENT A/C.4/L.92

Cuba : amendments to section D of the draft contained in document A/C.4/L.88

[Original text : Spanish]
[1 November 1950]

1. Insert the following text at the beginning of section D :

“ *Considering* that, according to Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic shall be exercised by the General Assembly;

“ *Considering* that, according to Article 87 b of the Charter, it is for the General Assembly and, under its authority, the Trusteeship Council to accept petitions

and examine them in consultation with the Administering Authority; ”

2. In paragraph 11, replace “ *Considers* ” by “ *Considering* ”.

3. In paragraph 12, replace “ *Considers* ” by “ *Considering* ”.

4. In paragraph 13, replace “ *Considers* ” by “ *Considering* ”.

DOCUMENT A/C.4/L.93

Belgium : suggestions concerning the interpretation of paragraph 6, sub-paragraph (a), of the draft contained in document A/C.4/L.88

[Original text : French]
[2 November 1950]

The annual report of the Trusteeship Council could be set out as follows :

PART I. CONDITIONS IN TRUST TERRITORIES

I. TANGANYIKA

A. *Political advancement*

1. The situation according to the annual report;
2. Observations of the visiting mission;
3. Conclusions, observations and recommendations of the Council;
4. Recommendations of the Council with respect to petitions;
5. Summary of the supplementary observations of the individual members.

[The action taken on recommendations of the General Assembly and the Trusteeship Council or the observations of the Administering Authority would appear under I A 1; the conclusions or observations of the Council, if there are any, and the observations of individual members would appear under A 3 and A 5 respectively.]

[Or the following could be added after 5 :

6. (a) Previous recommendations of the General Assembly and the Council;
6. (b) Action taken or observations submitted by the Administering Authority;
6. (c) Observations, if there are any, of the Council;
6. (d) Observations, if there are any, of individual members.]

B. *Economic advancement*

C. *Social advancement*

D. *Cultural advancement*

II. RUANDA-URUNDI

A. *Political advancement*

PART II. PETITIONS

(with reference to the petitions already mentioned in Part I)

PART. III. QUESTIONS SPECIALLY REFERRED TO THE COUNCIL BY THE GENERAL ASSEMBLY (if there are any)

[It would be preferable to place such questions under their corresponding sections, for example, the question of the administrative union between Papua and New Guinea would be placed under VIII, A 1, A 3 and A 5.]

DOCUMENT A/C.4/L.94

Dominican Republic : amendment to section B of the draft contained in document A/C.4/L.88

[Original text : Spanish]
[2 November 1950]

Replace paragraph 6 by the following :

“ Requests the Council accordingly to adopt for its future reports to the General Assembly a form such as the following :

“ (a) Each Territory shall be dealt with in a separate chapter.

“ (b) The chapter assigned to each Territory shall comprise the following sections :

- “ (1) Political;
- “ (2) Economic;
- “ (3) Social;
- “ (4) Educational.

“ (c) Each section shall be sub-divided as follows, and in the order given :

“ (1) Short account of general conditions, based on the report of the Administering Authority;

“ (2) Implementation of resolutions of the General Assembly and the Trusteeship Council, and an estimation of the measures taken for the purpose;

“ (3) Report and comments of the visiting mission to the Territory, where relevant;

“ (4) Conclusions and recommendations approved by the Council;

“ (5) Consideration of such petitions of a general nature as may fall within the scope of the sub-division;

“ (6) Comments of members of the Trusteeship Council made in a purely personal capacity. ”

DOCUMENT A/C.4/L.96

Chile : amendment to section C of the draft contained in document A/C.4/L.88

[Original text : Spanish]
[3 November 1950]

The General Assembly,

1. *Considering* that, under Article 87 c of the Charter, the General Assembly and, under its authority, the Trusteeship Council, may provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority;

2. *Noting* that periodic visiting missions of the Trusteeship Council have now visited each of the Trust Territories for the first time and have submitted valuable reports to the Council;

3. *Noting* that since these missions were the first of their kind and since the time during which they remained in each of the Trust Territories did not permit them to

make a thorough study of some of the problems existing in the Trust Territories;

4. *Considering* that the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review the organization of visiting missions;

5. *Recommends* accordingly that the Council should undertake such a review in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council, taking into consideration for that purpose the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly.

DOCUMENT A/C.4/L.97

India : amendments to section C of the draft contained in document A/C.4/L.88

[Original text : English]
[3 November 1950]

1. Add the following title: “ Organization and methods of functioning of visiting missions ”.

2. Insert at the commencement of the resolution :

“ *The General Assembly,* ”

3. *In paragraph 9* : for the words “ presents an opportunity to review the organization of visiting missions ”,

substitute the following : “ presents an opportunity for a review of the organization and methods of functioning of visiting missions ”.

4. *Transfer the words* “ in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council ” from paragraph 9 to paragraph 10, after the words “ such a review ”.

5. If amendments 3 and 4 are adopted, omit the rest of paragraph 10 from the words “ and more particularly to consider... ” and substitute the following : “ and to include the results of the review in its next report to the General Assembly ”.

If amendments 3 and 4 are not adopted, India will propose certain modifications to the Belgian amendments contained in A/C.4/L.95.

DOCUMENT A/1546

Report of the Fourth Committee

[Original text : English]
[22 November 1950]

1. The report of the Trusteeship Council covering its first and second special sessions and its sixth and seventh sessions (A/1306 and A/1306/Corr.1¹) was referred to the Fourth Committee by the General Assembly at its 285th plenary meeting on 26 September 1950.

2. At the 144th meeting of the Fourth Committee, the President of the Trusteeship Council, Dr. Max Henríquez Ureña, made an introductory statement summarizing the observations, conclusions and recommendations adopted by the Trusteeship Council. The report was then the subject of a general debate which continued until the 152nd meeting. Members of the Committee commented on the conditions in Trust Territories and on the administration of those Territories, and made comments and suggestions relating to the procedures of the Trusteeship Council and the organization of its work, particularly in view of the considerable increase in the work of that body.

3. Thirteen draft resolutions, and a number of amendments thereto, were presented to the Committee and were considered by it from the 152nd to the 173rd meetings. Those proposals fell into the following groups :

I. A general proposal relating to the action to be taken on the report of the Trusteeship Council (A/C.4/L.69), submitted by Canada.

II. Proposals relating to the procedures of the Trusteeship Council :

A. A proposal relating to the general procedure of the Trusteeship Council (A/C.4/L.70), submitted by Yugoslavia;

B. A proposal relating to the presentation of the annual reports of the Trusteeship Council (A/C.4/L.72), submitted by Cuba;

C. A proposal relating to the organization of visiting missions (A/C.4/L.74), submitted by Cuba and Norway;

D. Two proposals relating to the examination of petitions (A/C.4/L.71 and A/C.4/L.73), submitted by Yugoslavia and Cuba, respectively.

III. A proposal relating to the procedures of the Fourth Committee in its future examination of items relating to conditions in Trust and Non-Self-Governing Territories (A/C.4/L.76/Rev.1), submitted by India, Indonesia, Pakistan and Philippines.

IV. A proposal requesting the Secretary-General to report annually to the General Assembly on the implementation of the resolutions of the Trusteeship Council and the General Assembly relating to Trusteeship matters (A/C.4/L.79/Rev.2), submitted by Cuba and Mexico).

V. A proposal relating to educational advancement in Trust Territories (A/C.4/L.75/Rev.2), submitted by Pakistan and Indonesia.

VI. A proposal relating to the rural economic development of Trust Territories (A/C.4/L.78), submitted by Denmark, Mexico, Philippines, Syria and United States of America.

VII. A proposal relating to the application of the technical assistance programme to Trust Territories (A/C.4/L.80), submitted by Syria and Denmark.

VIII. A proposal calling for abolition of corporal punishment in Trust Territories (A/C.4/L.87/Rev.1), submitted by Cuba and Philippines.

IX. A proposal relating to the Ewe question in Togoland under French administration and Togoland under British administration (A/C.4/L.82/Rev.1), submitted by India, Indonesia, Iraq, Philippines and Yugoslavia.

4. At its 153rd meeting, the Committee appointed a Sub-Committee composed of the representatives of Chile, Cuba, France, India, New Zealand, Norway, Poland, Syria, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Yugoslavia, to consider the possibility of co-ordinating and amalgamating the texts of the proposals falling under groups II and III, and such amendments to those proposals as

¹ Official Records of the General Assembly, Fifth session, Supplement No. 4.

might be submitted. Actually, Denmark submitted an amendment (A/C.4/L.86) to the draft resolution proposed by Cuba concerning the presentation of the annual reports of the Trusteeship Council (II B above).

5. The Sub-Committee in its report (A/C.4/L.88), presented a draft combining, in a single text containing four sections, the proposals relating to the procedures of the Trusteeship Council, but recommended that the proposal relating to the procedures of the Fourth Committee referred to under III above should be considered separately by the Committee.

6. The Fourth Committee considered the report of the Sub-Committee at its 163rd and 164th meetings and decided, at the latter meeting, that the draft presented by the Sub-Committee should form the basis for more than one draft resolution. Eventually, the Committee adopted four separate draft resolutions based on the text submitted by the Sub-Committee. The texts of those resolutions are reproduced at the end of the present report. The Committee also decided, as recommended by the Sub-Committee, to consider separately the draft resolution submitted by India, Indonesia, Pakistan and the Philippines (A/C.4/L.76/Rev.1), concerning the procedures of the Fourth Committee. At the 173rd meeting, the Committee further decided, by 28 votes to 8, with 12 abstentions, to defer consideration of the draft resolution until item 4 of its agenda, "Information from Non-Self-Governing Territories", had been discussed. However, at the 181st meeting, the sponsors withdrew the draft resolution.

7. In addition to the four draft resolutions mentioned above, the Committee adopted seven draft resolutions the texts of which are reproduced at the end of the present report.

8. A detailed account of the consideration by the Committee of the various proposals before it is given in sections I-VIII below.

I. REPORT OF THE TRUSTEESHIP COUNCIL

9. The delegation of Canada submitted a draft resolution (A/C.4/L.69) reading as follows :

" The General Assembly,

" Takes note of the report of the Trusteeship Council covering its first special session, its second special session, and its sixth and seventh sessions (A/1306 and A/1306/Corr.1);

" Expresses its confidence that the Trusteeship Council, in a spirit of co-operation, will continue to contribute effectively to achieving the high objectives of the Trusteeship System;

" Recommends that the Trusteeship Council should consider at its next session the comments and suggestions made during the discussion of the report at the fifth session of the General Assembly;

" Requests the Secretary-General to prepare for the use of the Trusteeship Council an appropriate document setting forth such comments and suggestions. "

10. The above draft resolution was considered by the Committee at its 154th meeting. During the discussion, the representative of Canada withdrew the final paragraph.

11. At the request of the representative of Yugoslavia, a separate vote was taken on the inclusion of the words "continue to" in the second paragraph and, at the request of other delegations, a separate vote was taken on the third paragraph.

12. At the 154th meeting, the draft resolution was voted upon as follows :

Second paragraph : The words "continue to" were approved by 25 votes to 9, with 11 abstentions.

Third paragraph : The paragraph was adopted by 32 votes to 2, with 14 abstentions.

The draft resolution as a whole, as modified, was approved by 31 votes to none, with 17 abstentions. The text of the draft resolution is reproduced at the end of the present report, as draft resolution I.

II. PROCEDURES OF THE TRUSTEESHIP COUNCIL

A. GENERAL PROCEDURE OF THE TRUSTEESHIP COUNCIL

13. At its 164th meeting, the Fourth Committee considered section A of the draft submitted by the Sub-Committee (A/C.4/L.88), concerning the general procedure of the Trusteeship Council.

14. The United States of America proposed the deletion of the last part of the third paragraph of section A, beginning with the words "having in mind".

15. On the basis of section A and taking into account the United States proposal, India presented (164th meeting) the following draft resolution which was accepted as the basis for discussion :

" The General Assembly,

" Noting the increase in the volume of work and in the length of the sessions of the Trusteeship Council,

" Considering that for the more effective discharge by the Council of its duties a review of its present methods of work appears necessary,

" Recommends accordingly that the Council undertake a review of its general procedure and make a report on the results of such review to the next session of the General Assembly. "

16. The delegation of India accepted an oral amendment by Chile to the effect that the third paragraph should be altered to read as follows :

" Recommends accordingly that the Council undertake a review of its general procedure bearing in mind the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly and include the results of such review in its report to the next session of the General Assembly. "

17. At the 164th meeting, the draft resolution was approved, as modified, by 43 votes to none, with 4 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution II.

B. ANNUAL REPORTS OF THE TRUSTEESHIP COUNCIL

18. On the basis of section B of the draft submitted by the Sub-Committee (A/C.4/L.88) and taking into account the amendment thereto by Cuba (A/C.4/L.89), India presented the following draft resolution which was accepted as the basis for discussion :

“ *The General Assembly,*

“ 1. *Considering* that, under Article 85, paragraph 2, of the Charter, the Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out its functions with regard to the Trusteeship System,

“ 2. *Considering* that the annual report of the Trusteeship Council is prepared principally for the use and assistance of the General Assembly,

“ 3. *Considering* further that the present arrangement of the subject-matter of the report of the Trusteeship Council to the General Assembly, which conforms strictly to the various functions of the Council, might be improved so as to enable the General Assembly to form a clearer understanding of conditions in the Trust Territories,

“ 4. *Requests* the Council, accordingly, in its future reports to the General Assembly :

“ (a) To present in separate sections all the relevant data examined by the Trusteeship Council concerning the political, economic, social and educational conditions in each Trust Territory, so that each section may provide the General Assembly with a comprehensive account of such conditions in each of the above-mentioned fields;

“ (b) To include in each such section the observations, conclusions and recommendations of the Council on the topic under review, as well as such relevant observations of its individual members as the Council may consider useful;

“ (c) To give in each case in the appropriate section an account of the manner in which the Administering Authority has carried out each recommendation of the General Assembly or the Trusteeship Council; and

“ (d) To include, wherever practicable, maps of the various Trust Territories. ”

19. The draft resolution was considered at the 165th and 166th meetings. The delegation of India accepted an oral amendment by France to replace the word “ *Requests* ” in paragraph 4 by the word “ *Recommends* ”.

20. Amendments to the draft resolution were submitted by Belgium, Cuba and the Philippines (see below).

21. At the 166th meeting, the draft resolution and the amendments thereto were voted upon paragraph by paragraph as follows :

Paragraph 1. The paragraph was adopted by 35 votes to none, with 10 abstentions.

Paragraph 2. The delegation of Belgium proposed that the paragraph should be replaced by the following text :

“ *Considering* that under Article 15, paragraph 2, of the Charter, the General Assembly receives and considers the reports of the Trusteeship Council. ”

The delegation of the Philippines proposed that the text proposed by Belgium should be added to paragraph 2.

The amendment submitted by the Philippines to the amendment proposed by Belgium was rejected by 17 votes to 12, with 17 abstentions. The amendment proposed by Belgium was adopted by 26 votes to 17, with 4 abstentions.

Insertion of a new paragraph. The delegation of Cuba proposed the insertion of a new paragraph between paragraphs 2 and 3 of the draft resolution, reading as follows :

“ *Considering* that certain rules of procedure of the Trusteeship Council relate to the preparation of the annual report; that, under Article 90 of the Charter, the Council adopts its own rules of procedure; and that in so doing the Council is at all times bound to consider the inclusion of all provisions required to assist the General Assembly in carrying out its functions with regard to the Trusteeship System as provided in the Charter. ”

The Cuban amendment was voted upon by roll-call, as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Egypt, Guatemala, Haiti, India, Indonesia, Iraq, Lebanon, Mexico, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, Denmark, France, Netherlands, New Zealand, Norway, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Argentina, Chile, Dominican Republic, Ecuador, Ethiopia, Greece, Iran, Israel, Pakistan, Venezuela.

The amendment was adopted by 25 votes to 13, with 10 abstentions.

Paragraph 3 : The delegation of Belgium proposed that the paragraph should be amended to read as follows :

“ *Considering* that the present arrangement of the subject-matter of the report of the Trusteeship Council to the General Assembly might be improved so as to enable the General Assembly to form a clearer understanding of conditions in the Trust Territories. ”

The amendment was rejected by 19 votes to 17, with 11 abstentions.

The paragraph was adopted by 39 votes to none, with 7 abstentions.

Paragraph 4 : The delegation of Belgium proposed that the paragraph should be amended to read as follows :

“ *Expresses* the hope that the Trusteeship Council, in the light of the discussions at the fifth session of the General Assembly, and especially of documents

A/C.4/L.93 and A/C.4/L.94, will gather in its report information relating to the circumstances existing in each of the following fields, namely, political, economic, social and educational, with respect to each Trust Territory, and also information regarding the implementation of the recommendations of the General Assembly and of the Trusteeship Council.”

The amendment was voted upon by roll-call, as follows :

In favour : Australia, Belgium, Canada, Denmark, France, Greece, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against : Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela, Yemen, Yugoslavia.

Abstaining : Afghanistan, Argentina, China, Dominican Republic, Ethiopia, Iran, Peru, Thailand.

The amendment was rejected by 23 votes to 17, with 8 abstentions.

The delegation of Cuba proposed the insertion between sub-paragraphs (c) and (d) of a new sub-paragraph reading as follows :

“ To state also in the same section its conclusions on the extent of the action taken by the Administering Authority and on the measures which in its opinion should be adopted in view of those conclusions. ”

The amendment was adopted by 36 votes to none, with 9 abstentions.

Insertion of a new paragraph : The delegation of Cuba proposed the addition of a fifth paragraph reading as follows :

“ *Recommends* also that the Trusteeship Council, in preparing its future annual reports, should take into consideration documents A/C.4/L.93 and A/C.4/L.94, the texts of which will be of assistance in making clear the structure of the annual report of the Trusteeship Council which the General Assembly hopes will be adopted. ”

The amendment was adopted by 45 votes to none, with 2 abstentions.

The draft resolution as a whole, as amended, was voted upon by roll-call as follows :

In favour : Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Mexico, Netherlands, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : None.

Abstaining : Australia, Belgium, Canada, Dominican Republic, France, Greece, New Zealand, Union of South

Africa, United Kingdom of Great Britain and Northern Ireland, and United States of America.

The draft resolution, as amended, was approved by 38 votes to none, with 10 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution III.

C. ORGANIZATION OF VISITING MISSIONS

22. At the request of the Committee, the Rapporteur presented a draft resolution (A/C.4/L.98) based on section C of the draft submitted by the Sub-Committee (A/C.4/L.88), the text of which reads as follows :

“ *The General Assembly,*

“ 1. *Noting* that periodic visiting missions of the Trusteeship Council have now visited each of the Trust Territories for the first time and have submitted valuable reports to the Council,

“ 2. *Noting* that since these missions were the first of their kind and since the time spent by them in each of the Trust Territories was limited, they have not in general entered into the details of all the problems existing in the Trust Territories,

“ 3. *Considering* that the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review the organization of visiting missions in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council;

“ 4. *Requests* the Council accordingly to undertake such a review, and more particularly to consider the possibility of :

“ (a) Arranging for visiting missions to remain long enough in each Trust Territory to be able to study its problems more thoroughly;

“ (b) Reducing the number of Trust Territories to be visited by a single visiting mission;

“ (c) Ensuring the greatest possible flexibility in the itinerary of each visiting mission;

“ (d) Extending the duration of visits without diminishing their frequency, if necessary by reducing the number of members of each mission;

“ (e) Continuing to include in the terms of reference of each visiting mission the examination of specific problems;

“ (f) Continuing to include in the terms of reference of each visiting mission the preliminary examination on the spot of all petitions submitted to it, and of such other petitions as the Council may deem appropriate. ”

23. The draft resolution was considered at the 168th and 169th meetings of the Committee. The delegations of Belgium (A/C.4/L.95), Chile (A/C.4/L.96), Cuba (A/C.4/L.91) and India (A/C.4/L.97) submitted written amendments and the delegations of China and the Philippines proposed oral amendments as referred to below.

24. The Committee agreed that the draft resolution should be entitled "Organization and methods of functioning of visiting missions" as proposed by India (A/C.4/L.97), and that the second part of sub-paragraph 4 (d) reading "if necessary by reducing the number of members of each mission" should be deleted.

25. At the 169th meeting, the draft resolution and the amendments thereto were voted upon paragraph by paragraph as follows:

Insertion of a new paragraph: The delegation of Cuba proposed the insertion of a paragraph at the beginning of the draft resolution reading as follows:

"Considering that, under Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic shall be exercised by the General Assembly."

The amendment was adopted by 24 votes to 7, with 13 abstentions.

Insertion of a new paragraph: The delegation of Chile proposed the insertion of a paragraph after the paragraph quoted above, reading as follows:

"Considering that, under Article 87 c of the Charter, the General Assembly and, under its authority, the Trusteeship Council, may provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority."

The amendment was adopted by 45 votes to none, with no abstentions.

Paragraph 1: The delegation of India proposed the deletion of the word "periodic". The amendment was adopted by 25 votes to 5, with 13 abstentions.

The delegation of the Philippines proposed the deletion of the word "valuable". The amendment was rejected by 16 votes to 9, with 18 abstentions.

The paragraph, as amended, was adopted by 43 votes to none, with no abstentions.

Paragraph 2: The delegation of Chile proposed that the paragraph should be replaced by the following text:

"Noting that these missions were the first of their kind and the time during which they remained in each of the Trust Territories did not permit them to make a thorough study of some of the problems existing in the Trust Territories."

The amendment was adopted by 45 votes to none, with 1 abstention.

Paragraph 3: The delegation of Chile proposed that the paragraph should be replaced by the following text:

"Considering that the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review the organization of visiting missions."

The delegation of China proposed the insertion, after the words "Considering that" in the amendment by Chile, of the words "since it has been customary for the Trusteeship Council to study the possibility of improving the organization and functioning of visiting missions" and the replacement of the words "the organization of visiting missions" by "these matters again".

The delegation of the Philippines proposed that the amendment by China should be amended by the insertion of the words "and membership, as well as the methods" after the word "organization".

The Philippine amendment was adopted by 23 votes to 6, with 16 abstentions.

The amendment of China was adopted by 17 votes to 11, with 18 abstentions.

The amendment of Chile, as amended, was adopted by 37 votes to 5, with 3 abstentions.

Paragraph 4: The delegations of Chile and India proposed that the paragraph should be replaced by the following text:

"Recommends accordingly that the Council should undertake such a review in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council, taking into consideration for that purpose the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly and should include the results of its review in its next report to the General Assembly."

An amendment by the delegation of China to the effect that the words "such a review", in the amendment of Chile and India, should be replaced by "another such review" was accepted by the sponsors.

The delegation of Cuba proposed that the amendment of Chile and India should be amended by the addition, after the words "fifth session of the General Assembly", of the words "taking into account the advisability of" followed by the sub-paragraphs enumerated in paragraph 4 of the draft resolution (A/C.4/L.98) and that the latter half of the amendment should be amended to read "Requests the Trusteeship Council to include the results of the review in its next report to the General Assembly."

The delegation of Belgium proposed that the words "to study its problems more thoroughly" in sub-paragraph 4 (a) of the draft resolution should be replaced by the words "adequately to fulfil their task" and in sub-paragraph 4 (f) that the words "of all petitions" should be replaced by the words "when called for, of the petitions".

The delegation of the Philippines proposed the addition, after sub-paragraph 4 (f), of two further sub-paragraphs reading as follows:

"(g) Selecting members of each visiting mission as much as possible from among representatives who sit on the Council;

"(h) Directing visiting missions to take advantage of every opportunity to inform the indigenous inhabitants of the workings and operations of the International Trusteeship System."

The first part of the amendment of Cuba to the effect that the words "and taking into account the advisability of..." should be added to the amendment of Chile and India was voted upon by roll-call as follows:

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ecuador, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Norway, Pakistan, Philip-

piners, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Chile, China, Denmark, France, Greece, Netherlands, New Zealand, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Peru, Thailand.

The amendment was adopted by 28 votes to 14, with 3 abstentions.

The amendment of Belgium to sub-paragraph 4 (a) was adopted by 14 votes to 11, with 17 abstentions.

Sub-paragraph 4 (a), as modified, was adopted by 31 votes to 4, with 9 abstentions.

The amendment of Belgium to sub-paragraph 4 (f) was adopted by 14 votes to 12, with 15 abstentions.

The amendment of the Philippines to the effect that a new sub-paragraph 4 (g) should be added was adopted by 15 votes to 11, with 17 abstentions.

The amendment of the Philippines to the effect that a new sub-paragraph 4 (h) should be added was adopted by 33 votes to none, with 11 abstentions.

The amendment of Chile and India, as amended, was adopted by 31 votes to 1, with 10 abstentions.

The draft resolution as a whole, as amended, was voted upon by roll-call as follows:

In favour: Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Greece, Guatemala, India, Indonesia, Iran, Iraq, Mexico, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Australia, Belgium, Canada, Chile, China, France, Netherlands, New Zealand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution as a whole, as amended, was approved by 33 votes to none, with 11 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution IV.

D. EXAMINATION OF PETITIONS

26. At the request of the Committee, the Rapporteur presented a draft resolution (A/C.4/L.99) based on section D of the draft submitted by the Sub-Committee (A/C.4/L.88). The draft resolution read as follows:

"The General Assembly,

"Considering that the right of petition, which is one of the fundamental human rights, is one of the most important factors in the operation of the International Trusteeship System, and that the careful study of petitions is one of the fundamental responsibilities of the Trusteeship Council,

"Considering that it is essential, in the interest of the inhabitants of Trust Territories, to continue to

improve in every possible way the procedure for the examination of petitions,

"Considering further that due attention should be given to anonymous petitions, whether of an individual or of a general character, and that an appropriate procedure should be established for this purpose,

"Recommends that the Trusteeship Council accordingly:

"(a) Consider the possibility of constituting the Ad Hoc Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council;

"(b) Request the Administering Authorities to submit such observations as they may wish to make upon petitions which concern them within two months of their receiving such petitions;

"(c) Authorize the Secretary-General to give each petitioner who so desires the assurance that his name shall not be disclosed, and to circulate each such petition in the usual manner to the members of the Council;

"(d) Undertake the examination of any anonymous petition upon the request of any one of its members;

"(e) Study all other measures which may serve to improve the present procedure for the examination of petitions;

"(f) Request the Administering Authorities to submit each year special information concerning action taken upon the recommendations of the Council in respect of petitions examined, except in those cases where the Council does not deem it necessary."

27. The draft resolution was considered at the 170th and 171st meetings of the Committee and amendments were submitted thereto by Belgium (A/C.4/L.100), Cuba (A/C.4/L.92), India (A/C.4/L.101) and the United Kingdom (A/C.4/L.90/Rev.1) (see below).

28. At the 171st meeting, the draft resolution was voted upon paragraph by paragraph as follows:

Insertion of a new paragraph: The delegation of Cuba proposed the insertion of a paragraph at the beginning of the draft resolution reading as follows:

"Considering that, according to Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic shall be exercised by the General Assembly."

The amendment was adopted by 23 votes to 2, with 17 abstentions.

Insertion of a new paragraph: The delegation of Cuba proposed the insertion of a paragraph after the paragraph quoted above, reading as follows:

"Considering that, according to Article 87 b of the Charter, it is for the General Assembly and, under its authority, the Trusteeship Council to accept petitions and examine them in consultation with the Administering Authority."

The delegation of Cuba accepted an amendment by the delegation of Belgium to the effect that the paragraph should be modified to read as follows:

“ *Considering* that, according to Article 87 b of the Charter, the General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may accept petitions and examine them in consultation with the Administering Authority.”

The amendment was adopted by 33 votes to none, with 13 abstentions.

First paragraph: The paragraph was adopted by 46 votes to none, with no abstentions.

Second paragraph: The paragraph was adopted by 47 votes to none, with no abstentions.

Third paragraph: The delegation of India proposed that the paragraph should be replaced by the following text:

“ *Considering* further that anonymous petitions should not be regarded as inadmissible only on the grounds of their anonymity, and that an appropriate procedure be established for dealing with such petitions ”.

The delegation of Belgium proposed an amendment to the amendment proposed by India to the effect that the word “ petitions ” should be replaced by the word “ communications ” in the two places in which it occurred.

The Belgian amendment to the amendment proposed by India was rejected by 23 votes to 20, with 4 abstentions.

The amendment by India was adopted by 20 votes to 15, with 12 abstentions.

Fourth paragraph: The delegation of the United Kingdom proposed that the first line and sub-paragraph (a) be amended to read:

“ *Recommends* that the Trusteeship Council accordingly consider the possibility of:

“ (a) Constituting the *Ad Hoc* Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council.”

The amendment was adopted by 33 votes to 3, with 9 abstentions.

Sub-paragraph (a) as amended was adopted by 32 votes to 5, with 10 abstentions.

Sub-paragraph (b) was adopted by 38 votes to none, with 8 abstentions.

Sub-paragraph (c) was rejected by 25 votes to 18, with 4 abstentions.

Sub-paragraph (d) rejected by 27 votes to 18, with 2 abstentions.

Sub-paragraph (e) was adopted by 45 votes to none, with 2 abstentions.

The delegation of Belgium proposed that sub-paragraph (f) should be replaced by the following text:

“ (f) Invite the Administering Authorities to furnish in their annual reports the information requested by the Council concerning compliance with the recommendations relating to petitions examined.”

The amendment was voted upon by roll-call as follows:

In favour: Australia, Belgium, Canada, Denmark, France, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Against: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Guatemala, Colombia, Cuba, Czechoslovakia, Ecuador, El Salvador, Ethiopia, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Abstaining: Argentina, Brazil, Greece, Israel.

The amendment was rejected by 32 votes to 11, with 4 abstentions.

Sub-paragraph (f) was adopted by 35 votes to 3, with 8 abstentions.

The draft resolution as a whole, as amended, was voted upon by roll-call as follows:

In favour: Afghanistan, Argentina, Burma, Chile, China, Colombia, Cuba, El Salvador, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Mexico, Netherlands, New Zealand, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, France.

Abstaining: Brazil, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Ecuador, Greece, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland.

The draft resolution, as amended, was approved by 30 votes to 3 with 14 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution V.

III. INFORMATION ON THE IMPLEMENTATION OF TRUSTEESHIP COUNCIL AND GENERAL ASSEMBLY RESOLUTIONS RELATING TO TRUSTEESHIP MATTERS

29. The delegations of Cuba and Mexico submitted a joint draft resolution (A/C.4/L.79) which, as subsequently revised (A/C.4/L.79/Rev.2), read as follows:

“ *The General Assembly*,

“ *Considering* that it is necessary that both the General Assembly and the Trusteeship Council should have at their disposal information on the results of the implementation of the recommendations approved by both bodies, in matters relating to Chapters XII and XIII of the Charter,

“ *Requests* the Secretary-General:

“ (a) To prepare a list, classified by subjects, of such resolutions, including in each case the text of the operative part of the document;

“ (b) To report next year to the Assembly on the measures taken by the Administering Authorities to implement such resolutions, using as a source the previous reports of the Trusteeship Council;

“ (c) Where necessary, and if there has been no action on the part of an Administering Authority, to set forth the reasons given by that Authority for delay in the implementation of any particular resolution.”

30. The draft resolution was considered by the Committee at its 156th, 157th and 158th meetings.

31. The delegation of the Philippines introduced an amendment (A/C.4/L.85) to the effect that the first paragraph of the joint proposal should be replaced by the following text :

“ *Considering* that the Administering Authorities have a clear obligation to implement the recommendations of the General Assembly and the Trusteeship Council in matters relating to Chapters XII and XIII of the Charter,

“ *Considering* further that it is necessary that both the General Assembly and the Trusteeship Council should have at their disposal information on the results of the implementation of their recommendations.”

The delegation of the Philippines subsequently withdrew the above amendment at the request of the sponsors, while reserving its right to introduce it as a separate resolution at the appropriate time and place.

32. The sponsors accepted the following oral amendments :

Deletion of the words “ the results of ” in the title and in the first paragraph, as proposed by India;

Deletion of the word “ previous ” in sub-paragraph (b) as proposed by Belgium;

Deletion of the words “ where necessary, and ” in sub-paragraph (c) as proposed by India;

Insertion, after the first clause of sub-paragraph (c) of the words “ in respect of any particular resolution ” as proposed by India;

Replacement of the words “ by that Authority for delay in the implementation of any particular resolution ” in sub-paragraph (c) by the words “ concerning that matter ”, as proposed by Argentina.

33. The draft resolution was voted upon at the 158th meeting. The delegation of Czechoslovakia proposed that the original text of sub-paragraph (c) should replace the paragraph in its modified form. The amendment was rejected by 14 votes to 10, with 22 abstentions. The draft resolution as modified was voted upon by roll-call as follows :

In favour : Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Colombia, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, France, Luxembourg, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Chile, Denmark, Ethiopia, Netherlands, Venezuela.

The draft resolution was adopted by 31 votes to 11, with 5 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution VI.

IV. EDUCATIONAL ADVANCEMENT IN THE TRUST TERRITORIES

34. The delegations of Pakistan and Indonesia introduced a joint draft resolution (A/C.4/L.75/Rev.2) on educational advancement in the Trust Territories reading as follows :

“ *The General Assembly,*

“ *Considering* that the promotion of educational advancement of the inhabitants of Trust Territories is essential for their progressive development as early as possible towards self-government and independence,

“ *Recognizing* that, while notable progress has already been achieved in the educational development of the Trust Territories, considerable efforts are still required in this field,

“ *Considering* that the establishment in so far as is practicable of comprehensive and long-range plans to achieve such educational development is desirable,

“ *Recommends* to the Trusteeship Council to continue to devote particular attention, in consultation with the Administering Authorities and the specialized agencies, to long-range problems of educational development in the Trust Territories, with a view to enabling the inhabitants of those Territories to take over the responsibilities of complete self-government at the earliest possible date;

“ *Requests* that the Trusteeship Council include in its regular reports to the General Assembly its observations on the various long-range educational programmes undertaken in the Trust Territories, and the progress made in respect thereof.”

The draft resolution was considered by the Committee at its 160th meeting.

35. The sponsors accepted the following oral amendments :

Replacement of the word “ considerable ” by “ considerably greater ” in the second paragraph, as proposed by India;

Replacement of the word “ problems ” by “ programmes ” in the fourth paragraph, as proposed by Chile.

36. The delegations of France and the Union of Soviet Socialist Republics submitted amendments to the draft resolution (see below).

37. The Committee voted upon the joint draft resolution and the amendments thereto, as follows :

First paragraph. The delegation of France proposed that the words “ self-government and independence ” should be replaced by “ self-government or independence ”.

The amendment was adopted by 25 votes to 8, with 7 abstentions.

Second paragraph. The delegation of the Union of Soviet Socialist Republics proposed that the paragraph should be amended to read as follows :

" *Finding* the efforts made so far by the Administering Authorities in the Territories under their charge to be insufficient. "

The amendment was rejected by 18 votes to 8, with 15 abstentions.

At the request of the delegation of Czechoslovakia, the first part of the paragraph up to and including the words " Trust Territories " was put to the vote separately and was adopted by 33 votes to 5, with 4 abstentions. The delegation of France proposed that the original word " considerable " in the second part of the paragraph should be put to the vote as an amendment.

The amendment was adopted by 16 votes to 12, with 13 abstentions.

Third paragraph. The delegation of the U.S.S.R. proposed that the words " long-range " should be replaced by " five-to ten-year ".

The amendment was rejected by 11 votes to 5, with 25 abstentions. The draft resolution as a whole, as amended, was approved by 37 votes to none, with 6 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution VII.

V. RURAL ECONOMIC DEVELOPMENT OF TRUST TERRITORIES

38. The delegations of Denmark, Mexico, the Philippines, Syria and the United States of America presented a joint draft resolution (A/C.4/L.78) reading as follows :

" *The General Assembly,*

" *Recognizing* that the equitable distribution and proper utilization of the land together constitute one of the essential conditions in ensuring and maintaining economic and social advancement of under-developed areas,

" *Recognizing* that all Trust Territories are among the under-developed areas of the world,

" *Recommends* the Trusteeship Council :

" (a) To study the prevailing policies, laws and practices which in the Trust Territories relate to land, land utilization and to the alienation of land, taking into account the present and future needs of the indigenous inhabitants and the future economic requirements of the said Territories, as well as the social and economic consequences of the transfer of land to non-indigenous inhabitants;

" (b) To make such recommendations to the Administering Authorities concerning the prevailing policies, laws and practices referred to above as may be conducive to the economic and social development of the indigenous inhabitants of the said Territories and as the Council may see fit to make in the light of the study undertaken in pursuance of sub-paragraph (a) above;

" 4. *Requests* the Trusteeship Council to report to the next session of the General Assembly on the work done in this connexion. "

39. The draft resolution was considered by the Committee at its 154th and 155th meetings.

40. The delegation of the U.S.S.R. introduced an amendment (A/C.4/L.83) which, in its final revised form (155th meeting), proposed that the phrase " bearing in mind the inadmissibility of alienating the land of the indigenous inhabitants " should replace the last part of sub-paragraph (a), beginning with the words " the future economic requirements. " The amendment was, however, subsequently withdrawn.

41. The delegation of India proposed amendments (A/C.4/L.84) to the effect that the first paragraph should read :

" *Recognizing* that the equitable distribution and proper utilization of the land together constitute one of the essential conditions in ensuring, maintaining and promoting the economic and social advancement of the inhabitants of all Trust Territories ", and that the second paragraph should be deleted. Those amendments were, however, subsequently withdrawn. The delegation of India proposed two other oral amendments (see below).

42. The sponsors of the joint proposal modified the first paragraph by changing the phrase " ensuring and maintaining " to " ensuring, maintaining and promoting ".

43. The joint proposal, as thus modified, was voted upon paragraph by paragraph at the 155th meeting, as follows :

First paragraph. The delegation of India proposed that the words " under-developed areas " should be replaced by " inhabitants of Trust Territories ".

The amendment was voted upon by roll-call as follows :

In favour : Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Egypt, Ethiopia, France, Haiti, India, Indonesia, Iraq, Lebanon, Liberia, Netherlands, New Zealand, Norway, Pakistan, Poland, Saudi Arabia, Sweden, Syria, Thailand, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yemen, Yugoslavia.

Against : Argentina, Australia, Belgium, Brazil, Chile, China, Colombia, Cuba, Denmark, Ecuador, El Salvador, Guatemala, Mexico, Peru, Philippines, United States of America, Venezuela.

Abstaining : Greece, Iran, Israel.

The amendment was adopted by 29 votes to 17, with 3 abstentions.

The first paragraph as amended was adopted by 38 votes to none, with 11 abstentions.

Second paragraph. The paragraph was voted upon by roll-call as follows :

In favour : Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, India, Indonesia, Iraq, Lebanon, Liberia, Mexico, Peru, Philippines, Poland, Saudi Arabia,

Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, China, France, Netherlands, New Zealand, Norway, Pakistan, Sweden, Union of South Africa, Uruguay, Venezuela.

Abstaining : Afghanistan, Brazil, Greece, Iran, Israel, Thailand.

The paragraph was adopted by 31 votes to 13, with 6 abstentions.

Third paragraph. The delegation of India proposed the insertion, after the words "indigenous inhabitants" in sub-paragraph (a), of the words "from the standpoint of the basic objectives of the International Trusteeship System, as set forth in Article 76 of the Charter".

The amendment was voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Egypt, Ethiopia, Greece, Haiti, India, Indonesia, Iraq, Lebanon, Liberia, Mexico, New Zealand, Norway, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen, Yugoslavia.

Against : None.

Abstaining : Argentina, Australia, Belgium, Chile, China, Cuba, Denmark, Ecuador, El Salvador, France, Guatemala, Iran, Israel, Pakistan, Paraguay, Peru, Sweden, Thailand, Union of South Africa, Venezuela.

The amendment was adopted by 30 votes to none, with 20 abstentions :

The sub-paragraph as amended was voted upon by roll-call as follows :

In favour : Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, India, Indonesia, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : None.

Abstaining : Ecuador, Iran, Pakistan.

The paragraph, as amended, was adopted by 46 votes to none, with 3 abstentions.

Sub-paragraph (b) was voted upon by roll-call as follows :

In favour : Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia,

Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : None.

Abstaining : Ecuador, Iran.

Sub-paragraph (b) was adopted by 48 votes to none, with 2 abstentions.

Fourth paragraph. The paragraph was voted upon by roll-call as follows :

In favour : Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, India, Indonesia, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : None.

Abstaining : Ecuador, Iran.

The paragraph was adopted by 48 votes to none, with 2 abstentions. The draft resolution, as amended, was approved by 48 votes to none, with 2 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution VIII.

VI. APPLICATION OF THE TECHNICAL ASSISTANCE PROGRAMME TO THE TRUST TERRITORIES

44. The delegations of Syria and Denmark introduced a joint draft resolution (A/C.4/L.80) reading as follows :

" *The General Assembly,*

" *Considering* that, in pursuance of the objectives of the Trusteeship System as set forth in the Charter, it is indispensable that the economies of Trust Territories be developed in the interest of the indigenous inhabitants,

" *Noting* that economic under-development in Trust Territories is, to a considerable extent, due to the lack of adequate technical assistance,

" *Noting* that under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222 (IX) of the Economic and Social Council), the Trust Territories are eligible to receive technical assistance upon the request of the Administering Authorities concerned,

" *Draws* the attention of the Administering Authorities to the facilities available under this expanded programme of technical assistance, as well as to the regular programmes of technical assistance of the United Nations and the specialized agencies for economic development, social welfare services and training for public administration,

" *Recommends* that the Administering Authorities, on behalf of the Trust Territories, make full use of these sources of technical assistance and make appropriate applications to the agencies involved;

" *Recommends* that the Administering Authorities submit to the Trusteeship Council information on all applications made in implementation of this resolution and on the manner in which technical assistance received from the United Nations or the specialized agencies has been integrated into the long-range programmes for the development of the Trust Territories."

45. The joint proposal was considered by the Committee at its 158th and 159th meetings.

46. The sponsors accepted the following amendments :

Deletion of the words " the economies of ", in the first paragraph as proposed orally by India;

Replacement of the second paragraph by the following text as proposed orally by Argentina : " *Noting* that the development of Trust Territories might be improved by additional technical assistance ".

The insertion after the fourth paragraph, as proposed by Saudi Arabia (A/C.4/L.81), of a new paragraph reading as follows :

" *Draws* the attention of the Economic and Social Council, the specialized agencies and the Secretary-General of the United Nations to the need to extend to the Trust Territories such technical assistance as they may be in a position to render, in order to establish a sound basis for the progressive development of the inhabitants towards self-government or independence. "

47. The draft resolution, as modified, was voted upon at the 159th meeting, and approved by 40 votes to none, with 7 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution IX.

VII. ABOLITION OF CORPORAL PUNISHMENT IN TRUST TERRITORIES

48. The delegations of Cuba and the Philippines submitted a joint draft resolution (A/C.4/L.87/Rev.1) reading as follows :

" *The General Assembly,*

" *Recalling* its resolution 323 (IV) endorsing the recommendation of the Trusteeship Council for the immediate abolition of corporal punishment in the Trust Territories,

" *Noting* the several statements contained in the report of the Trusteeship Council to the present session of the General Assembly to the effect that such punishment is still being applied,

" *Recommends* that corporal punishment be immediately and completely abolished in all Trust Territories where it still exists. "

49. The Committee considered the draft resolution at its 172nd meeting. The delegation of Cuba submitted an oral amendment which was subsequently amended,

with the approval of Cuba, by the delegation of the Netherlands, to the effect that the third paragraph should be replaced by the following text :

" *Recommends* that measures be taken immediately to bring about the complete abolition of corporal punishment in all Trust Territories where it still exists, and requests the Administering Authorities of those Territories to report on this matter next year to the General Assembly ".

50. The Committee voted on the draft resolution and the amendment thereto as follows :

The first part of the joint amendment (up to and including the word " exists ") was adopted by 22 votes to 11, with 5 abstentions.

The second part of the joint amendment was adopted by 34 votes to 2, with 5 abstentions.

The joint amendment as a whole was adopted by 25 votes to 3, with 10 abstentions.

The draft resolution as a whole, as amended, was voted upon by roll-call, as follows :

In favour : Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, France, Guatemala, Haiti, India, Indonesia, Iran, Israel, Mexico, Netherlands, Norway, Pakistan, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen, Yugoslavia.

Against : None.

Abstaining : Australia, Belgium, New Zealand.

The draft resolution, as a whole, as amended, was approved by 37 votes to none, with 3 abstentions. Subsequently, the delegations of Canada, the Dominican Republic, Iraq, Lebanon, Peru and Venezuela explained that, for reasons beyond their control, they had been prevented from being present during the vote on this draft resolution. The text of the draft resolution is reproduced at the end of the present report as draft resolution X.

VIII. THE EWE PROBLEM

51. The delegations of India, Indonesia, Iraq, the Philippines and Yugoslavia submitted a joint draft resolution (A/C.4/L.82), subsequently replaced by a revised draft resolution (A/C.4/L.82/Rev.1) which read as follows :

" *The General Assembly,*

" *Noting* the action taken by the Trusteeship Council in respect of the Ewe unification movement and related questions in the Trust Territories of Togoland under French administration and Togoland under British administration,

" *Noting* in particular the endorsement by the Council of the decision of the Administering Authorities concerned to establish an expanded Standing Consultative Commission for the purpose of ascertaining the real wishes and interests of the peoples

concerned, and the expression by the Council of the hope that the Administering Authorities would take all appropriate steps to ensure that the Commission would equitably represent the different sections and groups,

“ *Noting* the complaints made by the President of the *Comité de l'Unité togolaise* in a petition to the Secretary-General (T/PET.7/160-T/PET.6/194, T/PET.7/160-T/PET.6/194/Add.1, T/PET.7/160-T/PET.6/194/Add.2 and T/PET.7/160-T/PET.6/194/Add.3) against the methods of election prescribed by the Administering Authority of Togoland under French administration and the allegation that persons have been arrested and imprisoned because they wished to have indigenous customs observed in the elections,

“ *Noting* the comments contained in other related petitions,

“ *Noting* the declarations made on these matters by the representative of France in the Fourth Committee on 18 October 1950,

“ *Recognizes* the great importance of the Ewe problem, and impresses upon the Trusteeship Council and the Administering Authorities concerned the importance of finding an adequate solution as soon as possible and in full accordance with the real wishes and interests of the people concerned;

“ *Impresses* in particular upon the Administering Authorities the necessity of conducting elections to the Consultative Commission in a democratic manner that will ensure a true representation of the people;

“ *Recommends* that the Administering Authority of Togoland under French administration investigate promptly the practices complained of in the petition of the President of the *Comité de l'Unité togolaise* and other like petitions with a view to ascertaining whether the methods of election which have been applied ensure that the views of all sections of the population are faithfully reflected and to report thereon to the next session of the Trusteeship Council.”

52. The sponsors of the draft resolution accepted the following amendments :

Addition to the list of documents given in the third paragraph, of the symbols “ T/PET.7/160-T/PET.6/194-Add. 4 and T/PET.7/160-T/PET.6/194/Add. 5 ”, as proposed by Iraq.

Replacement of the fourth paragraph by the following paragraph : “ *Noting* the comments to the contrary contained in other related petitions (T/PET.7/163-T/PET.6/197; T/PET.7/165-T/PET.6/199 and T/PET.7/165-T/PET.6/199/Add.1) ”, as proposed by Argentina;

Replacement of the words “ 18 October ” in the fifth paragraph by the words “ 18 and 31 October ”, as proposed by the United Kingdom;

Replacement of the words “ other like petitions ” in the eighth paragraph by the words “ other petitions on the subject ”, as proposed by the United Kingdom.

53. The delegations of Belgium, China, India, Poland, Cuba and the Ukrainian S.S.R. submitted amendments (see below).

54. The draft resolution and the amendments thereto were voted upon at the 162nd meeting as follows :

Fourth paragraph. The delegation of the Ukrainian S.S.R. proposed the substitution of the original text of the draft resolution for the amended text. The amendment was rejected by 23 votes to 5, with 14 abstentions.

Sixth paragraph. The delegation of Belgium proposed that the words “ an adequate solution as soon as possible and in full accordance with ” should be replaced by the words “ the most satisfactory solution possible in fullest possible conformity with ”. The amendment was rejected by 22 votes to 16, with 4 abstentions.

First to sixth paragraphs inclusive. The paragraphs were adopted by 40 votes to none, with 2 abstentions.

Seventh paragraph. The paragraph was adopted by 34 votes to 3, with 5 abstentions.

Eighth paragraph. The delegation of China proposed the addition of a paragraph at the end of the draft resolution reading as follows :

“ *Requests* the Trusteeship Council to examine, at its next session, the methods and results of the election in connexion with the establishment of the enlarged Standing Consultative Commission in the light of the relevant discussions in the Fourth Committee; to send a special mission, if necessary, to make an investigation on the spot; and to report to the sixth session of the General Assembly.”

The delegation of India proposed that instead of the Chinese amendment the words “ for such action as it may consider appropriate in the light of the relevant discussions in the Fourth Committee and of the results of the investigations of the Administering Authority of Togoland under French administration ” should be added at the end of the eighth paragraph. The Chairman ruled that the amendment by India should be put to the vote first and that, if it were adopted, the amendment by China would be lost. The amendment by India was adopted by 32 votes to none, with 11 abstentions. Consequently, the amendment by China was lost and no vote was taken upon it. The paragraph as amended was adopted by 38 votes to none, with 5 abstentions.

Insertion of new paragraph. The delegation of Poland proposed the insertion after the eighth paragraph of an additional paragraph reading as follows :

“ *Request* the Trusteeship Council to make a special report to the next session of the General Assembly on all the steps undertaken in connexion with the Ewe question.”

The delegation of Cuba proposed a modified text of the amendment by Poland reading as follows :

“ *Requests* the Trusteeship Council to devote a special chapter or sub-chapter of its annual report to the next session of the General Assembly setting forth all the steps undertaken in connexion with the Ewe question.”

The Chairman ruled that the amendment by Cuba should be put to the vote first and that if it were adopted, the amendment by Poland would be lost. The amendment of Cuba was adopted by 26 votes to 8, with 9 abstentions. Consequently, the amendment by Poland was

lost and no vote was taken upon it. The addition of a ninth paragraph, as amended, was adopted by 34 votes to none, with 9 abstentions.

The draft resolution as a whole, as amended, was adopted by 40 votes to none, with 3 abstentions. The text of the draft resolution is reproduced at the end of the present report as draft resolution XI.

55. The Fourth Committee therefore recommends to the General Assembly the adoption of the following resolutions :

DRAFT RESOLUTION I

REPORT OF THE TRUSTEESHIP COUNCIL COVERING ITS FIRST SPECIAL SESSION, ITS SECOND SPECIAL SESSION, AND ITS SIXTH AND SEVENTH SESSIONS

The General Assembly,

1. *Takes note* of the report² of the Trusteeship Council covering its first special session, its second special session, and its sixth and seventh sessions;

2. *Expresses* its confidence that the Trusteeship Council, in a spirit of co-operation, will continue to contribute effectively to achieving the high objectives of the Trusteeship System;

3. *Recommends* that the Trusteeship Council consider at its next session the comments and suggestions made during the discussion of the report at the fifth session of the General Assembly.

DRAFT RESOLUTION II

GENERAL PROCEDURE OF THE TRUSTEESHIP COUNCIL

The General Assembly,

Noting the increase in the volume of work and in the length of the sessions of the Trusteeship Council,

Considering that, for the more effective discharge by the Council of its duties, a review of its present methods of work appears desirable,

Recommends accordingly that the Trusteeship Council undertake a review of its general procedure bearing in mind the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly, and include the results of such review in its report to the next regular session of the General Assembly.

DRAFT RESOLUTION III

ANNUAL REPORTS OF THE TRUSTEESHIP COUNCIL

The General Assembly,

Considering that, under Article 85, paragraph 2, of the Charter, the Trusteeship Council, operating under

the authority of the General Assembly, shall assist the General Assembly in carrying out its functions with regard to the International Trusteeship System,

Considering that, under Article 15, paragraph 2, of the Charter, the General Assembly shall receive and consider the reports of the Trusteeship Council,

Considering that certain rules of procedure of the Trusteeship Council relate to the preparation of the annual report; that, under Article 90 of the Charter, the Council adopts its own rules of procedure; and that in so doing, the Council is at all times bound to consider the inclusion of all provisions required to assist the General Assembly in carrying out its functions with regard to the Trusteeship System as provided in the Charter,

Considering further that the present arrangement of the subject-matter of the report of the Trusteeship Council to the General Assembly, which conforms strictly to the various functions of the Council, might be improved so as to enable the General Assembly to form a clearer understanding of conditions in the Trust Territories,

1. *Recommends* that the Trusteeship Council, accordingly, in its future reports to the General Assembly :

(a) Present in separate sections all the relevant data examined by the Trusteeship Council concerning the political, economic, social and educational conditions in each Trust Territory, so that each section may provide the General Assembly with a comprehensive account of such conditions in each of the above-mentioned fields;

(b) Include in each such section the observations, conclusions and recommendations of the Council on the topic under review, as well as such relevant observations of its individual members as the Council may consider useful;

(c) Give in each case in the appropriate section an account of the manner in which the Administering Authority has carried out each recommendation of the General Assembly or of the Trusteeship Council;

(d) State also in the same section its conclusions on the extent of the action taken by the Administering Authority and on the measures which, in its opinion, should be adopted in view of those conclusions;

(e) Include, wherever practicable, maps of the various Trust Territories;

2. *Recommends* also that the Trusteeship Council, in preparing its future annual reports, take into consideration documents A/C.4/L.93 and A/C.4/L.94, the texts of which will be of assistance in making clear the structure of the annual report of the Trusteeship Council which the General Assembly hopes will be adopted.

DRAFT RESOLUTION IV

ORGANIZATION AND METHODS OF FUNCTIONING OF VISITING MISSIONS

The General Assembly,

Considering that, under Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard

² See *Official Records of the General Assembly, Fifth Session, Supplement No. 4.*

to Trusteeship Agreements for all areas not designated as strategic shall be exercised by the General Assembly,

Considering that, under Article 87 c of the Charter, the General Assembly, and, under its authority, the Trusteeship Council, may provide for periodic visits to the respective Trust Territories at times agreed upon with the Administering Authority,

Noting that visiting missions of the Trusteeship Council have now visited each of the Trust Territories for the first time and have submitted valuable reports to the Council,

Noting that these missions were the first of their kind and that the time during which they remained in each of the Trust Territories did not permit them to make a thorough study of some of the problems existing in the Trust Territories,

Considering that since it has been customary for the Trusteeship Council to study the possibility of improving the organization and membership as well as the methods and functioning of visiting missions, the commencement in 1951 of a second series of visits to the Trust Territories presents an opportunity to review these matters again,

1. *Recommends* accordingly that the Trusteeship Council should undertake another such review in order to ensure that the most effective use will be made in future of this important function of the General Assembly and of the Council, taking into consideration for that purpose the observations and suggestions made during the discussion of this matter at the fifth session of the General Assembly and taking into account the advisability of :

(a) Arranging for visiting missions to remain long enough in each Trust Territory to be able adequately to fulfil their task;

(b) Reducing the number of Trust Territories to be visited by a single visiting mission;

(c) Ensuring the greatest possible flexibility in the itinerary of each visiting mission;

(d) Extending the duration of visits without diminishing their frequency;

(e) Continuing to include in the terms of reference of each visiting mission the examination of specific problems;

(f) Continuing to include in the terms of reference of each visiting mission the preliminary examination on the spot, when called for, of the petitions submitted to it, and of such other petitions as the Trusteeship Council may deem appropriate;

(g) Selecting members of each visiting mission as much as possible from among representatives who sit on the Trusteeship Council;

(h) Directing visiting missions to take advantage of every opportunity to inform the indigenous inhabitants of the workings and operations of the International Trusteeship System;

2. *Requests* the Trusteeship Council to include the results of the review in its next report to the General Assembly.

DRAFT RESOLUTION V

EXAMINATION OF PETITIONS

The General Assembly,

Considering that, according to Article 85, paragraph 1, of the Charter, the functions of the United Nations with regard to Trusteeship Agreements for all areas not designated as strategic shall be exercised by the General Assembly,

Considering that, according to Article 87 b of the Charter, the General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may accept petitions and examine them in consultation with the Administering Authority,

Considering that the right of petition, which is one of the fundamental human rights, is one of the most important factors in the operation of the International Trusteeship System, and that the careful study of petitions is one of the fundamental responsibilities of the Trusteeship Council,

Considering that it is essential, in the interest of the inhabitants of Trust Territories, to continue to improve in every possible way the procedure for the examination of petitions,

Considering further that anonymous petitions should not be regarded as inadmissible only on the grounds of their anonymity, and that an appropriate procedure be established for dealing with such petitions,

Recommends that the Trusteeship Council accordingly consider the possibility of :

(a) Constituting the *Ad Hoc* Committee on Petitions as a standing committee to meet, if necessary, between sessions of the Council;

(b) Requesting the Administering Authorities to submit such observations as they may wish to make on petitions which concern them, within two months of their receiving such petitions;

(c) Studying all other measures which may serve to improve the present procedure for the examination of petitions;

(d) Requesting the Administering Authorities to submit each year special information concerning action taken on the recommendations of the Council in respect of petitions examined, except in those cases where the Council does not deem it necessary.

DRAFT RESOLUTION VI

INFORMATION ON THE IMPLEMENTATION OF TRUSTEESHIP COUNCIL AND GENERAL ASSEMBLY RESOLUTIONS RELATING TO TRUST TERRITORIES

The General Assembly,

Considering that it is necessary that both the General Assembly and the Trusteeship Council should have at their disposal information on the implementation of the

recommendations approved by both bodies in matters relating to Chapters XII and XIII of the Charter,

Requests the Secretary-General :

(a) To prepare a list, classified by subjects, of such resolutions, including in each case the text of the operative part of the document;

(b) To report to the sixth session of the General Assembly on the measures taken by the Administering Authorities to implement such resolutions, using as a source the reports of the Trusteeship Council;

(c) If there has been no action on the part of an Administering Authority in respect of any particular resolution, to set forth the reasons given concerning that matter.

DRAFT RESOLUTION VII

EDUCATIONAL ADVANCEMENT IN TRUST TERRITORIES

The General Assembly,

Considering that the promotion of educational advancement of the inhabitants of Trust Territories is essential for their progressive development as early as possible towards self-government or independence,

Recognizing that, while notable progress has already been achieved in the educational development of the Trust Territories, considerable efforts are still required in this field,

Considering that the establishment, in so far as is practicable, of comprehensive and long-range plans to achieve such educational development is desirable,

1. *Recommends* that the Trusteeship Council continue to devote particular attention, in consultation with the Administering Authorities and the specialized agencies, to long-range programmes of educational development in the Trust Territories, with a view to enabling the inhabitants of those Territories to take over the responsibilities of complete self-government at the earliest possible date;

2. *Requests* that the Trusteeship Council include in its annual reports to the General Assembly its observations on the various long-range educational programmes undertaken in the Trust Territories, and the progress made in respect thereof.

DRAFT RESOLUTION VIII

RURAL ECONOMIC DEVELOPMENT OF THE TRUST TERRITORIES

The General Assembly,

Recognizing that the equitable distribution and the proper utilization of the land together constitute one of the essential conditions in ensuring, maintaining and promoting the economic and social advancement of inhabitants of Trust Territories,

Recognizing that all Trust Territories are among the under-developed areas of the world,

1. *Recommends* the Trusteeship Council :

(a) To study the prevailing policies, laws and practices which in the Trust Territories relate to land, land utilization and the alienation of land, taking into account the present and future needs of the indigenous inhabitants from the standpoint of the basic objectives of the International Trusteeship System, as set forth in Article 76 of the Charter, and the future economic requirements of the said Territories, as well as the social and economic consequences of the transfer of land to non-indigenous inhabitants;

(b) To make such recommendations to the Administering Authorities concerning the prevailing policies, laws and practices referred to above as may be conducive to the economic and social development of the indigenous inhabitants of the said Territories and as the Council may see fit to make in the light of the study undertaken in pursuance of sub-paragraph (a) above;

2. *Requests* the Trusteeship Council to report to the next regular session of the General Assembly on the work done in this connexion.

DRAFT RESOLUTION IX

TECHNICAL ASSISTANCE FOR TRUST TERRITORIES

The General Assembly,

Considering that, in pursuance of the objectives of the Trusteeship System as set forth in the Charter, it is indispensable that Trust Territories be developed in the interests of the indigenous inhabitants,

Noting that the development of the Trust Territories might be improved by additional technical assistance,

Noting that, under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222 (IX) of the Economic and Social Council), the Trust Territories are eligible to receive technical assistance upon the request of the Administering Authorities concerned,

1. *Draws the attention* of the Administering Authorities to the facilities available under this expanded programme of technical assistance, as well as to the regular programmes of technical assistance of the United Nations and the specialized agencies for economic development, social welfare services and training for public administration;

2. *Draws the attention* of the Economic and Social Council, the specialized agencies and the Secretary-General to the need to extend to the Trust Territories such technical assistance as they may be in a position to render, in order to establish a sound basis for the progressive development of the inhabitants towards self-government or independence;

3. *Recommends* that the Administering Authorities, on behalf of the Trust Territories, make full use of these sources of technical assistance and make appropriate applications to the agencies involved;

4. *Recommends* that the Administering Authorities submit to the Trusteeship Council information on all applications made in implementation of the present resolution, and on the manner in which technical assistance received from the United Nations or the specialized agencies has been integrated into the long-range programmes for the development of the Trust Territories.

DRAFT RESOLUTION X

ABOLITION OF CORPORAL PUNISHMENT IN TRUST TERRITORIES

The General Assembly,

Recalling its resolution 323 (IV) endorsing the recommendation of the Trusteeship Council for the immediate abolition of corporal punishment in the Trust Territories,

Noting the several statements contained in the report of the Trusteeship Council to the present session of the General Assembly to the effect that such punishment is still being applied,

Recommends that measures be taken immediately to bring about the complete abolition of corporal punishment in all Trust Territories where it still exists, and requests the Administering Authorities of those Territories to report on this matter to the General Assembly at its next regular session.

DRAFT RESOLUTION XI

THE EWE PROBLEM

The General Assembly,

Noting the action taken by the Trusteeship Council in respect of the Ewe unification movement and related questions in the Trust Territories of Togoland under French administration and Togoland under British administration,

Noting in particular the endorsement by the Trusteeship Council of the decision of the Administering Authorities concerned to establish an expanded Standing Consultative Commission for the purpose of ascertaining the real wishes and interests of the peoples concerned, and the expression by the Council of the hope that the Administering Authorities would take all appropriate steps

to ensure that the Commission would equitably represent the different sections and groups,

Noting the complaints made by the President of the *Comité de l'Unité togolaise* in a petition to the Secretary-General (T/PET.7/160-T/PET.6/194; T/PET.7/160-T/PET.6/194/Add.1; T/PET.7/160-T/PET.6/194/Add.2; T/PET.7/160-T/PET.6/194/Add.3; T/PET.7/160-T/PET.6/194/Add.4; T/PET.7/160-T/PET.6/194/Add.5) against the methods of election prescribed by the Administering Authority of Togoland under French administration and the allegation that persons have been arrested and imprisoned because they wished to have indigenous customs observed in the elections,

Noting the comments to the contrary contained in other related petitions (T/PET.7/163-T/PET.6/197; T/PET.7/165-T/PET.6/199; T/PET.7/165-T/PET.6/199/Add.1),

Noting the declarations made on these matters by the representative of France in the Fourth Committee on 18 and 31 October 1950,

1. *Recognizes* the great importance of the Ewe problem, and impresses upon the Trusteeship Council and the Administering Authorities concerned the importance of finding an adequate solution as soon as possible and in full accordance with the real wishes and interests of the people concerned;

2. *Impresses*, in particular, upon the Administering Authorities the necessity of conducting elections to the Standing Consultative Commission in a democratic manner that will ensure a true representation of the people;

3. *Recommends* that the Administering Authority of Togoland under French administration investigate promptly the practices complained of in the petition of the President of the *Comité de l'Unité togolaise* and in other petitions on the subject with a view to ascertaining whether the methods of election which have been applied ensure that the views of all sections of the population are faithfully reflected, and report thereon to the next session of the Trusteeship Council for such action as the Council may consider appropriate in the light of the relevant discussions in the Fourth Committee and of the results of the investigations of the Administering Authority of Togoland under French administration;

4. *Requests* that the Trusteeship Council devote a special chapter or sub-chapter of its annual report to the next session of the General Assembly to setting forth all the steps undertaken in connexion with the Ewe question.

Check list of documents

Document No.	Title	Page	Observations and references to other sources
A/933	Report of the Trusteeship Council covering its fourth and fifth sessions, 6 August 1948-22 July 1949		See <i>Official Records of the General Assembly, Fourth Session, Supplement No. 4.</i>
A/1294	Draft trusteeship agreement for the Territory of Somaliland under Italian administration : special report of the Trusteeship Council		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 10.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1303	Report of the Special Committee on Information transmitted under Article 73 e of the Charter (18 August-12 September 1950), Part One		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 17</i> , French only.
A/1303/Corr.1 and A/1303/Add.1	Report of the Special Committee on Information transmitted under Article 73 e of the Charter (18 August-12 September 1950), Part Two		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 17</i> .
A/1306, A/1306/Corr.1 and A/1306/Corr.2	Report of the Trusteeship Council		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 4</i> , French only.
A/1362	Note by the Secretary-General transmitting the advisory opinion of the International Court of Justice on the international status of South West Africa		Mimeographed document only. For the document transmitted by the Secretary-General, see <i>International status of South-West Africa, Advisory Opinion: I.C.J. Reports 1950</i> , p. 128.
A/1546	Report of the Fourth Committee	11	
A/1606	Report of the Trusteeship Council covering its first special session, its second special session, and its sixth and seventh sessions		See resolution 431 (V).
A/1607	General procedure of the Trusteeship Council		See resolution 432 (V).
A/1608	Annual reports of the Trusteeship Council		See resolution 433 (V).
A/1609	Organization and methods of functioning of visiting missions		See resolution 434 (V).
A/1610	Examination of petitions		See resolution 435 (V).
A/1611	Information on the implementation of Trusteeship Council and General Assembly resolutions relating to Trust Territories		See resolution 436 (V).
A/1612	Educational advancement in Trust Territories		See resolution 437 (V).
A/1613	Rural economic development of the Trust Territories		See resolution 438 (V).
A/1614	Technical assistance for Trust Territories		See resolution 439 (V).
A/1615	Abolition of corporal punishment in Trust Territories		See resolution 440 (V).
A/1616	The Ewe problem		See resolution 441 (V).
A/AC.35/SR.3	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 3rd meeting		Mimeographed document only.
A/C.4/L.3	Czechoslovakia : draft resolution		See <i>Official Records of the General Assembly, Fourth Session, Fourth Committee, Annex</i> .
A/C.4/L.6	China : draft resolution		Ditto.
A/C.4/L.67	List of documents issued (27 September 1950)		Mimeographed document only.
A/C.4/L.69	Canada : draft resolution		See document A/1546.
A/C.4/L.70	Yugoslavia : draft resolution on the procedures of the Trusteeship Council	1	
A/C.4/L.71	Yugoslavia : draft resolution on anonymous petitions	2	
A/C.4/L.72	Cuba : draft resolution concerning the presentation of the annual report of the Trusteeship Council to the General Assembly	2	
A/C.4/L.73	Cuba : draft resolution on the examination of petitions	2	
A/C.4/L.74	Cuba and Norway : draft resolution on visiting missions	3	
A/C.4/L.75	Pakistan and Indonesia : draft resolution	3	
A/C.4/L.75/Rev.1	Pakistan and Indonesia : revised draft resolution		Mimeographed document only.
A/C.4/L.75/Rev.2	Pakistan and Indonesia : second revised draft resolution		See document A/1546.

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/C.4/L.76 and Add.1 and Corr.1	India, Indonesia and Pakistan : draft resolution		Same text as document A/C.4/L.76/Rev.1, with the exception of minor drafting changes.
A/C.4/L.76/Rev.1	India, Indonesia, Pakistan and Philippines : revised draft resolution	4	
A/C.4/L.77	Syria : draft resolution		Replaced by document A/C.4/L.80.
A/C.4/L.78	Denmark, Mexico, Philippines, Syria and United States of America : joint draft resolution on rural economic development of Trust Territories		See document A/1546.
A/C.4/L.79	Cuba and Mexico : joint draft resolution concerning information on the results of the implementation of General Assembly and Trusteeship Council resolutions relating to the Trust Territories	4	
A/C.4/L.79/Rev.1	Cuba and Mexico : revised joint draft resolution on information on the results of the implementation of General Assembly and Trusteeship Council resolutions relating to the Trust Territories		Mimeographed document only.
A/C.4/L.79/ Rev.1/Corr.1			French only.
A/C.4/L.79/Rev.2	Cuba and Mexico : second revised text of the draft resolution on information on the results of the implementation of General Assembly and Trusteeship Council resolutions relating to the Trust Territories		See document A/1546.
A/C.4/L.80	Syria and Denmark : draft resolution		Ditto.
A/C.4/L.81	Saudi Arabia : amendment to the draft resolution proposed by Syria and Denmark (A/C.4/L.80)		Ditto.
A/C.4/L.82	India, Indonesia, Iraq, Philippines and Yugoslavia : draft resolution on the Ewe problem		Mimeographed document only.
A/C.4/L.82/Rev.1	India, Indonesia, Iraq, Philippines and Yugoslavia : revised draft resolution on the Ewe problem		See document A/1546.
A/C.4/L.82/ Rev.1/Corr.1			Russian only.
A/C.4/L.83	Union of Soviet Socialist Republics : amendment to the joint draft resolution proposed by Denmark, Mexico, Philippines, Syria and United States of America (A/C.4/L.78)		Incorporated in the summary records of the Fourth Committee, 154th meeting.
A/C.4/L.84	India : amendment to the joint draft resolution proposed by Denmark, Mexico, Philippines, Syria and United States of America (A/C.4/L.78)		Ditto.
A/C.4/L.85	Philippines : amendment to the revised text of the joint draft resolution proposed by Cuba and Mexico (A/C.4/L.79/Rev.1)		Incorporated in the summary records of the Fourth Committee, 156th meeting.
A/C.4/L.86	Denmark : amendment to the draft resolution proposed by Cuba (A/C.4/L.72)	5	
A/C.4/L.87	Philippines : amendment to the draft resolution proposed by Cuba (A/C.4/L.72)		Same text as document A/C.4/L.87/Rev.1.
A/C.4/L.87/Rev.1	Cuba and Philippines : draft resolution on abolition of corporal punishment in Trust Territories		See document A/1546.
A/C.4/L.88	Report of Sub-Committee 8 to the Fourth Committee . . .	5	
A/C.4/L.88/ Corr.1			Spanish only.
A/C.4/L.89	Cuba : amendment to section B of the draft contained in document A/C.4/L.88	8	
A/C.4/L.90	United Kingdom of Great Britain and Northern Ireland : amendments to section D of the draft contained in document A/C.4/L.88		Mimeographed document only.

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/C.4/L.90/Rev.1	United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution on the examination of petitions (A/C.4/L.99)	8	
A/C.4/L.91	Cuba : amendments to section C of the draft contained in document A/C.4/L.88	8	
A/C.4/L.92	Cuba : amendments to section D of the draft contained in document A/C.4/L.88	9	
A/C.4/L.93	Belgium : suggestions concerning the interpretation of paragraph 6, sub-paragraph (a), of the draft contained in document A/C.4/L.88	9	
A/C.4/L.94	Dominican Republic : amendment to section B of the draft contained in document A/C.4/L.88	10	
A/C.4/L.95	Belgium : amendment to section C of the draft contained in document A/C.4/L.88		Incorporated in the summary records of the Fourth Committee, 167th meeting.
A/C.4/L.96	Chile : amendment to section C of the draft contained in document A/C.4/L.88	10	
A/C.4/L.97	India : amendments to section C of the draft contained in document A/C.4/L.88	10	
A/C.4/L.98	Draft resolution based on section C of the draft contained in document A/C.4/L.88, presented by the Rapporteur at the request of the Chairman of the Fourth Committee : organization of visiting missions		See document A/1546.
A/C.4/L.99	Draft resolution based on section D of the draft contained in document A/C.4/L.88, presented by the Rapporteur at the request of the Chairman of the Fourth Committee : examination of petitions		Ditto.
A/C.4/L.100	Belgium : amendment to the draft resolution on the examination of petitions (A/C.4/L.99)		Incorporated in the summary records of the Fourth Committee, 170th meeting.
A/C.4/L.101	India : amendment to the draft resolution on the examination of petitions (A/C.4/L.99)		Ditto.
A/C.4/L.103	Draft report of the Fourth Committee		Same text as document A/1546, with the exception of the amendments made at the 187th meeting of the Fourth Committee.
A/C.4/L.103/Corr.1			Russian only.
A/C.4/SC.8/L.1	Procedures of the Trusteeship Council : working paper presented by Cuba		Mimeographed document only.
E/1561/Add.1 and Add.2	Memorandum by the Secretary-General		See <i>Official Records of the Economic and Social Council, Tenth Session, Annex, agenda item 23.</i>
E/1567	Memorandum by the Secretary-General		Ditto.
T/58	Ewe petitions : observations submitted by the Governments of France and the United Kingdom		See <i>Official Records of the Trusteeship Council, Second Session, First Part, Annex.</i>
T/247	Report of the United Nations Visiting Mission to the Trust Territory of Ruanda-Urundi under Belgian Administration		See <i>Official Records of the Trusteeship Council, Fourth Session, Supplement No. 2.</i>
T/333-T/333/Corr.1	Observations of the United Kingdom Government		See <i>Official Records of the Trusteeship Council, Fourth Session, Supplement No. 3.</i>
T/461	Report on the Cameroons under British administration		See <i>Official Records of the Trusteeship Council, Seventh Session, Supplement No. 2.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
T/462	Report on the Cameroons under French administration		Ditto.
T/463	Special report on the Ewe problem		Ditto.
T/464	Report on Togoland under French administration		Ditto.
T/465	Report on Togoland under British administration		Ditto.
T/638	Observations of the Administering Authority on the report to the Trusteeship Council on Togoland under British administration by the Visiting Mission to Trust Territories in West Africa		Ditto.
T/702	Joint observations of the Government of France and the Government of the United Kingdom of Great Britain and Northern Ireland on the special report on the Ewe problem		Ditto.
T/L.7	Iraq and the United States of America : draft resolution		See <i>Official Records of the Trusteeship Council, Sixth Session.</i>
T/L.40	Argentina and Philippines : amendment to the draft resolution presented by Iraq and the United States of America (T/L.7)		Ditto.
T/L.101	Fourth report of the <i>Ad Hoc</i> Political Committee on Petitions		See <i>Official Records of the Trusteeship Council, Seventh Session, Annex, agenda item 5.</i>
T/L.102	China, Iraq and Philippines : amendment to the draft resolution of Argentina and United States of America (T/L.100)		Ditto.
T/PET.3/16	Ruanda-Urundi : petition from Mr. Augustin Ndababara		See <i>Official Records of the Trusteeship Council, Sixth Session, Annex.</i>
T/PET.5/74	Petition from the <i>Syndicat des petits planteurs d'Eséka</i>		Ditto.
T/PET.6/5- T/PET.7/6	Petition dated 9 August 1947 from the All Ewe Conference, Accra, Gold Coast		See <i>Official Records of the Trusteeship Council, Second Session, First Part, Annex.</i>
T/PET.7/160-T/ PET.6/194/Add.1, Add.2, Add.3, Add.4, Add.5	Petition from Mr. Augustino de Souza concerning Togoland under French administration and Togoland under British administration		Mimeographed documents only.
T/PET.7/163- T/PET.6/197	Petition from Mr. Dermann Ayeva concerning Togoland under French administration and Togoland under British administration		Mimeographed document only.
T/PET.7/165- T/PET.6/199/ Add.1	Addendum to the petition from the Togoland Progress Party concerning Togoland under French administration and Togoland under British administration		Ditto.
T/PV.275	Trusteeship Council, sixth session, verbatim record of the 73rd meeting		Ditto.
T/PV.276	Trusteeship Council, sixth session, verbatim record of the 74th meeting		Ditto.



Agenda item 14 : Election of three non-permanent members of the Security Council

Agenda item 15 : Election of six members of the Economic and Social Council

Agenda item 16 : Election of two members of the Trusteeship Council

(No documents)



Agenda item 17 : Appointment of the Secretary-General of the United Nations

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DOCUMENT A/1439

Letter dated 12 October 1950 from the President of the Security Council addressed to the President of the General Assembly

*[Original text : English]
[12 October 1950]*

Lake Success, 12 October 1950 and was unable to agree on a recommendation to the General Assembly regarding the appointment of a Secretary-General.

I have the honour to inform you that the Security Council held private meetings on 9 and 12 October 1950

*(Signed) Warren R. AUSTIN
President of the Security Council*

DOCUMENT A/1460

Letter dated 25 October 1950 from the President of the Security Council addressed to the President of the General Assembly

*[Original text : English]
[25 October 1950]*

Lake Success, 25 October 1950 remains unable to agree on a recommendation to the General Assembly regarding the appointment of a Secretary-General.

I have the honour to refer to my letter of 12 October 1950 and to inform you that the Security Council met again in private on 21 and 25 October 1950 and

*(Signed) Warren R. AUSTIN
President of the Security Council*

DOCUMENT A/1468

Letter dated 30 October 1950 from the Chairman of the delegation of the Union of Soviet Socialist Republics addressed to the President of the General Assembly

[Original text : Russian]
[30 October 1950]

New York, 30 October 1950

The question of the appointment of the Secretary-General of the United Nations has been included in the agenda of the plenary meeting of the fifth session of the General Assembly to be held on 31 October 1950.

According to Article 97 of the Charter of the United Nations, and the conditions governing the appointment of the Secretary-General of the United Nations adopted at the first session of the General Assembly on 24 January 1946¹, the Secretary-General is appointed by the General Assembly on the recommendation of the Security Council.

From the letters addressed to you by the President of the Security Council on 12 October 1950 and 25 Octo-

ber 1950, it appears that the Security Council has not presented its recommendation to the General Assembly regarding the appointment of the Secretary-General of the United Nations.

In view of the above, the discussion in plenary meeting of the General Assembly of the question of the appointment of the Secretary-General, in the absence of any recommendation of the Security Council, is illegal and contrary to the Charter.

The delegation of the Union of Soviet Socialist Republics protests against the inclusion of this question in the agenda of the plenary meeting of the Assembly, and requests the deletion of the above-mentioned question from the agenda of the meeting of the General Assembly to be held on 31 October.

(Signed) A. VYSHINSKY
Chairman of the delegation of the
Union of Soviet Socialist Republics

¹ See resolution 11 (I).

DOCUMENT A/1470

Letter dated 30 October 1950 from the President of the Security Council addressed to the President of the General Assembly

[Original text : English]
[30 October 1950]

New York, 30 October 1950

I have the honour to refer to my letters of 12 October 1950 and 25 October 1950, and to inform you that the Security Council met again in private on 30 October 1950. The following proposal by the Union of Soviet Socialist Republics was rejected by 7 votes to 1, with 3 abstentions :

“ Proposal of the Soviet Union that the Security Council turn to the General Assembly with the request to postpone consideration of the item on the agenda of the General Assembly relating to the appointment of the Secretary-General of the United Nations. ”

(Signed) WARREN R. AUSTIN
President of the Security Council

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A/1439	Letter dated 12 October 1950 from the President of the Security Council addressed to the President of the General Assembly	1	
A/1460	Letter dated 25 October 1950 from the President of the Security Council addressed to the President of the General Assembly	1	
A/1464 and Add.1	Brazil, Canada, Cuba, Ecuador, France, Greece, India, New Zealand, Nicaragua, Norway, Pakistan, Philippines, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia : joint draft resolution		Incorporated in the 296th plenary meeting, para. 38.

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1468	Letter dated 30 October 1950 from the Chairman of the delegation of the Union of Soviet Socialist Republics addressed to the President of the General Assembly . . .	2	
A/1470	Letter dated 30 October 1950 from the President of the Security Council addressed to the President of the General Assembly	2	
A/1471	Union of Soviet Socialist Republics : draft resolution		Incorporated in the 296th plenary meeting, para. 23.
A/1475	Resolution adopted by the General Assembly at its 298th plenary meeting on 1 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 492 (V).</i>

United Nations

**GENERAL
ASSEMBLY**

Official Records



Agenda item 18

ANNEXES

FIFTH SESSION

NEW YORK, 1950

Agenda item 18 : Installation of the Assistant Secretary-General in charge of the Department of Conference and General Services

(No documents)



Agenda item 19 : Admission of new Members to the United Nations, including the advisory opinion of the International Court of Justice

C O N T E N T S

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A/1402	Letter dated 27 September 1950 from the President of the Security Council addressed to the President of the General Assembly	3
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DOCUMENT A/1309

Telegram dated 28 July 1950 from the Minister for External Relations of El Salvador addressed to the Secretary-General

[*Original text : Spanish*]

San Salvador, 28 July 1950 the United Nations " as a supplementary item in the provisional agenda of the fifth session.

I respectfully request you, in accordance with rule 14 of the rules of procedure of the General Assembly, to include the item " Admission of new Members to

(*Signed*) Miguel Rafael URQUIA
Minister for External Relations,
El Salvador.

DOCUMENT A/1315

Letter dated 10 August 1950 from the Minister for External Relations of El Salvador addressed to the Secretary-General

[*Original text : Spanish*]
[*16 August 1950*]

San Salvador, 10 August 1950 with the provisions of rule 20 of the rules of procedure of the General Assembly, a memorandum in explanation of the request submitted by the Government of El Salvador.

With reference to your cablegram of 7 August replying to the request from this office cabled on 28 July last for the inclusion of the item " Admission of new Members " in the provisional agenda of the fifth session of the General Assembly of the United Nations, I have the honour to forward to you herewith, in accordance

(*Signed*) Miguel Rafael URQUIA
Minister for External Relations,
El Salvador.

MEMORANDUM

San Salvador, 8 August 1950

On 28 July last, the Ministry for External Relations of El Salvador sent a cablegram to the Secretary-General of the United Nations requesting the inclusion, in accordance with rule 14 of the rules of procedure of the General Assembly, of the item " Admission of new Members " in the provisional agenda of the fifth session of the General Assembly.

The Government of El Salvador considers that, in view of the high functions performed by the United Nations, particularly in respect of the maintenance of peace, it is of the greatest importance that admission to membership should be granted to all those States which, in addition to satisfying the requirements of Article 4 of the Charter, have repeatedly manifested their ardent desire to co-operate with the free nations in the great task of bringing the peoples of the world together and banishing forever the tragic shadow of a third world

war, under the threat of which humanity has constantly been living.

In requesting the inclusion of this item in the provisional agenda of the fifth session of the General Assembly, which is to open on 19 September next, El Salvador entertains the firm determination to request the admission to the United Nations of certain sister nations, such as Italy, Portugal and Ireland, three peace-loving countries whose admission, if recommended by the Security Council and approved by the General Assembly, would be a legitimate triumph for the cause of the United Nations, particularly in these tragic times when fate is once more scourging humanity on the terrible battlefields of Korea.

The delegation of El Salvador will submit the appropriate draft resolution in due course at the fifth session of the General Assembly, and in the meantime communicates this memorandum in accordance with rule 20 of the rules of procedure of the General Assembly.

(Signed) Miguel Rafael URQUIA

DOCUMENT A/1393

Letter dated 25 September 1950 from the Permanent Observer of the Republic of Indonesia to the United Nations addressed to the Secretary-General

[Original text : English]
[26 September 1950]

Note by the Secretary-General : Pursuant to rule 134 of the rules of procedure of the General Assembly, the Secretary-General has the honour to transmit herewith for the information of the Members of the General Assembly, a copy of a letter, dated 25 September 1950, from the Permanent Observer of the Republic of Indonesia to the United Nations, concerning the application of the Republic of Indonesia for admission to membership in the United Nations.

New York, 25 September 1950

1. On 27 December 1949, the Kingdom of the Netherlands transferred its sovereignty over Indonesia to the Republic of the United States of Indonesia.

2. I take this opportunity to recall and to express our appreciation for the valuable and considerable assistance given by the United Nations and its organs, the Security Council and the United Nations Commission for Indonesia, to the parties in the Indonesian conflict in reaching a peaceful settlement.

3. On 15 August 1950, the United States of Indonesia reconstituted themselves into a unitary State under the name of *Republik Indonesia* (the Republic of Indonesia) effective as of 17 August 1950.

4. Upon the instruction of my Government, I have the honour to apply, on behalf of the Government of the Republic of Indonesia, for admission of the Republic of Indonesia to membership in the United Nations in accordance with the provisions of Article 4 of the United Nations Charter.

5. Enclosed you will find a formal declaration that the Republic of Indonesia accepts the obligations contained in the United Nations Charter.

6. I have the honour to request that you kindly place this application before the Security Council and the General Assembly as early as possible and that its consideration should proceed without regard to the time limit fixed by the fourth paragraph of rule 60, but in conformity with the fifth paragraph of the same rule 60 of the provisional rules of procedure of the Security Council.

(Signed) L. N. PALAR,
Ambassador Extraordinary and
Plenipotentiary,
Permanent Observer of the
Republic of Indonesia to the
United Nations

DECLARATION

25 September 1950 of the Charter of the United Nations and undertakes to honour them from the day when it becomes a Member of the United Nations.

On behalf of the Government of the Republic of Indonesia, I, Lambertus Nicodemus Palar, Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia, being duly authorized by the Minister for Foreign Affairs of the Republic of Indonesia, declare that the Republic of Indonesia accepts the obligations

(Signed) L. N. PALAR,
Ambassador Extraordinary and
Plenipotentiary,
Permanent Observer of the Republic of
Indonesia to the United Nations.

DOCUMENT A/1402

Letter dated 27 September 1950 from the President of the Security Council addressed to the President of the General Assembly

[Original text: English]
[27 September 1950]

27 September 1950 of Indonesia be admitted to membership of the United Nations."

I have the honour to request you to transmit to the General Assembly the following resolution on the admission of the Republic of Indonesia to membership in the United Nations, adopted by the Security Council at its 503rd meeting on 26 September 1950:

"The Security Council finds that the Republic of Indonesia is a peace-loving State which fulfils the conditions laid down in Article 4 of the Charter, and therefore recommends to the General Assembly that the Republic

In accordance with rule 60, second paragraph, of the provisional rules of procedure of the Security Council, I also request you to transmit to the General Assembly, for its information, the verbatim record of the Security Council's 503rd meeting at which the application of the Republic of Indonesia was discussed.

(Signed) Gladwyn JEBB
President of the Security Council

DOCUMENT A/1577

Union of Soviet Socialist Republics: draft resolution

[Original text: Russian]
[1 December 1950]

The General Assembly
Recommends the Security Council to review the application of Albania, the Mongolian People's Republic,

Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Transjordan, Austria, Ceylon and Nepal, for admission to membership in the United Nations.

DOCUMENT A/1585

El Salvador: draft resolution

[Original text: Spanish]
[2 December 1950]

The General Assembly,
Considering

¶ 1. That on 13 September 1949¹ nine members of the Security Council supported the applications of

Austria, Ceylon, Finland, Hashimite Kingdom of the Jordan, Italy, Ireland and Portugal for membership in the United Nations, but that the Council was unable, owing to the opposition of a single one of its permanent members, to make the recommendation required under Article 4 of the Charter of the United Nations.

¹ See *Official Records of the Security Council*, Fourth Year, No. 41.

2. That on 8 April ² and 7 September 1949 ³ the Security Council gave consideration to the applications of the Republic of Korea and Nepal for membership of the United Nations, with similar results, those applications being supported by nine members of the Council and opposed by a single one of its permanent members,

3. That in the judgment of the General Assembly, according to its resolutions (296 (IV)) of 22 November 1949, the States enumerated above are peace-loving within the meaning of Article 4 of the Charter and are able and willing to carry out the obligations of membership of the United Nations, and are thus entitled to be admitted as Members,

4. That the said States, while not yet Members of the United Nations, can contribute very effectively to the work of the United Nations if they are given the opportunity of being heard in the General Assembly

² *Ibid.*, No. 26.

³ *Ibid.*, No. 39.

in matters connected with its fundamental obligation of maintaining international peace and security,

Resolves

1. To urge the Security Council to reconsider the applications of the said States for admission to membership of the United Nations, in the light of Article 4 of the Charter, with a view to making the recommendation required under that Article;

2. That the Secretary-General should invite each of the Governments of the States to which this resolution applies to send an observer to sessions of the General Assembly and its committees, including the Interim Committee, in order to enable them to express their views and furnish information whenever consulted by the delegation of any Member State; and

3. That documents and letters sent by the said States to the Secretary-General for the information of the United Nations should be distributed to the delegations to the General Assembly or, if the Assembly is not in session, to the foreign offices of Member States and the permanent delegations to the United Nations.

Check list of documents

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A/1353	Note by the Secretary-General [Transmitting an advisory opinion of the International Court of Justice ⁴		
A/1393	Letter [regarding the application of Indonesia for admission to membership] dated 25 September 1950 from the Permanent Observer of the Republic of Indonesia to the United Nations addressed to the Secretary-General . . .	2	
A/1402	Letter [regarding the application of Indonesia for admission to membership] dated 27 September 1950 from the President of the Security Council addressed to the President of the General Assembly	3	
A/1403	Australia and India : draft resolution [regarding the application of Indonesia for admission to membership]		Incorporated in the 289th plenary meeting, para. 51.
A/1407	Resolution [regarding the application of Indonesia for admission to membership] adopted by the General Assembly at its 289th plenary meeting on 28 September 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 491 (V),</i>
A/1571	Brazil, Canada, Philippines, Sweden and Syria : joint draft resolution		The text is the same as that of A/1624.
A/1577	Union of Soviet Socialist Republics : draft resolution	3	
A/1585	El Salvador : draft resolution	3	
A/1624	Resolution adopted by the General Assembly at its 318th plenary meeting on 4 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 495 (V).</i>

⁴ See *Competence of Assembly regarding admission to the United Nations, Advisory Opinion : I. C. J. Reports 1950, page 4.*



Agenda item 20 : Palestine

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DOCUMENT A/AC.38/L.63

Sweden : draft resolution

[Original text : English]
[5 December 1950]

The General Assembly,

Recognizing the unique spiritual and religious interests of the world community in the Holy Land,

Desiring to preserve the peace of Jerusalem,

Considering its resolutions 181 (II) of 24 November 1947, 194 (III) of 11 December 1948 and 303 (IV) of 9 December 1949,

Having regard to the special report of the Trusteeship Council regarding the question of an international regime for the Jerusalem area and protection of the Holy Places (document A/1286),

Considering that it has so far not been possible to carry into effect the resolutions of the General Assembly with regard to Jerusalem and the Holy Places,

Considering that any further delay in ensuring international protection of the spiritual and religious interests of the world community in the Holy Land is undesirable and that therefore, awaiting the taking of final measures,

it is appropriate to take such measures as will henceforward ensure the respect of those interests;

Determining that for the purpose of this resolution :
“ Holy Land ” means the former mandated Territory of Palestine;

“ Holy Places ” means those Holy Places and religious buildings or sites which were regarded in Palestine on 14 May 1948 as Holy Places;

“ Free Access ” means those rights of access and visit to which individuals and religious denominations were entitled on 14 May 1948, together with facilities of transit to and from Holy Places, whether these Holy Places are situated within or outside the territory of the State granting facilities, subject always to the requirements of public health, public security and decorum;

“ Existing rights, immunities and privileges ” means such rights, immunities and privileges as existed on 14 May 1948;

“ Jerusalem area ” means the city of Jerusalem as defined in section B of part III of the plan set out in

resolution 181 (II) of the General Assembly adopted 29 November 1947;

"Commissioner" means the United Nations Commissioner appointed under article VI of section B of the present resolution;

Resolves

A. To *invite* the governments of the States in the Holy Land to pledge themselves before the United Nations to :

(a) Observe human rights and fundamental freedoms and in particular freedom of thought, conscience and religion as set forth in article 18 of the Universal Declaration of Human Rights;

(b) Refrain from any act that would endanger the Holy Places in their territories;

(c) Guarantee to nationals of their States, as well as aliens, without distinction as to nationality, free access to Holy Places in their territories;

(d) Observe and maintain all the existing rights, immunities and privileges as provided in article II of section B of this resolution;

(e) Levy no tax in respect of any Holy Places which were exempt from such taxation on 14 May 1948, and make no change in the incidence of any form of taxation which would either discriminate between the owners and occupiers of different Holy Places or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948;

(f) Maintain and respect the property rights of religious bodies;

(g) Reduce their armed forces in the Jerusalem area in progressive stages with a view to their limitation to normal peacetime requirements as provided in article VIII of section B of this resolution;

(h) Carry out in good faith the obligations and provisions laid down in section B of this resolution, and co-operate fully with the Commissioner in the task imposed on him by this resolution.

B. Lay down, in order to ensure the protection of and free access to the Holy Places and the maintenance of existing rights, immunities and privileges of religious denominations, the following articles :

ARTICLE I

The Holy Places throughout the Holy Land shall be preserved and no act shall be permitted which may in any way impair their sacred character.

ARTICLE II

Rights, immunities and privileges of religious denominations with respect to Holy Places, as well as the rights, immunities and privileges of religious bodies with respect to monasteries and missionary, educational and welfare establishments now maintained by them, shall be preserved as they existed on 14 May 1948.

ARTICLE III

1. The supervision of the protection of and free access to the Holy Places and the maintenance of the rights, immunities and privileges referred to in article II, shall be the responsibility of the United Nations.

2. The Commissioner appointed pursuant to article VI shall exercise this supervision on behalf of the United Nations and shall make arrangements with the governments concerned regarding the implementation of the provisions of this resolution.

3. For the Jerusalem area such arrangements shall be subject in particular to the provisions of articles VIII, IX, X, XI and XII. The Commissioner shall negotiate and conclude agreements with the governments concerned in order to ensure that the appropriate provisions of this resolution are carried into effect also in the Holy Land outside the Jerusalem area. He shall report the results of his negotiations to the Secretary-General of the United Nations.

ARTICLE IV

1. The Commissioner shall draw up an authoritative list of Holy Places which were regarded as such on 14 May 1948. If any question arises as to whether any place, building or site was regarded as a Holy Place on 14 May 1948, the Commissioner shall decide;

2. If any question arises between any religious denominations in connexion with any Holy Place, the Commissioner shall decide on the basis of existing rights;

3. Before taking any decision under paragraph 1 and 2 of this article the Commissioner shall consult with members of the panel of advisers as provided in article XIV. His decision shall be final.

4. If a place, building or site not regarded as a Holy Place on 14 May 1948 is claimed by a religious denomination to be a Holy Place of such character that it is entitled to enjoy the protection of this statute, the Commissioner may propose to the Government concerned that such a place, building or site be brought under the provisions of this resolution. In the event of the Commissioner and the government concerned failing to reach agreement, the matter shall be referred to the arbitral tribunal as provided in article XV.

ARTICLE V

Should a visitor or pilgrim or a group of visitors and pilgrims be denied free access to any Holy Place, the government denying access shall inform the Commissioner of the reasons therefor.

ARTICLE VI.

1. There shall be a United Nations Commissioner to be appointed for a period of three years on the nomination of the Secretary-General by a Committee of the General

Assembly consisting of the eleven members of the Security Council. This Committee shall decide by a majority of the members present and voting. The Commissioner shall be responsible to the General Assembly and may be dismissed by it. He shall report annually to the General Assembly and may also make special reports to the appropriate United Nations organs whenever he deems necessary. His headquarters shall be the former Government House in Jerusalem.

2. There shall be appointed in the same manner a Deputy Commissioner who shall be subject to the same terms of office, and shall be responsible to the Commissioner. The Deputy Commissioner shall assist the Commissioner and shall replace him in the event of his absence or disability.

3. The Commissioner and the Deputy Commissioner shall not be selected from among nationals of the State of Israel or of an Arab State or from among residents of the Jerusalem area.

4. The Commissioner shall be authorized to appoint and employ under temporary contracts the auxiliary administrative personnel necessary for the carrying out of his functions.

ARTICLE VII

The functions of the Commissioner shall be to exercise the powers conferred upon him by this resolution and to ensure its implementation.

ARTICLE VIII

1. The governments of the States administering the Jerusalem area shall gradually reduce their armed forces in that area in conformity with article VII of the General Armistice Agreement between the Hashimite Kingdom of the Jordan and Israel of 3 April 1949,¹ and shall limit them, not later than three months after the coming into effect of a peace settlement between the States administering the Jerusalem area, to normal peacetime requirements;

2. Should the Commissioner be of the opinion that the forces maintained by either party under paragraph 1 are above normal peacetime requirements, he shall make representations accordingly to the government concerned;

3. In the event of the Commissioner and the governments concerned failing to reach agreement in the matter, it shall be referred to the Security Council.

ARTICLE IX

The jurisdiction and control of each part of the Jerusalem area shall be exercised by the States concerned, subject to the powers of the Commissioner with regard

to this area and without prejudice to the rights and claims of either party in the ultimate peaceful settlement for the area.

ARTICLE X

1. The Commissioner shall be empowered :

(a) To request the governments in the Jerusalem area to modify, defer or suspend such laws, ordinances, regulations and administrative acts pertaining to the area, which in his opinion impair the protection of and free access to Holy Places or the rights, immunities and privileges referred to in article II;

(b) To request the governments to take such action or to make such orders or regulations for the maintenance of public security and safety as he deems necessary to ensure the protection of and free access to Holy Places or the safeguarding of the rights, immunities and privileges concerned.

2. The governments shall carry into effect without delay any such action which the Commissioner, in accordance with the provisions of paragraph 1 of this article, deems necessary, for the protection of and free access to Holy Places and the safeguarding of the rights, immunities and privileges concerned.

3. If a government objects to a request made by the Commissioner under this article, the matter shall be referred for a final decision to the arbitral tribunal provided in article XV. The tribunal shall decide not later than one month from the submission of a dispute. Without prejudice to the final decision of the tribunal, provisional effect shall be given by the government concerned to the action requested by the Commissioner.

4. The Commissioner shall immediately inform the Secretary-General of the United Nations of any objection of a government to a request made by him under this article.

ARTICLE XI

The Commissioner shall be empowered to employ under temporary contracts a limited number of guards for the performance of his functions in the Jerusalem area as well as to assure his own security and that of his staff. These guards shall not be selected from among nationals of the State of Israel or of an Arab State. The salaries, allowances and administrative expenses of the Commissioner, Deputy Commissioner, and the staff of the Commissioner, including guards and administrative personnel, shall be included in the annual budget of the United Nations. These salaries and allowances shall be exempt from local taxation.

ARTICLE XII

The governments in the Jerusalem area shall upon the Commissioner's request direct their respective police forces to assist the Commissioner in the performance of his duty.

¹ See *Official Records of the Security Council, Fourth Year, Special Supplement No. 1.*

ARTICLE XIII

If at any time it appears to the Commissioner that any Holy Place is in need of urgent repair, he may call upon the religious denominations or bodies concerned to carry out such repair. If in the opinion of the Commissioner the repair is not carried out or is not completed within a reasonable time, he may arrange for repairs to be carried out or completed. The expenses incurred shall be borne by the religious denominations or bodies concerned. The Commissioner shall decide, after due investigation on the basis of existing rights, which denominations or bodies are responsible for the repair.

ARTICLE XIV

The Commissioner shall appoint a panel of advisers consisting of representatives of the religious denominations and of the governments in the Holy Land. These advisers shall be nominated by the religious denominations and governments concerned. If a disagreement arises in connexion with the provisions of this resolution, the Commissioner shall consult advisers from the panel representing such religious denominations or religious bodies and governments as are concerned with the dispute. No representative of any religious denomination shall be consulted on questions relating to a Holy Place belonging wholly to another religious faith.

ARTICLE XV

1. Any dispute between the Commissioner and one of the governments of the States in the Holy Land concerning the interpretation or implementation of this

resolution or of any supplementary agreements or arrangements, which is not settled by negotiation, shall be referred for final decision to an *ad hoc* tribunal of arbitrators, one to be nominated, as the case may be, either by the Hashimite Kingdom of the Jordan or by the State of Israel, and one to be nominated by the Secretary-General of the United Nations. In the event of two arbitrators being unable within seven days to agree on the choice of an umpire, the latter shall be nominated by the President of the International Court of Justice.

2. In case of a dispute between the Commissioner and both governments concerned, two arbitrators will be nominated by the respective governments concerned and two by the Secretary-General. In the event of their inability within seven days to agree on the choice of the fifth arbitrator, the latter shall be nominated by the President of the International Court of Justice.

3. The decisions of the arbitral tribunal shall be binding on the governments concerned.

ARTICLE XVI

Nothing in this resolution shall apply to purely Moslem Holy Places, religious buildings or sites and Moslem religious interests within territory controlled by the Hashimite Kingdom of the Jordan, or to purely Jewish Holy Places, religious buildings or sites and Jewish religious interests within territory controlled by the State of Israel.

ARTICLE XVII

The terms of this resolution can be reviewed only by the General Assembly.

DOCUMENT A/AC.38/L.73/Rev.2

United Kingdom, United States of America, Uruguay : amendment to the draft resolution of Sweden (A/AC.38/L.63)

[Original text : English]
[13 December 1950]

Preamble

Replace the sixth paragraph of the preamble by the following :

“ *Pending* further decisions by the United Nations with respect to the interests of the international community in the Jerusalem area; ”

Operative part

Replace the operative part of the draft resolution by the following text :

“ 1. *Resolves* to invite the Governments of Israel and the Hashimite Kingdom of the Jordan to pledge themselves before the United Nations to :

“ (a) Observe human rights and fundamental freedoms in the Jerusalem area, and in particular freedom

of thought, conscience and religion as set forth in article 18 of the Universal Declaration of Human Rights;

“ (b) Refrain from any act that would endanger the Holy Places in their territories;

“ (c) Guarantee to nationals of their States, as well as aliens, without distinction as to nationality, free access to Holy Places in their territories, without prejudice to the General Armistice Agreement between the Hashimite Kingdom of the Jordan and Israel of 3 April 1949;

“ (d) Observe and maintain as they existed on 14 May 1948 the rights, immunities and privileges of religious denominations with respect to Holy Places, as well as the rights, immunities and privileges of reli-

gious bodies with respect to monasteries and missionary, educational and welfare establishments now maintained by them;

“(e) Levy no tax in respect of any Holy Places which were exempt from such taxation on 14 May 1948 and make no change in the incidence of any form of taxation which would either discriminate between the owners and occupiers of different Holy Places or would place such owners and occupiers in a position less favourable in relation to the general incidence of that form of taxation than existed on 14 May 1948;

“(f) Maintain and respect the property rights of religious bodies;

“(g) Reduce their armed forces in the Jerusalem area in progressive stages with a view to their limitation to normal peacetime requirements upon the conclusion of a peace settlement;

“2. Resolves to send to Jerusalem a United Nations

representative to represent the interests of the United Nations in the Holy City in implementation of paragraph 1 of this resolution; and to report to the General Assembly with such recommendations as he may consider appropriate with regard to the Jerusalem question; the United Nations representative in Jerusalem shall be appointed on the nomination of the Secretary-General by a Committee of the General Assembly consisting of the eleven members of the Security Council; this Committee shall decide by a majority of the members present and voting;

“3. Calls upon the governments of the States in the Holy Land to co-operate fully with the United Nations representative;

“4. Requests the Secretary-General to furnish to the United Nations representative such staff and other facilities, as are required in the performance of his task.”

DOCUMENT A/C.5/446

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1724) : report of the Secretary-General

[Original text : English]
[13 December 1950]

1. At its 81st meeting held on 13 December 1950, the *Ad Hoc* Political Committee recommended that the General Assembly approve a draft resolution submitted by Belgium (A/AC.38/L.71), as amended by Lebanon, concerning the question of an international regime for the Jerusalem area and protection of the Holy Places.

2. The draft resolution provides for the appointment by the Trusteeship Council of four persons to study, in consultation with the governments at present in *de facto* control of the Holy Places and with the other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under the supervision of the United Nations, of the Holy Places and of spiritual and religious interests in the Holy Land; invites those persons to report to the General Assembly at its sixth session; and invites the Secretary-General to place at the disposal of these persons the staff and facilities necessary for the fulfilment of their task.

3. In the preparation of the financial implications of the above-mentioned resolution, it has been assumed :

(a) That the four persons to be appointed by the Trusteeship Council will be entitled only to a subsistence allowance at the approved rate of \$20 (\$25 while in New York);

(b) That they will spend approximately one month at the United Nations Headquarters and six months in Palestine for consultation with the governments con-

cerned and religious authorities and bodies, and for completion of their report;

(c) That they will be provided, at no extra cost, with all necessary administrative staff and facilities, both at Headquarters and at the seat of the United Nations Conciliation Commission in Jerusalem.

4. On the above basis, the funds required to carry out the terms of this resolution would be as follows :

	<i>US dollars</i>
Travel and subsistence	24,600
Miscellaneous expenses	1,000
Contractual printing	5,000
	30,600

5. Under travel and subsistence, provision is made for four round-trips between Headquarters and Jerusalem, and for travel between Headquarters and places of residence (\$7,200); and for subsistence allowances for six months at \$20 per day and one month at \$25 per day (\$17,400).

6. The sum of \$5,000 is provided for the printing of the report to the General Assembly in five languages.

7. The Secretary-General requests that a sum of \$25,600 be appropriated as an addition to the estimate for section 5, chapter V, of the 1951 budget, and a sum of \$5,000 for contractual printing in section 25, chapter V.

DOCUMENT A/1724

Report of the *Ad Hoc* Political Committee

[Original text : English]
[14 December 1950]

1. By a resolution adopted on 14 June 1950, the Trusteeship Council submitted to the General Assembly a special report (A/1286)² on the question of an international regime for the Jerusalem area and protection of the Holy Places, together with a Statute for the City of Jerusalem drawn up in accordance with General Assembly resolution 303 (IV) of 9 December 1949.
2. The General Assembly, at its 284th and 285th meetings on 26 September 1950, decided to include the item "Palestine" as item 20 in the agenda of the fifth session and, under sub-item (a) thereof, to refer to the *Ad Hoc* Political Committee for consideration the special report of the Trusteeship Council.
3. The *Ad Hoc* Political Committee considered sub-item 20 (a) at its 73rd to 81st meetings, inclusive. The representative of the Hashimite Kingdom of the Jordan participated in the debate pursuant to a previous decision of the Committee.
4. At the 73rd meeting on 7 December 1950 the Committee heard a statement (A/AC.38/L.69) by the representative of the Dominican Republic in his capacity as President of the Trusteeship Council.
5. At the same meeting, a draft resolution (A/AC.38/L.63) was submitted by Sweden. Section A, consisting of eight paragraphs, invited the Governments of Israel and the Hashimite Kingdom of the Jordan to give pledges to observe the principles of article 18 of the Universal Declaration of Human Rights; to give free access to the Holy Places, maintaining existing privileges in that respect; to abstain from measures of taxation detrimental to the Holy Places; to respect the property rights of religious bodies; to reduce armed forces in Jerusalem; and to co-operate with a Commissioner appointed by the United Nations. Section B, consisting of seventeen articles, provided for United Nations supervision of the protection of and free access to the Holy Places, to be exercised through a Commissioner to be appointed for three years by a Committee of the General Assembly, to which he would be responsible and report annually. The jurisdiction and control of each part of the Jerusalem area was to be exercised by the States concerned, subject to specified powers granted to the Commissioner as regards the supervision of the protection of and free access to the Holy Places.
6. At the 78th meeting of the Committee on 12 December 1950, Belgium submitted a draft resolution (A/AC.38/L.71), operative paragraph 1 of which instructed four persons, to be appointed by the Trusteeship Council, to study, in consultation with the Governments exercising *de facto* control over the Holy Places and with the other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under the supervision of the United Nations, of the Holy Places and of spiritual and religious interests in the Holy Land. Paragraph 2 invited the four persons to report to the General Assembly at its sixth session. Paragraph 3 requested the States concerned to co-operate fully in giving effect to the resolution, and paragraph 4 invited the Secretary-General to place staff and facilities at the disposal of the persons concerned.
7. At the 79th meeting, an amendment (A/AC.38/L.73/Rev.2) to the Swedish draft resolution was submitted jointly by the United Kingdom, the United States of America and Uruguay, and was accepted at the 80th meeting by the representative of Sweden. The proposed amendment substituted for the sixth paragraph of the preamble the words "Pending further decisions by the United Nations with respect to the interests of the international community in the Jerusalem area." The amendments to the operative part left section A, which became paragraph 1, unchanged except for drafting modifications consequent on the substitution for the entire section B of three paragraphs, numbered 2, 3 and 4. Paragraph 2 provided for a United Nations representative to represent the interests of the United Nations in the Holy City in implementation of paragraph 1 and to report to the General Assembly with such recommendations as he might consider appropriate with regard to the Jerusalem question. He was to be appointed on the nomination of the Secretary-General by a General Assembly Committee composed of the eleven States that are members of the Security Council. Paragraph 2 called upon the governments of the States in the Holy Land to co-operate fully with the United Nations representative. Paragraph 4 requested the Secretary-General to furnish the necessary staff and facilities to the United Nations representative. An oral suggestion by the representative of the Netherlands at the 81st meeting was accepted by the sponsors, for inclusion in paragraph 2, to the effect that the United Nations representative should report to the sixth session of the General Assembly.
8. At the 80th meeting on 13 December 1950, China submitted amendments (A/AC.38/L.74) to the Belgian draft resolution. These would have substituted in paragraph 1, for the words "Instructs four persons to be appointed by the Trusteeship Council" the following: "Decides to establish a Commission of four persons to be appointed by the General Assembly"; and would have made consequent changes in paragraphs 2 and 4. It was also proposed to insert after the word "report" in paragraph 2, the words "with recommendations if possible." These amendments were not accepted by the represen-

² See *Official Records of the General Assembly, Fifth Session, Supplement No. 9*.

tative of Belgium and were later withdrawn by the mover.

9. At the same meeting, Lebanon submitted the following amendments (A/AC.38/L.76) to the Belgian draft resolution : (1) to insert after the first paragraph of the preamble a new paragraph as follows : “ *Recalling* its resolutions 181 (II) of 29 November 1947, 194 (III) of 11 December 1948 and 303 (IV) of 9 December 1949 ”; (2) to delete from the third paragraph of the preamble the words following “ which it had prepared ”; (3) to insert a new paragraph in the operative part to precede paragraph 1, as follows: “ 1. *Decides* that new efforts should be made with a view to a satisfactory settlement of the question within the framework of the principles previously adopted by the General Assembly ”; (4) replace the words “ of the Holy Places ” in paragraph 1 by the words “ over the Jerusalem area ”, and delete the matter following the word “ settlement ”. The first of these amendments was accepted by the representative of Belgium at the 81st meeting, and the remainder were withdrawn by the mover.

10. At the 81st meeting on 13 December 1950, after the Committee, on the motion of the representative of Chile, had decided, by 30 votes to 18, with 10 abstentions, to vote first on the Belgian draft resolution, the latter was adopted by a roll-call vote of 30 to 18, with 11 abstentions, as follows :

In favour : Afghanistan, Argentina, Belgium, Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, Indonesia, Iran, Iraq, Lebanon, Luxembourg, Pakistan, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Venezuela, Yemen.

Against : Australia, Denmark, Guatemala, Honduras, Iceland, Israel, Liberia, Netherlands, New Zealand, Norway, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

Abstaining : Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Dominican Republic, India, Mexico, Nicaragua, Panama, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

On the motion of the representative of Lebanon, the Committee decided, by 25 votes to 18, with 12 abstentions, not to vote on the Swedish draft resolution as amended.

11. The *Ad Hoc* Political Committee accordingly

recommends that the General Assembly adopt the following draft resolution :

PALESTINE : QUESTION OF AN INTERNATIONAL REGIME FOR THE JERUSALEM AREA AND PROTECTION OF THE HOLY PLACES

The General Assembly,

Considering that the world community has unique spiritual and religious interests in the Holy Land,

Recalling its resolution 181 (II) of 29 November 1947, 194 (III) of 11 December 1948 and 303 (IV) of 9 December 1949,³

Noting the special report of the Trusteeship Council on the question of an international regime for the Jerusalem area and the protection of the Holy Places,

Considering that, for lack of the necessary co-operation by the States concerned, the Trusteeship Council has been unable to give effect to the Statute which it had prepared; that a reconsideration of the question of the international protection of the Holy Places and of spiritual and religious interests in the Holy Land is therefore essential; and that new efforts must be made to settle the question in accordance with the principles already adopted by the General Assembly,

1. *Instructs* four persons, to be appointed by the Trusteeship Council, to study, in consultation with the governments at present in *de facto* control of the Holy Places and with the other States, authorities and religious bodies concerned, the conditions of a settlement capable of ensuring the effective protection, under the supervision of the United Nations, of the Holy Places and of spiritual and religious interests in the Holy Land;

2. *Invites* them to report to the General Assembly at its sixth session;

3. *Requests* the States concerned to co-operate fully in giving effect to the present resolution;

4. *Invites* the Secretary-General to place at the disposal of these persons the staff and facilities necessary for the fulfilment of their task.

³ With the exception of this paragraph, the Belgian draft resolution (A/AC.38/L.71), is identical to the draft resolution proposed by the *Ad Hoc* Political Committee.

DOCUMENT A/1729

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1724) : report of the Fifth Committee

[Original text : English]
[14 December 1950]

In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee at its 283rd meeting held on 14 December 1950 considered

the financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee concerning the question of an international regime for the Jerusa-

lem area and protection of the Holy Places. The Committee by 30 votes to one, with 6 abstentions, approved the estimate of \$30,600 submitted by the Secretary-General⁴ and concurred in by the Advisory Committee

on Administrative and Budgetary Questions. It therefore decided to inform the General Assembly that adoption of the draft resolution proposed by the *Ad Hoc* Political Committee would require additional budgetary provision in 1951 amounting to \$25,600 under section 5 and \$5,000 (for contractual printing) under section 25 of chapter V.

⁴ Document A/C.5/446.

DOCUMENT A/1252

Fifth progress report of the United Nations Conciliation Commission for Palestine for the period 16 September to 9 December 1949, inclusive

[Original text: English]
[14 December 1949]

Note by the Secretary-General

The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 13 of General Assembly resolution 194 (III) of 11 December 1948, the fifth progress report of the United Nations Conciliation Commission for Palestine.

A. GENERAL

1. In its last progress report to the Secretary-General, covering the period from 9 June to 15 September 1949,⁵ the Conciliation Commission reported that, in order to give the interested governments sufficient time to reconsider their positions on the territorial and refugee questions, it had decided to suspend its meetings for a short period and reconvene in New York.

2. On 19 October, the Commission reconvened in New York with Mr. Ely Eliot Palmer replacing Mr. Paul Porter as representative of the United States of America. It has since held several meetings at its offices in the Empire State Building with the delegations of the Arab States and with the delegation of Israel, during which various problems were examined.

B. JERUSALEM AND THE HOLY PLACES

3. As stated in its fourth progress report,⁵ the Commission, on 1 September 1949, approved a draft text of an Instrument establishing a permanent international regime for the Jerusalem area, and transmitted it to the Secretary-General for communication to the General Assembly,⁶ in accordance with paragraph 8 of the resolution of 11 December 1948. During its recess and following the resumption of its meetings in New York on 19 October, the Commission became aware that publication of the draft text had given rise to certain mis-

conceptions and misrepresentations, based apparently on a fundamental misunderstanding of the letter and spirit of the plan. The Commission accordingly decided to circulate, as an addendum to its draft Instrument, a statement setting forth certain clarifications of its plan.⁷

4. On 24 November, the Commission was invited to appear before the *Ad Hoc* Political Committee of the General Assembly, to which the question of Jerusalem had been referred. On this occasion the Chairman of the Commission made an introductory statement, at the 43rd meeting of the Committee, explaining the principles which had guided the Commission in drawing up its draft Instrument for the internationalization of the Jerusalem area and elucidating the internal structure of the Instrument itself (appendix).

5. During its meetings in Lausanne, the Commission, in conformity with paragraph 7 of General Assembly resolution 194 (III), had communicated to the delegations a proposed declaration to be made by the governments concerned with respect to the Holy Places, religious buildings and sites in Palestine outside the Jerusalem area. On 8 and 15 November 1949, the Israel and Arab delegations respectively communicated to the Commission their governments' position with regard to the required guarantees for the protection of and free access to the Holy Places outside the Jerusalem area. The Commission has transmitted these replies, together with its own draft declaration, to the Secretary-General for communication to the members of the General Assembly.⁸

C. THE REFUGEE QUESTION

6. As indicated in its previous report, the Commission had informed the Arab and Israel delegations on 12 September 1949 that it did not consider it useful at that moment to formulate more detailed suggestions with regard to the refugee question, notably concerning the

⁵ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex*, vol. II, document A/992.

⁶ *Ibid.*, vol. I, document A/973.

⁷ *Ibid.*, vol. I, document A/973/Add.1.

⁸ *Ibid.*, vol. I, document A/1113.

number of persons who should return to Israel and the number who should be resettled in the Arab States, in view of the fact that the refugee question in general was under examination by the Economic Survey Mission created by the Commission for this purpose.

7. On 16 November, the interim report of the Economic Survey Mission, having been received by the Commission, was transmitted to the Secretary-General for communication to the Members of the General Assembly.⁹ In transmitting this document, the Commission indicated in a covering letter its opinion that the report constituted a constructive approach to the Palestine refugee problem, meriting urgent consideration by the General Assembly. The Commission further pointed out that the Assembly might wish to obtain additional information concerning certain of the findings and recommendations contained in the report and, in this connexion, drew attention to arrangements made by the Secretary-General with the organizations administering relief to Palestine refugees.

8. Paragraph 1 of General Assembly resolution 194 (III) gave to the Conciliation Commission the specific mission of facilitating the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation. In accordance with this disposition, the Commission included in the terms of reference given by it to the Economic Survey Mission the question of compensation to be paid to refugees not wishing to return to their homes. The Commission has decided to resume consideration of this question upon the resumption of its work in January 1950, taking as a basis studies made by the Economic Survey Mission.

9. As regards those preliminary measures for the protection of the rights, property and interests of the refugees in the implementation of which the Commission had instructed its Principal Secretary to assist in during the recess, the results thus far achieved have been as follows :

(a) In connexion with the reunion of separated refugee families, Lebanon, Egypt and Jordan have appointed representatives to discuss and carry out, in collaboration with the competent Israel authorities, the actual plan for the return of these refugees. Syria has indicated its readiness to appoint representatives as soon as possible.

(b) With regard to blocked Arab accounts, the conversations of the experts of the two sides with the Commission's economic expert, for the purpose of arriving at a mutually acceptable method of unfreezing these accounts, are continuing in a favourable atmosphere.

(c) In connexion with the arrangements to enable Arabs living in territory under Arab control close to the Armistice demarcation line to cultivate their lands which lie within territory under Israel control, both the Israel and Jordanian authorities have agreed to discuss the matter in the Special Committee set up by the Armistice Agreement.

D. THE TERRITORIAL QUESTION

10. The Commission had pointed out to the various delegations in Lausanne on 12 September that, in its opinion and taking into consideration the terms of the Protocol of 12 May 1949,¹⁰ their proposals concerning the territorial question exceeded the limits of what might be considered " adjustments " of the map attached to that Protocol. The Commission had, therefore, felt obliged to request the various governments to re-examine their positions. The Commission had indicated that it considered it premature at that time for it to make specific proposals concerning the modifications to be made to the positions adopted by the two sides. It nevertheless reserved the right to do so in the future and avail itself of the authority conferred upon it by the General Assembly, in so far as it considered necessary.

11. Upon the resumption of meetings in New York, the Arab delegations informed the Commission that they still adhered to the terms of the Protocol of 12 May and saw no reason to deviate from the proposals they had already presented; this stand of the Arab delegations was to be considered as final and it was for the Commission itself to take the initiative of stating in what way it considered the Arab territorial demands excessive. At the same time, the Arab delegations expressed the opinion that the method thus far followed by the Commission, of simply transmitting the proposals of the one side to the other, had resulted in little of practical value, and strongly urged the Commission to present its own suggestions or proposals. They added that they had confidence in the Conciliation Commission's ability to undertake this task, and were not prepared to enter into direct negotiations with the representatives of Israel.

12. The delegation of Israel submitted to the Commission on 27 October a letter containing its government's reply to the Commission's note of 12 September. In this letter, the Israel delegation maintained in their entirety the proposals already submitted to the Commission in Lausanne with regard to the territorial question. Further, the delegation reaffirmed its desire to open direct peace negotiations with each of the interested parties. In the opinion of the delegation, the refusal of the Arab States to meet the representatives of Israel around a conference table, under the auspices of the Commission, rendered the continuation of the Commission's efforts at conciliation " fruitless " and might even render them " harmful ". Finally, the delegation of Israel felt that the procedure by which the Commission would itself formulate specific proposals would call in question " the whole method of conciliation hitherto followed, and the terms of reference of the Commission itself ".

13. The Commission replied, on 10 November 1949, to the letter of the Israel delegation. As regards the observations made by the Israel delegation concerning

⁹ *Ibid.*, vol. I, document A/1106.

¹⁰ *Ibid.*, vol. II, document A/927, annex.

the Commission's methods of work, the Commission pointed out that it had always been and continued to be in favour of direct negotiations between the representatives of the Arab States and of the State of Israel, but that it was necessary to take into consideration the terms of General Assembly resolution 194 (III), by which the governments and authorities concerned were to seek agreement by negotiation, either directly or through the Conciliation Commission, and that the Arab representatives persisted in their desire to continue negotiations through the Commission. Moreover, the Commission pointed out that its power to submit concrete proposals to the parties arose not only from the very nature of its task of conciliation, but from the specific terms of sub-paragraph 2 (a) of the General Assembly resolution.

14. In a letter dated 30 November 1949, referring to the Commission's letter of 12 September and the Israel delegation's reply of 19 October, the permanent representative of Israel to the United Nations stated that his government believed that, since the whole future of the Conciliation Commission would now appear to be under discussion in the General Assembly, it would be preferable to await the outcome of that discussion before embarking upon any long-term planning of the conciliation effort in the future. With reference to the proposal that the Conciliation Commission should itself make specific suggestions to the parties, he pointed out that the Israel Government's views were fully set out in the letter which he had addressed to the Conciliation Commission on 27 October.

E. CONCLUSIONS

15. The Commission considers it necessary to recall in this connexion that paragraph 5 of General Assembly resolution 194 (III) of 11 December 1948 :

" *Calls upon* the governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council's resolution of 16 November 1948 and to seek agreement by negotiations conducted either with Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them; "

Furthermore, the Commission considers that it has received from the General Assembly in explicit terms the powers and obligations to undertake in the present circumstances a procedure of mediation and in consequence, to submit compromise proposals to the parties concerned. Sub-paragraph 2 (a) of General Assembly resolution 194 (III) reads as follows :

" To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by resolution 186 (S-2) of the General Assembly of 14 May 1948 "

Therefore the Commission hopes to undertake this task with the interested parties and thereby bring to a successful conclusion the mission entrusted to it by the General Assembly.

16. The Commission has decided to adjourn its meetings until 16 January 1950. At that date it will meet in Geneva to consider the final report from the Economic Survey Mission and continue its negotiations with the delegations of the Arab States and Israel.

APPENDIX

TEXT OF AN ADDRESS DELIVERED ON 24 NOVEMBER 1949 BY THE CHAIRMAN OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE TO THE *Ad Hoc* POLITICAL COMMITTEE BEFORE THE OPENING OF THE DEBATE ON JERUSALEM

In submitting its draft Instrument on Jerusalem to the General Assembly for its consideration, the Conciliation Commission has been guided by its terms of reference laid down in the Assembly resolution 194 (III) of 11 December 1948. As regards Jerusalem, the Commission was invited to present detailed proposals for a permanent international regime consistent with the maximum local autonomy for distinctive groups. In addition, the Commission has made every endeavour to take into account the existing political and territorial situation in Jerusalem, the viewpoints of its inhabitants, and the viewpoints of the religious communities and the political authorities most directly concerned with Jerusalem's future. Admittedly, the Commission's plan does not completely satisfy the aspirations of every group or party. The Commission does feel, however, that its plan is capable of being put into operation without seriously infringing upon the rights of any group or seriously dislocating the existing arrangements for the Holy City's government. The Commission believes, moreover, that its plan provides positive safeguards for those matters of international concern which prompted the General Assembly to adopt its resolution of 11 December 1948.

The provisions of the Commission's plan can be regarded as falling under three headings :

First, those provisions relating exclusively to the protection of and access to the Holy Places;

Secondly, those provisions which relate to much-needed assistance in restoring Jerusalem to a normal life and safeguarding its unique character; and

Thirdly, those provisions which promote peace and security in the area of Jerusalem and, consequently, in the whole of Palestine.

The Commission has recently issued a statement which has been distributed to all the delegations explaining in somewhat greater detail the intents and purposes of the various provisions of the plan. If further clarifications are desired by certain delegations, my colleagues and I are, of course, at the Committee's disposal. The Commission believes that the plan it has presented is workable, effective and appropriate to the Commission's terms of reference. The Commission considers, moreover, that its task, as envisaged by General Assembly resolution 194 (III), has been fulfilled as regards Jerusalem.

It is for you here to decide, in the light of the many conflicting viewpoints and interests, whether it has found a satisfactory solution to a question the answer to which is awaited anxiously by the many thousands of the faithful of the Christian, Jewish and Moslem religions throughout the world.

DOCUMENT A/1255

Sixth progress report of the United Nations Conciliation Commission for Palestine for the period 9 December 1949 to 8 May 1950, inclusive

[Original text: English]
[29 May 1950]

Note by the Secretary-General

The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 13 of General Assembly resolution 194 (III) of 11 December 1948, the sixth progress report of the United Nations Conciliation Commission for Palestine.

Part I

RESUMPTION OF MEETINGS IN GENEVA

1. Upon the resumption of its meetings with the interested parties in Geneva in January 1950, the Conciliation Commission informed the Arab and Israel delegations of its views on the extent to which resolutions 302 (IV) and 303 (IV) concerning Palestine adopted by the General Assembly on 8 and 9 December 1949 had a bearing upon the Commission's mandate.
2. In a statement made during the opening meetings of the Commission with the Arab delegations and the delegation of Israel, the Chairman (Mr. Palmer) stated that the Commission's general mandate, "to take steps to assist the governments and authorities concerned to achieve a final settlement of all questions outstanding between them", remained in full force.
3. As regards Jerusalem, the delegations were reminded that the responsibility of the Commission under General Assembly resolution 194 (III) of 11 December 1948 was fulfilled by the presentation to the Assembly of the Commission's proposals regarding the establishment of an international regime for Jerusalem. By resolution 303 (IV) of 9 December 1949, the General Assembly had charged the Trusteeship Council with the elaboration of an international regime for Jerusalem which would be based upon the Statute drafted by the Council itself in 1947.
4. By resolution 302 (IV) of 8 December 1949, the Assembly had created the United Nations Relief and Works Agency for Palestine Refugees in the Near East to deal with the relief, resettlement and rehabilitation aspects of the refugee question, and to carry out a specific programme, as approved by this resolution, which through local works projects would provide for a considerable number of refugees a means of livelihood that would ensure their independence from direct relief.
5. The Conciliation Commission remained the organ seized with the final settlement of all questions outstanding between the parties, and specifically with the problem of the return of the refugees to their homes and the problem of compensation under the terms of paragraph 11 of resolution 194 (III), which had been reaffirmed by resolution 302 (IV). With regard to resettlement outside Israel, the Chairman recalled that the Governments of Syria and Jordan had affirmed their readiness to accept the resettlement in their territory of refugees who might not desire repatriation. With regard to the repatriation of refugees, the Government of Israel had expressed its willingness to accept within the territory now under its control an Arab population of 250,000. The Government of Israel had accepted the principle of compensation of refugees for land abandoned by them. The principle of territorial compensation to the refugees had been advanced by the Arab representatives.
6. The Chairman of the Commission recalled that on the territorial question, the respective positions of the parties were made clear to the Commission in their notes of 29 and 31 August 1949. These positions were considered by the Commission to be too far removed from each other to offer a basis for effective conciliation, and in consequence both parties were invited to revise their positions.
7. In New York, the Arab delegations had conveyed to the Commission their desire that it should undertake, in conformity with the authority conferred upon it by General Assembly resolution 194 (III) the functions of mediator. They suggested that the Commission should submit, for the consideration of the parties, proposals or suggestions of its own. The Chairman pointed out that the Commission had not yet determined how it could most helpfully undertake and effectively discharge the functions of mediator, but it hoped that, with the essential collaboration of the parties, it might succeed in working out an initially promising and ultimately fruitful method of procedure.
8. The Chairman also recalled that, as the Commission had abundantly made clear in the past, it favoured the establishment of direct contact between the parties. Such a course appeared to the Commission all the more indispensable if it were to mediate effectively between them. The Commission was ready to assist the parties in reaching agreements, whether collectively or separately, both on the larger issues and on questions of a more local character.

SPECIFIC PROPOSALS ON PROCEDURE MADE BY THE COMMISSION

9. Following the above declaration regarding the Conciliation Commission's position, a number of informal meetings were held between the Commission and the

various delegations for the purpose of arriving at an agreed method of combining in a single procedure the wishes expressed by the Arab and Israel delegations for mediation and direct negotiations, respectively.

10. As a result of these conversations the Conciliation Commission proposed, on 23 February 1950, to the Egyptian and Israel delegations the formation of a mixed committee composed of an Egyptian and an Israeli member to study, under the auspices of the Commission, the following proposals concerning the Gaza refugees which had been submitted to it by the Egyptian delegation in October :

(a) That inhabitants of areas falling within the no man's land in the north of the Gaza region be allowed to return as soon as possible to their lands to cultivate them;

(b) That refugees at present in the Gaza area under Egyptian control and possessing land in the hinterland of this zone be allowed to undertake as soon as possible the cultivation of these lands;

(c) That refugees at present in the Gaza zone originating from the Beersheba area be allowed, provisionally and pending a final settlement, to establish themselves in that area.

11. On 28 February, the Israel delegation, while reaffirming its desire to discuss with the Egyptian representatives the conclusion of a peace settlement between their two countries, or any interim measures leading to such a settlement, informed the Commission that an agreement reached a short time before in the Egypt-Israel Mixed Armistice Commission represented the greatest degree of fulfilment that could be given to the Egyptian proposals. The Commission pointed out to the Israel delegation that, in the agreement concluded in the Mixed Armistice Commission on 22 February, not all the proposals submitted by the Egyptian delegation had been the subject of settlement, and reaffirmed its view that the creation of a mixed committee to study these proposals would be useful. On 23 March, the Israel delegation reaffirmed its position with regard to the settlement of the Egyptian proposals, in support of which it stated that the Egyptian representatives had made no reservations on signing the agreement of 22 February and therefore shared the Israel view that the points in question had been settled. The Israel delegation also expressed the view that matters of such a local and specific character should be dealt with in the Mixed Armistice Commission. The delegation also reiterated its desire to discuss with any Arab delegation, under the auspices of the Conciliation Commission, the question of a final peace settlement.

12. On 23 March, after numerous preliminary exchanges of views, the Egyptian delegation informed the Commission that its government would take a favourable view of the creation of a mixed committee to decide on the implementation of the Egyptian proposals only after these proposals had been explicitly and formally accepted by the other party.

13. On 29 March, the Commission, on the one hand, pointed out to the Israel delegation that the Egyptian

delegation did not consider that all its proposals had been completely and satisfactorily settled. On the other hand, the Commission informed the Egyptian delegation that, in its opinion, only after an exchange of views between the parties in a mixed committee would it be possible to determine to what degree the Egyptian proposals could be put into effect. The Commission therefore advised both parties that it maintained its view that a Committee to study these proposals should be formed. (The correspondence exchanged on this subject between the Commission, on the one hand, and the Israel and Egyptian delegations, on the other, is attached as appendices I and II.)

GENERAL PROPOSALS ON PROCEDURE MADE BY THE COMMISSION

14. The attitude adopted in the course of these negotiations by the parties directly concerned led the Commission to present on 29 March 1950 to the Arab and Israel delegations, in consecutive meetings, a memorandum (appendix III) containing concrete proposals for the establishment of a new procedure leading to a positive solution of the Palestine problem. In drawing up these proposals, the Commission took as a basis the viewpoints on procedure which had been repeatedly and emphatically expressed by the Arab and Israel Governments during the recent months, namely, the Israel request for direct negotiations and the Arab request for mediation.

15. The Commission considered that these officially expressed viewpoints were not incompatible but that they should be regarded as complementary. In its memorandum to the parties it stressed the fact that it could not undertake the submission of proposals to the parties without the assurance that these proposals could be examined and discussed at meetings between the Commission itself and representatives of all the parties having an interest in the subject under discussion.

16. The Commission also stated that it would naturally reserve the right of determining which questions would form the subject of its proposals, since the Commission alone would be in a position to judge as to the advisability of submitting at any given moment proposals on a certain point. This would not prevent the parties from informing the Commission of questions on which, in their opinion, the Commission would usefully take the initiative. On the contrary, the parties would thus make a most positive contribution to the proper functioning of the new method of operation. It was obvious that the Commission would act upon any request coming jointly from one or more Arab delegations and from the delegation of Israel.

17. As regards the actual procedure, the Commission considered it preferable not to adopt rigid rules, and envisaged the formation of mixed committees under the chairmanship of a representative of the Commission and composed of representatives of the countries concerned in the particular subject under discussion. In particular cases, of course, this general formula could be modified

by mutual agreement between the parties and the Commission. In principle, each committee would have precise and concrete terms of reference, consisting either of the discussion and study of questions which the Commission, in agreement with the parties, had submitted to it for preliminary examination, or of the study and discussion of a proposal drawn up by the Commission on its own initiative or at the request of one or more delegations.

18. The Commission concluded its memorandum by stating that, once the proposals had been accepted in principle, the details of their implementation could be discussed further and agreed upon with the parties.

19. On 4 April 1950, in accordance with a decision of the Commission, the Chairman (Mr. de Boisanger) accompanied by the Principal Secretary, left for the Middle East where in addition to visiting Jerusalem he called at the capitals of the four Arab States accredited to the Commission and at Tel-Aviv. These visits had the double purpose of providing the governments concerned with any supplementary explanations which might be conducive to the better understanding and final acceptance of the Commission's proposals, and of ascertaining as far as possible the reaction of the various Governments to those proposals.

20. In the course of conversations with officials in the different capitals, the Chairman emphasized the following points :

(a) The Commission had decided to submit its proposals because it was becoming increasingly concerned with the dangers of allowing the present situation to be prolonged indefinitely;

(b) The Commission fully realized the responsibility it was undertaking in making its proposals; they had been submitted to the parties, after most careful consideration, because the Commission saw no other way out of the present impasse;

(c) The Commission was prepared to pursue its work of conciliation according to the procedure outlined in its proposals of 29 March, with any government or governments willing to accept them;

(d) If the Commission's proposals were accepted in principle, the details of the procedure envisaged should be the subject of further negotiations between the Commission and the government or governments having accepted them;

(e) In the joint negotiations suggested by the Commission, both parties would be negotiating with the Commission as well : " triangular negotiations " would be a proper term to define the new procedure;

(f) The Commission was not pressing the parties for an immediate answer; it hoped that the answer from both sides would be favourable and without conditions. The Commission was convinced that there was nothing in its proposals which could not be accepted by the parties, and, in its view, the method of work now suggested would contribute most effectively to the settlement of the questions pending between them.

21. Between 5 and 13 April the Chairman had conver-

sations with the President, the Prime Minister and the Foreign Minister of Israel. The Foreign Minister stated that he was prepared to consider the Commission's proposals, the constructive character of which he recognized.

22. The Chairman then held conversations in Amman with King Abdullah and his Ministers; in Damascus with the President of the Syrian Republic, the Acting Foreign Minister and the Acting Prime Minister; and in Beirut with the President of the Lebanese Republic and the Acting Foreign Minister. The Chairman and his party then proceeded to Cairo, where, after having met the Lebanese and Syrian Prime Ministers, he received the Arab reply to the Commission's proposals, delivered by the Foreign Minister of Egypt on 14 April.

23. Stating that he was speaking on behalf of all the Arab States, the Foreign Minister declared that, if the Commission succeeded in persuading the Government of Israel to accept the provisions of General Assembly resolution 194 (III) in connexion with the refugees, as well as their implementation, the Arab States would be prepared to accept the proposals of the Commission to the extent of having no objection to their representatives sitting jointly with the representatives of Israel for the purpose of studying the implementation of the above proposals and thus arriving at a solution of the refugee problem on the basis of the resolution of the United Nations General Assembly. As regards the other questions under study by the Commission, the Arab Governments were of the opinion that the present procedure should be maintained with one difference, namely, that the Commission, in regard to those questions, should undertake a process of mediation as well as of conciliation. Once agreement on principle had been achieved on the basis of such proposals as the Commission might submit, the Arab Governments would be prepared to envisage the formation of mixed committees with a view to studying the implementation of these proposals.

24. On 6 May, the Minister for Foreign Affairs of Israel stated in a letter replying to the Commission's memorandum of 29 March that the Government of Israel would negotiate a peace settlement with the Arab States directly—either with or without the participation of the Conciliation Commission as proposed—on the understanding that the principals in these negotiations would be the Israel and Arab delegations, while the Conciliation Commission would act as a harmonizing agent between the parties with a view to inducing a friendly atmosphere and extending its good offices to the parties with their consent. He added that the Government of Israel understood that that was the manner in which the Conciliation Commission itself regarded the functions of the new procedure outlined in its memorandum of 29 March. In its reply the Government of Israel reaffirmed categorically its willingness to negotiate with any State which announced its readiness to conclude a final settlement of all outstanding questions with a view to the establishment of permanent peace. The Government of Israel required no concessions or undertakings in advance of such negotiations, it being understood that any party having claims to make would be entitled to put them forward in the course of the negotiations.

25. The Commission is studying the replies of the parties to its memorandum of 29 March with a view to determining the next step to be taken in the implementation of the Commission's proposals.

Part II

COMPENSATION OF REFUGEES

26. The second part of paragraph 11, of resolution 194 (III) of the General Assembly of 11 December 1948 instructed the Conciliation Commission to facilitate the payment of compensation for property losses suffered by the refugees. The Commission has consulted with the interested parties on this question. The technical aspect of the problem of compensation was studied in the first place by the Technical Committee on Refugees and secondly by the United Nations Economic Survey Mission for the Middle East which submitted a certain number of specific suggestions as to the procedure to be followed. Having studied these suggestions, the Commission is considering the best method of undertaking a preliminary evaluation of refugee property involved.

BLOCKED ACCOUNTS

27. The Mixed Committee of Experts which was set up by the Commission in Lausanne limited itself at the outset to the study of a procedure to permit the unfreezing of bank accounts of Palestine refugees, blocked in Israel and estimated £P 4-5 million. The Israel representative and the representative of the Arab States had both accepted the principle of unfreezing, on a basis of equal and reciprocal compensation, assets blocked both by Israel and by the Arab States. It became apparent, however, that this procedure would not permit the proposed unfreezing to be effected, the Arab expert having pointed out that only one Arab State had taken steps to freeze the assets of persons resident in Israel and that the total amount of those blocked assets was insufficient to enable an operation based on reciprocity to be carried out. In view of this situation, the Mixed Committee of Experts, at its meeting of 15 February 1950, in Geneva, approved a new procedure by which, pending final settlement, any Arab refugee holding a bank account at present blocked in Israel could receive from the Arab banks an advance of up to £P 100 on the amount of his account. The sum of these advances would be made available by the Government of Israel to a trustee by the unfreezing of an equal amount of Palestine pounds for the purpose of reimbursing the banks making the advances. Finan-

cial negotiations are at present being conducted with the governments and the banks concerned with a view to the implementation of this procedure.

REUNION OF SEPARATED REFUGEE FAMILIES

28. The reunion of separated refugee families is being carried out, with the assistance of the Mixed Armistice Commissions, under an agreement reached last summer between Israel and the Arab States under the auspices of the Commission's General Committee in Lausanne, according to which certain persons dependent on Arab breadwinners resident in Israel were entitled to rejoin them. Under the agreement, the Israel authorities transmit to the Arab States lists of those applications from Arab breadwinners in Israel for the return of their relatives which have been approved as falling within the framework of the agreement. In December and January, a total of some 800 dependents from Lebanon and Jordan rejoined their families in Israel. The number of refugees in Lebanon thus far authorized to return by the Israel authorities amounts to 921. Of these, 523 have actually rejoined their families. The number of refugees in Jordan authorized to return up to now amounts to about 500, of whom some 300 have crossed into Israel. Negotiations have taken place in Jerusalem between Israel and Jordanian authorities for the widening of the formula governing the return of Arab dependents to Israel. Though no crossings have yet taken place from Syria, the competent Syrian authorities are discussing the details of the repatriation plan with representatives of Israel. On 14 February, the first group of refugees in Egypt, consisting of 115 persons from the Gaza area, crossed into Israel. The whole operation has taken place under the supervision of the various Mixed Armistice Commissions.

CONSULTATIONS WITH THE UNITED NATIONS RELIEF AND WORKS AGENCY FOR PALESTINE REFUGEES IN THE NEAR EAST

29. In accordance with General Assembly resolution 302 (IV) of 8 December 1949, which directs the United Nations Relief and Works Agency for Palestine Refugees in the Near East to consult with the Conciliation Commission in the best interests of their respective tasks, two meetings between these two bodies were held in Geneva on 17 and 19 April. During these meetings the desirability of establishing close liaison between the two bodies was recognized and measures were taken for the regular exchange of information through the intermediary of a liaison officer.

APPENDIX I

EXCHANGE OF CORRESPONDENCE BETWEEN THE COMMISSION AND THE DELEGATION OF ISRAEL CONCERNING THE FORMATION OF A MIXED COMMITTEE TO STUDY CERTAIN QUESTIONS RELATING TO THE GAZA REFUGEES

1. *Letter dated 23 February 1950 to Mr. Aubrey Eban from the Chairman of the Commission*

In connexion with our conversation this morning, I am

sending you herewith the text of the terms of reference which the Commission envisages for the joint committee:

The joint committee on problems relating to the Gaza

area shall consider the three following proposals submitted to the Conciliation Commission by the Egyptian delegation on 24 October 1949 :

(1) That inhabitants of areas falling within the no man's land in the north of the Gaza region be allowed to return as soon as possible to their lands to cultivate them;

(2) That refugees at present in the Gaza area under Egyptian control and possessing land in the hinterland of this zone be allowed to undertake as soon as possible the cultivation of these lands;

(3) That refugees at present in the Gaza zone originating from the Beersheba area be allowed, provisionally and pending a final settlement, to establish themselves in that area.

(Signed) Claude DE BOISANGER

2. *Letter dated 28 February 1950 to the Chairman of the Commission from Mr. Gideon Rafael*

I have the honour to reply as follows to your letter of 23 February 1950. I apologize for the delay, which resulted from the need to consult my Government and to ascertain the situation with respect to the three questions suggested for discussions by the proposed mixed committee.

I wish to reaffirm my delegation's willingness to discuss with Egyptian representatives the conclusion of a peace settlement between our countries or any interim measure leading to such a settlement. The Israel Government will look with sympathy upon any procedure designed to lead effectively to such discussions.

With reference to the items suggested in your letter as the agenda for a mixed committee, I am informed that these subjects have recently been discussed between the Israel and Egyptian delegations to the Mixed Armistice Commission. You will be gratified to learn that a settlement was reached on 22 February 1950 and duly signed on behalf of both Governments. The main points of this agreement are :

(1) The neutral zone is divided between Egypt and Israel.

(2) The original inhabitants of the Egyptian section of the neutral zone are entitled to resume residence and civilian occupation of that area.

(3) The inhabitants of the villages Abasan and Akhzah, which were cut by the armistice demarcation line, are now to be allowed to cultivate their lands in Israel territory, wherein a special zone is created for that purpose.

It appears that the *modus vivendi* described above represents the greatest degree of fulfilment that can be given to the Egyptian requests referred to in your letter. The Egyptian signature appears to us to confirm this view. In these circumstances it would appear that the propositions formulated by the Egyptian delegation in October 1949 have been satisfactorily discussed and resolved by mutual consent.

We should be grateful if the Commission would convey to the Egyptian delegation our readiness to discuss the settlement of all outstanding questions between our two countries with a view to the establishment of permanent peace.

(Signed) GIDEON RAFAEL

3. *Letter dated 2 March 1950 to Mr. Gideon Rafael from the Chairman of the Commission*

I have the honour to acknowledge receipt of your letter of 28 February 1950 on the creation of a mixed committee to consider certain questions concerning the Gaza refugees.

The Conciliation Commission has been informed telegraphically by General Riley of the conclusion in the Mixed Armistice Commission of the agreement to which

you refer. Furthermore, General Riley has informed the Commission that he is transmitting by diplomatic pouch the text of the agreement, with the necessary maps.

Pending the study of this text, to which it will proceed without delay, the Commission considers that the agreement concluded in the Mixed Armistice Commission does not, according to the terms of your letter, bear upon any but the first point of the terms of reference which the Commission intended to give to a mixed committee, and that the remaining points have not been the subject of any settlement.

In consequence, the Commission continues to believe that the creation of the above mixed committee would be useful. It maintains its proposal to the parties on this question and would be grateful to you if you would inform your Government accordingly.

The Commission is prepared to examine any suggestion or proposal which the delegation of Israel might wish to make, either on the substance of the questions composing the proposed mixed committee's mandate or the procedure to be established for their consideration.

(Signed) Claude DE BOISANGER

4. *Letter dated 13 March 1950 to the Chairman of the Commission from Mr. Gideon Rafael*

I have the honour to acknowledge receipt of your letter of 2 March, contents of which I have transmitted to my Government.

(Signed) GIDEON RAFAEL

5. *Letter dated 21 March 1950 to Mr. Gideon Rafael from the Chairman of the Commission*

Further to my letter of 2 March 1950, I have the honour to inform you that the Conciliation Commission has now received a copy of the *modus vivendi* to the Egyptian-Israeli General Armistice Agreement to which you refer in your letter of 28 February.

The above document and the attached maps showing the areas involved in the *modus vivendi* agreement confirm the view expressed by the Commission in its letter of 2 March that not all the proposals submitted by the Egyptian delegation have been the subject of settlement.

In view of the above, the Commission continues to believe that the creation of a mixed committee to study those of the Egyptian proposals not falling within the framework of the *modus vivendi* of 22 February would be useful. It maintains its proposal to the parties on this question and would be grateful to you if you would let it have your Government's reply to this letter as well as to the Commission's communication of 2 March.

The Commission is prepared to examine any suggestion or proposal which the delegation of Israel might wish to make, either on the substance of the above questions or on the procedure to be established for their consideration.

A copy of your letter of 28 February is being transmitted to the Egyptian delegation.

(Signed) Claude DE BOISANGER

6. *Letter dated 23 March 1950 to the Chairman of the Commission from Mr. Gideon Rafael*

I have the honour to acknowledge receipt of your letter dated 21 March 1950 and to reply thereto as well as to your letter of 2 March 1950.

In my letter of 28 February I conveyed the view of my Government that the *modus vivendi* reached on 22 February 1950 " represents the greatest degree of fulfilment that can be given to the Egyptian requests " under discussion. The Egyptian representative signed the *modus vivendi* without the reservation contained in the second paragraph of your letter to the effect that the settlement

was incomplete or unsatisfactory or that any further changes in the armistice arrangements were desired. We understand that Egypt has not submitted any proposals of this nature since the signature of the *modus vivendi*.

Since certain matters raised by the Egyptian delegation affecting the armistice arrangements have been satisfactorily settled in the Mixed Armistice Commission it would appear that matters of a similarly local and specific character might best be treated through the same channels, if so required by either party. My delegation reiterates its desire to discuss with the Egyptian delegation or any other Arab delegation, under the auspices of the Conciliation Commission, the question of a final peace settlement or any substantive questions conducive thereto.

My Government appreciates the action of the Palestine Conciliation Commission in conveying my letter of 28 February to the Egyptian delegation. The Israel delegation would be glad to be notified of the Egyptian reply to the official proposal contained in the last paragraph.

(Signed) GIDEON RAFAEL

7. *Letter dated 29 March 1950 to Mr. Gideon Rafael from the Chairman of the Commission*

I have the honour to acknowledge receipt of your letter of 23 March 1950, which the Commission has considered with great interest. In this connexion, the Commission has decided that it would be useful to communicate to you a letter from the representative of Egypt dated 23 March and the Commission's reply thereto dated 29 March, of which copies are attached.

It appears from the Egyptian representative's letter that not only does the Egyptian Government consider that, of the proposals submitted by it to the Conciliation Commission in October last, not all have been completely and satisfactorily settled, but has declared itself ready to consider these questions in a mixed committee to be established for this purpose under the conditions set forth in this letter.

From the Commission's reply you will note that the Commission considers that only after an exchange of views between the parties in a mixed committee will it be possible to determine to what degree the Egyptian proposals could be put into effect.

It is requested that this communication be considered in connexion with the proposal of a more general nature which has been submitted today to the delegations of the Arab States and of Israel.

The Conciliation Commission hopes that the Government of Israel, which has expressed its desire to discuss with the Egyptian delegation or any other Arab delegation, under the auspices of the Conciliation Commission, the question of a final settlement or any substantive questions conducive thereto, will give the most serious consideration to the proposals of the Commission whose purpose is to create favourable conditions for the establishment of peace in Palestine.

(Signed) CLAUDE DE BOISANGER

Enclosures :

Letter from the Egyptian delegation, dated 23 March.
Reply from the Conciliation Commission, dated 29 March.

APPENDIX II

EXCHANGE OF CORRESPONDENCE BETWEEN THE COMMISSION AND THE EGYPTIAN DELEGATION CONCERNING THE FORMATION OF A MIXED COMMITTEE TO STUDY CERTAIN QUESTIONS RELATING TO THE GAZA REFUGEES

1. *Letter dated 22 March 1950 to H. E. Abdel Monem Mostafa Bey, Chairman of the Egyptian delegation, from the Chairman of the Commission*

I have the honour to transmit to you herewith copies of the correspondence exchanged by the Conciliation Commission with the Israel delegation on the subject of the establishment of a mixed committee to study the Egyptian proposals relating to the refugees of the Gaza area. As you will see from the letters, the Commission maintains its proposal concerning the establishment of the said Committee. It will at all times be pleased to receive any observations that your Government may think fit to submit on the matter.

(Signed) CLAUDE DE BOISANGER

Enclosures :

Letter from the Israel delegation, dated 28 February.
Letter to the Israel delegation, dated 2 March.
Letter to the Israel delegation, dated 21 March.

2. *Letter dated 23 March 1950 to the Chairman of the Conciliation Commission from the Chairman of the Egyptian delegation*

Under cover of your letter dated 22 March 1950, you were good enough to send me a copy of the correspondence exchanged on 28 February and on 2 and 21 March 1950 by the Conciliation Commission with the Israel delegation on the subject of the establishment of a mixed committee to study the Egyptian proposals relating to the refugees of the Gaza area. After informing me that the Commission maintained its proposal with regard to the establishment

of the said committee, you were kind enough to say that it would at all times be pleased to receive any observations that my Government might think fit to submit on the matter.

I hasten to thank you for your kind communication and for the accompanying enclosures.

It is hardly necessary for me to remind the Commission of the origin of the Egyptian proposals or the underlying motives. I need only say that if the measures they envisage were adopted, those proposals would make some contribution towards relieving the international community of the burden of providing assistance to the refugees. They would likewise be a first step towards the implementation of those United Nations resolutions which recognize the right of the refugees to return to their homes. The execution of the proposals would, moreover, serve to demonstrate the willingness of the other party to make an effective contribution to the solution of the Palestinian problem.

The Clapp Mission, it may be pointed out, recognized the fact that the Gaza area, where more than one-third of a million human beings are huddled together, holds out no prospects of economic development. On the other hand, if the refugees from the Beersheba area returned to their homes and regained their lands and if the original inhabitants of the Gaza area, the greater part of whose lands are beyond the armistice lines, were allowed to cultivate them, the situation of the refugees would be improved and it would then be possible to contemplate large-scale projects for their economic and social rehabilitation.

The attitude of the Egyptian Government on the question of refugees remains as before, namely, that the refugees should be enabled to return to their homes and have their

lands restored to them. The placing of obstacles in the way of their achievement of those aims is not only contrary to the most elementary rights of man to live in peace in his own country, but also threatens to perpetuate disturbances and instability in the Middle East. If these masses are left in their present hopeless state, they may be led to adopt an attitude of destructive nihilism and become a prey to subversive doctrines. Their slow disintegration, due to the degrading life they are leading, constitutes for the Middle East a source of instability, which there is every reason to eliminate as quickly as possible.

In view of those facts, the Egyptian delegation will be pleased to make its full contribution to consideration of the ways and means of implementing its proposals. Whenever the setting up of a mixed committee has been shown to be desirable, the Egyptian delegation, in accordance with the policy it has hitherto followed of collaborating with the Conciliation Commission itself, has agreed to the proposal. Thus, when the Commission, having secured the acceptance by the two parties of the principle of the reciprocal unfreezing of assets, proposed that a mixed technical committee be set up to decide how the operation should be carried out, the Egyptian delegation accepted the principle and agreed to serve on the technical committee.

If, then, the Egyptian proposals are explicitly and formally accepted, and it appears desirable to set up a mixed technical committee to decide how they are to be implemented, the Egyptian delegation would take a favourable view of such a procedure.

(Signed) Abdel Monem MOSTAFA

3. *Letter dated 29 March 1950 to H. E. Abdel Monem Mostafa Bey from the Chairman of the Commission*

I have the honour to transmit to you herewith copy of a communication sent on 23 March to the Chairman of the Conciliation Commission by the Israel representative,

together with the text of the reply to that letter, dated 29 March.

(Signed) Claude DE BOISANGER

Enclosures :

Letter from the Israel delegation, dated 23 March.

Letter to the Israel delegation, dated 29 March.

4. *Letter dated 29 March 1950 to H. E. Abdel Monem Mostafa Bey from the Chairman of the Commission*

I have the honour to acknowledge receipt of your letter of 23 March relating to your proposals on the subject of the refugees of the Gaza area.

The Commission fully shares the concern you express with regard to the danger of allowing the present situation of the Palestine Arab refugees to be prolonged indefinitely. I wish to assure you that the Commission is fully conscious of the urgent need not only to improve their lot, but also to settle the whole painful problem.

For that reason, the Commission takes note with great satisfaction of the desire of your Government to make its contribution to consideration of the ways and means of carrying out your proposals and to the work of any mixed committee which might be set up to that end. In the Commission's opinion, it is only after an exchange of views between the parties in that committee that it will be possible to ascertain to what extent the Egyptian proposals can be put into practice. The Commission, being anxious to solve the particularly urgent problem of the Gaza refugees as speedily as possible, considers it its duty to renew its proposal to Egypt and to Israel that a mixed committee be set up to consider the action to be taken on the measures proposed by your delegation and possibly to submit suggestions with a view to their implementation.

The Commission requests you to consider this communication in conjunction with the more general proposal submitted today to the Arab delegations and to the delegation of Israel.

(Signed) Claude DE BOISANGER

APPENDIX III

MEMORANDUM HANDED TO THE ARAB AND ISRAEL DELEGATIONS IN GENEVA ON 29 MARCH 1950

1. During the past weeks, the members of the Commission have had informal conversations with the Arab delegations and the delegation of Israel regarding the best procedure to be followed for ensuring concrete and positive results from their joint efforts. The Commission wishes to submit the following observations and suggestions for the consideration of the interested delegations and their Governments :

2. In New York, the Commission was requested by the Arab delegations to extend the procedure of conciliation to that of mediation; the practical implications of such a measure would be that the Commission, instead of restricting itself to trying to conciliate the points of view of each party, would present proposals to them designed to serve as the basis for discussion and study with a view to reaching agreement on the various questions outstanding between them.

On the other hand, the Commission notes that the delegation of Israel, in its statement to the Commission on 30 January, has again indicated that it considers the opening of direct negotiations between the Arab States and the State of Israel as the only way in which the Commission can contribute to the fulfilment of its task.

3. The Commission does not consider as incompatible these two points of view regarding procedure which have thus been set forth by the Arab States and Israel, respectively. The Commission believes that they should be regarded as complementary. It would, indeed, be difficult to visualize how the Commission could undertake a procedure of mediation, in the course of which it would be expected to submit proposals to the parties, without the assurance that these proposals could be examined and discussed at meetings between the representatives of the Commission itself and of all the parties having an interest in the subject under discussion. In the opinion of the Commission, the request of the Arab States that it embark upon a procedure of mediation and the request of the State of Israel that direct negotiations be undertaken are bound up with one another. The Commission is prepared to accept both of these requests and hopes to establish thereby the basis of a new method of operation.

4. In this connexion, the Commission would like to present to the parties certain clarifications.

5. The Commission would naturally reserve the right of determining which questions would form the subject of

its proposals. The Commission alone is in a position to judge as to the advisability of submitting at any given moment proposals on a certain point. This will not prevent the parties from informing the Commission of questions on which, in their opinion, the Commission could usefully take the initiative. On the contrary, the parties would thus make a most positive contribution to the proper functioning of the new method of operation. The Commission sincerely hopes that they will make use of this procedure as fully and as frequently as possible. It is obvious that the Commission would act upon any request coming jointly from one or more Arab delegations and from the delegation of Israel.

6. As regards the actual procedure, the Commission considers it preferable not to adopt rigid rules. For the moment, it envisages the formation of mixed committees under the chairmanship of a representative of the Commission and composed of representatives of the countries concerned in the particular subject under discussion. In

particular cases, of course, this general formula could be modified by mutual agreement between the parties and the Commission. In principle, each committee would have precise and concrete terms of reference, consisting either of the discussion and study of questions which the Commission, in agreement with the parties, had submitted to it for preliminary examination, or of the study and discussion of a proposal drawn up by the Commission on its own initiative or at the request of one or more delegations.

7. The Commission hopes that this new method of operation will meet with the agreement, in principle, of the parties. It realizes that certain details of application and, particularly, of the organization, functioning and procedure of the mixed committees will need to be discussed further and agreed upon with the parties. The Commission hopes that the spirit of collaboration shown up to now by the delegations and the Governments which they represent will facilitate such discussion and permit early agreement on this subject.

DOCUMENT A/1288

Seventh progress report of the United Nations Conciliation Commission for Palestine for the period 8 May to 12 July 1950, inclusive

[Original text: English]
[17 July 1950]

Note by the Secretary-General

The Secretary-General has the honour to communicate to the Members of the United Nations, in accordance with the provisions of paragraph 13 of General Assembly resolution 194 (III) of 11 December 1948, the seventh progress report of the United Nations Conciliation Commission for Palestine.

1. As indicated in its sixth progress report to the Secretary-General, the Conciliation Commission for Palestine, on 29 March 1950, submitted concrete proposals to the parties for the establishment of a new procedure, combining direct negotiations in mixed committees with mediation by the Commission itself. The Arab Governments replied, through the Egyptian Foreign Minister in Cairo, on 14 April, that they would be prepared to sit with Israel representatives on a mixed committee to study the implementation of paragraph 11 of General Assembly resolution 194 (III), provided that the Government of Israel declared that it accepted the principle embodied in this paragraph and agreed to its implementation. As regards the other outstanding questions, the Arab Governments expressed themselves in favour of maintaining the procedure followed heretofore, but they asked the Commission to complete, through mediation, its task of conciliation. Whenever an agreement on principle was reached concerning a specific question, the representatives of both parties could sit together in the presence of representatives of the Commission in order to discuss its implementation. The Government of Israel, without requesting concessions or undertakings in advance, declared itself ready to negotiate a peace settlement directly with any Arab State wishing to do so.

It asked the Commission to inform it which Arab State or States were ready to negotiate with Israel a settlement of all outstanding issues, whereupon it would communicate to the Commission without delay the names of the members of the Israel delegation fully empowered to negotiate and conclude such a settlement looking to the establishment of permanent peace.

2. The Commission has considered the appropriateness of taking up with the Government of Israel the conditions which the Arab States placed upon the acceptance of its proposals. The Commission considered that in doing so it would not facilitate its task of conciliation. It therefore deemed it preferable to inform the parties as to the principles which would guide it in the conduct of negotiations within the mixed committees in the hope that its proposals would thus prove acceptable to both the Arabs and the Israelis. In consequence, it decided to send a new letter to the Arab Governments and the Government of Israel. In this letter, dated 11 May, the Commission, taking into consideration the views expressed by both sides in response to its proposals, was careful to stress certain points:

(a) It indicated that the objective aimed at was to achieve a final settlement of the Palestine problem as called for in General Assembly resolution 194 (III);

(b) It noted that the various problems raised by such a settlement were linked together;

(c) It recognized, nevertheless, that some of them were of an urgent nature and might, by agreement between the parties, be examined before the others;

(d) Finally, it emphasized that the principles laid down in General Assembly resolution 194 (III) were to be

respected (the text of the letter is attached as appendix I).

3. The joint reply of the Governments of Egypt, Lebanon, Jordan and Syria to the Commission's note of 11 May was communicated in a letter from the representative of Egypt dated 19 May.¹¹ In this letter the four Arab States emphasized their desire to see, first of all, the problem of the refugees solved on a basis of justice, equity and humanity according to General Assembly's resolution 194 (III). "So long as this problem remains without a solution based on these principles", the Arab Governments stated, "the peace, stability and welfare of the Middle East will be in danger". The Arab States reiterated that the acceptance of the Commission's proposals to establish mixed committees was subject to a double condition: first of all, the recognition and acceptance by the Government of Israel of the resolution of 11 December 1948 in which the United Nations General Assembly called for the return of refugees to their homes and the payment of compensation to those choosing not to return; secondly, the undertaking by Israel to implement this resolution. As regards the other aspects of the Palestine problem, the Arab States confirmed the attitude communicated to the Commission in their name by the Minister for Foreign Affairs of Egypt on 14 April¹² in his oral statement to the Chairman of the Commission: the Arab Governments were ready to continue the study of these matters according to the procedure followed up to that time, it being understood that whenever the study of a certain question led to an agreement on principle, the details of implementation would be discussed in the mixed committees. In the letter from the representative of Egypt, containing the joint reply of the four Arab States, the refugee problem is dealt with as the "basic problem", the other questions being considered as "related questions" only¹³ (the text of the letter from the Egyptian delegation dated 19 May as well as the text of the Lebanese delegation's letter of 17 May, are attached as appendices II and III respectively).

4. The Government of Israel replied to the Commission's note of 11 May in a letter from the Minister for Foreign Affairs dated 20 May. In this letter, the Foreign Minister stated that it appeared from the note of 11 May that the Commission was not yet in a position to give a reply to the question contained in the letter from the Government of Israel dated 6 May,¹⁴ as to the "Arab State or States which might be ready to negotiate with Israel with a view to a final peace settlement". In these circumstances, the Minister presumed that the Commission would deem it preferable "to await a clarification of the Arab attitude on the question of direct negotiations before considering the next step" (the text

of the letter from the Minister for Foreign Affairs of Israel is attached as appendix IV).

5. The reply from the Arab States to the Commission's note of 11 May once again raised the question as to whether the Commission should take up with the Government of Israel the conditions of the Arab States for participation in the work of the mixed committees. The Commission found nothing in the Arab reply which warranted a departure from the position which it had already adopted in relation to the first Arab reply of 14 April. It considered that to take up the Arab conditions with the Government of Israel would not facilitate the fulfilment of its task of conciliation or the acceptance by both parties of the proposals contained in its memorandum of 29 March.¹⁵ In consequence, the Commission decided that it was desirable to clarify for the parties certain aspects of its proposals of 29 March. In a note dated 30 May, the Commission recalled that the General Assembly of the United Nations in its resolution 194 (III), which constituted the charter of the Commission, had requested the Commission to establish "contact between the parties themselves and the Commission at the earliest possible date". In this resolution the Assembly had invited the governments concerned "to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them". The Commission pointed out in its note that "it was in response to this request and in accordance with the instructions given in paragraph 6 of the resolution that the Commission, in view of the fact that the parties had failed to undertake direct negotiations, invited them to seek in mixed committees under the chairmanship of the Commission, the agreement aimed at by the Assembly". The Commission emphasized the inappropriateness of laying down, for the initiation of a procedure in conformity with the Assembly's resolution, conditions dealing with principles already laid down by that resolution. The note of 30 May stated that all these principles "must be respected and one of them cannot be singled out for special recognition without impairing the equilibrium of the resolution of 11 December 1948 as a whole". The note finally stated, "The Commission feels sure that these principles are recognized by the parties and that they mean to respect them; but their implementation gives rise to complex problems. It is with these problems that negotiations in the mixed committees would deal". The Commission concluded its note by referring to the necessity of establishing as soon as possible conditions of peace and stability in the Middle East and of putting an end to the sufferings of the refugees. It expressed the hope that it would be possible to proceed without new delays to the establishment of the mixed committees (the text of the note is attached as appendix V).

6. On 12 June, at the request of the delegation of Egypt, the Commission met with the Arab delegations to receive the reply of the Egyptian Government to the Commission's latest note of 30 May 1950. In this reply, the Government of Egypt pointed out the lack of any

¹¹ A few days later the Commission received a separate reply from the Government of Lebanon, contained in a letter from its representative to the Commission dated 17 May. The Lebanese reply did not differ in substance from that contained in the common letter sent by the Egyptian delegation.

¹² See document A/1255, paragraph 23.

¹³ This statement is not made in the letter from the Lebanese delegation dated 17 May.

¹⁴ See document A/1255, paragraph 24.

¹⁵ *Ibid.*, paragraph 14.

mention in the Commission's note of 30 May of a formal and explicit statement by the Government of Israel that it would accept the recommendation of resolution 194(III) concerning the return of refugees to their homes and the payment of compensation to those who chose not to return. Under these circumstances the Government of Egypt declared that it maintained its attitude as regards the conditions under which it would be ready to co-operate in the work of mixed committees as proposed by the Commission. The representative of Syria and Lebanon, having associated themselves with the views expressed by the Egyptian representative, stated that their respective governments adhered to the position previously adopted by the Arab States.

7. The representatives of the Hashimite Kingdom of the Jordan, who had received no instructions from his Government at the time of the meeting of 12 June, communicated his Government's reply to the Commission on 21 June 1950. In its reply the Government of Jordan noted that the Government of Israel, far from showing itself ready to implement the General Assembly's resolution concerning the return of refugees, was driving certain Arab tribal populations out of territory under Israel control in southern Palestine "in order to settle Jewish immigrants in their place". Under these circumstances the Government of Jordan considered that no useful purpose would be served by entering into nego-

tiations with Israel at the present time. In a further letter, dated 26 June, the representative of Jordan explained, among other things, that his government's refusal to sit on mixed committees was due to its wish not to act against the common policy of the Arab States. As soon as the Government of Israel showed signs of goodwill, Jordan would be ready to re-examine the situation, it being understood that the rights of the Arabs would be safeguarded and the wishes of the Arab States duly taken into consideration (the texts of these two letters are attached as appendices VI and VII).

8. It is clear from the replies of the Arab States that they have not considered sufficient the statement contained in the Commission's note of 11 May, and reiterated in that of 30 May, that the new procedure would be based on the recognition and respect by the parties of *all* principles contained in the resolution 194 (III), since these principles form a homogeneous whole and could not be separated from one another. In these circumstances, the Commission has concluded that it would not serve any useful purpose to continue the exchange of notes on its proposals and has decided to return to its official headquarters in Jerusalem in order to pursue its task of conciliation through first-hand contacts with all governments concerned. The Commission will close its session in Geneva on 15 July and will reconvene in Jerusalem at the beginning of August.

APPENDIX I

NOTE DATED 11 MAY 1950 FROM THE CONCILIATION COMMISSION TO THE GOVERNMENTS OF EGYPT, ISRAEL, JORDAN, LEBANON AND SYRIA

The Conciliation Commission for Palestine has the honour to acknowledge the reply of the Arab Governments to its memorandum of 29 March 1950. The Commission has also received from the Government of Israel a reply, under date of 6 May, accepting the proposals contained in the memorandum. The Commission finds in these replies a spirit of co-operation which it appreciates.¹⁶

In making its proposals the Conciliation Commission was guided by the resolutions of the General Assembly on Palestine. The Commission also took into consideration the position of the Arab Governments and the Government of Israel on the implementation of those resolutions, having in mind those principles of law, justice and humanity referred to by the Minister for Foreign Affairs of Egypt in Cairo on 14 April 1950 when he delivered the reply of the Arab Governments. The Commission believes that its proposals of 29 March represent the best method of reaching a settlement of the refugee problem as well as all other questions outstanding between the parties.

The Commission has not failed to note the various observations which have been formulated in response to its

proposals. It considers that the problems thus raised could best be examined under the procedure proposed by the Commission in its memorandum of 29 March.

The Commission wishes to take this opportunity to reaffirm that its objective in suggesting the creation of mixed committees was the attainment of the final settlement called for by the General Assembly resolution of 11 December 1948. The past experience of the Commission has proved that the questions involved in such a settlement are linked to each other. Certain of these questions might be of a particularly urgent character and might be studied before others by common agreement of the parties.

The Commission considers that the work of the mixed committees could not lead to favourable results unless the discussions took place in a completely frank manner and the parties had the opportunity of expressing their points of view with unrestricted freedom. It goes without saying that the principles laid down by the General Assembly resolution of 11 December 1948 would have to be respected.

The Conciliation Commission hopes that the Arab Governments and the Government of Israel will be represented in negotiations under the procedure envisaged in the Commission's proposals of 29 March by representatives fully empowered to act on their behalf. The Commission would appreciate notification of the names of the representatives so empowered.

The Conciliation Commission considers that negotiations under its auspices, as proposed in its memorandum, could begin in Geneva on 23 May 1950.

¹⁶ The opening paragraph of the note of 11 May addressed to the Government of Israel reads as follows :

"The Conciliation Commission for Palestine has the honour to acknowledge the note of 6 May from the Government of Israel accepting the proposals contained in the Commission's memorandum of 29 March 1950. The Commission has also received the reply of the Arab Governments to its memorandum. The Commission finds in these replies a spirit of co-operation which it appreciates."

APPENDIX II

LETTER DATED 19 MAY 1950 FROM THE CHAIRMAN OF THE EGYPTIAN DELEGATION TO THE CHAIRMAN OF THE COMMISSION

In a letter dated 11 May 1950 you were good enough to send me a note of the same date also addressed by the Conciliation Commission to the representative of Jordan, Lebanon and Syria for communication to their respective Governments, requesting me to communicate the note to my Government as soon as possible.

As I had the honour to inform you in my letter No. 10 of 12 May 1950, I duly transmitted the Commission's note to my Government.

In accordance with the instructions I have just received from my Government, I have the honour to inform you that the Commission's note has been studied by the four Governments to whom it was addressed. The Foreign Ministers of these Governments met in Cairo as the Political Committee of the Arab League, and decided to send a joint reply to the note, which they have asked me to forward to the Commission.

I therefore hasten to communicate to the Conciliation Commission the following joint reply from the Governments of Egypt, Jordan, Lebanon and Syria to the Commission's note of 11 May 1950 :

1. Defining their attitude to the proposals set forth in the Conciliation Commission's memorandum of 29 March 1950, the Governments of the Arab States, at their meeting in Cairo on 14 April 1950, issued a statement, the substance of which is as follows :

" The United Nations General Assembly resolution of 11 December 1948, calling for the return of refugees to their homes and compensation for those choosing not to return, stands out conspicuously for two reasons. On the one hand, because it is clear and categorical; and on the other, because the problem of the refugees is an urgent one, in view of their sufferings and of the baleful consequences which the prolongation of their situation may have for peace in the Middle East. Accordingly, the Governments of the Arab States consider that the implementation of the United Nations resolution relating to the return of the refugees to their homes may furnish the solution to this particular question. The solution of the refugee problem, as called for in this resolution, should constitute the starting point of the new stage of the Commission's work.

" This being so, should the Commission receive the assurance that the other party, which has so far opposed the implementation of the resolution, will respect it and undertake to implement it, and should the undertaking come to be regarded as a principle on which all the interested parties are in agreement, there will then be no doubt that the Governments of the Arab States, collaborating with the Commission, will be prepared to sit on the proposed mixed committees for the purpose of discussing in what manner that principle can be consi-

dered in detail with a view to the speedy attainment of a solution of the refugee problem on the basis of the United Nations General Assembly resolution of 11 December 1948. "

2. In accepting the Conciliation Commission's proposal for the setting up of mixed committees, the Governments of the four Arab States, collaborating with the Commission, are guided by two considerations. In the first place they would like to see a solution of the refugee problem on the basis of law, equity and humanity, and in conformity with the United Nations General Assembly resolution. So long as this problem remains without a solution based on these principles, the peace, stability and welfare of the Middle East will be in danger. Secondly, the Arab Governments are anxious to give further evidence of their constant desire to facilitate the Commission's work. Their acceptance, however, is dependent on a twofold condition which must be adopted as a recognized principle :

(a) That the other party should recognize and accept the resolution of 11 December 1948 in which the United Nations General Assembly calls for the return of refugees to their homes and compensation to those choosing not to return;

(b) That the other party should undertake to implement the resolution.

3. The Arab Governments to which the Conciliation Commission's note of 11 May 1950 was addressed, beg to point out that the note makes no mention of this fundamental and basic twofold condition. The note does not even state whether the other party has accepted or rejected it.

They are therefore anxious to know what are the views of the Jewish authorities regarding this twofold condition.

4. With regard to the various cognate questions which may be closely linked with the fundamental problem of refugees, and which are referred to in the Commission's note of 11 May 1950, it should be pointed out that the Arab Governments have not lost sight of the fact that these cognate issues constitute aspects of the same problem. In their anxiety to solve all aspects of the problem, the Arab Governments are prepared to proceed with the study of these various aspects by means of the procedure hitherto adopted. Whenever the examination of a given problem led to agreement in principle, the detail of its execution would be discussed in mixed committees.

(Signed) Abdel Monem MOSTAFA
Chairman of the Egyptian
delegation to the United Nations
Conciliation Commission for Palestine.

APPENDIX III

LETTER DATED 17 MAY 1950 FROM THE LEBANESE REPRESENTATIVE TO THE CHAIRMAN OF THE COMMISSION

I have the honour to acknowledge your letter of 11 May 1950, together with the Conciliation Commission's note attached thereto.

I did not reply earlier because I was waiting to hear

from my Government, the reply of which reached me on 16 May.

The Lebanese Government has instructed me to draw the Conciliation Commission's attention to the following points :

1. Acceptance by the Arab States of the Conciliation Commission's proposals contained in its memorandum of 29 March 1950 was conditional on recognition by the Jews of the principle of the return of the refugees, in accordance with the resolution of the United Nations General Assembly of 11 December 1948, and an undertaking by the Jews to accept and implement that resolution.

2. The Conciliation Commission's note of 11 May 1950 makes no mention of these two essential conditions.

3. The Conciliation Commission's note of 11 May 1950 fails to inform the Arab Governments concerned of the attitude of the Jews as regards the two *sine qua non* conditions referred to in paragraph 1 of this note.

4. In its desire to facilitate the work of the Conciliation Commission, the Lebanese Government, like the

other Arab Governments concerned, is prepared, once the Jews have consented to the return of the refugees in accordance with the resolution of the United Nations General Assembly of 11 December 1948 and have formally undertaken to implement that resolution, to discuss the details of implementation in a mixed committee under the auspices of the Conciliation Commission.

In informing the Conciliation Commission of the Lebanese Government's reply, which is completely in line with the decision adopted by the Political Committee of the Arab League, I should like to add that I shall be glad to furnish any additional explanations which the Commission may desire.

(Signed) J. MIKAOUI
Lebanese representative to the
Conciliation Commission for
Palestine

APPENDIX IV

LETTER ADDRESSED BY THE MINISTER FOR FOREIGN AFFAIRS OF ISRAEL TO THE CHAIRMAN OF THE COMMISSION, TRANSMITTED ON 20 MAY 1950 BY THE REPRESENTATIVE OF ISRAEL TO THE EUROPEAN OFFICE OF THE UNITED NATIONS

I have the honour to acknowledge the receipt of your communication of 11 May 1950.

I understand that, when framing it, you were not yet in a position to reply to the question contained in my letter of 6 May 1950 as to which Arab State or States are ready to negotiate with Israel on a final peace settlement. I also learn from your conversation with Mr. Reuven Shiloah in Geneva on 15 May last, that the Commission itself realized the inadvisability of resuming its delibe-

rations before the attitude of the Arab Governments on this vital issue was definitely cleared up.

In these circumstances, I presume the Conciliation Commission for Palestine will agree with the Government of Israel that it is preferable to await a clarification of the Arab attitude on the question of direct negotiations before considering the next step.

(Signed) Moshe SHARETT
Minister for Foreign Affairs

APPENDIX V

NOTE DATED 30 MAY FROM THE CONCILIATION COMMISSION TO THE ARAB DELEGATIONS AND THE DELEGATION OF ISRAEL

The Conciliation Commission for Palestine has examined the replies of the Arab Governments and the Government of Israel to the Commission's note of 11 May and finds it desirable to clarify the proposals put forward in its memorandum of 29 March 1950.

The General Assembly of the United Nations, in its resolution of 11 December 1948 which established the Conciliation Commission and constitutes its charter, requested the Commission "to establish contact between the parties themselves and the Commission at the earliest possible date". It also called upon the governments "to seek agreement by negotiations, conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them."

It was in response to this request and in accordance with the instructions given in paragraph 6 of that resolution that the Commission, in view of the fact that the parties had failed to undertake direct negotiations, invited them to seek, in mixed committees under the chairmanship of the Commission, the agreement aimed at by the Assembly.

The Conciliation Commission believes that the parties

will recognize the inappropriateness of laying down prerequisite conditions for the initiation of a procedure conforming to the Assembly resolution, especially where such conditions refer to principles laid down by that resolution. It should be emphasized that all these principles must be respected and that one of them cannot be singled out for special recognition without impairing the equilibrium of the resolution of 11 December 1948 as a whole.

The Commission feels sure that these principles are recognized by the parties, and that they mean to respect them; but their implementation gives rise to complex problems. It is with these problems that negotiations in the mixed committees would deal.

The Commission is convinced that each government will recognize the urgent need for the establishment of conditions of peace and stability in the Middle East and for bringing to an end the suffering of the refugees.

The Conciliation Commission trusts that in the light of the foregoing consideration it will be possible to proceed with the establishment of the mixed committees without further delays.

APPENDIX VI

LETTER DATED 21 JUNE 1950 FROM THE REPRESENTATIVE OF THE HASHIMITE KINGDOM OF THE JORDAN TO THE CHAIRMAN OF THE CONCILIATION COMMISSION

I have the honour to inform you, in reply to the note of the Commission dated 30 May, that my Government notes that the Jews, far from showing any readiness to imple-

ment the General Assembly's resolution concerning the return of the refugees, are trying to drive certain Arab tribes out of the territory they occupy, in order to install

Jewish immigrants in their place, with a view to obtaining military and political advantages, contrary to the terms of the Armistice Agreement.

For these reasons my Government does not deem it

useful to begin negotiations before the condition set by the Arabs is fulfilled.

(Signed) Hafez ABDUL-HADI

APPENDIX VII

LETTER DATED 26 JUNE 1950 FROM THE REPRESENTATIVE OF THE HASHIMITE KINGDOM OF THE JORDAN TO THE CHAIRMAN OF THE CONCILIATION COMMISSION

Further to my letter of 21 June 1950, I have the honour to inform you that the refusal by my Government to begin negotiations is dictated by reasons of solidarity with our brother Arab States, and by the want of evidence of goodwill on the part of Israel, which for well-known reasons is driving certain Arab tribes from southern Palestine out of the territory they occupy.

The Hashimite Kingdom of the Jordan is anxious for peace; and if evidence of good faith on the other side were forthcoming, we should certainly be willing to reconsider the situation on the basis of safeguards for Arab rights, and bearing in mind the wishes of the Arab States.

(Signed) Hafez ABDUL-HAD

DOCUMENT A/1323

Telegram, dated 17 August 1950, addressed to the Secretary-General from the Minister for Foreign Affairs of Egypt

[Original text : French]
[21 August 1950]

I have the honour to inform you that the Political Committee of the Arab League has considered provisional agenda fifth regular session General Assembly which will begin 19 September 1950 (document A/1293, 21 July 1950). It was unanimous in requesting inclusion following question on agenda in addition to the two questions already included item No. 20 under general heading "Palestine": sub-item (c) Repatriation Palestine

refugees and payment compensation due to them: implementation of General Assembly resolutions regarding this question". I therefore request on behalf Egyptian Government inclusion above-mentioned question on agenda fifth regular session General Assembly.

Mohamed SALAH EL-DIN
Minister for Foreign Affairs of Egypt

DOCUMENT A/1324

Telegram, dated 17 August 1950, addressed to the Secretary-General from the Minister for Foreign Affairs of Syria

[Original text : French]
[21 August 1950]

I have the honour to inform you that the Political Committee of the Arab League has considered the provisional agenda fifth regular session General Assembly which will begin 19 September 1950 (document A/1293, 21 July 1950). It was unanimous in requesting inclusion of the following question in the aforesaid agenda in addition to the two questions already included in item No. 20 under general heading "Palestine": sub-item (c) "repatriation of Palestine refugees and payment of

compensation due to them: implementation of General Assembly resolutions regarding this question". In these circumstances and on behalf of the Syrian Government I should be obliged if you would include this question in the agenda of the fifth regular session of the General Assembly.

Nazem KOUDSI
Minister for Foreign Affairs of
the Syrian Republic

DOCUMENT A/1325

Telegram, dated 18 August 1950, addressed to the Secretary-General from the Minister for Foreign Affairs of Iraq

[Original text : English]
[21 August 1950]

Have honour inform you Political Committee Arab League having discussed provisional agenda fifth regular session General Assembly to convene 19 September

(document A/1293, 21 July 1950) decided unanimously to ask you include following question in said agenda in addition to the two questions mentioned therein item

number 20 under the title "Palestine": sub-item (c) "Repatriation of Palestine refugees and payment compensation due them; implementation General Assembly resolution regarding this question. Therefore request on behalf Iraq Government include above-mentioned question in the agenda.

MINISTER FOR FOREIGN AFFAIRS
OF IRAQ

DOCUMENT A/1326

Telegram, dated 18 August 1950, addressed to the Secretary-General from the Minister for Foreign Affairs of Saudi Arabia

[Original text: English]
[21 August 1950]

I have the honour to inform you that the Political Committee of the League of Arab States has discussed the provisional agenda of the fifth regular session of the General Assembly of the United Nations commencing on 19 September 1950 (document A/1293 dated 21 July 1950), and has unanimously agreed to ask for the following question to be added to the agenda in addition to the two questions item No. 20 under the general heading "Palestine": sub-item (c) "Repatriation of

Palestine refugees; payment of due compensation to them; execution General Assembly decisions concerning this subject. Accordingly request you in the name of the Government of the Saudi Arabian Kingdom to be kind enough to add this subject to the agenda of the General Assembly.

FAISAL
Minister for Foreign Affairs of Saudi Arabia

DOCUMENT A/1346

Letter, dated 30 August 1950, addressed to the Secretary-General from the permanent representative of Egypt to the United Nations

[Original text: French]
[1 September 1950]

With reference to your letter No. SG/25/2/01 of 25 August 1950 addressed to the Minister for Foreign Affairs of Egypt, whereby you were kind enough to draw his attention to rule 20 of the rules of procedure of the General Assembly, I have the honour to inform you that I transmitted this communication to the Minister, who has instructed me to transmit to you the following memorandum:

"In its resolution 194 (III) of 11 December 1948, the General Assembly of the United Nations gave instructions for the return of the Palestine refugees to their homes and the payment of compensation due to those not desiring to return. The United Nations Conciliation Commission for Palestine, established by the said resolution, was made responsible for carrying out these instructions. In its resolution 302 (IV) of

8 December 1949, the General Assembly confirmed the aforementioned instructions. Nevertheless, these instructions have not yet been carried out, owing to the systematic opposition of the authorities occupying the territories in which the homes of the Palestine refugees are situated. Moreover, the said authorities not only refuse to pay the compensation due to the refugees not desiring to return to their homes, but are also confiscating their property. Egypt will ask the General Assembly for effect to be given to the instructions contained in the aforesaid resolution of 11 December 1948."

(Signed) Mahmoud FAWZI
Permanent Representative of
Egypt to the United Nations

DOCUMENT A/1349

Letter, dated 29 August 1950, addressed to the Secretary-General from the representative of Yemen

[Original text: English]
[5 September 1950]

On behalf of my Government and upon its direction I have the honour to inform you that the Political Committee of the Arab League has considered the provisional

agenda of the fifth regular session of the General Assembly, which will begin on 19 September 1950 (A/1293, 21 July 1950). It was unanimous in requesting inclu-

sion of the following question in the agenda, in addition to the two questions already included as item No. 20 under the general heading "Palestine": a sub-heading (c) "Repatriation of Palestine refugees and payment of compensation due to them; implementation of General Assembly resolutions regarding this question".

I therefore support, on behalf of the Mutawakelite

Kingdom of Yemen, the inclusion of the above-mentioned question in the agenda of the fifth regular session of the General Assembly.

(Signed) Abdurrahman Abdussamad ABUTALEB
Representative, Director, New York Office,
Mutawakelite Kingdom of Yemen

DOCUMENT A/1366

Letter, dated 15 September 1950, addressed to the Secretary-General from the permanent representative of Saudi Arabia to the United Nations

[Original text: English]
[19 September 1950]

With reference to your letter No. SG/25/2/01, dated 24 August 1950, addressed to the Minister for Foreign Affairs of Saudi Arabia, whereby you kindly draw his attention to rule 20 of the rules of procedure of the General Assembly, I have the honour to transmit to you the following memorandum:

"Resolution 194 (III) of 11 December 1948 of the General Assembly of the United Nations instructed that the Palestine refugees be returned to their homes and that compensation be paid to those not desiring to return. In accordance with the aforementioned resolution, the United Nations Conciliation Commission for Palestine was established and made responsible for carrying out the embodied instructions. These instructions were again confirmed in resolution 302 (IV) adopted by the General Assembly on 8 December 1949.

"The Saudi Arabian Government believes that these resolutions and instructions have not as yet been carried out, due to the constant refusal of the Jewish autho-

rities now occupying Palestine to conform with the decisions of the United Nations regarding this question.

"In addition to the continued violations by the Jewish authorities in Palestine of the above resolutions and instructions, these Jewish authorities are presently formulating illegal policies for the confiscation of property belonging to the Arab refugees. Furthermore, more and more Arabs now residing in Palestine are being divested of their property and chased outside the border of the territory occupied by the Jewish authorities."

The Saudi Arabian Government, therefore, will request the General Assembly to enforce its resolutions on this question in accordance with the spirit and letter of the Charter and the principles for which the United Nations stands.

(Signed) Asad AL-FAQIH
Ambassador of Saudi Arabia

DOCUMENT A/1452

Report by the Secretary-General for the period 30 September 1949 to 30 April 1950, inclusive

[Original text: English]
[24 October 1950]

1. This brief report on the work of the United Nations Relief for Palestine Refugees is submitted under General Assembly resolution 212 (III) of 19 November 1948, and covers the period from 30 September 1949 until 30 April 1950, when the handing over of responsibilities, assets and liabilities to the United Nations Relief and Works Agency for Palestine Refugees (UNRPR) in the Near East was completed, in accordance with General Assembly resolution 302 (IV) of 8 December 1949.

2. Full, detailed reports by the Acting Director of UNRPR and the Chief Medical Officer, as well as by the International Red Cross Committee, the League of Red Cross Societies and the American Friends Service Committee are available at the Headquarters of the United

Nations. Summary statements by these three agencies are appended hereto.

3. The certified financial statements for UNRPR operations from 1 December 1948 to 30 April 1950, and the related report of the United Nations Board of Auditors have been issued to the General Assembly as document A/1354.¹⁷ These statements show contributions in cash, kind and services for assistance to Palestine refugees totalling over \$35 million from thirty-three governments and approximately \$1,500,000 from specialized agencies and other sources.

¹⁷ See *Official Records of the General Assembly, Fifth Session, Annexes*, item 37 (c).

4. The United Nations Relief for Palestine Refugees was launched as an emergency operation at the end of 1948 when a great humanitarian problem had to be met, and met immediately. A Director of UNRPR was appointed by the Secretary-General and agreements were made whereby the International Red Cross Committee, the League of Red Cross Societies and the American Friends Service Committee, acting as autonomous agencies, undertook full responsibility for the distribution, within the respective territories assigned to them, of supplies furnished by UNRPR. The details of this organization and the manner in which the operation was conceived and carried out, were described in the report of the Secretary-General to the fourth session of the General Assembly (A/1060 and Add.1).¹⁸

5. The results of the operation may be summarized as follows: Approximately one million refugees have been adequately fed, most of them have been clothed

¹⁸ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annexes*, p. 14.

and sheltered, and nearly all have had access to adequate medical supervision. Medical reports show no starvation, no epidemics, no inflated death rate, and a return to normal in the birth rate. Food, clothing, shelter and medical care and, in addition, other amenities such as the commencement of educational facilities, minor employment projects, etc., have been provided at an approximate cost of \$3.00 *per capita* per month. This takes into consideration all expenditures and administrative costs of UNRPR and the expenditures of the United Nations International Children's Emergency Fund.

6. These facts reflect great credit on UNRPR, the International Red Cross Committee, the League of Red Cross Societies and the American Friends Service Committee; also on UNICEF, WHO, UNESCO, IRO and FAO which, by providing personnel, funds or supplies, gave invaluable assistance to the programme. An important factor in the success of the programme was the co-operation and assistance of Near East Governments, whose contributions and services to UNRPR and direct aid to refugees totalled more than \$8,000,000.

APPENDIX I

SUMMARY STATEMENT OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS FOR THE PERIOD 1 AUGUST 1949 TO 30 APRIL 1950

1. The International Committee of the Red Cross (ICRC) has continued to be in charge of the area assigned to it in the agreement concluded with the United Nations in December 1948, *viz.* the former Mandated Territory of Palestine, with the exception of the Gaza district in the south-west.

2. Almost from the beginning of its activity, the Committee stressed the fact that a pure relief action could in no way bring a solution to the refugee problem, and that it was necessary to return the refugees to permanent homes and rehabilitate them in a normal economic life. In view of the political character of the questions involved, the Committee, as a neutral and non-political body, had to limit its collaboration to assistance in what was considered an emergency relief action, but could not offer any contribution to a definite settlement of the refugee question. For this reason—and also in view of the demoralizing effect of a prolonged relief action on the beneficiaries—it expressed on several occasions the wish to be relieved as early as possible by an organization which could endeavour to find a definite solution to the refugee problem.

3. It appeared in early summer 1949 that no progress in the political field had been reached and that it would be impossible to maintain the date of termination of the relief action originally scheduled for 31 August 1949. Complying with a request expressed by the Secretary-General of the United Nations, the ICRC agreed, first in June, to extend its activity to the end of September, and then later, to the end of October, under the condition that the number of rations allocated to its area, and the size of the individual ration would be maintained and serious efforts made to improve the unsatisfactory shelter and clothing situation of the refugees. When it became known that the General Assembly of the United Nations would not be able to re-examine the Palestine refugees problem before December 1949, the ICRC, considering that it could

not bear the responsibility for, and face the consequences of, an abrupt termination of its relief activity in the middle of the winter, asked for, and received (in addition to the afore-mentioned conditions) assurances that sufficient means would be provided to cover the period until the end of March. On 8 December 1949, the General Assembly of the United Nations decided to create the "United Nations Relief and Works Agency for Palestine Refugees in the Near East" (UNRWAPRNE), which was to relieve the three autonomous agencies on 1 April 1950. However, a certain delay occurred in the selection by the United Nations of the personality to assume the direction of such a tremendous enterprise and, in February, the three agencies were again asked to accept a further prolongation of another month. The ICRC, although very reluctantly, agreed once more, but stipulated that no other request for prolongation would be made, and 30 April 1950 was agreed as, and became, the final date of the Commissariat's activity in favour of the refugees in Palestine.

4. Full details on the organization of the Commissariat of the ICRC, its task, its activity, and the results achieved, as well as on the means put at its disposal are to be found in the following general reports available at the Headquarters of the United Nations:

Report No. 3, covering the period from 1 October to 31 December 1949

Report No. 4, covering the period from 1 January to 30 April 1950.

These reports, modelled on the same lines as the two previous ones—referring to the first nine months of 1949—contain the following chapters:

Introduction

- I. The Commissariat
- II. The refugees
- III. The supplies
- IV. The medical action

V. Other activities

VI. Liaison and collaboration

VII. Prolongation (and end) of mission

Numerous annexes contain full statistical particulars regarding the financial means put at the Commissariat's disposal and the use made thereof, the supplies received and their distribution, as well as the number of refugees who benefited therefrom. A liquidation report, and a short report recapitulating in concise form the main facts and figures of the whole action, are in preparation. The present statement is therefore limited to some considerations of a more general character and, far from being intended to be complete, contains only a certain number of factual and statistical items.

5. The organization of the Commissariat of the ICRC has, in the main, remained unchanged, with two head offices in Beirut and Haifa, of which the Beirut office was by far the more important in view of the fact that about 90 per cent of the refugees under ICRC control live on the Arab side of the demarcation line. In addition, the supplies bought overseas were delivered to Beirut and liaison with UNRPR and the other agencies was established in the Lebanese capital. The central services of the Commissariat were attached to the Beirut office. Israel formed one single region, while the Arab part of Palestine was divided into six regions: Jericho, Ramallah, Nablus, Jerusalem, Bethlehem, Hebron. A permanent office in Amman maintained liaison with the Jordan authorities, facilitated communications between Beirut and the Arab zone and took delivery of goods purchased in Jordan. Occasionally, an employee was dispatched from Beirut to Damascus for the reception of goods of Syrian origin and for the settlement of questions arising out of the transit through Syria of personnel and supplies.

6. The staff continued to be augmented, following the increasing variety of goods supplied by UNRPR, United Nations International Children's Emergency Fund (UNICEF) and other donors, and the extension of activities to fields other than pure relief distribution. The number of Swiss employees reached its peak towards the end of January 1950, with 98 persons: 41 delegates and collaborators, 8 secretaries, 15 doctors, 29 nurses (including two Danish nurses seconded to the ICRC by the Danish Red Cross) and 5 laboratory technicians. Thus, half the Swiss staff belonged to the medical service. The group of members of the American Friends Service Committee (Quakers) in Acre continued to collaborate under the operational responsibility of the ICRC in the northern part of Israel. On 30 April 1950, the local staff was composed of 3,395 persons, of whom 650 belonged to the medical section. Amongst the others, 740 were employed in the milk centres, 316 in distribution of supplies, 162 as teachers in schools; the sewing centres occupied 232, the vocational training centres 36 qualified persons and the census required not less than 135 employees. The medical section included, amongst others, 22 doctors, 156 nurses and assistant nurses (male and female), 39 auxiliary medical personnel and 234 sanitary workers. Of the total of 3,395 employees, 2,426 drew a salary only, 286 a small salary plus some additional foodstuffs, 663 exclusively some additional ration, and only 20 were entirely voluntary. These figures show that the constant endeavours to obtain the voluntary collaboration of some of the many thousand refugees have mainly failed, although quite a few of those drawing additional foodstuffs only, and who drew a very small extra ration indeed, would deserve to be counted with the voluntary employees. The local employees were almost all refugees, priority always being given, amongst applicants of similar qualification, to a refugee. After the elimination

of some undesirable elements, during the first months, the Commissariat, on the whole, had at its disposal a good staff of local employees, on whom it could rely and who deserved thanks and appreciation for their collaboration.

7. The determination of the number of refugees continued to be the most knotty problem. Several factors contribute to make a fairly accurate control in Arab Palestine almost impossible. First, it seems evident that it is more difficult to determine a refugee in his home-land, and to distinguish between him and a normal resident, who is a countryman of his, than to identify a refugee abroad, where he is a foreigner. Secondly, the public services in Arab Palestine are still somewhat disorganized; the poverty of the majority of the resident population is frightening and the local authorities have no means to alleviate it. Therefore, and seeing no other solution, they try to make everybody participate in the help brought into the country by international charity. The recommendation of the United Nations Economic Survey Mission for the Middle East to extend assistance to a certain number of destitutes, as well as to the so-called "border-line cases" has enormously increased the pressure, and some additional concessions—justified, it is true, from the humanitarian point of view—were made in agreement with UNRPR. Finally, thousands of individuals, destitute persons and others, have tried to evade the controls by registering themselves in more than one region, or under several names, by increasing the number of family members, or by registering false births and hiding deaths. In spite of all difficulties and disappointments, the efforts to improve the census were not only continued, but intensified. Since January 1950, separate lists were established for destitute persons who were not refugees, but who received some assistance. Below is the result of the progress achieved:

	<i>Refugees</i>	<i>Other destitute persons assisted</i>
1949		
October	458,242	
November	451,676	
December	457,376	
1950		
January	440,948	13,390
February	440,711	14,834
March	433,089	19,651
April	415,405	30,416

During the whole period covered by this statement, the ICRC was allocated 395,000 rations by UNRPR.

8. The monthly quantity of food supplies available remained roughly the same; a reduction of approximately 10 per cent in March and April 1950 was tolerable in view of the end of the cold season. UNICEF milk continued to be distributed in liquid form, this being the only means to prevent the milk from disappearing in the black market. Very considerable quantities of tents, textiles, clothing and shoes, mainly of IRO origin, arrived during the early winter, contributing to a substantial amelioration of the housing and clothing situation which, owing to lack of funds, had been unsatisfactory for a very long while; the tents arrived just in time to have everybody under shelter when the severe cold and the heavy snowfalls began. The textiles were most welcome in the sewing centres, always in need of material, where in four months (January to April 1950) no less than 82,242 garments for distribution to the refugees and their children were produced. Overseas supplies discharged in Beirut were forwarded in the usual way by boat to Haifa, or by lorry to the Arab zone. UNRPR intensified its purchases of foodstuffs in Palestine, a measure likely to contribute to the economic reco-

very of the country; the quality of the local supplies, however, on several occasions left something to be desired, and delivery was often slow and irregular.

9. The medical service continued its beneficial activity with unabated energy. At the end of the action, 726 hospital beds were at the refugees' disposal, of which 564 in six hospitals were entirely under ICRC direction; the number of polyclinics had increased to 46. Vaccinations and hygienic measures had prevented any outbreak of epidemics, the campaigns against malaria, tuberculosis and insects had given appreciable results. The services of the eye specialist were very much in demand. The creation of a special camp for tubercular patients and their families tended to reduce the danger of contagion. In order to give to the medical activity a lasting effect, special attention has been given to education in the health sector. In the polyclinics, and especially in the twelve child welfare centres scattered over Arab Palestine, the refugees, and particularly the mothers, were given guidance and instruction regarding hygiene, nutrition, care of children and similar subjects. The Swiss doctors and nurses have overcome to an astonishing degree the initial distrust of the Arabs and, in collaboration with their local colleagues, have won the unlimited confidence and sympathy of the refugee population.

10. The greatest importance has been attached to educational questions. Unfortunately, the lack of funds has, for a long time, hampered activity in that field. It was regrettable, although understandable, that the first UNESCO contributions were mainly earmarked for the refugees in countries which are members of that organization, while the need for help was certainly greater in Arab Palestine. However, the position improved considerably during the last few months of the action and the means emanating from UNESCO, which were most economically spent, were sufficient to maintain, at the end of the action, 28 schools with 133 classes for boys and 24 for girls, 162 teachers and 9,727 pupils. The vocational schools also fulfilled a most valuable task; they prepared the youngsters for earning their living and produced at the same time goods which could be used for the refugees or sold and the profit used for the purchase of new raw material. In April, 15 such centres were in function : 7 for carpenters, 5 for shoemakers, 2 for tinsmiths and one for stone masons. Nineteen refugees, earning a small salary, were teaching 270 pupils. The sewing centres—22 at the end of the action—combined education and production in a most useful way; one or the other prevailed according to the amount of textiles available. These centres occupied more than 200 refugee women who drew a small salary; more than 300 young girls had been trained by the end of April 1950. The

total output of the centres, as already mentioned, was over 82,000 garments.

11. The various local governments continued to maintain friendly relations with the Commissariat, to support its efforts, and to contribute to port and transport charges. The attitude of the local authorities in Arab Palestine was not uniform : some high officials were very co-operative, others rather passive, quite a few, especially amongst those closely linked to various communities, visibly hostile. With very few exceptions the attitude of the local committees, often self-appointed and by no means representative of the refugees or enjoying their confidence, was disappointing. Experience has proved that conditions were too unstable, poverty too great, political and personal influence too prevalent to allow main responsibilities, generally speaking, to be put into the hands of local people. After a few unpleasant experiences, all main controls of funds, supplies and ration card distribution had to be taken back by the Swiss delegates in spite of the possible repercussions. The reaction in various places was open hostility, attacks in the Press, even false accusations in court and trials to stir up the refugees and create unrest in the camps. On the other hand, the refugees grew more and more friendly the longer the action lasted. They realized the big effort made in their favour, became more co-operative, and finally relations of mutual understanding and confidence between the ICRC employees and themselves existed practically everywhere in the country. Most moving scenes of gratitude took place and were the recompense for the Swiss delegates before they left the Near East.

12. The ICRC has accomplished the task accepted in December 1948, and reached its main objects. The refugees are sufficiently fed, are sheltered and their general status of health is good. The thirty-six camps where over 76,000 refugees live are in good order and sanitary condition. The majority of refugees enjoy a better medical service than that to which they were accustomed before the war. There have been no epidemics; although accurate general statistics are not available, it can be said that the birth rate has increased, infant mortality markedly decreased, and adult mortality remained on a level not higher than normal in Near Eastern countries. Owing to lack of funds, educational and social welfare activities were unfortunately begun later than had been hoped. Good results have already been obtained, but a further extension is necessary especially in the interest of youth. In spite of all, the situation of the refugees remains unsatisfactory. They have no cultural life, no work and, above all, no permanent home and their future is dark. All efforts must be concentrated on finding a definite solution in favour of this unfortunate population.

APPENDIX II

SUMMARY STATEMENT OF THE LEAGUE OF RED CROSS SOCIETIES FOR THE PERIOD 1 AUGUST 1949 TO 30 APRIL 1950

1. The monthly operational reports submitted by the League of Red Cross Societies to the United Nations Relief for Palestine Refugees (UNRPR) served as one of the constituent elements of the latter's report to the Secretary-General of the United Nations, which provides an over-all picture of the combined operations. The present statement, which the acting Director of UNRPR kindly accepts as an annex to his final report, may therefore permit the League to make some observations of a general nature.

2. It is very difficult to realize at the end of the League's sixteen months' activities, when an extensive and smoothly working organization in Lebanon, Syria and Jordan, with a combined foreign and local staff of over 1,000 persons, is handed over to the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE) what UNRPR and the co-operating agencies had been facing at the beginning of the Palestine relief operation in December 1948, when no

organization existed, when neither funds nor supplies were available, whereas hundreds of thousands of human beings were entering on the cold and rainy winter months with little prospect of adequate shelter and food.

3. However, having accepted the challenge to undertake this relief operation, and thanks to the stimulating leadership of Ambassador Stanton Griffis, Director of UNRPR, and to the experience and devotion of Red Cross workers from all over the world, the League's international team succeeded in rapidly establishing the necessary organization for the envisaged nine-months emergency programme, conscious that the "Palestine operation" had to be successful right from the start in order to be beneficial to the refugees and to be a credit to the partners in this great undertaking—the United Nations, the International Committee of the Red Cross and the American Friends Service Committee (AFSC).

4. Acknowledging the complexity of the Palestine problem and realizing the Secretary-General's great effort to bring about an early solution, the League nevertheless felt compelled on several occasions to urge that the United Nations do everything possible, either to return the refugees to their country or to resettle them elsewhere or, in case this was impossible, to create another body which could take over the responsibility from the League at the end of August, when it was expected that the situation would no longer have to be considered as being of an emergency character. It was understood throughout the operation that the League could not participate indefinitely in a programme purely of a relief nature, and its continued participation was conditional on the adoption of positive measures at the fourth session of the General Assembly.

5. When circumstances prevented the Secretary-General from realizing an early solution of the problem, the League, the ICRC and the AFSC on three different occasions were requested to continue their relief activities, pending a decision of the General Assembly and the implementation of its decision. The League each time decided to accede to the United Nations' request and continued operating, fully conscious that its moral responsibility in connexion with the refugees and good partnership with the United Nations obliged the League to stand by until a regular transfer could be made; this finally occurred on 1 May 1950.

6. These repeated and unforeseen prolongations of the operation, together with the ever-present financial uncertainties and limitations, unfortunately made long-range planning impossible and recruitment of foreign staff extremely difficult. Had the League known from the outset that its activities would continue through April 1950, its position would certainly have been different and results could have been better.

7. In reviewing briefly the Leagues' activities during these sixteen months, the field operation can be divided into three periods. The first five months marked a period of intense activity, during which, as rapidly as possible, an adequate organization for the distribution of the relief supplies had to be set up, irrespective of all other interests, as the refugees were deprived of food and on the verge of starvation. The foreign staff employed was limited in number, means of transport was inadequate, funds insufficient and, during the first three months, the League had practically no means at its disposal for medical aid. Nevertheless, each of the 340,000 refugees in the League's area received his small but adequate ration on time.

8. The second period, from June to December 1949, was one of consolidation and expansion. The League's

budget was increased, medical services were considerably extended and medicaments could be supplied to the field in sufficient quantities. A Social Welfare Section was established in order to improve and extend milk distributions and child-feeding programmes, to sponsor various welfare activities and small works projects such as shoe-making, etc., and to operate efficiently an educational programme in conjunction with UNESCO.

9. The third period, from January to April 1950, was in many ways similar to the second, except that the League faced the termination of its work and preparations had to be made for the liquidation. This had a marked influence on its social welfare and educational programmes, as the recommendations in the report of the Economic Survey Mission, on which the General Assembly's resolution was based when establishing UNRWAPRNE, did not specifically refer to social and educational activities for the programme of the future organization, as these were considered to be the responsibility of the governments of the Arab States.

10. The League recruited its foreign staff practically exclusively through the national Red Cross and Red Crescent societies, as it was considered essential that, next to their experience in field work, they should be fully acquainted with the Red Cross and its principles. Not less than eighteen different nationalities were represented on the Commissariat's staff which, on 31 December 1949, totalled eighty-five, of whom only twenty-five staff members were on full salary *per diem* at the charge of the operation; twenty-four staff members were on a *per diem* basis only and thirty-six staff members were made available by Red Cross societies at no cost at all to the operation. These figures do not of course include numerous volunteers from the local Red Cross and Red Crescent societies. As a large part of the international staff consisted of medical personnel, only twenty-two foreign staff members were actually engaged in administration and distribution activities: eleven at Beyrouth headquarters, five in the Lebanon field office (servicing 140,000 refugees), three in Syria (80,000 refugees) and three in Jordan (90,000 refugees), including the field directors. This was made possible because many Palestinians were successfully employed in important executive functions—it having been the League's policy from the beginning to employ as limited a number of foreign personnel as possible and a maximum number of Palestinian refugees, to whom special tribute is paid for their devoted and efficient contribution.

11. The League would like to be on record that, once the initial difficulties were overcome, the supply and procurement policy of UNRPR, based on a close co-operation with the agencies, who were allowed complete information in the established procedure, worked to the satisfaction of all concerned.

12. The medical programme worked very satisfactorily, at a maximum cost of approximately one and one-half cents per refugee per day. The League attached great value to the medical and sanitary programme as being typical Red Cross work, in which connexion the outstanding contribution of the medical teams of the British and Danish Red Cross Societies must be specially mentioned. The Lebanese Red Cross Society and the Syrian and Jordan Red Crescent Societies also took an ever-increasing part in the medical activities of the League. The DDT and gammexane campaigns were very successful and no epidemics occurred, with the exception of a small outbreak of typhoid in South Lebanon, which was put under control very rapidly. The health conditions in general are satis-

factory—in some regions the refugees even received better medical care than they had been accustomed to previously. Experience has shown that higher executive functions, as for instance field medical officer in charge of an area, should be filled by doctors from abroad.

13. The social welfare and educational programmes proved to be of the highest value, as these activities did much to improve the morale of the refugees and the aspect of the camps. The League is firmly convinced that no large-scale relief project can be successfully conducted without social welfare and education, and it is hoped that UNRWAPRNE will decide to make the necessary funds available for this purpose. Amongst the Palestinian women, many highly trained and capable social workers are to be found, several of whom were employed by the League. It may be remembered that, in the summer of

1949, the United Nations Social Welfare Seminar held at Beyrouth showed a great interest in the refugee problem.

14. In an effort to reduce the number of refugees receiving rations to a minimum consistent with their needs, the League established a special registration section operated with budgetary funds freed for this special purpose from other sections of its programme.

15. Notwithstanding the natural increase of the refugee population, which under present living conditions is somewhere between 30 and 40 per 1,000 per year, the number of registered refugees was reduced from around 340,000 to 304,045 for Lebanon, Syria and Jordan on 30 April 1950. The registration, moreover, made it possible to establish some important and useful information on the characteristics of this population as is shown by the following table :

	Jordan		Syria		Lebanon	
Principal districts of origin in Palestine...	Jerusalem	21,000	Safad	29,666	Safad	28,975
	Jaffa	14,000	Haifa	19,908	Haifa	38,421
	Beisan	12,500	Tiberias	12,010	Acra	37,135
Religion (per cent)	Moslem	84	Moslem	98.01	Moslem	77
	Christian	16	Christian	1.99	Christian	23
Nationality (per cent)	Palestinian	99.5	Palestinian	99.91	Palestinian	95
					Lebanese	5
Able-bodied workers (men)		10,719		16,780		22,625
Principal occupations	Farmers	2,838	Farmers	6,189	Farmers	7,020
	Labourers	2,248	Labourers	2,249	Labourers	3,064
	Clerical	938	Clerical	1,122	Clerical	2,361
	Merchants	916	Merchants	1,309	Merchants	1,782

16. A rather spectacular operation, which the League believes is interesting to record, was the total transfer of a number of camps to locations with a more moderate climate, in order to protect the refugees from the fierce heat in the summer in the Jordan Valley or from the cold winter in the higher mountain areas. This involved the transportation in trucks and buses of not less than 40,000 persons, with their tents and belongings, over an average distance of 100 kilometers.

17. The League highly values the expressions of appreciation and gratitude from the Secretary-General of the United Nations on the occasion of the termination of its activities, which it accepts as a token that its operation may be considered a successful achievement.

18. The League is aware that, although perhaps no other alternative was feasible to guarantee immediate action in the field as implementation of the resolutions of the General Assembly, at its third session the organizational arrangement comprising five autonomous bodies (UNRPR, UNICEF, the League, ICRC and AFSC) participating in one and the same operation was made workable by the personal goodwill existing between the individuals working with these organizations. The League has always tried to live up to the spirit of the existing agreement with UNRPR, which was not always in a position to foresee to the letter what an unknown future might require.

19. In conformity with Red Cross policy, and as specially stipulated in the agreement with UNRPR, the League operated the relief distribution programme in co-operation with or through national Red Cross or Red Crescent societies where they exist and are willing to operate in such areas, strengthening these societies where necessary, in its opinion, for the purpose of the operation. It appeared, however, that the young national societies of Lebanon,

Syria and Jordan were not in a position as yet to take part in the distribution organization, and for that reason the League took charge itself of this most essential part of the operation, with the exception of the distribution of UNICEF milk, for which purpose the Lebanese Red Cross Society and the Syrian and Jordan Red Crescent Societies established a great number of centres in conjunction with and under the control of the League. The national societies, however, took an ever-increasing interest in the medical and social welfare programmes for the refugees and the League made a great effort in assisting and educating the members of these Societies in the hope that one day, when the League would withdraw, the national societies would be able to carry on, when necessary eventually with financial aid from the successor organization. The attitude of these young societies toward the refugee problem of course follows to a certain extent their government's policy, which was different in each of the three countries. As the societies are still very much in need of help, whether financial or in the form of technical aid or advice, which the League will continue to provide within the limits of its means, much depends on their governments and also to a certain extent on the new United Nations agency, as to what their contribution to the refugee programme will be in the future. The League believes it to be the policy of the United Nations to include or incorporate national and international humanitarian organizations in the execution of the activities of the Organization where and whenever possible, and as far as compatible with the proper discharge of their operations. This not only tends to give the members of these organizations, and as such the population, more interest and a better insight in the United Nations Organization and an increased belief in its principles and aims, but it may, when well directed, prove to be not only a direct but an indirect economy as well, as such co-operation will have a lasting effect in the

field of public health and social welfare long after the United Nations mission has finished its specific task in that particular area. The League realizes with gratefulness that its presence in the Middle East to work for the Palestine refugees under the auspices of the United Nations has given it a really unique opportunity to sponsor the Red Cross and to bring its spirit and its principles to the people of these countries, where until recently the emblem of the Red Cross and Red Crescent was practically unknown. Twice, the League's Commissariat had the opportunity to convene in the Middle East a meeting of delegates of the Red Cross and Red Crescent societies engaged in relief activities on behalf of the refugees—the second meeting, held in Damascus, being an important event of a really international character, bringing together delegates from Egypt, Iraq, Turkey, Jordan, Syria and Lebanon. All this has had a marked effect on the development of these societies, which will continue to benefit from the experience gained in active co-operation with the League during the past sixteen months.

20. The League sincerely regrets that it is terminating its activities without a satisfactory solution having been found for the victims of the Palestine conflict. The League has kept alive these distressed people, who constantly asserted their desire and their right to return to their country. This is the main thing which occupies their minds and those who have lived and worked amongst them are deeply touched by their sincere grief and genuine suffering. The League feels it as a moral duty at the conclusion of its work to make known the sentiments of those who were in its charge for so long.

21. Numerous are the voluntary relief organizations from which the League received substantial assistance and with which the most cordial relationship existed. Apart from the Red Cross, Red Crescent and Junior Red Cross societies from all over the world, the League's sincere thanks go to the American University and the *Faculté*

française de médecine at Beyrouth, to the Palestine Permanent Bureau, Pontifical Mission, Church World Service, Lutheran World Federation, Church Missionary Society, Save the Children Fund, Middle East Relief Association, Civic Welfare League of the American University, Young Men's Christian Association, Young Women's Christian Association, Near East Foundation, British Syrian Mission, Mennonite Central Committee, and to all those unknown men and women who assisted in so many ways as devoted volunteers.

22. The League is greatly indebted to the Heads of State of the Hashimite Kingdom of the Jordan, of Syria and of Lebanon for their personal interest in the League's work and for the active support and co-operation received from their Governments.

23. The League has always highly appreciated the consistent personal endeavour of the Secretary-General of the United Nations to pave the way for an uninterrupted operation by guaranteeing or providing the necessary funds when contributions of Member nations were lagging and even the existing hand-to-mouth policy seemed to fail.

24. Above all, however, tribute is paid to UNRPR and to its staff, whose problems and responsibilities were perhaps somewhat different than those of the operating agencies, but certainly not less great and complex. Working for a common cause, the results have shown what good will, mutual confidence and comprehension can achieve. For this reason, the League wants to express its sincere gratitude to UNRPR, in which it wishes to include UNICEF, WHO and UNESCO.

25. In conclusion, the League extends its best wishes to the United Nations and to UNRWAPRNE for a very successful operation, with the sincere desire that their continued efforts may ultimately bring a solution for the future of the Palestine refugees.

APPENDIX III

SUMMARY STATEMENT OF THE AMERICAN FRIENDS SERVICE COMMITTEE OPERATION FOR THE PERIOD 1 AUGUST 1949 TO 30 APRIL 1950

1. Looking in retrospect at the last nine months of the work of the United Nations Relief for Palestine Refugees (UNRPR) and the American Friends Service Committee (AFSC), one could divide it into three periods (*a*) that of integrating the relief administration, (*b*) that of developing the general services, and (*c*) the strengthening of the programme for the transfer of responsibility to the new United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE). The early problems of transportation and distribution and problems due to limited knowledge of the area and its customs and people had been met and initial procedures established. With the integration of the work, the AFSC could give attention to the needs which had been overlooked in the early emergency period. Finally, with the realization that the refugee problem was still far from being solved and that the emergency nature of the programme must give place to a more permanent and formal organization, plans were laid to tighten the organization so that it could be handed over to the new United Nations agency with the advantages of previous operation still intact and any disadvantages eliminated.

2. The most knotty problem in the relief operation was

that of reducing the ration lists to what was believed to be a realistic figure and one that would meet with the ration budget allotted to the area. From a beginning figure of some 260,000 persons, the lists were cut to 200,000. This represents many hours of work on the part of all the international and local staff, and even of the refugees themselves. It became apparent very early in the operation that the taking of a tent-to-tent count was inadequate. It was discovered that reasonable figures of village populations could be obtained from the former Mandate records, and that the sugar ration lists were of particular value. The taking of family history sheets allowed comparison of families with similar names and thereby reduced the duplications. The refugees were asked to provide proof of their original residence.

3. In the actual distribution of food, milk and non-food items, a great administrative metamorphosis took place. From the early emergency distribution from tents, trucks, small stores and mosques, a systematic distribution was developed in corrugated iron buildings of a standard design, placed in widely separated and strategic locations. Records and supervision from these new distribution centres were brought into uniformity. Populations were combined

from several smaller centres into larger and more efficient ones. The local staff was systematically trained and given increased responsibility, and rations were distributed fortnightly, so that each refugee would know that he would receive his rations on the same day and at approximately the same hour every two weeks. This served to reassure the refugee of the certainty of receiving his ration. It eliminated the necessity for the refugee to come to the centre on any but his distribution day, and also eliminated the necessity for his standing in line for hours in the hot sun until he received his ration. This process of combining and systematizing reduced the number of food centres from sixteen to seven. Fortunately for the Gaza Strip, the facilities for the transportation of supplies were such that food distributions were on time. The caloric value of rations was never less than 1,550 and sometimes as high as 1,670. At times as many as seven items were handed out in a single distribution period. The milk distribution was handled in much the same way. Eventually, ten milk distribution centres were established. In addition to the regular over-the-counter distribution, large tents were used to accommodate hundreds of children who drank milk as it was handed out. Eventually, a daily distribution of milk was extended to the children in their schools. Non-food items were distributed as available. Tents, blankets, scap, kerosene were distributed periodically to help meet the need for warmth and shelter.

4. The medical and sanitation programme was steadily developed and extended its services over the area with a clinic in each camp and three hospitals available. Problems of sanitation were met by organizing the tent camps in a manner to permit scavenger crews freedom of movement in a compact area, and by a systematic construction of latrines through the area. The very important problem of water supply for drinking was improved by arranging for the use of private wells and pumps, and by the provision of solar oil and parts. This supply of water was piped into populated areas to make it more nearly accessible to all the people. The clinics added services as time, money and personnel permitted. Eye-clinics, maternal-child health clinics, ante-natal clinics, anti-malarial work, fly-control, and co-operation with the International Tuberculosis Campaign all contributed to the general health of the people. It is notable that in this period there were no widespread epidemics, very little gross malnutrition, the birth-death rate remained at what appeared to be a normal rate. It was discovered that while there was surprisingly little tuberculosis, there was an increase in venereal disease.

5. One of the great limitations has been the absence of adequate funds for a welfare programme. As a result, the normal run of welfare work had to depend largely on those things that could be done with simple equipment and substantial co-operation and initiative from the refugees. Supplementary feeding was confined to extra rations in small quantities to sick people and pregnant women from supplies which could be saved from general stock. In spite of the very meagre salaries available for teachers and lack of teaching materials, the educational programme was expanded and improved in this period. Housed in tents and old buildings, a total of 18,000 refugee children were enrolled in school. Encouragement was given to the

Lauback method of combating illiteracy by purchasing a supply of books that are designed for a pictorial method of home teaching of reading and writing to illiterates. A works relief project in the form of a weaving project was continued and expanded and the first 200,000 metres of cloth from refugee hand looms was distributed to the population. This gave birth to the plans for using the local cloth product for a garment project intended by the end of September to provide one garment for each refugee and to provide some work for the tailors. The carpentry apprentice shops were continued to teach young men the art of carpentry and, by 1 June, had been organized as an independent producer's co-operative enterprise. Sewing classes were continued for young women. The latter worked largely on providing the hospitals with necessities and layettes for new-born children. Recreation lagged in this period for the want of qualified personnel and finances.

6. During this nine month's period, relationships with the local authorities continued to improve. The division of responsibilities was clarified and these officials responded willingly and effectively in those areas of work in which we needed their help. The American Friends Service Committee is most grateful to the Egyptian Government for the co-operation it extended.

7. Amidst the daily routine of this period, there was a full share of unusual events that called for flexibility and emergency action. There was the arrival of 6,000 refugees from Egypt who had to be placed in tents, counted and fed, and for whom general provisions had to be made. The visit of the Clapp Mission raised hopes and the subsequent visit of the Palestine Conciliation Commission gave the refugees respite from the humdrum of an uncomfortable existence. There was a growing realization on the part of the occupation authorities, of the refugees and of the distributing agency that an unsolved problem remained in the form of the local residents who are not by definition refugees (and therefore are not entitled to rations) but who are in many cases in worse condition than the refugees. This, too, has been the subject of much planning and discussion without, it must be said, much to show for the effort. The winter season brought with it the first snow storm in southern Palestine in 50 years, and caused considerable damage to tents and crude shelters, necessitating six weeks of work to get back at least to satisfactory minimum shelter. A settlement and exchange of property was effected between the Governments of Israel and Egypt, opening new vistas for the populations of Beit Hanun, Abbasan, and Ikhza. This brought new and ambitious plans for the resettling and rehabilitation of Beit Hanun.

8. The general outlook and attitude of the refugees have been subject to the persistent wearing of time. While hope is not lost, the more educated and ambitious refugees are most eager to have an opportunity to become established again and to take their proper part in the community life of the Middle East. The great majority are eager and willing to work. While works projects in the Gaza area would be useful, the possibilities are very few. Indeed, all of us see that the Gaza Strip cannot be left much longer without some solution for the people in it.

DOCUMENT A/AC.38/L.27

Letter dated 1 November 1950 addressed to the Chairman of the *Ad Hoc* Political Committee from the Chairman of the delegation of the Hashimite Kingdom of the Jordan

[Original text : English]
[1 November 1950]

I shall be much obliged if arrangements may be made for the Jordan delegation to the United Nations to attend the meetings of the *Ad Hoc* Political committee which will consider the question of Palestine. The delegation consists of :

Ahmad Tuqan, *Chairman of the delegation*
Ysuf Haikal, *Member*

Issa Bey Bandak, *Member*

It will be appreciated if the required arrangements may be made this morning, in order that we may be able to attend the forthcoming meeting.

(Signed) Ahmad TUQAN

DOCUMENT A/AC.38/L.28/Rev.1

France, Turkey, United Kingdom, United States of America : revised joint draft resolution

[Original text : English]
[7 November 1950]

The General Assembly,

Recalling its resolution 302 (IV) of 8 December 1949,

Having examined the report of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/1451); and the report of the Secretary-General concerning United Nations relief for Palestine refugees (A/1452),

1. Notes that contributions sufficient to carry out the programme authorized in paragraph 6 of resolution 302 (IV) have not been made, and urges Governments which have not yet done so to make every effort to make voluntary contributions in response to paragraph 13 of that resolution;

2. Recognizes that direct relief cannot be terminated as provided in paragraph 6 of resolution 302 (IV) of 8 December 1949;

3. Authorizes the Agency to continue to furnish direct relief to refugees in need, and considers that for the period 1 July 1951, to 30 June 1952, the equivalent of approximately \$20,000,000 will be required for direct relief to refugees who are not yet reintegrated into the economy of the Near East;

4. Considers that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948,¹⁹ the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area;

5. Instructs the Agency to establish a reintegration fund which shall be utilized for projects requested by any government in the Near East and approved by the Agency for the permanent re-establishment of refugees and their removal from relief;

6. Considers that for the period 1 July 1951, to 30 June 1952, not less than the equivalent of \$30 million should be contributed to the Agency for the purposes set forth in paragraph 5 above;

7. Authorizes the Agency as circumstances permit, to transfer funds available for the current relief and works programmes, and for the relief programme provided in paragraph 3, to reintegration projects provided for in paragraph 5;

8. (Method of financing)

9. Authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds deemed to be available for this purpose and not exceeding \$5 million from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1951;

10. Calls upon the Secretary-General and the specialized agencies to utilize to the fullest extent the Agency's facilities as a point of reference and co-ordination for technical assistance programmes in the countries in which the Agency is operating;

11. Expresses its appreciation to the United Nations International Children's Emergency Fund, the World Health Organization, the United Nations Educational, Scientific, and Cultural Organization, the International Refugee Organization, the International Labour Organisation, and the Food and Agriculture Organization

¹⁹ The original draft resolution (A/AC.38/L.28) did not contain the words "without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948".

for the assistance which they have rendered and urges them to continue to furnish all possible assistance to the Agency;

12. *Commends* the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee for their invaluable service and whole-hearted co-operation in the distribution of relief supplies until those functions were taken over by the Agency;

13. *Expresses* its thanks to the numerous religious, charitable and humanitarian organizations, the programmes of which have brought much needed supplementary assistance to the Palestine refugees, and urges them to continue and expand, to the extent possible, the work which they have undertaken on behalf of the refugees;

14. *Extends* appreciation and thanks to the Director and staff of the Agency and the members of the Advisory Commission for their effective and devoted work.

DOCUMENT A/AC.38/L.30/Rev.1

Egypt : revised draft resolution

[Original text : French]
[5 December 1950]

The General Assembly,

Noting the terms of its resolution 194 (III) of 11 December 1948 and confirming, in particular, the provisions of paragraph 11 of that resolution, in which it is resolved that " the refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date, and that compensation should be paid for the property of those choosing not to return and for loss of or damage to property which, under principles of international law or in equity, should be made good by the governments or authorities responsible ",

Considering that the principles laid down in the said paragraph constitute a just and equitable solution of the problem of the refugees, and one in harmony with the purposes and principles of the United Nations, which recognize that every man has the right to live in peace in his own country,

Convinced that peace and stability cannot be consolidated unless the principles contained in the paragraph in question are put into effect,

Expressing its regret that the provisions of the said paragraph have not yet been applied,

1. *Resolves* to request the United Nations Conciliation Commission for Palestine to establish an agency²⁰ for the repatriation and compensation of Palestine refugees which shall have the following functions *inter alia* :

(a) To make all necessary arrangements for the repatriation of Palestine refugees and to assess and remit to the persons legally entitled thereto sums due in respect of compensation;

(b) To take, in collaboration with the competent governments and authorities, provisional measures of conservation in connexion with movable and immovable pro-

perty, rights etc. belonging to refugees, including the appointment of an administrator of the said property who shall be responsible for taking an inventory thereof and arranging for its conservation, provisional management and assessment and for the payment of revenues to the persons legally entitled thereto;

2. *Invites* the competent governments and authorities to furnish to the General Assembly adequate binding guarantees that refugees returning to their homes will be treated on an equal footing with other inhabitants, without any discrimination either in law or in fact, in respect of race, creed etc.;

3. *Resolves* that the Director of the Agency shall be appointed by the General Assembly before the close of the fifth regular session;

4. *Instructs* the Director of the Agency to utilize, in the discharge of the responsibilities entrusted to him by virtue of this resolution, the services and assistance of other United Nations organs and agencies;

5. *Authorizes* the Secretary-General to make available to the Director of the Agency the funds and staff essential for the discharge of the responsibilities entrusted to him by virtue of the present resolution;

6. *Invites* all governments and authorities concerned to collaborate with the Agency and take all possible steps to assist in giving effect to the present resolution, with due regard to the obligations of the State which they represent as a Member of the United Nations;

7. *Declares* that a refusal by any government or authority to comply with the provisions of the present resolution would prove the existence of a breach of the peace within the meaning of Article 39 of the Charter, and would require immediate investigation by the competent organs of the United Nations with a view to the adoption of appropriate measures in conformity with the terms of the Charter;

8. *Instructs* the Agency to submit to the Secretary-General periodic reports on the development of the situation for transmittal by him to the Security Council and the Members of the United Nations.

²⁰ In the original draft resolution (A/AC.38/L.30) this paragraph read as follows : " Resolves to establish the United Nations Agency for the Repatriation and Compensation of Palestine Refugees which shall have the following functions *inter alia* : "

DOCUMENT A/AC.38/L.57

France, Turkey, United Kingdom, United States of America : joint draft resolution

[Original text : English]
[28 November 1950]

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948,

Having examined with appreciation the general progress report dated 2 September 1950,²¹ and the supplementary report dated 23 October 1950,²² of the United Nations Conciliation Commission for Palestine,

Noting with concern :

(a) That agreement has not been reached between the parties on the final settlement of the questions outstanding between them,

(b) That the repatriation, resettlement, economic and social rehabilitation of the refugees and the payment of compensation have not been effected,

Recognizing that, in the interests of the peace and stability of the Near East, the refugee question should be dealt with as a matter of urgency,

1. Urges the governments concerned to engage with-

²¹ Document A/1367.

²² Document A/1367/Add.1.

out delay in direct discussion under the auspices of the United Nations Conciliation Commission for Palestine, or independently, in order to arrive at a peaceful settlement of all questions outstanding between them;

2. Directs the United Nations Conciliation Commission for Palestine to establish an Office which, under the direction of the Commission, shall :

(a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;

(b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;

(c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property, and interests of the refugees;

3. Calls upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact.

DOCUMENT A/AC.38/L.60

Israel : draft resolution

[Original text : English]
[1 December 1950]

The General Assembly,

Having examined with appreciation the general progress report dated 2 September 1950,²³ and the supplementary report dated 23 October 1950,²⁴ of the United Nations Conciliation Commission for Palestine,

Recalling its resolution on assistance to Palestine Refugees (A/1566),

Recognizing that in the interests of peace and stability in the Near East, the peaceful settlement of all questions outstanding between the parties, including the refugee question, should be dealt with as a matter of urgency,

1. Urges the governments concerned to engage without delay in direct discussions under the auspices of

the United Nations Conciliation Commission for Palestine, or independently, in order to arrive at a peaceful settlement of all questions outstanding between them;

2. Directs the United Nations Conciliation Commission for Palestine to render all possible assistance to the parties in order to ensure the carrying out of the provisions of the present resolution and to avail itself of the services and assistance of other United Nations organs and agencies, in particular the United Nations Relief and Works Agency for Palestine Refugees in the Near East;

3. Recommends to the governments concerned to give special and urgent consideration in their negotiations to the refugee question;

4. Calls upon all governments concerned to cooperate with the United Nations Conciliation Commission for Palestine in the exercise of its functions and to assist in the attainment of a peaceful and speedy settlement of all questions outstanding between the parties.

²³ Document A/1367.

²⁴ Document A/1367/Add.1.

DOCUMENT A/AC.38/L.62**Ethiopia, Pakistan : joint draft resolution**

[Original text : English]
[1 December 1950]

The General Assembly,

Recalling paragraph 11 of its resolution 194 (III) of 11 December 1948,

Having examined the general progress reports of the United Nations Conciliation Commission²⁵ for Palestine regarding the question of refugees,

Noting with concern that the provisions of paragraph 11 of the said resolution have not been implemented,

Recognizing that in the interest of peace and stability in the Near East the refugee question should be dealt with as a matter of urgency,

Recognizing further that the rights of the refugees are consistent with the elementary principles of law, justice and equity,

1. Directs the United Nations Conciliation Commission for Palestine to establish an Office which, under the direction of the Commission, shall :

(a) In pursuance of paragraph 11 of the said resolution, take effective measures to facilitate at the earliest practicable date the repatriation of all refugees wishing to

return to their homes and live at peace with their neighbours;

(b) Take effective measures for the assessment and payment of compensation in respect of properties of those refugees wishing not to return, and to implement the other objectives of paragraph 11 of said resolution;

(c) Take necessary measures forthwith for the preservation of the properties, rights, and interests of the refugees pending the attainment of the objectives outlined in sub-paragraphs (a) and (b);

2. Calls upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination in law or in fact;

3. Urges all governments concerned to collaborate with the said Office in the implementation of the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948 and of the present resolution;

4. Instructs the United Nations Conciliation Commission for Palestine to submit to the Secretary-General periodic reports on the progress of the activities of the said Office and of the implementation of the present resolution.

²⁵ Documents A/1367 and A/1367/Add.1.

DOCUMENT A/1516

Method of financing the relief and reintegration programme for Palestine refugees proposed by the Ad Hoc Political Committee (A/AC.38/L.28/Rev.1) : Seventeenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[16 November 1950]

1. At its 36th meeting on 7 November 1950, the Ad Hoc Political Committee, in considering a draft resolution concerning assistance to Palestine refugees (A/AC.38/L.28/Rev.1), agreed that, before taking a vote, it should request the advice of the Fifth Committee in regard to the method of financing the proposed relief and reintegration programme (paragraphs 8 and 9).

2. In accordance with a decision taken by the Fifth Committee at its 262nd meeting on 9 November 1950, the Advisory Committee on Administrative and Budgetary Questions has considered the above-mentioned paragraphs.

3. In addition to the text of the draft resolution, the Advisory Committee had before it the summary records of the relevant discussions in the 35th and 36th meetings of the Ad Hoc Political Committee, as well as reports submitted by the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE) (A/1451) and by the Secretary-General of the United Nations on the work of the United Nations Relief for Palestine Refugees (A/1452). Consideration has also been given to the finan-

cial reports and accounts of the United Nations Relief for Palestine Refugees (UNRPR) for the period 1 December 1948 to 30 April 1950 and the report of the Board of Auditors thereon (A/1354).²⁶

4. The Advisory Committee submits in paragraphs 5 to 9 below a brief survey of the various measures adopted since July 1948 for the relief of Palestine refugees. Paragraphs 10 to 14 contain certain recommendations concerning the specific question referred to the Committee.

5. In his progress report of 18 September 1948 to the General Assembly (A/648, part three)²⁷ the United Nations Mediator on Palestine, dealing with the relief of Palestine refugees, drew attention to the urgency of the problem and expressed the hope that the international community would give all necessary support to the relief measures he had proposed. On 18 October 1948, the Acting Mediator on Palestine stated

²⁶ See *Official Records of the General Assembly, Fifth Session, Annexes* item 37 (c).

²⁷ See *Official Records of the General Assembly, Third Session, Supplement No. 11*.

(A/689, paragraphs 3 and 4)²⁸ that the urgency of the problem had been accentuated and that, unless adequate and effective aid came quickly, the position of the refugees would become desperate. In view of these circumstances, the General Assembly, by resolution 212 (III) of 19 November 1948, authorized the Secretary-General to establish a Special Fund (Palestine Refugee Fund) and to take all necessary steps to extend aid to Palestine refugees. UNRPR operated from 1 December 1948 until 30 April 1950, on which date its responsibilities, assets and liabilities were transferred to UNRWAPRNE (established by General Assembly resolution 302 (IV) of 8 December 1949). For the period 1 January 1950 to 30 April 1950 UNRPR acted as the agent of UNRWAPRNE.

6. The Secretary-General, reporting on the operations of UNRPR from 1 December 1948 to 30 April 1950 (A/1452, paragraph 5), stated that approximately one million refugees had been fed; medical reports showed no starvation, epidemics or inflated death rate. Food, clothing, shelter and medical care, together with other amenities such as the commencement of educational facilities and minor employment projects, had been provided at an approximate cost of \$3 *per capita* per month, including all expenditures of UNRPR and the United Nations International Children's Emergency Fund.

7. The Advisory Committee considers it important to analyse the experience of UNRPR in the matters of contributions and expenditure during the period of its operations :

CONTRIBUTIONS : 1 DECEMBER 1948 —
30 APRIL 1950

	Recorded value US dollars			
	Cash	Kind	Direct supplies and services	Total
<i>(a) Member States</i>				
Twelve Member States	23,129,270			
Sixteen Member States		2,856,403		
Total of contributions of Member States				25,985,673
<i>(b) Non-member States</i>				
Four non-member States	508,469			
Three non-member States		142,931		
Total of contributions of non-member States				651,400
<i>(c) Specialized agencies and other contributors</i>				
Total of contributions of specialized agencies and other contributors	342,379	1,097,584		1,439,963
<i>(d) Direct contributions (supplies and services) by governments in the Near East</i>				
Five Member States			7,458,313	
One non-member State			933,481	8,391,794
	23,980,118	4,096,918	8,391,794	
GRAND TOTAL				36,468,830

²⁸ *Ibid.*, Supplement No. 11A.

It may further be noted that certain Member States, while not contributing to UNRPR, had responded to the earlier appeal made by the United Nations Mediator on behalf of the Disaster Relief Project (A/689/Add.1, appendices D and E).²⁹ Expenditure during the same period amounted to \$39,115,975, the excess of expenditure over income,—\$2,644,081,³⁰ representing the cost of the operations of UNRPR while acting as the agent of UNRWAPRNE—being financed from the Working Capital Fund of the United Nations against the funds contributed to UNRWAPRNE. The above expenditure figure excludes supplies to a value of approximately \$9 million, which were furnished by the United Nations International Children's Emergency Fund and distributed by the operating agencies.

8. At its fourth session, the General Assembly, by resolution 302 (IV) of 8 December 1949, decided to establish, in the place of UNRPR, the United Nations Relief and Works Agency (UNRWAPRNE), for the purpose of carrying out the direct relief and works programmes recommended by the United Nations Economic Survey Mission for the Middle East, and to approve the following estimate of expenditure for the period 1 January 1950—30 June 1951 :

	Direct relief US dollars	Works programmes US dollars
1 January 1950—31 December 1950	20,200,000	13,500,000
1 January 1951—30 June 1951	—	21,200,000

9. The situation at 1 November 1950 may be summarized as follows :

	US dollars
(i) Estimated requirements for direct relief :	
1 January 1950—31 December 1950	20,187,000
1 January 1950—30 June 1951 ^a	9,167,000
	29,354,000
(ii) Contributions promised for the period 1 January to 30 June 1951 :	
Cash	38,041,000
Kind	1,027,000
Balance available for works programmes (\$34,700,000)	9,714,000
(iii) Direct aid and services anticipated from five Near East Governments for the period 1 May 1950 to 30 June 1951	1,127,876

^a The General Assembly contemplated the termination of direct relief by 31 December 1950. However, UNRWAPRNE has recommended its continuance beyond that date (A/1451, para. 65), and this recommendation is the subject of paragraph 2 of the draft resolution (A/AC.38/L.28/Rev.1).

Attention is drawn to the fact that the above cash contributions comprise \$37,582,000 promised by nine

²⁹ *Ibid.*

³⁰ Apart from the contributions listed above, miscellaneous income to an amount of \$3,064 was received.

Member States in the proportions indicated below :

	<i>Percentages</i>
Bolivia	0.0133
Canada	1.8360
Dominican Republic	0.0133
Egypt	0.9685
France	7.5994
Israel	0.1330
Luxembourg	0.0053
United Kingdom	16.3908
United States of America	73.0404

The balance of \$459,000 has been promised by two non-member States, specialized agencies and other contributors.

10. It is clear that there is a two-fold problem : (a) to meet the anticipated deficit for the period ending 30 June 1951; and (b) to provide for the period 1 July 1951—30 June 1952 the necessary funds for direct relief (\$20 million) and for the reintegration fund (\$30 million), as contemplated in the proposed draft resolution (A/AC.38/L.28/Rev.1, paragraphs 3, 5 and 6).

11. The Secretary-General of the United Nations and the Director of UNRWAPRNE have made repeated appeals, on the basis of General Assembly resolution 302 (IV), for contributions to the above programmes. The response has so far not proved adequate, and the Advisory Committee considers that active steps must be taken to increase the number of participating States. Furthermore, the Committee firmly believes that, having regard to the various forms in which contributions may usefully be made, every Member of the United Nations will be willing to participate, within the limits of its financial or material resources, in programmes of relief and reintegration, and thus bring about a more equitable distribution of the burden. The urgency of the problem is clearly demonstrated in the joint report by the Advisory Commission and the Director of UNRWAPRNE, which states that contributions received to date are below the amount necessary to cover the cost of immediate relief needs (A/1451, paragraph 75). The Advisory Committee is fully conscious of the difficulties confronting an agency which has to depend on donations provided in unknown amounts at unknown times, and sometimes in commodities which are difficult to fit into the programme.

12. In this connexion, special attention is directed to the following considerations :

(i) *As regards financial contributions* : While it is not possible accurately to forecast the various currencies required by UNRWAPRNE, experience indicates that, over and above the amounts required to repay advances from the Working Capital Fund of the United Nations, the Agency has been able to utilize the following currencies, among others : Pounds sterling, Egyptian pounds, Israeli pounds, Syrian pounds, Lebanese pounds, Jordanian dinars.

(ii) *As regards contributions in kind* : A wide range of supplies and services is required both for the programme of relief and for that of reintegration.

13. After a careful review of the circumstances, including many alternative methods of financing, the Advisory Committee, while proposing a voluntary basis for United Nations contributions, recommends the very early appointment of a negotiating committee composed of seven members for the purpose of negotiating as soon as possible, during the current session of the General Assembly, with Member and non-member States the amounts which Governments may be willing to contribute to :

(i) The current programme for relief and works for the period ending 30 June 1951, bearing in mind the need for securing contributions from Member States which have not yet contributed; and

(ii) The programme of relief and reintegration projects envisaged in the draft resolution (A/AC.38/L.28/Rev.1) for the year ending 30 June 1952.

The negotiating committee should be free to adopt procedures best suited to the accomplishment of its task, but it will no doubt have regard to :

(a) The need for securing the maximum contributions in cash;

(b) The desirability of ensuring that any contributions in kind should be of a nature which will meet the requirements of the contemplated programmes;

(c) The importance of enabling UNRWAPRNE to plan its programmes in advance and to carry them out with funds regularly contributed; and

(d) The degree of assistance which can continue to be rendered by specialized agencies, non-member States and other contributors,

The Advisory Committee further suggests that, as soon as the negotiating committee has ascertained the extent to which Member States are willing to make contributions, all delegations should be notified. After delegations have consulted their governments, an appropriate meeting of Member States should be convened during the current session of the General Assembly at which Members may commit themselves to their national contributions, and the contributions of non-members be announced. Non-members of the United Nations would be invited to consult with the negotiating committee and to participate in the special meeting.

14. As regards paragraph 9 of the proposed draft resolution (A/AC.38/L.28/Rev.1), the Advisory Committee was informed that, as far as can be foreseen at the present time, the maximum sum likely to be available from the Working Capital Fund during July and August 1951 is estimated at \$2,500,000. The Committee trusts that the funds now available or to be made available to UNRWAPRNE will be so managed that demands upon the Working Capital Fund may be limited to a maximum of \$2,500,000, instead of the amount envisaged in paragraph 9 of the draft resolution.

15. The Advisory Committee was informed that advances made to UNPR from the Working Capital Fund during 1950, to a total of \$4,500,000, have now been repaid.

DOCUMENT A/C.5/440

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1646) : report of the Secretary-General[Original text : English]
[8 December 1950]

1. At its 72nd meeting held on 6 December 1950, the *Ad Hoc* Political Committee adopted a draft resolution providing for the continuation of the United Nations Conciliation Commission for Palestine established by General Assembly resolution 194 (III). The resolution :

“ 1. *Urges* the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them ;

“ 2. *Directs* the United Nations Conciliation Commission for Palestine to establish an Office which under the direction of the Commission, shall :

“ (a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;

“ (b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;

“ (c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property, and interests of the refugees ”.

2. At its 524th meeting held on 17 November 1950, the Security Council adopted a resolution (S/1907) which provided for the continuation of the supervision of the Mixed Armistice Commissions by the United Nations Chief of Staff of the Truce Supervision Organization and requested the Chief of Staff to report periodically to the Security Council on all decisions made by the four Mixed Armistice Commissions.

3. Accordingly, funds will be required to continue in 1951 the activities of the United Nations Conciliation Commission for Palestine and the Truce Supervision Organization. The estimates are on the same basis as for 1950, except for the addition of three persons on the staff of the Commission to implement paragraph 2 of the resolution proposed by the *Ad Hoc* Political Committee. Estimates for 1951 are as follows :

	<i>US dollars</i>
Temporary assistance	181,000
Travel and subsistence of members	23,000
Travel and subsistence of observers	154,800
Travel and subsistence of staff	198,000
Communications services	22,000
Rental and maintenance of premises	15,000
Stationery and office supplies	2,000
Contractual printing	7,000
Local transportation	2,000
	604,800

	<i>US dollars</i>
<i>Report</i>	604,800
Maintenance and operation of transportation equipment	30,000
Freight, cartage and express	3,000
Insurance	8,000
Miscellaneous supplies and contractual services	13,500
Contractual support services	30,000
Office furniture, fixtures and equipment ...	2,000
Purchase of motor vehicles	31,000
Miscellaneous equipment	1,000
Hospitality	500
	723,800

4. Under temporary assistance, provision is made for fourteen internationally recruited staff members at an estimated cost of \$91,250 (as shown in the annex), for twenty-two local recruits, three Press analysts, three clerk-typists, one mimeograph operator, five drivers, five mechanics, four office cleaners and one messenger (\$26,250), and for temporary replacement at Headquarters of 50 per cent of professional staff and all the secretarial staff detailed to the mission (\$63,500).

5. Under travel and subsistence of members, provision is made for three round-trips for the three members (\$3,600) and subsistence allowance at \$20 per day, less a reduction of 10 per cent for periods of absence (\$19,400).

6. A sum of \$154,800 is requested for travel and subsistence of observers to provide an establishment of thirty observers under a chief military observer to supervise the truce arrangements. The travel estimate includes seventeen round-trips for replacements and new appointments (\$17,500), and four round-trips to Headquarters for consultations (\$4,800). Subsistence allowance is estimated at \$132,500.

7. The sum of \$198,000 requested for travel and subsistence of staff covers (a) cost of thirty-three round-trips for replacement and new assignments of staff members including Field Service guards (\$35,000); (b) two round-trips for the principal secretary and an officer to attend the General Assembly session (\$2,000); and (c) subsistence allowance for the principal secretary at \$20 per day, for thirteen staff members with dependents at \$10 per day and fifty staff members without dependents at \$7, less reduction of 10 per cent for periods of absence (\$161,000).

8. A sum of \$31,000 is requested for replacement of 12 vehicles (cars and jeeps) which have deteriorated beyond economical operation from extensive usage by observers and staff on mountainous and desert roads. It is estimated that miscellaneous income of about \$10,000 from the sale of the old vehicles would partly

offset the cost of the new vehicles. Estimates for other items are based on the 1950 pattern of expenditure.

9. The Secretary-General requests that \$716,800 be appropriated under section 5, chapter V, of the 1951 budget and \$7,000 required for contractual printing under section 25, chapter V.

10. These expenses will be partly compensated by an estimated income of \$38,000 from the assessments to be levied on the salaries of the internationally recruited and temporary replacement staff.

11. The 1951 estimate of \$723,800 compares with expenditures for 1950 now estimated at \$738,500.

ANNEX

MANNING TABLE

Staff detailed from Headquarters	Internationally-recruited staff	Classification	Gross salary of internationally-recruited staff US dollars
1 (C)	1 (C)	Principal secretary	15,000
	1 (C)	Legal adviser	3,000
	1 (C)	Political officer	9,360
1 (C)	1 (C)	Legal officer	9,360
	1 (C)	Economist	
1	1 (C)	Area specialist	9,360
1	1 (T)	Administrative officer	
1		Political officer	8,290
2 (1T, 1C)		Information officer	
2		Interpreters	
1 (C)	1 (C)	Translators-precis writers	
	1 (C)	Political officers	6,600
1		Economic Affairs officers	6,600
1		Finance officer	
1 (G)	1 (C)	Political officer	5,260
1 (G)		General services officer	
4 (C)	1 (T)	Clerks	3,070
34	5 (3T, 2G)	Secretaries	15,350
		Field Service personnel	
50	14	TOTAL	91,250

Staff assignments are indicated in the above table as follows :

- C — Conciliation Commission
- T — Truce Supervision
- G — Staff serving both activities

DOCUMENT A/1653

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1646) : Thirty-sixth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/440) on the financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee in document A/1646.

2. The estimated expenditure in 1951 for the United Nations Conciliation Commission for Palestine and for the Truce Supervision Organization amounts to \$723,800, as compared with an appropriation for the present year of \$700,000 and an estimated actual expenditure of \$738,500.

3. The Advisory Committee was informed that it is intended, during 1951, to make a detailed survey in the field of the administrative arrangements in force both for the Conciliation Commission and the Truce Supervision

Organization. In view of the lengthy period during which these bodies have been in operation, the Committee trusts that this survey will result in staff economy, together with a reduction in other expenditures.

4. On the details of the estimates, the Advisory Committee understands that the provision of \$132,500 for subsistence allowances of observers is based on rates of \$15 per day for the first quarter and \$10 per day for the remainder of the year 1951, and it recommends that, on the basis of reductions approved for other missions, the adjusted figure of \$10 should, if possible, apply as from 1 January 1951, with a consequent saving of approximately \$15,000.

5. Further savings should be possible of achieve-

ment on the items for temporary assistance, miscellaneous supplies and contractual services, and contractual support services, and, accordingly, the Advisory Committee recommends an appropriation of \$700,000 or a reduction of \$23,800 on the figure submitted.

6. The salaries of the internationally-recruited staff and of the temporary replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$38,000.

DOCUMENT A/1566

Report of the *Ad Hoc* Political Committee

[Original text : English]
[30 November 1950]

1. The General Assembly, at its 273rd meeting on 8 December 1949, adopted resolution 302 (IV) establishing the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The resolution provided that the Director should submit an annual report to the General Assembly. Pursuant to that resolution, the Director submitted an interim report dated 6 October 1950 (A/1451, A/1451/Corr.1).

2. The General Assembly, at its 284th and 285th plenary meetings on 26 September 1950, decided to include the item "Palestine" in the agenda of the fifth session, and to refer the item to the *Ad Hoc* Political Committee.

3. The *Ad Hoc* Political Committee, at its 24th meeting on 27 October 1950, decided to take up sub-item 20 (b) (Assistance to Palestine refugees) and sub-item 20 (c) (Repatriation of Palestine refugees and payment of compensation due to them) independently of the other sub-items.

4. The *Ad Hoc* Political Committee considered sub-item (b) at its 31st to 36th meetings, inclusive, and its 57th meeting.

5. At its 31st meeting on 1 November 1950, the Committee invited, without objection, the representative of the Hashimite Kingdom of the Jordan to take his seat at the Committee table during the discussion of questions relating to Palestine. At the same meeting, the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East presented his report. His statement was circulated as document A/AC.38/4.

6. At its 34th meeting on 6 November 1950, the Chairman of the United Nations Conciliation Commission for Palestine made a statement in connexion with the sections of the Commission's report³¹ relating to the question of refugees.

7. At its 35th meeting on 7 November 1950, a joint draft resolution (A/AC.38/L.28) was presented by France, Turkey, the United Kingdom and the United States of America. This draft resolution, *inter alia*, noted that contributions sufficient to carry out the programme autho-

ized in resolution 302 (IV) had not been made, and urged governments which had not yet done so to make every effort to give voluntary contributions. It recognized that direct relief could not be terminated by 31 December 1950 as envisaged in resolution 302 (IV), and authorized the Agency to continue to furnish direct relief to refugees, estimating that approximately \$20 million would be needed for this programme for the period 1 July 1951 to 30 June 1952. It considered that the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, was essential, and instructed the Agency to establish a reintegration fund to which not less than \$30 million should be contributed during the period 1 July 1951 to 30 June 1952. The Secretary-General was authorized to advance funds not exceeding \$5 million from the Working Capital Fund to finance operations pursuant to the resolution. The Secretary-General and the specialized agencies were called upon to utilize to the fullest extent the Agency's facilities in co-ordinating the technical assistance programmes in the countries in which the Agency was operating. The draft resolution expressed appreciation of all the assistance rendered by specialized agencies, non-governmental organizations and private organizations as well as of the work of the Director and staff of the Agency and the Advisory Commission. Paragraph 8 of the joint draft resolution regarding the method of financing was left blank and the sponsors proposed that the Committee should seek advice from the Fifth Committee concerning the method of financing to be included in the draft resolution.

8. At the 36th meeting, the sponsors of the joint draft resolution accepted an amendment proposed by Pakistan (A/AC.38/L.29) to insert in paragraph 4 the words "without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948". The Committee agreed to request the Chairman to forward to the President of the General Assembly the amended joint draft resolution (A/AC.38/L.28/Rev.1) together with the summary records of the Committee's discussion thereof and to ask him to obtain from the Fifth Committee its advice on the method of financing the relief and reintegration programme, as well as on the financial implications of paragraph 9 of the joint draft resolution which would authorize advances from the Working Capital Fund.

9. At its 57th meeting on 27 November 1950, the

³¹ See *Official Records of the General Assembly, Fifth Session, Supplement No 18*.

Committee considered a letter (A/AC.38/L.49) from the President of the General Assembly transmitting the advice of the Fifth Committee regarding the method of financing the proposed relief and reintegration programme. The Fifth Committee had recommended the inclusion in the joint draft resolution of a paragraph (paragraph 8) providing for the appointment by the President of the General Assembly of a Negotiating Committee of seven or more members to consult during the current session of the General Assembly with Member and non-member States as to the amounts which governments might be willing to contribute on a voluntary basis. The draft paragraph 8 also requested that as soon as the Negotiating Committee had ascertained the extent to which Member States were willing to make contributions, all delegations should be notified by the Secretary-General in order that they might consult their governments, and decided that, as soon as the Negotiating Committee had completed its work, the Secretary-General should at the Committee's request arrange, during the current session of the General Assembly, a meeting of Member and non-member States at which Members might commit themselves to their national contributions and the contributions of non-member States might be made known. As regards paragraph 9 of the proposed draft resolution, the Fifth Committee noted that the maximum sum likely to be available from the Working Capital Fund during July and August 1951 was estimated at \$2,500,000, and therefore hoped that the demands upon the Working Capital Fund might be limited to that amount. The Fifth Committee also called attention to the observations of the Advisory Committee on Administrative and Budgetary Questions, with which the Fifth Committee concurred, contained in paragraphs 10, 11 and 12 of the report of the Advisory Committee (A/1516).

10. The sponsors of the joint draft resolution (A/AC.38/L.28/Rev.1) accepted for inclusion in the joint draft resolution paragraph 8 as recommended by the Fifth Committee.

11. The Committee then proceeded to vote on the joint draft resolution as amended. It was adopted by a vote of 43 in favour, none against, with 6 abstentions.

12. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution :

ASSISTANCE TO PALESTINE REFUGEES

The General Assembly,

Recalling its resolution 302 (IV) of 8 December 1949, *Having examined* the report of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (A/1451), and the report of the Secretary-General concerning United Nations Relief for Palestine Refugees (A/1452),

1. *Notes* that contributions sufficient to carry out the programme authorized in paragraph 6 of resolution 302 (IV) have not been made, and urges govern-

ment which have not yet done so to make every effort to make voluntary contributions in response to paragraph 13 of that resolution;

2. *Recognizes* that direct relief cannot be terminated as provided in paragraph 6 of resolution 302 (IV);

3. *Authorizes* the Agency to continue to furnish direct relief to refugees in need, and considers that for the period 1 July 1951 to 30 June 1952, the equivalent of approximately \$20 million will be required for direct relief to refugees who are not yet reintegrated into the economy of the Near East;

4. *Considers* that, without prejudice to the provisions of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948, the reintegration of the refugees into the economic life of the Near East, either by repatriation or resettlement, is essential in preparation for the time when international assistance is no longer available, and for the realization of conditions of peace and stability in the area;

5. *Instructs* the Agency to establish a reintegration fund which shall be utilized for projects requested by any government in the Near East and approved by the Agency for the permanent re-establishment of refugees and their removal from relief;

6. *Considers* that, for the period 1 July 1951 to 30 June 1952, not less than the equivalent of \$30 million should be contributed to the Agency for the purposes set forth in paragraph 5 above;

7. *Authorizes* the Agency, as circumstances permit, to transfer funds available for the current relief and works programmes, and for the relief programme provided in paragraph 3, to reintegration projects provided for in paragraph 5;

8. (a) *Requests* the President of the General Assembly to appoint a Negotiating Committee composed of seven or more members for the purpose of consulting as soon as possible during the current session of the General Assembly with Member and non-member States as to the amounts which Governments may be willing to contribute on a voluntary basis towards :

(i) The current programme for relief and works for the period ending 30 June 1951, bearing in mind the need for securing contributions from Member States which have not yet contributed;

(ii) The programme of relief and reintegration projects as provided for in paragraphs 3 and 4 above for the year ending 30 June 1952;

(b) *Authorizes* the Negotiating Committee to adopt procedures best suited to the accomplishment of its task, bearing in mind :

(i) The need for securing the maximum contribution in cash;

(ii) The desirability of ensuring that any contribution in kind is of a nature which meets the requirements of the contemplated programmes;

(iii) The importance of enabling the United Nations Relief and Works Agency for Palestine Refugees in the

Near East to plan its programmes in advance and to carry them out with funds regularly contributed;

(iv) The degree of assistance which can continue to be rendered by specialized agencies, non-member States and other contributors;

(c) *Requests* that, as soon as the Negotiating Committee has ascertained the extent to which Member States are willing to make contributions, all delegations be notified accordingly by the Secretary-General in order that they may consult with their governments;

(d) *Decides* that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall at the Committee's request arrange, during the current session of the General Assembly, an appropriate meeting of Member and non-member States at which Members may commit themselves to their national contributions and the contributions of non-members may be made known;

9. *Authorizes* the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to advance funds deemed to be available for this purpose and not exceeding \$5 million from the Working Capital Fund to finance operations pursuant to the present resolution, such sum to be repaid not later than 31 December 1951;

10. *Calls upon* the Secretary-General and the specialized agencies to utilize to the fullest extent the Agency's facilities as a point of reference and co-ordi-

nation for technical assistance programmes in the countries in which the Agency is operating;

11. *Expresses* its appreciation to the United Nations International Children's Emergency Fund, the World Health Organization, the United Nations Educational, Scientific and Cultural Organization, the International Refugee Organization, the International Labour Organisation, and the Food and Agriculture Organization for the assistance which they have rendered, and urges them to continue to furnish all possible assistance to the Agency;

12. *Commends* the International Committee of the Red Cross, the League of Red Cross Societies, and the American Friends Service Committee for their invaluable services and whole-hearted co-operation in the distribution of relief supplies until those functions were taken over by the Agency;

13. *Expresses* its thanks to the numerous religious, charitable and humanitarian organizations, the programmes of which have brought much needed supplementary assistance to the Palestine refugees, and urges them to continue and expand, to the extent possible, the work which they have undertaken on behalf of the refugees;

14. *Extends* its appreciation and thanks to the Director and staff of the Agency and the members of the Advisory Commission for their effective and devoted work.

DOCUMENT A/1646

Report of the *Ad Hoc* Political Committee

[Original text : English]
[9 December 1950]

1. The General Assembly, at its 186th meeting on 11 December 1948, adopted resolution 194 (III) establishing the United Nations Conciliation Commission for Palestine. The resolution instructed the Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the Members of the United Nations. Pursuant to the resolution, the Commission submitted a general progress report and a supplementary report (A/1367/Add.1).³²

2. In telegrams (A/1323 and A/1324) dated 17 August 1950 addressed to the Secretary-General, the Ministers for Foreign Affairs of Egypt and Syria, respectively, requested the inclusion of a sub-item on the repatriation of Palestine refugees in the item on the provisional agenda relating to Palestine. A similar request was made by the Ministers for Foreign Affairs of Iraq and Saudi Arabia in telegrams (A/1325 and A/1326) dated 18 August 1950, and by the representative

of Yemen in a letter of 29 August (A/1349). Explanatory memoranda (A/1346 and A/1366) regarding the sub-item and referring to General Assembly resolutions 194 (III) of 11 December 1948 and 302 (IV) of 8 December 1949, were subsequently submitted by the permanent representatives to the United Nations of Egypt and Saudi Arabia.

3. The General Assembly, at its 284th and 285th meetings on 26 September 1950, decided to include the item "Palestine" as item 20 in the agenda of the fifth session and to refer it to the *Ad Hoc* Political Committee for consideration. The question of repatriation and compensation of Palestine refugees was included as sub-item (c), and the report of the Conciliation Commission as sub-item (d) of item 20.

4. The *Ad Hoc* Political Committee, at its 24th meeting on 27 October 1950, decided to take up sub-item (c) of agenda item 20 together with sub-item (b) regarding assistance to Palestine refugees. At its 31st meeting on 1 November 1950, the Committee agreed that the portions of the report of the Conciliation Com-

³² *Ibid.*

mission dealing with refugees could also be discussed together with sub-item (c), on the understanding that the question of refugees would not again be considered under sub-item (d). On the conclusion of the general debate on sub-item (c) at its 70th meeting on 5 December 1950, the Committee agreed to defer voting on the draft resolutions that had been submitted until after the conclusion of the discussion on sub-item (d), and that all the draft resolutions and any new ones would be voted on in the order of submission.

5. The *Ad Hoc* Political Committee considered the sub-items at its 31st to 36th meetings and at its 61st to 72nd meetings, inclusive.

6. At its 31st meeting on 1 November 1950, the Committee invited, without objection, the representative of the Hashimite Kingdom of the Jordan to take his seat at the Committee table during the discussion of questions relating to Palestine.

7. At the 34th meeting on 6 November, the Chairman of the United Nations Conciliation Commission for Palestine made a statement in connexion with the sections of the Commission's report relating to the question of refugees. At the 70th meeting on 5 December, a further statement was made on the work of the Commission and was circulated as document A/AC.38/L.65. At that meeting and at the 72nd meeting the Acting Chairman of the Commission replied to questions asked by members of the Committee.

8. During the general debate the following draft resolutions were submitted :

(a) At the 36th meeting on 7 November 1950, a draft resolution (A/A3.38/L.30) was submitted by Egypt, which was subsequently revised (A/AC.38/L.30/Rev.1) at the 69th meeting on 5 December, whereby the General Assembly would, *inter alia*, request the Conciliation Commission to establish an agency for the repatriation and compensation of Palestine refugees. The agency would make arrangements for the repatriation of refugees and remit to the persons legally entitled thereto sums due as compensation, and would also, in collaboration with the competent governments and authorities, take measures to safeguard the property of the refugees. The competent governments and authorities would be invited to furnish binding guarantees that refugees returning to their homes would be treated without any discrimination in law or in fact. The director of the agency would be appointed by the General Assembly before the end of the fifth session and the Secretary-General would be authorized to make available to him the funds and staff essential for the discharge of his responsibilities. A refusal by any government or authority to comply with the terms of the resolution would prove the existence of a breach of the peace within the meaning of Article 39 of the Charter and would require immediate investigation by the competent organs of the United Nations with a view to the adoption of appropriate measures in conformity with the Charter.

(b) At the 61st meeting on 29 November, a joint draft resolution (A/AC.38/L.57) was submitted by France, Turkey, United Kingdom and the United States of

America which, *inter alia*, urged the Governments concerned to engage without delay in direct discussions in order to arrive at a peaceful settlement of all questions outstanding between them. It directed the Conciliation Commission to establish an office under its direction to make arrangements for the assessment and payment of compensation pursuant to paragraph 11 of resolution 194 (III), to work out arrangements for the implementation of the other objectives of that paragraph, and to continue to consult the parties regarding measures to protect the rights, property and interests of the refugees. It also called upon the governments concerned to ensure that refugees, whether repatriated or resettled, would be treated without any discrimination either in law or in fact.

(c) At the 65th meeting on 1 December 1950, a draft resolution (A/AC.38/L.60) was submitted by Israel which, *inter alia*, urged the governments concerned to engage without delay in direct discussions under the auspices of the Conciliation Commission, in order to arrive at a peaceful settlement of all questions outstanding between them. It directed the Commission to render all possible assistance to the parties in order to ensure the implementation of the resolution and to avail itself of the services of other United Nations organs and agencies, particularly the Relief and Works Agency for Palestine Refugees in the Near East. It also recommended that the Governments concerned should give special and urgent consideration in their negotiations to the refugee question, and called upon them to co-operate with the Conciliation Commission in the exercise of its functions and to assist in the attainment of a speedy and peaceful settlement of all questions outstanding between the parties.

(d) At the same meeting, a joint draft resolution (A/AC.38/L.62) was submitted by Ethiopia and Pakistan which, *inter alia*, directed the Conciliation Commission to establish an office to (i) take effective measures pursuant to paragraph 11 of resolution 194 (III) to facilitate at the earliest practicable date the repatriation of all refugees wishing to return to their homes and live at peace with their neighbours; (ii) take effective measures for the assessment and payment of compensation in respect of properties of those refugees not wishing to return, as well as for the implementation of the other objectives of paragraph 11; and (iii) take measures for the preservation of the properties, rights and interests of the refugees pending the attainment of the foregoing objectives. The draft resolution further called upon the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, would be treated without any discrimination in law or in fact, urged them to collaborate with the proposed office in the implementation of paragraph 11 of resolution 194 (III) and of the new resolution, and instructed the Conciliation Commission to report periodically to the Secretary-General on the progress of the work of the office and of the implementation of the resolution.

(e) At the 71st meeting on 6 December 1950, a draft resolution (A/AC.38/L.66) was submitted by the representative of the Union of Soviet Socialist Republics which, considering that the Conciliation Commission had

proven incapable of discharging its duty of settling the disputes between the parties in Palestine, resolved to terminate the Commission.

9. The following amendments were also submitted :

(a) By the U.S.S.R. (A/AC.38/L.61), submitted at the 71st meeting on 6 December, to amend the four-Power joint draft resolution (A/AC.38/L.57) by deleting the reference to the Conciliation Commission in paragraph 1 and by deleting paragraph 2 of the joint draft resolution;

(b) By China (A/AC.38/L.64), submitted at the 70th meeting on 5 December, to replace paragraph 1 of the four-Power joint draft resolution (A/AC.38/L.57) by the following :

“ 1. *Urges* the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a view to the final settlement of all questions outstanding between them.”

(c) By the Philippines (A/AC.38/L.67), submitted at the 71st meeting on 6 December, to amend the preamble and paragraph 1 of the four-Power joint draft resolution (A/AC.38/L.57) to include more specific references to the refugee question. This amendment was withdrawn at the following meeting.

10. At the 72nd meeting on 6 December 1950, the Committee proceeded to vote on the various draft resolutions and amendments before it. The representative of Egypt, having requested that the vote on the Egyptian resolution (A/AC.38/L.30/Rev.1) be deferred until after the vote on the four-Power joint draft resolution (A/AC.38/L.57), the Committee voted first on the latter draft resolution. The results of the vote were as follows :

(a) The U.S.S.R. amendment (A/AC.38/L.61) to delete the reference to the Conciliation Commission in paragraph 1 of the four-Power joint draft resolution (A/AC.38/L.57) was rejected by 39 votes to 5, with one abstention.

(b) The U.S.S.R. amendment (A/AC.38/L.61) to delete paragraph 2 of the four-Power joint draft resolution (A/AC.38/L.57) was rejected by 45 votes to 5, with one abstention.

(c) The Chinese amendment (A/AC.38/L.64) was adopted by a roll-call vote of 33 votes to 13, with 9 abstentions, as follows :

In favour : Afghanistan, Bolivia, Brazil, Burma, Chile, China, Colombia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Haiti, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Venezuela, Yemen, Yugoslavia.

Against : Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, France, Israel, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining : Argentina, Australia, Belgium, Cuba, Dominican Republic, Netherlands, New Zealand, Nicaragua, Panama.

(d) The four-Power joint draft resolution (A/AC.38/L.57), as amended, was adopted by 43 votes to 5, with 5 abstentions.

11. After the adoption of the four-Power joint draft resolution, as amended, the representative of Israel withdrew his draft resolution (A/AC.38/L.60), the representatives of Ethiopia and Pakistan withdrew their joint draft resolution (A/AC.38/L.62) and the representative of Egypt withdrew his draft resolution (A/AC.38/L.30/Rev.1).

12. The U.S.S.R. draft resolution (A/AC.38/L.66) was rejected by a roll-call vote of 46 votes to 5, with one abstention, as follows :

In favour : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against : Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Greece, Iceland, Indonesia, Iran, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Abstaining : Iraq.

13. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution :

PALESTINE : PROGRESS REPORT OF THE UNITED NATIONS CONCILIATION COMMISSION FOR PALESTINE; REPATRIATION OR RESETTLEMENT OF PALESTINE REFUGEES AND PAYMENT OF COMPENSATION DUE TO THEM

The General Assembly,

Recalling its resolution 194 (III) of 11 December 1948,

Having examined with appreciation the general progress report, dated 22 September 1950, and the supplementary report, dated 23 October 1950, of the United Nations Conciliation Commission for Palestine,

Noting with concern :

(a) That agreement has not been reached between the parties on the final settlement of the questions outstanding between them,

(b) That the repatriation, resettlement, economic and social rehabilitation of the refugees and the payment of compensation have not been effected,

Recognizing that, in the interests of the peace and stability of the Near East, the refugee question should be dealt with as a matter of urgency,

1. *Urges* the governments and authorities concerned to seek agreement by negotiations conducted either with the Conciliation Commission or directly, with a

view to the final settlement of all questions outstanding between them;

2. *Directs* the United Nations Conciliation Commission for Palestine to establish an Office which, under the direction of the Commission, shall :

(a) Make such arrangements as it may consider necessary for the assessment and payment of compensation in pursuance of paragraph 11 of General Assembly resolution 194 (III) of 11 December 1948;

(b) Work out such arrangements as may be practicable for the implementation of the other objectives of paragraph 11 of the said resolution;

(c) Continue consultations with the parties concerned regarding measures for the protection of the rights, property and interests of the refugees;

3. *Calls upon* the governments concerned to undertake measures to ensure that refugees, whether repatriated or resettled, will be treated without any discrimination either in law or in fact.

DOCUMENT A/1659

Union of Soviet Socialist Republics : draft resolution

[Original text : Russian]
[11 December 1950]

The General Assembly,

Taking into consideration that, as experience has shown, the United Nations Conciliation Commission

for Palestine has failed to cope with its task of settling disputes between the parties in Palestine,

Resolves to terminate the United Nations Conciliation Commission for Palestine.

DOCUMENT A/1678

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1646) : report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and the request of the President in his letter dated 7 December 1950 to the Chairman of the Fifth Committee (A/C.5/437), the Fifth Committee, at its 278th meeting held on 11 December 1950, considered the financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee concerning the report of the United Nations Conciliation Commission for Palestine and the question of the repatriation of Palestine refugees, including the payment of compensation due to them (A/1646).

2. The Fifth Committee had before it a report of the Secretary-General (A/C.5/440), together with the thirty-sixth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1653). The Secretary-General estimated that, for the purpose of continuing in 1951 the activities of the United Nations Conciliation Commission for Palestine, with the additional tasks assigned to it under the draft resolution of the *Ad Hoc* Political Committee, budgetary provision would be required in the amount of \$716,800 under chapter V of section 5 of the budget estimates and \$7,000 under chapter V of section 25 (contractual printing). These estimates took account also of the resolution (S/1907) adopted by the Security Council at its 524th meeting on 17 November 1950, providing for the con-

tinuation of the supervision of the four Mixed Armistice Commissions by the United Nations Chief of Staff of the Truce Supervision Organization, and requesting the latter to report periodically to the Security Council on all decisions made by the four Mixed Armistice Commissions. It was explained by the Secretary-General in his report to the Fifth Committee that his estimates were on the same basis as for 1950, except for the addition of three persons to the staff of the Conciliation Commission for the purpose of implementing paragraph 2 of the resolution proposed by the *Ad Hoc* Political Committee, under which the Commission is directed to establish an office to deal with repatriation and compensation of Palestine refugees.

3. The Advisory Committee expressed the view that an adjustment of subsistence allowances for observers as from 1 January 1951 should be effected, with a consequent saving of approximately \$15,000 and that further savings should be possible on the proposed expenditures for temporary assistance and miscellaneous supplies and contractual services. Accordingly, it recommended that provision should be made in the 1951 budget in the amount of \$700,000, representing a reduction of \$23,800 on the estimate submitted by the Secretary-General. The Fifth Committee was informed that offsetting revenue estimated at \$38,000 would accrue in

respect of contributions under the staff assessment plan. The hope was also expressed by the Advisory Committee that the detailed field survey of the administrative arrangements in force both for the Conciliation Commission and the Truce Supervision Organization which the Secretary-General intended to undertake during 1951 would result in staff economies, together with reductions in other expenditures.

4. The representative of the Union of Soviet Socialist Republics stated that his delegation did not approve of the resolution recommended by the *Ad Hoc* Political Committee, under which new tasks would be assigned to the Palestine Conciliation Commission, in view of the fact that, since its establishment in 1948, this Commission had failed to carry out the duties entrusted to it by the General Assembly. Since no results had so far been achieved, the U.S.S.R. delegation had proposed

in the *Ad Hoc* Political Committee that the Conciliation Commission should be dissolved, and the U.S.S.R. representative would therefore be compelled to vote against the provision of any further appropriations for this activity. The representative of Israel, in explanation of his vote, stated that his delegation would abstain in view of its objection to the provisions of sub-paragraph 2 (c) of the *Ad Hoc* Political Committee's draft resolution.

5. The recommendations of the Advisory Committee were approved by 30 votes to 4, with 3 abstentions.

6. The Fifth Committee therefore decided to inform the General Assembly that the adoption of the draft resolution of the *Ad Hoc* Political Committee would require budgetary provision to be made in 1951 in the amount of \$700,000.

DOCUMENT A/1680

Union of Soviet Socialist Republics : amendments to the draft resolution proposed by the *Ad Hoc* Political Committee (A/1646)

[Original text : Russian]
[12 December 1950]

- | | |
|---|---|
| 1. Re-word paragraph 1 as follows : | with a view to the final settlement of all questions outstanding between them". |
| " 1. <i>Urges</i> the Governments and authorities concerned to seek agreement by direct negotiations, | 2. Delete paragraph 2. |

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
SUB-ITEM 20 (a)			
A/1286	Question of an international régime for the Jerusalem area : Special Report of the Trusteeship Council		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 9.</i>
A/1367 (incorporating A/1367/Corr.1 and A/1367/Add.1)	General progress report of 2 September 1950 of the United Nations Conciliation Commission for Palestine to the Secretary-General, and supplementary report of 23 October 1950		<i>Ibid.</i> , Supplement No. 18.
A/1724	Report of the <i>Ad Hoc</i> Political Committee	7	
A/1729	Financial implication of the draft resolution proposed by the <i>Ad Hoc</i> Political Committee (A/1724) : Report of the Fifth Committee	8	
A/1754	Resolution adopted by the General Assembly at its 325th meeting on 14 December 1950		<i>Ibid.</i> , Resolutions, No. 394 (V).
A/AC.38/L.63	Sweden : draft resolution	2	
A/AC.38/L.69	Statement by the President of the Trusteeship Council at the 73rd meeting of the <i>Ad Hoc</i> Political Committee on 7 December 1950		Mimeographed document only.
A/AC.38/L.71	Belgium : draft resolution		See A/1724.
A/AC.38/L.72	Letter dated 10 October 1950 addressed to the President of the General Assembly from the President of the <i>Comité de Sauvegarde des Lieux Saints</i>		Mimeographed document only.

Document No.	Title	Page	Observations and references to other sources
A/AC.38/L.73	United Kingdom, United States of America, Uruguay : amendment to the draft resolution of Sweden (A/AC.38/L.63)		Mimeographed document only.
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DOCUMENT A/1387

Annual report of the French Government to the General Assembly concerning the administration of the Fezzan

[Original text : French]
[22 September 1950]

LETTER DATED 13 SEPTEMBER 1950 ADDRESSED TO THE SECRETARY-GENERAL FROM THE MINISTRY OF FOREIGN AFFAIRS OF THE FRENCH REPUBLIC, TRANSMITTING THE ANNUAL REPORT OF THE FRENCH GOVERNMENT CONCERNING THE ADMINISTRATION OF THE FEZZAN

Paris, 13 September 1950

Sub-paragraph 10 (c) of General Assembly resolution 289 A (IV) relating to the question of the disposal of the former Italian colonies provides that the Powers administering the territories of Libya should make an annual report to the General Assembly.

In the name of the French Government, I have the honour to transmit to you two copies of the reports concerning the Fezzan.

(Signed) V. BROUSTRA
Minister Plenipotentiary
Director of the Conference Secretariat

REPORT OF THE GOVERNMENT OF FRANCE

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INTRODUCTION

1. In the study of the efforts undertaken and the results obtained in the Fezzan by the administering Power, it should always be borne in mind that the territory is a purely Saharan one. The Saharan population is very mixed ethnically, is partly sedentary and partly nomadic, and has remained at a rather low standard of living, since its requirements are limited by the slenderness of resources; the Saharan economy, which is strictly dependent upon water, has a low production value and its least development requires the appropriation of funds which are too often disproportionate with the results that may be expected. Whenever agriculture in the Sahara is referred to, the areas in question are gardens or minute plots, never fields. Accordingly, the figures in this report should be considered from the Saharan point of view, whether the subject is agricultural land, production of cereals or social development. Everything is on a modest scale, like the country itself.

2. The essential basic data relating to the Fezzan are contained in the report of the Commission of Investigation for the former Italian colonies, drawn up in 1948,¹ and will not be repeated here.

3. The object of this report is :

(a) To supplement the information contained in the report of the Commission of Investigation;

(b) To describe the measures taken in the Fezzan in pursuance of the United Nations resolution of 21 November 1949;²

(c) To set forth the plans drawn up by the French administration to ensure the rational development of the territory.

¹ See *Four Powe Commission of Investigation for the former Italian Colonies*, vol. II.

² See *Official Records of the General Assembly, Fourth Session, Resolutions*, No. 289 A (IV).

I. POLITICAL DEVELOPMENT

A. ESTABLISHMENT OF A TRANSITIONAL RÉGIME

4. In compliance with the resolution of the United Nations General Assembly of 21 November 1949, a transitional régime was instituted in the Fezzan as from the beginning of 1950. Its object is to ensure wider participation by the local population in the conduct of public affairs, with due consideration for the special position of the territory. The territory is vast and contains inhabited areas separated by great stretches of desert. Its inhabitants, who are of different races and have different customs, are further diversified by their way of life, which may be sedentary, nomadic or semi-

nomadic.³ It should also be noted that there is no large urban centre in the territory.

5. In accordance with the decision of the French Resident in the Fezzan of 24 January 1950, the village chiefs and *Jemaa*⁴ were invited to meet in their respective principal towns to appoint three representatives for each of the seventeen *mudirias* and three for the Ghadames region. These delegates, who met in assembly

³ See section B below.

⁴ See section D below.

at Sebha on 12 February, proceeded to elect the chief of the territory.

6. Ahmed Bey Seif el Nasr was elected unanimously by the fifty-eight representatives. The Tuareg delegates, however, refused to take part in the election, expressing their wish to maintain relations with the Confederation of the Adjer Tuaregs, to which they belong. As the result of the discussion, Ahmed Bey Seif el Nasr was proclaimed chief of the territory of the Fezzan.

7. The second stage was the establishment, by the French Resident's decision of 12 February, of a transitional régime for the territory. The main points of this régime are as follows :

(a) Under its provisions are enacted concerning the constitution of public powers whereby Ahmed Bey Seif el Nasr, the Chief of the territory, is to be assisted in his task of government by three to six Fezzanese Counsellors, eight Assistant Counsellors and a Consultative Assembly, composed of elected representatives of the *Jemaa* and of the nomadic tribes;

(b) It defines the competence of the new Fezzanese public authorities in questions of internal policy, organization and administration;

(c) It enumerates the powers retained by the Resident during the transition period; these powers relate mainly to foreign relations and the defence of the Fezzan.⁵

8. By a decree of 16 February 1950, Ahmed Bey Seif el Nasr appointed the following Counsellors and Assistant Counsellors :

Counsellors :

Counsellor for the Interior and for Justice : Haj Hamuda ben Tahar

Counsellor for Economic, Agricultural and Financial Affairs : Nasr ben Salem

Counsellor for Health and Public Education : El Mahdi ben Ahmed

Assistant Counsellors :

Do ben el Haj Mohammed

Mohammed Lamir ben Mohammed

Haj Ali ben Mohammed Bediwi

Nasr ben Tahar ben Brahim

Sherif Ali ben Mohammed

Belgacem Bugila

Tahar ben Abdullah Jerari

Sheikh Mabruq ben Ali

9. The above persons constitute a small administrative council to assist Ahmed Bey and his Counsellors in all questions concerning the internal life of the territory.

10. The following were set up by decrees of the same date :

(a) A police to be responsible for internal security, headed by a Fezzanese, Salah ben Salem ben Abdennebi.

⁵ The texts of the decisions of the Resident, of the decrees of the Chief of the Territory and of the Charter of the Transitional Régime of the Fezzan are reproduced below as annexes.

(b) The posts of *qadis* for each of the four sub-divisions of the territory. The following persons were appointed to these posts :

In the Shatti : Mohammed ben Abdullah el Ayat;

At Murzuq : Ahmed ben Haj Senussi Sofu;

At Ghadames : El Mahdi ben Haj Mohammed;

At Sebha-Ubari : (post vacant—candidate not yet appointed).

11. The Consultative Assembly met at Sebha on 14 and 15 March to discuss certain internal affairs. At the request of the representatives of Ghadames, the representative of the Fezzan to the Council of Ten was appointed. The choice fell upon Ahmed ben Haj Senussi Sofu, Qadi of Murzuq.

12. On 24 July, at the recommendation of his council, Ahmed Bey appointed the following seven persons to represent the Fezzan on the Preparatory Committee of Twenty-One.

Ali ben Abdennebi el Maghtuf

Tahar ben Abdullah el Jerari

Mohammed Otman ben Ahmed Sid

Belgacem ben Lamir Bugila

Haj Ali ben Mohammed Bediwi

Ahmed ben Mohammed Tebuli

El Mahdi ben Haj Mohammed Hiba

13. Thus, the political and administrative organ is now composed as follows : one Chief of the Territory, assisted by a Council, one Consultative Assembly and, in each sub-division : one *quadi*, some *mudirs*, some village chiefs, some village or tribal *Jemaa*.

14. The question of the "Libyanization of the services" does not arise in the Fezzan, since, owing to the very small number of representatives of the administering Power in the territory, the Fezzanese have always held administrative, judicial and other posts. The problem in this extremely under-developed country is, therefore, one of training a certain number of persons in the procedure of modern affairs and to make them aware of the responsibilities that the political development of the territory will involve. That is the task with which the French administrators are concerned both in Sebha, where the Council has its headquarters, and in the sub-divisions.

B. THE POPULATION OF THE FEZZAN

General

15. The Fezzan is the gathering place of the following three large groups of nomads :

(a) *In the north and north-west*: Arabic speaking and Moslem tribes, parts of which have now settled in the Shatti region.

(b) *In the west*: Tuaregs, belonging to the extensive Ajer confederation, of Berber race and language, superficially Moslemized (Oraghen, Imanghassaten, Tin Alkum). They are not numerous, but have retained their social structure and original customs. Some of them have become partly stationary in the western part of the Wadi Ajal and in the Wadi Atba.

(c) *In the south-east*: the Tebus, who are of Ethiopian race, speak a Sudanese dialect and are absolutely Moslemized. They are practically the only real nomads in the Fezzan.

16. The oasis villages of the Fezzan are permanently inhabited by the settled population; these people are Arabic-speaking Moslems, of mixed Arabic, Berber and Sudanese race. Their colour varies from pure white to the extreme negroid type and they include a wide range of mixed blood. They are the Fezzanese proper.

Nomads

17. The nomads who are based in the Fezzan or who have interests there may be divided into four wide groups.

(a) *The nomads of the Gibla*. The Gibla is a region situated between the Jebel Nefussa, Gharian and Messellata on one side and the Shatti on the other side. It includes two natural regions, the Hammada in the west and the beginning of the great Tripolitanian Oueds in the east. The latter region, which is the only fertile one, is disputed by the various groups of the nomads of the Gibla, among whom are the following :

(i) *The nomads based in the Shatti* (Megarha, Hothnan, Guayd, Zuayd and some Zentan). They have palm trees and houses in the Shatti and wander in the regions north of the Shatti, where they stop at the line between Shuiref, Gueria, Togba and Sinauen. In exceptional cases of extreme drought, they send their flocks as far as the Jebel, in the Sirte Valley, or to the Tarat region in Ajjer territory. Only the Megarhas own cultivated land in the large *oueds* which run down to the Tripolitanian coast, and they remain in the zone south of El-bey and Ruaus.

(ii) *The nomads based in the Jebel and in the north* (Zentan, Ulad bu Seif, Meshashia, Orfella). These nomads follow the north-south line, but are checked by the nomads of the Shatti. They own some palm trees in that region, and only come to it at the time of the date harvest, often in order to pillage.

(b) *Nomads of the Sirte*. In the troubled periods of its history, the Fezzan has been the scene of competition between the nomads of the Gibla and those of the Sirte. Now there are hardly any more Ulad Sliman, Gedadfa and others. They hardly ever leave the Jebel Soda and the Harruj, which is the area of the Riach, Sukna and some Ulad Sliman.

(c) *The Tuaregs*. The Tuareg tribes which wander through the western part of the Fezzan belong to the Confederation of the Ajjer Tuareg, based on the Tassili range. Most of them breed camels and conduct caravans. The following tribes occur in the Fezzan :

(i) *The Oraghen*, whose range is the Tassili, the Messa and the Ramla of Ubari. In winter, the chief of the tribe settles his camp near the well of Tarambie in the Ubari region. The 1,350 Oraghen counted in the territory are semi-nomadic. Approximately 300 of them have become completely settled in the western Ajal.

(ii) *The Imanghassaten*, of whom there are 450 in the Fezzan, wander from the Tassili to the neighbourhood

of Derj, passing by Ubari Edri and following the western edge of the Hamada. They own several plots of land at Derj itself.

(iii) *The Keltin Alkum*, a marabout tribe, vassals of the Oraghen, are based on the Wadi Etba and wander from Ghat to Gatrums through the Oued Aberju and the Hofra. They are semi-nomadic and there are 430 of them in the territory.

(iv) Some widely scattered members of the Ajjer Tuareg tribes, such as Imoqarassen, Ibottenaten, Kel Izaban, Indenden and Kel Tadrart.

(d) *The Tebus*. The 660 Tebus, about 200 of whom have mixed with the Fezzanese, have become absolutely stationary in the Gatrums region; they wander in the Ben Gnenema and the Tibesti, where they maintain contact with the main tribe of the Tebus, whose race, language and customs they share. They are caravan conductors, and send most of their products to the markets of Gatrums and Murzuq.

Settled population

18. The settled population, which is uniformly known as Fezzanese, constitutes the majority of the population (approximately 32,000). The original stock is white Berber, with the addition of an Arab-Berber immigration and a strong sprinkling of Ethiopians, so that the population includes a full range of colour.

19. This settled population is by no means universal in type, since it springs from an amalgam of races. Nevertheless, although they have retained their original dialect (Tamalaq in the Ajal, Haussa or Kanori at Murzuq, Tebu at Gatrums), the Fezzanese speak Arabic and are all Moslems. They classify themselves into two categories, according to their actual or supposed origin: Ahrar, or free men, and Shuashina, or descendants of slaves.

20. In actual fact, this settled population may be classified into two broad categories according to their standard of living :

(a) The more or less wealthy middle class which formerly used to derive a handsome profit from the caravan trade between the Sudan and the coast and at present owns most of the cultivated plots;

(b) The workers, who cultivate the plots, often for the account of the middle class; they work under customary contracts which render their standard of living abnormally low.

21. The Fezzanese settled population lives in villages built in valleys where the water table is near the surface and hence makes agriculture possible. Their activities are almost wholly agricultural (palm trees, grains and vegetables), trade being relatively unimportant.

Statistical data relating to the population

22. Statistical data relating to the population are as follows :

Total population: 42,280 inhabitants (in 1947).

Classification of the total population:

(1) *By administrative sub-divisions:*

The Shatti has 16,700 inhabitants, divided by *mudiria* as follows :

- Stationary *mudiria* of Brach : 4,990
- Semi-nomad *mudiria* of Megarha : 2,100
- Mudiria* of Hassauna : 3,010
- Settled *mudiria* of Bergen : 3,150
- Settled *mudiria* of Edri : 3,450

The sub-division of Sedha-Ubari has 13,700 inhabitants, and may be classified by *mudirias* as follows :

- Mudiria* of Jeddid : 4,500
- Mudiria* of Bend-Baya : 3,080
- Mudiria* of Ubari : 4,320
- Nomad *mudiria* of the Oraghen : 1,350
- Nomad *mudiria* of the Imanhassaten : 450

The sub-division of Murzuq has 10,880 inhabitants, classified by *mudirias* as follows :

- Mudiria* of Murzuq : 2,590
- Mudiria* of Traghen : 2,030
- Mudiria* of Oum El Araneb : 1,440
- Mudiria* of Zuila : 1,210
- Mudiria* of Gatrun : 1,720 (with the Tebus)
- Mudiria* of the Wadi Etba : 1,890 (with the Tuaregs)

(2) *In the natural regions*

- The Shatti : 16,700
- The Buanis : 1,300
- The District of Sebha : 3,200
- The Wadi Ajal : 9,200
- The Wadi Etba : 1,890
- The Hofra : 4,620
- The Shergiy : 2,650
- Gatrun : 1,720

(3) *Classification by race*

The Fezzanese stationary population is of mixed stock (Arab, Berber and Fezzanese). Although some of the Tebus and Tuaregs have become absolutely settled, they are included in the following table under the heading *Tebus* or *Tuaregs*.

<i>Sub-divisions</i>	<i>Fezzanese</i>	<i>Tebus</i>	<i>Tuaregs</i>	<i>Arab-Berbers</i>
Shatti	8,800			7,900
Sedha-Ubari	11,900		1,800	
Murzuq	9,790	660	430	
TOTALS	30,490	660	2,230	7,900

(4) *Classification by language*

All the inhabitants of the Fezzan, including the nomads, speak Arabic. The Tebus and the Tuaregs are bilingual. They have preserved their original languages : Tedda, in the case of the Tebus; and Tamashaq, in the case of the Tuaregs.

(5) *Classification by religion*

All the natives of the Fezzan are Moslems.

(6) *Classification by mode of living*

The population of the Fezzan consists of the settled population, which is in the majority; of pure nomads, of whom there are very few; and of semi-nomads who,

although they derive their means of subsistence mainly from livestock, also own plots of land or at least palm trees and houses where they live for part of the year. The following table gives a classification of these categories in sub-divisions :

<i>Sub-division</i>	<i>Settled</i>	<i>Semi-nomadic</i>	<i>Nomadic</i>
Shatti	8,800	7,900	
Sebha-Ubari	12,200	1,500	
Murzuq	10,000	430	450
TOTALS	31,000	9,830	450

(7) *Classification by social class*

(a) *Urban population:* There are no urban centres.

(b) *Rural population:* The settled population of the villages may be classified into five groups, according to wealth. The first three categories, which constitute the poor and even indigent class of the Fezzanese population, comprise 75 per cent of the total population; 20 per cent of the population are middle-class landowners, and 4 per cent rich landowners. The result of this distribution of wealth is that the trader is often the most important person in the locality, although in many cases the traders are recent immigrants. After them come the religious dignitaries (*shorfas* and marabouts) and the nomads; the remainder, which is the great majority, is mainly preoccupied with earning a bare living and was never consulted in any question until the establishment of the French administration.

Tribes

23. The life of the nomads is regulated by the tribal system. The tribe represents the gathering around an originally homogeneous racial core of varied vassal elements, who may be called a clientele. At present, all these elements in practice live on an equal footing.

24. Each nomadic tribe or part of a tribe is headed by a chief, who is always a highly respected man, chosen by the members of his tribe, usually from the same family, on the grounds of age, experience or holiness. His authority is unchallenged, except sometimes by the rival pretender. In return, he treats all the members of the tribe with great justice. The internal structure of the Tuareg tribe is subject to matriarchal laws.

25. The classification of the tribes among themselves is based more on their military ardour and their aptitude for the nomadic life than on their degree of wealth. Thus, the nomads in the Fezzan may be classified in the following order :

(a) The Tebus, who, having no material needs, are the only real nomads;

(b) The Imanghassaten, the Zentan and the Megarha, who live in villages during part of the year;

(c) Finally, all the half-settled tribes : Guayd, Hothanen, Oraghen.

26. Their classification into ruling and vassal classes is given in the following tables :

Sub-divisions	Wealthy Landowners	Average Landowners	Small-holders	Agricultural Workers	Jebbad
Shatti	79	166	607	313	287
Sebha-Ubari.	95	629	604	662	450
Murzuq . . .	45	460	428	915	218
TOTALS ..	219	1,255	1,639	1,890	955

(a) The *jebbad* (called *rebaa* in the Shatti) is the drawer of water. He is bound to his landowner by a contract of indebtedness; he receives wages equal to one-third of the harvest (one-quarter until 1946). Since he has no possessions and his wages are barely sufficient for subsistence, he can never discharge his debt. The administering Power has taken steps to improve his lot and abolish this form of disguised slavery, by forcing the landowners to give the *jebbad* one-third of the harvest instead of one-quarter and by paying off his debt for him.⁶

(b) The *agricultural worker*, who possesses only the few tools essential for his work on the plots of land, and works for a landowner, for a wage slightly higher than that of the *jebbad*. His standard of living is also extremely low.

(c) The *small-holder*, who possesses only one plot, which he cultivates himself and which enables him to live very poorly with his family.

(d) The *average landowner* is not much more prosperous than the small-holder. Nevertheless, he does not work and lives on the proceeds of the work of one *jebbad* or agricultural worker with whom he is associated and whom he provides with seeds and working tools.

(e) The *wealthy landowners* represent the only prosperous class in the country. They live on the produce of several plots of land, which are worked by *jebbad* and agricultural workers. In some cases, there is an additional income from other activities (traders and officials).

Classes	Megarha	Hassauna	Hothanen	Zuayd	Guayd	Zentan	Ulad ben Seif
Rulers	910	685	327	70	150	107	150
Vassals	1,690	1,665	923	380	550	293	—
TOTALS ..	2,600	2,350	1,250	450	700	400	150

Tuareg tribes: The Keltin Alkum are vassals of the Oraghen :

	Oraghen	Imanghassaten	Keltin Alkum
Rulers	250	240	—
Clients	800	210	430
TOTALS	1,050	450	430

Tebus: 450.

Emigration

27. The Fezzanese emigrate mainly to Tripolitania (approximately one-half), and then to Tunisia and Cyrenaica, in that order. These are the three principal poles of attraction. The largest numbers of emigrants come from the Shatti (three-quarters), although this region has the best water supply.

⁶ See chapter VIII.

28. The following table gives the number of emigrants per administrative sub-division :

Sub-divisions	To Tripolitania	To Cyrenaica	To Tunisia	Miscellaneous Egyptian Sudan
Shatti ..	646	164	277	14
Sebha ..	54	52	69	6
Murzuq .	42	63	64	24
TOTALS .	742	279	410	44

29. In most cases, adult men leave the country alone, leaving their families behind. Such emigration is, therefore, temporary (two or three years) and even seasonal, as in the *mudirias* of Traghen, Oum El Araneb and Zuila. These expatriate Fezzanese work as gardeners or labourers and return to their country when they have been able to buy a few chattels and accumulate some small savings.

C. THE INTEGRATION OF THE FEZZANESE IN THE ADMINISTRATION OF THE TERRITORY

The position under the Italian administration

30. For administrative purposes the Italians applied to the Fezzan the same rules as those applied in Tripolitania and Cyrenaica : they divided the country into a certain number of small districts, each headed by an appointed official, the *mudir*. The latter was assisted by a *kateb* (secretary). His competence was limited and he had to refer constantly to the Italian authorities. In fact, his function consisted chiefly in being responsible for the collection of taxes.

31. Each administrative district was also a judicial district, with a *qadi* who was assisted by an assessor and a clerk.

32. For the purposes of health and hygiene, a certain number of Fezzanese hospital orderlies were trained to staff the village dispensaries.

French administration (1943-1949)

33. The measures taken ever since the French occupation began have been motivated by the wish to develop an autonomous administration in the Fezzan and to appoint Fezzanese to the largest possible number of posts.

Administrative organization

34. From 1943 to 1949, the French administrative organization in the Fezzan included the following :

(a) A military governor, responsible for drawing up the budget of the territory, preparing a programme of public works, directing the economy and maintaining order. He was helped by an assistant.

(b) Three officers, each commanding one of the three sub-divisions of Shatti, Sebha-Ubari and Murzuq, with three officer-interpreters.

35. The expenses of this staff were borne entirely by the French budget.

36. The following administrative measures were taken :

(a) The post of *mutassarif* (equivalent to that of a local governor), which had existed since the Turkish occupation and had been abolished by the Italians, was re-established. Nevertheless, whereas the Ottoman administrative organization had made this official responsible mainly for the collection of taxes, the competence of the new *mutassarif* was extended considerably : he served as an arbitrator in tribal disputes, gave instructions to the *mudirs*, was competent in all Moslem cultural questions and advised the French authorities in administering the Territory.

(b) The *mudirs* were retained, but their powers were extended. The *mudir* is the chief official in his *mudiria*. He is, in fact, the direct administrator of the territory. He is competent to settle all local disputes, but is obliged to refer to the *qadi* in cases involving Moslem personal status and to the French authorities in criminal cases. The seventeen *mudirs* of the Territory are locally recruited Moslem officials. They draw their salary from the local budget. This salary amounts to 156,000 francs a year. Each of them is assisted by a *kateb* (secretary), who receives 61,800 francs a year, and by a *shaush* (policeman) who receives 43,200 francs. All these officials are entitled to family allowances of 2,400 francs per child annually.

(c) Each village or part of a tribe is headed by a sheikh, elected by the population. The sheikhs assist the *mudirs* in all questions which concern their village or the special interests of their electors. Although the sheikhs are not officials properly so-called, they receive an annual allowance of 3,000 francs from the ordinary budget.

(d) An attempt was made in 1945 to set up an intermediate administrative post between the *mudirs* and the French administration. A *qadi* was appointed at Sebha-Ubari to supervise and co-ordinate the activities of all the *mudirs* of one district. This experiment was successful and the institution was extended to the remainder of the territory.

Administration of justice

37. Justice is administered by the *qadis*, who are competent in all questions of personal status and Mohammedan law.

38. The territory is divided into three *mahakma* districts, corresponding to each of the administrative districts. The Moslem judicial staff includes the following :

3 <i>qadis</i> with an annual salary of	156,000 francs
6 assessors	61,800 »
3 <i>aouns</i>	43,200 »

(To these salaries should be added the above-mentioned family allowances and the allowances for responsibility for the *mahakma* treasuries.)

Education

39. This question is dealt with at length in chapter VI.

40. With regard to local staff, Moslem monitors who can teach in Arabic and in French have been recruited.

Their number varies from one year to another, and is six at present. Each monitor receives an annual salary of 64,800 francs, with family allowances.

Hygiene and health

41. For the purposes of medical assistance, Fezzanese have been recruited to help French medical officers and to staff village infirmaries.

42. This staff now consists of the following :

3 first-class hospital orderlies with a salary of	84,000 francs
10 second-class hospital orderlies with a salary of	78,000 »
9 third-class hospital orderlies with a salary of	72,000 »

plus a possible bonus for technical achievement and family allowances (see also chapter VII).

Miscellaneous

43. The administration has made a point of appointing Fezzanese to the greatest possible number of posts on the ordinary budget.

44. The post office at Sebha has one employee with an annual salary of 40,600 francs. A postman in each of the three sub-divisions distributes the mail and receives an annual salary of 43,200 francs.

45. The experimental plots of the territory are maintained by nine local gardeners, who receive 50,400 francs each.

46. The administrative buildings are maintained by employees who receive 54,000 francs per year and are guarded by *shaushes* who receive 97,200 francs.

47. Nine Fezzanese, who are paid 60,000 francs per year, are employed in the garage and in the car park.

48. All these employees are entitled to family allowances.

French administration since 1 January 1950

49. After the adoption of United Nations resolution 289 A (IV), changes were introduced in the organization of the territory. The first stages were explained in part A of this report. The annual salaries for the new posts are given below :

1 chief of the territory	1,200,000 francs
3 counsellors	480,000 »
(plus an allowance of 120,000 francs for each)	
8 assistant counsellors	240,000 francs each
8 secretaries	120,000 »
4 <i>qadis</i>	360,000 »

50. The principle of paying an allowance to each member of the Consultative Assembly has been agreed to.

D. THE ORGANIZATION OF THE *jemaa*

51. The *jemaa* is a political institution which has existed throughout the Berber territory since time immemorial. This old traditional body is constituted by a meeting of all the heads of families and represents a real assembly of the people. The *jemaa* has supreme power, which it does not delegate. It is not only a legislative body, but also an executive and sometimes a judicial organ. It is based upon the principle that the people should make and carry out decisions themselves.

52. The Italian administrative régime abolished the *jemaa* and substituted for them a system of *mudirs*, officials who were appointed by the administration and whose authority extended over a group of villages belonging to the same natural region or over a nomad tribe or part of a tribe.

53. Although the French administrators retained the organization which they found upon their arrival, they took care to restore to the *jemaa* the important function which they should never have lost. Their actions were motivated by a twofold consideration, namely, to set up a relatively simple basic political body which would be well suited to the life of the country and which might constitute the vanguard of the democratic organization of the Territory, and, secondly, to make the *jemaa* responsible for supervising the activities of the *mudirs*.

54. At an early stage it was decided that in every settled village or part of a nomad tribe all the heads of families should meet together in local assembly and elect a chief. This chief would assist the *mudir* in his activities, advise him and defend the interests of his electors. The chief thus became a real municipal delegate. He received no payment from the community, but the administration acknowledged the importance of his services by paying him a small annual allowance, although care was taken not to give him the status of an official.

55. After this initial reform had proved to be successful, the custom arose, when the post of a *mudir* became vacant, of requesting the *jemaa* of the particular *mudiria* to choose the new *mudir* themselves, while the authorities confined themselves to investing them with administrative powers.

56. The *jemaa*, thus reconstituted, found their real political vocation at the time of the arrival of the Four

Power Commission of Investigation in 1948. The Commission had asked that each village or nomad tribe should appoint representatives whom it could hear. The people chose to be represented by the *jemaa*. It may be said that the whole male population of the territory—landowners, traders, agricultural workers and even the *jebbad*, for the first time in the history of the Fezzan—were called upon to give their views on problems concerning the community as a whole and going beyond the simple framework of the village or tribe.

57. This democratic experiment was completed at the time of the establishment of the Consultative Assembly of the Fezzan in January 1950. The *jemaa* of each village or part of a tribe was called upon to elect six representatives. The persons thus chosen met at the headquarters of each *mudiria* to appoint three delegates to the Assembly.

58. When the population had thus proved its attachment to this traditional institution, the Consultative Assembly decided on 15 March to codify the existence of the *jemaa*. Henceforward, they will consist of four to six members, according to the size of the community which they represent. The representatives will be elected by an electoral college comprising all the heads of families. They will elect a chairman who will automatically assume the functions of chief of the village or part of a tribe. The newly-defined functions of the *jemaa* are to protect the interests of the population, to assist the chief of the village in his work, especially in the apportionment of taxes, and to take part in appointing the *mudir*, whom it is to assist, in an advisory capacity, in administering the community.

59. This resolution, which was approved by Ahmed Bey Seif El Nasr, has come into operation.

60. The new *jemaa*, which is really representative of the population's wishes, is a system the basis of which is no less essentially democratic because it is traditional. It should make it possible for the Territory to develop along the lines desired by the United Nations. Under the existing conditions, an accurate idea of the wishes of the population can only be obtained through the agency of the Fezzanese *jemaa*. The persons whom they have appointed to carry out functions on a higher level of the political hierarchy are as representative as possible of the opinion of the majority of the inhabitants of the territory. Every effort should be made to improve and develop the *jemaa*, the importance of which in the future life of the country cannot be overestimated.

ANNEX

DECREES AND DECISIONS ADOPTED IN THE FEZZAN SINCE THE ADOPTION OF THE RESOLUTION OF 21 NOVEMBER 1949

DECISION No. 1

In conformity with the principles adopted by the General Assembly of the United Nations respecting the future status of the territories which constitute Libya and the circumstances in which the independence of that country is to be achieved,

Desirous of enabling the population of the Fezzan to play a significant part in public affairs,

The Resident of France in the Fezzan decides as follows :

The Chiefs of the sub-divisions shall convene the chiefs and *jemaas* of the villages of each *mudiria* at the chief village of the *mudiria* as soon as possible.

This *mudiria* assembly shall appoint three representatives to proceed to Sebha on 12 February to elect a Chief of the Territory of the Fezzan.

Fort-Leclerc, 24 January 1950.

THE RESIDENT OF FRANCE IN THE FEZZAN

ADDENDUM TO DECISION NO. 1

In view of the organization of the Ghadames Region, which differs substantially from the administrative organization of the Fezzan, in that it has four *mudiria* for a population of barely 5,000 persons,

In order to achieve the equitable representation of the population in the election of the Chief of the Territory,

The Resident of France in the Fezzan decides as follows :

The village chiefs and *jemaas* of the Ghadames Region shall appoint three representatives for the election of the Chief of the Territory, which will take place at Sebha on 12 February 1950.

The Chief of the Region may allow the Tuareg minorities to be represented by a delegate.

Fort-Leclerc, 25 January 1950.

THE RESIDENT OF FRANCE IN THE FEZZAN

DECISION NO. 2

Having regard to Decision No. 1 to convene a small Assembly at Sebha on 12 February 1950 to elect the Chief of the Territory of the Fezzan,

Having regard to the official record drawn up after the meeting on 12 February 1950 at 11 a.m., at which the Assembly elected Ahmed Bey Seif el Nasr by a unanimous vote of the fifty-eight members present, the Tuaregs having decided not to attend the meeting,

The Resident, representing the French Government in the Fezzan, hereby proclaims His Excellency Ahmed Bey Seif el Nasr Chief of the Territory of the Fezzan.

Fort-Leclerc, 12 February 1950.

(Signed) Lieutenant-Colonel SARAZAC
Resident

DECISION NO. 3

The Resident, representing the French Government in the Fezzan,

Having regard to Decision No. 2 of 12 February 1950, Decides as follows :

The provisions of the transitional régime for the Fezzan, a copy of which is attached to this Decision, shall enter into force on 13 February 1950.

Fort-Leclerc, 12 February 1950.

(Signed) Lieutenant-Colonel SARAZAC
Resident

TRANSITIONAL RÉGIME FOR THE FEZZAN

In conformity with the principles adopted by the General Assembly of the United Nations respecting the future status of the territories which constitute Libya and the circumstances in which the independence of this country is to be achieved,

Desirous of enabling the population of the Fezzan to play a significant part in public affairs,

The Government of the French Republic, as the occupying Power in the Fezzan, has decided to establish governmental institutions likely to lead to the self-government of the territory.

For this purpose, it has entrusted the task of government to the Chief of the Territory of the Fezzan, Ahmed Bey Seif el Nasr.

Ahmed Bey shall be assisted in his work by six local counsellors, who shall be competent in matters relating to justice, finance, economic and agricultural affairs, the interior, public health and public education, and by a Consultative Assembly composed of the elected representatives of the *jemaas* and councils of nomad tribes.

Pending the final settlement of the status of the territories which constitute Libya, the Government of the French Republic shall be responsible for all questions concerning external relations and the defence of the territory and the possible use of a police force for the maintenance of peace and public security.

The transitional régime has been established on the following basis :

I. Constitution of the public authorities

The representative of the French Government in the Fezzan, who bears the title of Resident, shall proclaim Ahmed Bey Seif el Nasr, Chief of the Territory of the Fezzan. The said Chief will be assisted in his government functions by :

1. Six local counsellors, appointed by him, for justice, finance, economic and agricultural affairs, the interior, public health and public education.

2. A Consultative Assembly composed of elected representatives of the *jemaas* and the councils of nomad tribes. The Assembly will be convened by the Chief of the Territory of the Fezzan and the Resident as soon as possible.

II. Powers of the Government

During the transitional period, the Government of the Fezzan shall be competent to deal with the following matters affecting internal policy, organization and administration :

1. Judicial organization.
2. Organization of the police and of internal security.
3. Appointment of officials.
4. Appointment of a consultative assembly.
6. Organization of the *jemaas* and the councils of nomad tribes.
6. Public education.
7. Public works and means of communication.
8. Internal posts and telegraphs.
9. Public health.
10. Veterinary services.
11. Hydraulic works.
12. Agriculture and livestock.
13. Public revenue and expenditure.

III. Powers reserved

During the transitional period, the following matters shall continue to be reserved to the Resident :

1. All matters concerning the relations of the Fezzan with foreign countries, including foreign trade.

2. The defence of the Fezzan. Should the local authorities be unable to preserve peace and order by means of the police forces at their disposal, the Resident shall be

empowered immediately to resume control of the police and security services.

3. The control of aerial navigation, including control of the bases, airfields and installations existing in the Territory.

4. Any question relating to the French forces stationed in the Territory.

5. Postal, telegraphic, radio-telegraphic and radio-telephonic communications with foreign countries.

6. Questions of currency and exchange.

7. The delivery of passports and visas for foreign countries.

8. Sequestrated property.

No agreement may be concluded concerning prospecting for or the mining of the mineral resources of the country without the prior consent of the Resident.

IV. *Miscellaneous provisions*

French counsellors shall be appointed on the proposal of the Chief of the Government and with the approval of the Resident to advise the counsellors in setting up new institutions.

French shall be treated as an official language on an equal footing with Arabic.

V. *Modification of the transitional régime*

If circumstances require, the Resident may, after consulting with the Chief of the Territory of the Fezzan, temporarily depart from the above provisions.

DECISION No. 4

The Resident, representing the French Government in the Fezzan,

Having regard to Decision No. 3 of 12 February 1950,

Having regard to section V of the transitional régime for the Fezzan,

Decides as follows :

Section I, " Constitution of the Public Authorities ", shall be amended to read as follows :

" The said Chief shall be assisted in his governmental functions by :

" 1. Three to six local counsellors, appointed by him, for justice, finance, economic and agricultural affairs, the interior, public health, public education, and by eight Assistant Counsellors. "

Fort-Leclerc, 12 February 1950.

(Signed) Lieutenant-Colonel SARAZAC
Resident

DECREE No. 1

We, Ahmed Bey Seif el Nasr, Chief of the Territory of the Fezzan,

Having regard to paragraph 1 of section I of the transitional régime of the Fezzan,

Appoint :

As our Counsellors :

For the Interior and for Justice : Haj Hamuda ben Tahar.

For Economic and Agricultural Affairs and for Finance : Nasr ben Salem.

For Public Health and Public Education : El Mahdi ben Ahmed.

As Assistant Counsellors :

Do ben el Haj Mohammed, Mohammed Lamir ben Mohammed, Haj Ali ben Mohammed Bediwi, Nars ben Tahar ben Brahim, Sherif Ali ben Mohammed, Belgacem Bugila, Tahar ben Abdullah Jerari, Sheikh Mabruq ben Ali.

Sebha, 16 February 1950.

CHIEF OF THE TERRITORY OF THE FEZZAN

DECREE No. 2

We, Ahmed Bey Seif el Nasr, Chief of the Territory of the Fezzan,

Having regard to paragraph 3 of section II of the transitional régime for the Fezzan,

Decree as follows :

1. The post of *qadi* is set up in the sub-divisions of Shatti, Murzuq, Ghadames and Sebha-Ubari.

2. The following persons are appointed to these posts :
In the sub-division of Shatti : Mohammed ben Abdullah el Ayat.

In the sub-division of Murzuq : Ahmed ben Haj Senussi.

In the sub-division of Ghadames : El Mahdi ben Haj Mohammed.

In the sub-division of Sebha-Ubari : to be appointed at a later date.

Sebha, 16 February 1950.

CHIEF OF THE TERRITORY OF THE FEZZAN

DECREE No. 3

We, Ahmed Bey Seif el Nasr, Chief of the Territory of the Fezzan,

Having regard to paragraph 2 of section II of the transitional régime of the Fezzan,

Decree as follows :

1. A police force responsible for internal security is hereby established.

2. The following person is appointed Chief of Police : Salah ben Salem ben Abdennebi.

Sebha, 16 February 1950.

CHIEF OF THE TERRITORY OF THE FEZZAN

II. FINANCE AND BUDGET

A. GENERAL

61. An order issued at Algiers by the French Committee of National Liberation on 1 September 1943 provides that " the expenditures incurred in the administration of the Fezzan-Ghadames territory (other than

the cost of military occupation) and the revenue therefrom shall form the subject of a budget annexed to the budget of the territories of the South of Algeria "

62. The budget provides for all expenditures arising from the remuneration of the staff of the administrative

and judicial services, the operation of medical, social assistance and education services, and the setting up of facilities for road, hydraulic and building works.

63. The budget consists of an ordinary and a special budget.

64. The revenue of the ordinary budget is derived from various taxes, dues and duties, the sale of natron, which is a state monopoly, and, since 1947, by receipts from the sale abroad of series of Fezzan postage stamps. The resources of the ordinary budget are insufficient to cover the cost of maintenance and day to day expenses of the country. The ordinary budget shows an excess of expenditure over revenue of 3,601,904 francs in the financial year 1948 and 16,268,099 francs in 1949, the deficits being covered by grants from the French Government.

65. The special expenditures, which are entirely covered by Treasury advances from the French Government, relate to the payment of the salaries of European staff and the equipment of the country (hydraulic works, improvement of means of communication, etc.). The special budget was relatively small in 1944, 1945 and 1946, during which years topographical, geographical and geological surveys of the territory were carried out. It was not until 1947 that work was begun on the execution of a systematic five-year plan for the drilling of shallow wells. The large scale schemes for the improvement of tracks were also undertaken in that year. Expenditure rose from 310,139 francs in 1946 to 7,193,207 in 1947, to 15,116,094 in 1948 and to 16,931,009 in 1949.

66. During the next five-year period, beginning in 1952, it is planned to drill deep wells which will involve a considerable increase in expenditure.

B. BUDGET ESTIMATES FOR 1950

67. In the budget estimates for 1950, the ordinary revenue is shown as 33,950,000 francs, including 10 million francs from the sale of stamps abroad. Ordinary expenditure is estimated at 40,657,000 francs, leaving a deficit of 6,707,200 francs.

68. The total special expenditure is 106,763,365 francs, to which must be added 13 million francs in loans making a total of 119,763,365 francs to be borne wholly by the French Treasury. A grant from the French Government will be applied under the following headings :

	<i>Millions of francs</i>
Construction of buildings	35
Organization of new services	30
Well drilling	30
Improvement of tracks	5
European staff	7
Deficit of ordinary budget	6

69. The substantial increase in expenditure in 1950 is attributable to the introduction of new political organs and the execution of the first instalment of the schemes for the construction of new buildings and

hydraulic works. Expenditure will increase further in future years as the administrative organization of the country is developed and perfected. There is an obvious need for new sources of revenue to offset the increasingly large budget deficit.

C. TAXES

70. The direct taxes are levied on crops :

(a) In the case of dates, the amount is 5.75 per cent of the crop as estimated by the Valuation Board, 0.75 per cent of which is the Board's fee. In 1948 the tax on dates yielded 7,086,605 francs and in 1949, when the crop was particularly poor, 3 million.

(b) In the case of grains, the amount of the tax is 6 per cent of the estimated crop, 1 per cent of which is the Valuation Board's fee. In 1948 the yield was 2,188,980 francs and in 1949, 2,500,000 francs.

71. Dates and cereals are collected by the *mudirs* in keeping with the figures provided by the Valuation Board. The rates of taxation are uniform. Crops of under 100 kilogrammes are exempt from taxation.

72. Particulars of the various indirect taxes levied in the Fezzan and their rates are given in an annexed note.

73. Direct taxes have been kept at a relatively low level owing to the precarious economic circumstances of the population as a whole. There has been a marked improvement in their position in the present year, and in 1950 the Fezzanese will for the first time have surplus products other than dates to sell. There is reason to hope that in the near future it will be possible to effect an increase in direct taxation which would make it possible to balance the ordinary budget without having recourse to the sale of stamps.

D. ADVANCES AND LOANS GRANTED ANNUALLY BY THE ADMINISTERING POWER

74. Fezzanese farmers generally have no ready cash and sell their wheat as soon as it is harvested in order to procure clothing and tea. The result is a difficult period during the winter months, March and April. In many cases they even sell the wheat they will need to sow their land for the next season. To remedy this situation, the Administration has found it necessary to grant loans of various kinds.

(a) Grain seed loans. These loans in kind are granted to the owners of gardens, on application submitted through the *mudir* and must be used exclusively as seed. The quantity of grain advanced is established in accordance with the following scale :

- Up to 1946* : 16 kilogrammes of wheat and 4 kilogrammes of barley per well
- In 1947* : 15 kilogrammes of wheat and 8 kilogrammes of barley per well
- In 1948* : 30 kilogrammes of wheat and 16 kilogrammes of barley per well
- In 1949 and 1950* : 30 kilogrammes of wheat and 60 kilogrammes of barley per well

No interest is payable to the administration. The loans are repaid after the harvest, normally in kind. The total of the loans granted is (thousand francs) :

	1945	1946	1947	1948	1949
Wheat.....	472	978	2,226	2,120	2,650
Barley.....	110	202	675	600	700
TOTALS ..	592	1,108	2,901	2,720	3,350

(b) Date loans. During the winter, the poor in the Fezzan live on dates. The dates received as tax are taken up at harvest time and distributed later as required. These interest-free loans, are repaid in kind at the following harvest. Under this measure, instituted in 1946, 540 tons of dates have been distributed to a value of (thousand francs) :

1946	1947	1948	1949
2,000	1,400	1,200	1,200

(c) Agricultural loans in cash. Annual interest-free loans in cash are granted to farmers for the extension and improvement of their gardens (artesian wells, pump installations, etc.). The loans are repayable at the next harvest, in cash or in kind as the borrower prefers. The value of the loans granted is as follows (thousand francs) :

1945	1946	1947	1948	1949
1,500	1,700	3,000	3,000	3,000

(d) Loans to the general food service of the Fezzan. A type of co-operative society has been set up to pur-

chase at the most favourable prices the foodstuffs the Fezzan is obliged to import, and to build up a stockpile of foodstuffs : in 1947 its working capital was provided by (francs) :

Five million advanced by Fezzan traders participating in the society;

Five million in the form of loans by the Government-General of Algeria;

Six million included in the local budget and constituting the participation of the Administration of the Fezzan.

Since 1944, the figures for the Administration's participation in the financing of the society have been as follows (thousand francs) :

1944	1945	1946	1947	1948	1949
2,000	3,000	3,455.7	6,000	11,000	10,000

An appropriation of 10 million francs is included in the 1950 budget.

75. The following tables are annexed to this chapter :

(a) One summary table of budget revenues and expenditures;

(b) Two tables giving revenue and expenditure as a percentage of the total budget;

(c) Two detailed tables of the revenues and expenditures of the territory in 1948 and 1949;

(d) A note establishing the rates of the various indirect taxes levied in the Fezzan.

ANNEX

BUDGET OF THE FEZZAN

(in francs)

BUDGETARY RECEIPTS AND EXPENDITURES

Item	1944	1945	1946	1947	1948	1949	1950 Estimates
<i>Receipts</i>							
Local revenue	2,058,978	6,653,832	5,050,873	7,590,165	19,347,621	12,461,577 ^a	23,950,000
Stamps, post, telephone, telegraph	—	—	339,817	12,509,862	14,379,387	6,366,587	10,000,000
Total	2,058,978	6,653,832	5,430,690	20,100,027	33,727,008	18,828,164	33,950,000
Loans	2,000,000	4,300,000	5,145,709	9,200,000	19,000,000	13,000,000	13,000,000
TOTAL	4,058,978	10,953,832	10,576,399	29,300,027	52,727,008	31,828,164	46,950,000
<i>Expenditure</i>							
Ordinary expenditure (maintenance and current)	2,216,858	2,830,555	4,705,869	16,248,590	21,222,808	20,155,144	40,657,200
Special expenditure (European staff, equipment) ...	235,445	240,699	310,159	7,193,207	15,116,094	13,931,009	106,763,635
Total	2,452,303	3,071,254	5,016,028	23,441,797	36,338,902	34,086,153	147,420,835
Loans	2,000,000	4,500,000	5,145,709	9,200,000	19,000,000	13,000,000	13,000,000
TOTAL	4,452,303	7,571,254	10,161,737	32,641,797	55,338,902	47,086,153	160,420,835

^a Low natron production and poor prices for dates.

Item	1944	1945	1946	1947	1948	1949	1950 Estimates
<i>Balance</i>							
Revenue surplus	—	3,382,578	414,662	245,610	—	—	—
Grants to cover excess expenditure and equipment	393,325	—	—	3,587,380	2,611,894	15,257,989	113,470,835 ^b
Plus	—	3,382,578	414,662	—	—	—	—
Minus	393,325	—	—	3,341,770	2,611,894	15,257,989	113,470,835

^b 35 million for construction of buildings; 30 for organization of services; 30 for wells; 5 for tracks; 7 for European staff; 6 to cover deficit.

French grant : 135,075,813
 — 3,797,240
 131,278,240

RECEIPTS AND EXPENDITURES AS PERCENTAGE OF BUDGET

<i>Receipts</i>							<i>Expenditures</i>						
Operation	1944	1945	1946	1947	1948	1949	Operation	1944	1945	1946	1947	1948	1949
A. Local revenue :							A. Ordinary expenditure						
1. Wheat and date tax ...	13.66	16.75	9.64	8.24	27.51	19.21	1. Moslem officials	31.41	36.07	26.74	25.24	17.62	18
2. Duties	42.23	24.53	13.96	15.98	13.46	23.59	2. Medical welfare service .	11.17	12.28	14.84	11.32	11.37	11.63
3. Natron	45.52	56.87	54.86	11.89	14.23	6.37 ^a	3. Education .	4.70	3.02	2.86	8.77	8.72	9.66
4. State property and miscellaneous	0.59	1.86	15.28 ^b	1.28	2.16	7.01	4. Upkeep ...	43.12	40.79	49.38 ^a	23.98	20.69	19.84
B. Stamps and posts, telephones and telegraph ...	—	—	6.26	62.24	42.64	33.82	B. Special expenditures...	9.60	7.84	6.18	30.69	41.60	40.87 ^b

^a 1944 to 1946 was a period of surveys and preparation; the great reconstruction effort explains the size of appropriations for maintenance.

^b Between 1947 to 1950 the first part of the hydraulic plan was put in hand; as the Fezzan was unable to bear the cost, the major part was covered by grants of the French Government.

Note: These figures are percentages of the total figure.

^a The production of natron was approximately 20 tons, instead of the usual 100.

^b In 1946, there was a heavy smuggling traffic with the Chad.

RECEIPTS AND EXPENDITURES FOR 1948 AND 1949

<i>Receipts</i>			<i>Expenditures</i>		
Budget heading	1948	1949	Budget heading	1948	1949
Date taxes	7,086,605	3,000,000	Allowances, French staff	1,349,647	2,611,009
Grain taxes	2,188,980	2,500,000	Supplies	2,556,435	2,638,064
Lagmi palms	194,820	116,400	Social welfare officers	649,420	520,000
Licences	74,000	80,000	Special receptions	109,805	99,967
Market fees	4,000,086	4,004,957	Administrative staff	5,118,800	4,928,415
Slaughtering duties	111,145	58,860	Education	3,169,059	3,290,721
Natron	4,800,000	1,200,000	Social medical welfare	4,132,796	3,964,061
State properties	550,000	1,200,000	Religion	43,000	—
Judicial fees	82,108	100,145	Moslem courts	710,487	683,876
Sale of fiscal stamps, etc.	80,000	81,250	Penitentiary, police	572,000	525,415
Revenue from posts, telephones and telegraph	14,379,387	6,366,587	Treasury	43,159	49,224
Seizures	—	—	Markets department	24,994	13,000
Miscellaneous revenue	179,877	119,965	Agriculture	647,605	559,646
Grants and sums appropriated from the preceding financial year	1,366,284	15,257,989 ^a	Animal husbandry	64,800	64,998
TOTAL	35,093,292	34,086,153	Handicrafts	61,440	65,000
			Roads and tracks	3,965,833	2,783,439
			Administrative buildings	1,405,030	2,406,131
			Carried forward	24,624,310	25,202,966

Budget heading	1948	1949	Budget heading	1948	1949
<i>Brought forward</i>	35,093,292	34,086,153	<i>Brought forward</i>	24,624,310	25,202,966
<i>Pro mem. :</i>			Mechanical installations	2,966,839	5,071,274
Loan reimbursements			Waterworks	3,993,787	1,194,612
1. Agricultural	3,000,000	3,000,000	Anti-malaria campaign	119,760	252,000
2. Food	16,000,000	10,000,000	Rewards, relief	2,254,667	1,000,000
			Natron	374,993	519,956
			Operation posts, telephones, telegraph	520,189	845,245
			Surveys and miscellaneous grants	164,420	—
TOTAL	54,093,292	47,086,153	TOTAL	35,093,292	34,086,153
			<i>Special expenditures</i>		
			1. Agricultural loans	3,000,000	3,000,000
			2. Food advances	16,000,000	10,000,000
			TOTAL	54,093,292	47,086,153

^a The government grant to the 1949 budget consists of :
1,122,285 : Credit from metropolitan France for works.
14,135,604 : Grant to meet deficit.

NOTE

Government General of Algeria.
Military Territory of the Fezzan.
No. 845/AS-17.

Circular

As from 1 January 1950, the various duties will be charged at the following rate :

Duties on judicial and extra-judicial instruments, marriages, divorces.

	Francs
Fixed fee	50
Search	10
Stamp	15
Paper	15
Fee for employees of the Mahakma	10

Judgments.

Fixed fee 50 francs plus the above charges.

Sale, Partition, Exchange.

Fixed fee 15 per cent of value of transaction plus above charges.

Acknowledgment of loan as debt.

Fee 10 per cent of value of transaction plus above charges.

Power of attorney, affidavits, certification, inventory.

Fixed fee of 50 francs plus above-mentioned charges.

Duty on Lagmi palms.

Increased from 150 to 300 francs.

Licences.

Increased from 500 to 2,000 francs annually, payable in one instalment.

Market duties.

For all produce other than mentioned below :

	Per cent
Import goods	5
Export goods	5
Transit	1

The following products will pay a duty of 8 per cent on importation or exportation : oil, tea, coffee, petroleum products, perfumery, jewellery.

Slaughtering duty.

	Francs
Camels	500
Sheep	50
Goats	30

Stamp duties.

No change from note No. 586/AS-24 of 15 September 1949.

Tobacco and alcohol.

A tobacco monopoly is hereby established in the Fezzan. All tobacco of foreign origin will therefore be sent back to the country of origin.

In the case of attempted fraud or smuggling, the tobacco will be confiscated.

Alcohol of foreign origin will pay a duty of 25 per cent on entry.

A customs service will shortly be established in the Fezzan.

Instructions will be given in due course.

Fort-Leclerc, 22 December 1949.

(Signed) Major SARAZAC,
Military Governor of the Territory of the Fezzan

III. AGRICULTURE

A. TABLES OF AGRICULTURAL PRODUCTION

Dates

76. The following figures are based on tax returns and hence certainly lower than the real figures. Some Fezzanese admit that they declare no more than one-third or even one-quarter of their crop.

77. Dates are the chief wealth of the Fezzan which has approximately 12 million palms. Of this number, only one-tenth or little more than one million, are productive.

Region	1944	1945	1946	1947	1948	1949
			(Tons)			
Shatti	1,110	681	1,371	743	760	1,040
Sebha-Ubari	1,320	547	1,097	466	880	1,570
Murzuq	1,030	691	1,381	744	1,050	1,007
TOTAL	3,460	1,919	3,849	1,953	2,690	3,617

Grains

78. The only figures available are for winter grains (wheat and barley) the only grains in respect of which tax returns are filed.

79. In 1950, the production of grain will, for the first time, amply satisfy local needs. This is due to the execution of the first instalment of the water works programme. The thirty-two artesian wells drilled to date have made it possible to bring 480 hectares under cultivation. Part of the labour force has thus been released from the task of drawing water and can be employed in the development of the land. The 1950 grain crop is estimated at 50,000 quintals, or twice that in the best previous years.

(a) *Wheat*. Several varieties are cultivated in the oasis gardens. They are well adapted to the country and give satisfactory results. The figures for crops since 1944 are as follows (in quintals) :

1944	1945	1946	1947	1948	1949
6,270	8,170	9,190	7,700	9,600	11,800

(b) *Barley*. Barley is grown throughout the country and in the salt soil of Shatti its yield is greater than that of wheat. The figures for crops since 1944 are as follows (in quintals) :

1944	1945	1946	1947	1948	1949
3,040	2,330	3,200	2,520	3,400	4,060

(c) *Summer grains* (millet, sorghum, maize). These grains are harvested when the wheat and the barley are exhausted and are an important contribution to the economy of the non-nomad population of the Fezzan. No tax is payable on them and it is difficult to estimate exactly how much is grown. The production is undoubtedly greater, on the average, than that of barley.

(d) *Vegetables*. The Fezzanese generally set aside one-seventh of the area of their gardens for vegetables—cabbages, onions, tomatoes and pimentos—which are used exclusively for domestic consumption.

B. TABLE OF ANNUAL AGRICULTURAL IMPORTS AND EXPORTS

80. Dates are the only agricultural product exported from the Fezzan. The volume and value exported in recent years are as follows :

	1944	1945	1946	1947	1948	1949
Quantity in tons	250	400	150	400	213	270
Value in thousand francs	7,500	1,600	1,200	6,600	5,390	7,410

81. On the other hand the Fezzan is obliged to import at least two essential products, oil and soap.

82. The following table gives the figures for volume and value since 1944.

	1944	1945	1946	1947	1948	1949
<i>Sugar :</i>						
Quantity in tons	70	177	125	158	101	90
Value in thousand francs	1,450	3,185	6,100	8,817	5,805	15,300
<i>Oil :</i>						
Quantity in tons	15	50	18	10	17	7
Value in thousand francs	615	275	1,083	1,462	2,269	1,138

C. ANIMAL HUSBANDRY

83. As in all the Sahara countries, animal husbandry in the Fezzan is concerned with camels, sheep, goats and the donkeys used to draw water.

(a) *Camels*. Camel raising is the exclusive prerogative of the nomads. The Fezzan has sufficient pasture land for its camels. However, during exceptional droughts, the nomads drive their camels into the mountains of South Tripolitania, Syrte, or the Tarat region in the Ajjer. The Zellaf and the *ramlah* of Ubari have good summer pastures. The camel population of the Fezzan is distributed as follows :

Shatti	Sebha-Ubari	Murzuq	Total
3,375	605	935	4,915

(b) *Sheep and goats*. The settled Fezzanese have small family flocks of only a few head. Most of the sheep and goats in the Fezzan are in the hands of the nomads who raise sheep and goats in addition to camels. The flocks of sheep and goats provide the Fezzanese with most of the meat they consume. The wool is spun and woven locally (approximately 70 quintals annually) and used to make men's garments (*Jerd*).

Shatti	Sebha-Ubari	Murzuq	Total
5,100	3,130	3,000	11,130

(c) *Donkeys*. Donkeys are used to draw water and are greatly prized because of the variety of work they do and their hardiness.

Shatti	Sebha-Ubari	Murzuq	Total
1,100	3,500	2,570	6,170

D. LAND TENURE

84. The legal status of land in the Fezzan varies and one finds :

(a) *Nomad pasture lands*. These are collectively owned lands, the boundaries of which are not clearly defined and over which property rights are established only by mutual, traditional recognition of tenure between the nomad tribes. Although these property rights

rest only on custom, they are now well defined. There is no official deed recognizing this collective tenure, and no deeds of transfer. The nomad or semi-nomad pasture lands receive only occasional rain and provide indifferent pasture. In the *hammad*, the absence of water holes makes the pasture of little use. These lands are exempt from taxation. As they have not been developed by the work of man, they might be classed as "dead lands" the ownership of which under Mohammedan law is attributed to the sovereign. However, they are not free and the communities have acquired certain rights by prolonged tenure.

(b) *Privately owned lands.* These have definite boundaries and are defined in more or less ancient deeds. They may be alienated by any of the traditional methods such as sale, lease, mortgage, etc. The deeds relating to them can be classified as follows :

(i) Ancient deed antedating the opening of the official registers of the Mahakmas and in some cases as much as 400 years old. They have all the features of normal deeds (origin of property, share of water, limits of object of transfer, etc.) but are drawn up on unstamped paper and concluded between private individuals. All they lack is the sanction of an official stamp and the payment of stamp duties. They are much the most common in the Fezzan.

(ii) Recent deeds executed before the *gadi* and registered in the Mahakma registers.

The properties defined by these various deeds include :

[a] The arable land of the *wadis* of Bey and Ruaus where the *Megaraha* take advantage of the rains which fall in the area during winter to grow winter grain;

[b] Irrigated cultivated areas. These are the gardens where the settled Fezzanese grow palms and to a lesser extent winter and summer grains and vegetables;

[c] The Hattia areas where the water table is near the surface and the palm trees, propagated by seeds or suckers, can draw their own water. Apart from pollination, the palms are left untended by the Fezzanese.

(c) *Dead lands (Maxat).* These lands are unproductive and free from any servitude. Under Mohammedan law, they are the property of the sovereign until they are developed by an individual or by a community whose property they then become.

(d) *State lands.* Inherited from the previous governments of the Fezzan, these lands have been taken over by the French Administration. They consist almost entirely of palm groves.

(e) *Sequestered properties.* These are former private properties the owners of which were dispossessed during the Italian occupation, chiefly for political reasons. They were originally taken over by the French Administration and have been returned to all owners able to show proof of their rights. The status of these lands depends on the future settlement of the Libyan question.

IV. COMMERCE

85. An essentially agricultural country, the Fezzan's only assets from the commercial point of view are its exports of dates and the approximately 80 tons of natron collected in the lakes of the *ramlah* of Ubari.

86. The main imports are tea, sugar, oil and textiles. The Shatti, where there is a shortage of grain, imports grain from the Tripolitanian Jebel. The grain is transported by the nomads of the Gibla who barter it for dates, in some cases at exorbitant prices (1 kilogramme of wheat for 5 to 10 kilogrammes of dates).

87. Side by side with the external trade, there is a lively internal trade, carried on in village markets, in agricultural products or the products of local artisans.

88. During recent years poor prices have been obtained for the Fezzan's dates owing to over-production in North Africa and the poor quality of the fruits offered. While in 1947, 300 tons were sold at prices varying between 15 and 23 francs a kilogramme, according to quality, the highest price in 1948 was 10 francs and the price fell even lower in 1949.

89. The trade balance of the Fezzan is adverse. In 1948 the value of exports was 39,914,900 francs and in 1949 31,513,500 francs, while imports for the same years were 61,001,457 francs and 66,718,200 francs respectively. Detailed tables of the Fezzan's imports and exports are annexed.

ANNEX
STATISTICAL TABLES
COMMERCE

Exports and re-exports

Product	1944		1945		1946		1947		1948		1949	
	Quantity	Value (thousand francs)	Quantity	Value (thousand francs)	Quantity	Value (thousand francs)	Quantity	Value (thousand francs)	Quantity	Value (francs)	Quantity	Value (francs)
Dates	255 t	750	400 t	1,500	150 t	1,200	400 t	6,000	213 t	5,390,000	270 t	7,410,000
Wheat	25 t	360	70 t	700	30 t	360	—	—	—	—	8 t	200,000
Other grains	20 t	120	35 t	300	10 t	100	—	—	—	—	—	—
Natron	40 t	900	84 t	3,800	51 t	2,985	50 t	2,400	115 t	5,200,000	40 t	2,000,000
Hides	6 t	1,200	2 t	400	—	—	6 t	2,400	10 t	1,973,000	2.8 t	2,260,000
Textiles	300,000 m	15,000	250,000 m	10,000	150,000 m	9,000	—	—	11,500 m	1,837,000	41,810 m	6,344,000
Miscellaneous	—	400	—	700	—	200	—	200	—	4,782,900	—	12,189,000
Carpets	40 u	55	50 u	100	50 u	100	100 u	250	268 u	742,000	474 u	1,020,000
TOTAL	—	18,785	—	17,500	—	13,945	—	11,850	—	19,924,900	—	31,423,000
<i>Imports</i>												
Sugar	70 t	1,450	127 t	3,185	125 t	6,100	158 t	8,817	101 t	5,805,900	90 t	15,300,000
Oil	15 t	615	50 t	2,750	18 t	1,983	10 t	1,462	17 t	2,269,426	7 t	1,138,000
Tea	8 t	3,040	19 t	4,850	22 t	5,347	32 t	6,953	28 t	7,991,000	35 t	19,524,800
Coffee	2.5 t	120	6 t	150	3 t	285	3 t	1,106	2 t	710,000	3 t	1,020,000
Pasta	4 t	70	3.4 t	68	5.8 t	300	8 t	436	6 t	195,000	5.7 t	243,000
Soap	6 t	110	18 t	432	7 t	370	4 t	305	6 t	343,160	2.6 t	422,000
Dry vegetables ..	4 t	60	12 t	240	8 t	240	—	—	—	—	—	—
Grain	10 t	60	60 t	720	60 t	1,500	110 t	3,965	80 t	1,481,000	4 t	160,000
Hides	7 t	1,400	3 t	600	—	—	7 t	2,600	5 t	1,200,000	2 t	785,000
Carpets	50 u	70	50 u	120	150 u	225	253 u	548	220 u	748,000	245 u	1,206,580
Textiles	500,000 m	25,000	450,000 m	17,375	300,000 m	13,155	170,000 m	10,953	79,997 m	5,432,421	79,700 m	2,606,580
Wool	—	—	3.5 t	105	10 t	500	—	—	3.250 t	313,000	—	—
Miscellaneous	12 t	1,300	18 t	3,900	16 t	3,000	18 t	2,750	—	14,612,841	—	24,311,720
TOTAL	—	33,295	—	34,495	—	34,005	—	39,895	—	41,001,548	—	66,718,260

Fort-Leclerc, 6 July 1

V. PUBLIC WORKS

90. In the matter of public works, the Administration has concentrated its efforts on hydraulic works and the improvement of tracks.

A. HYDRAULIC WORKS

91. Since 1946 artesian borings have been carried out in the three natural regions of the country. In 1949, there were 41 boring operations the results of which varied according to the regions prospected and the technical conditions of the operation; 9 borings, including one very deep one, were non-productive; 22 30-60 metre wells are now in operation; 10 wells bored by modern mechanical methods give an average yield at an approximate rate of 20 litres a second.

92. Boring machines have also been used to deepen many existing wells.

93. The land restored to cultivation in 1949 as a result of these operations, amounted to 480 hectares, all of which was redistributed to the population.

94. The hydraulic works programme for 1950 includes: four artesian wells; the equipment of one well with a water-tight pipe system; the installation of a number of *norias* over *dalou*-type wells in order to familiarize the population with this system of drawing water, which is considerably more efficient than the traditional method.

B. ROADS AND TRACKS

95. The Italians had established an internal network of tracks suitable for vehicular traffic each following one of the populated valleys of the Fezzan, and had built connecting tracks. As they were established in Tripolitania, they had linked the system with the coast by two major tracks.

96. The internal network consisted of:

The Shatti track, from Kneir to Edri via Brach;
The Ajal track from Sebha to Ghat via Ubari and Serdeles;
The track from Sebha to Murzuq via Ghodua;
The track from Sebha to Gatrun via Um el Araneb.

97. The external network consisted of:

The track from Sebha to Misurata, including the passage over the Kneir and Bou Njem sand dunes and the crossing of the Jebel Soda;

The Shatti track to Tripoli, starting from Brach and going through Shueiref, El Gueria and Misda.

98. Since 1946, the French Administration has made a great effort, involving an expenditure of about 41 million francs, to maintain and to improve the existing tracks and to construct new ones. The yearly appropriations have been as follows:

	<i>Francs</i>
1946	1,500,000
1947	4,000,000
1948	8,000,000
1949	16,500,000
1950	11,000,000

99. The internal network has been completely repaired and improved, as follows:

The track from Edri to Brach;
The track from Brach to Sebha and Murzuq via Kneir;
The track from Murzuq to Tmessa via Um el Araneb and Zuila;
The track from Sebha to Ghat via Ubari and Serdeles.

100. The following were constructed inside the territory:

The track from Auinet Uenin to Edri, which shortens by 200 kilometres the journey to Gabes and makes it possible to avoid the difficult crossing over the Mequillet col;

The track from Sebha to Brach across the Zellaf;
The direct track from Sebha to Um el Araneb;
The track from Um el Araneb to Gatrun.

101. This internal network is regularly maintained and is practicable for all types of vehicular traffic.

102. As regards routes out of the country, the following have been constructed:

The track into Tunisia via Sinauen and Derdj;
The Uragla track via Fort Flatters and Auinet Uenin;
The track to the Chad via Gatrun, Uigh es Seghir, Uigh el Kebir, Korisa.

103. Lastly, those portions of the major routes from the Fezzan to Tripolitania which lie within Fezzan territory have been maintained.

104. The substitution of proper tarred roads for the tracks would involve the expenditure of about 1,964 million francs for the internal network alone, and cannot be contemplated for the time being.

VI. EDUCATION

105. In education, the Administration has been chiefly concerned with organizing the campaign against illiteracy. At the time of the French occupation, the vast majority of the population was completely illiterate and the education of the remaining small minority never

went beyond the stage of reading, writing and elementary arithmetic.

106. The difficulties of developing education in the Fezzan are those met with in all countries where social

development is retarded by a lack of resources, where teachers are difficult to find, and where families are incapable of even partly making up for the shortage of teaching staff.

107. There are two methods of developing primary education in educationally under-developed countries: there is the long-term method which tries to provide only first-rate education, and there is the contrary method which prefers to afford a larger proportion of the school age population an elementary education which can be provided with relatively less difficulty.

108. The second method has been chosen in the Fezzan. It is the Administration's intention to put into effect a programme in which theoretical knowledge will not be neglected but will not, nevertheless, be allowed to take precedence over practical matters. The first aim to be achieved is to give every inhabitant of the Fezzan the means, through reading and writing, of coming into contact with the outside world and the every-day reality of the country's development, and participating in the life of the Territory. The programme also includes instruction in modern agricultural methods for the purpose of better utilization of the land, on which the prosperity of the Territory chiefly depends.

109. In 1940, at the time of the Italian occupation, the situation was that Edri, Brach, Murzuq, Jedid and Berguen had teaching establishments. The schools had two classes, one for teaching Italian and the other for Arabic. The premises were very small and only the school centres at Brach and Jedid, built in 1935, had proper buildings. The school at Berguen was unfinished and the one at Murzuq consisted of two tiny rooms with floors of beaten earth, which were poorly ventilated and ill-lighted.

110. The French Administration found these schools closed on account of the war. The furnishings had been taken away, the doors and windows torn down and the teaching equipment completely spoiled. Only the Koranic schools in the villages continued to function.

111. Eleven elementary schools were set up at Jedid, Murzuq, Ubari, Brach, Agar, Berguen, Uenzerik, Edri, Bens Baya, Traghen and Gatrun. Each was equipped with the necessary plumbing facilities, shower-baths, a kitchen for school meals and a dining-room.

112. Each year, at the beginning of October or at the medical officer's first visit to the centre, all the children are examined and vaccinated. The teacher keeps a register and draws up individual medical cards on which, on each of his regular visits, the medical officer notes his observations and the treatment to be given.

113. Pupils suffering from trachoma, conjunctivitis, ringworm, etc., are treated every morning, free of charge, at the local clinic. Under-nourished children are cared for by the Health Service which puts them on a strengthening diet. Quinine is distributed regularly.

114. The state of permanent malnutrition among children in the Fezzan required a great effort. Every

day, each pupil receives a hot meal (macaroni, kous-kous, semolina, etc.) and a ration of 200 grammes of bread. In addition, during the winter, a hot drink is served every morning before school begins.

115. Since 1947, it has been the practice to give each pupil enough cloth to prepare a garment as worn locally.

116. The children in these schools have full freedom to attend religious classes outside school hours.

117. Every village also has one or more Koranic schools which operate quite independently but to which the Administration nevertheless devotes considerable attention. They care for about 2,000 children.

118. The teaching staff take care that the children attend the school at which they are registered regularly and that the proportion of absentees does not exceed 4 per cent. However, they deplore the apparent lack of interest shown by the parents in their children's school education. For various reasons, such as the departure of nomadic families for the pastures, the poverty which requires the children to work in the fields, and others which are less valid, forty pupils did not resume their lessons at the beginning of 1949.

119. In the schools in which there are French teachers (seven for the whole of the Fezzan) about fifty pupils have reached the level of the second year of the elementary course or of the intermediate course (Algerian educational standard).

120. In October 1949, there was a new departure. A residential school was opened at Brach for the best pupils in the Shatti region. These children were housed and fed free of charge for the whole school year. The experiment produced good results. The applications for boarding scholarships for 1950 are already in excess of capacity.

121. The development programme drawn up in 1950 is based on the following principles:

- (a) As many children as possible should attend schools;
- (b) Parallel teaching of Arabic and French;
- (c) Establishment of a technical, craft and agricultural school.

122. The programme includes plans for the opening of several new school centres, some of which are already being built. As soon as possible, each of the seventeen *mudiriats* of the territory will have an elementary school with a course lasting from two to five years. A Fezzanese instructor will give instruction in French.

123. Three higher elementary schools will be opened at Sebha, Brach and Murzuq, which are the chief towns of the sub-divisions. Pupils recruited in these towns or drawn from the *mudiriats* schools will pursue their studies in Arabic and French. The minimum course will be four years, at the end of which the most gifted pupils will be admitted to an advanced school which is to be set up at Sebha.

124. Lastly, there will be three agricultural centres

(Sebha, Brach, Murzuq) and a craft centre (Murzuq) where the course will last for two years, which will make it possible to provide preliminary technical education.

125. Young Fezzanese who have completed the elementary course will be given scholarships to pursue their studies in the Moslem schools of Algeria, where they will enjoy special facilities. The Territory also hopes to profit from scholarships which may be made available to it by the United Nations.

126. This educational programme, spread out over ten years, involves a commitment of funds amounting to about 72 million francs, to which must be added the salaries of the teaching staff which amount to 8 million francs.

127. Expenditure on public education in the territory during the last three years was 2,057,578 francs in 1947, 3,469,000 francs in 1948 and 3,690,000 francs in 1949.

VII. HYGIENE AND PUBLIC HEALTH

A. GENERAL

128. The efforts of the Administration to improve conditions of health and hygiene in the country are being carried on according to a long established plan.

129. A staff of Fezzanese hospital orderlies is in the course of being trained. At the present time, each hospital dispensary, first aid post or clinic, employs local inhabitants trained by the Administration's medical officers. The hospital orderlies now working are expected to take courses of further training. The most skilled are to be sent to Tunis and Algiers, where they will take courses in specialized establishments.

130. As regards the premises, each of the eighty villages of the Fezzan is to be provided with essential equipment, which will enable the medical officer and local hospital orderly to treat their patients in the best possible conditions. The hospital-dispensary at Brach has been provided with an operating theatre. Each of the three regions of the Territory (Brach, Sebha, Murzuq) now has its own surgical organization.

131. It should be added that the treatment given by the public health organizations is entirely free of charge.

132. Patients from villages which are at some distance from the hospitals are admitted as in-patients and all charges are paid out of the Fezzan budget.

133. In cases of serious illness, the patients are evacuated to Tunis either by air or by car. This is also done in the case of specialized surgery. The hospital and transport expenses are in almost every case paid for out of the budget.

134. The campaign against the endemic diseases from which the Fezzan suffers has been intensified. Thus, the proportion of the population suffering from various stages of trachoma, which was 95 per cent in 1943, has fallen to less than 50 per cent. Malaria (25 per cent of the population in 1943) has been practically eliminated.

135. Particular care has been given to the question of the protection of health by instruction in hygiene and dietary supervision. Mothers and children have the first benefit from these measures. Condensed milk is distributed regularly in the larger communities. The

hospital orderlies have been instructed to extend these distributions to the smallest villages. This campaign to protect children should mean a progressive rise in the population, which has grown only very slowly over the last twenty years.

B. NUMBER AND COMPOSITION OF THE EXISTING SERVICES

136. The existing services are as follows :

(a) *Medical officers*: Three French military doctors are at present working in the Fezzan :

One chief medical officer at Sebha, responsible for the sub-division of Sebha-Oubari and a large part of the troops serving in the Fezzan;

One medical officer at Brach for the Shatti sub-division;

One medical officer at Murzuq for the Murzuq sub-division and the garrison troops.

(b) *Infirmiry staff*: These medical officers have at their disposal a staff of twenty-one locally recruited and trained hospital orderlies. These administer the village clinics scattered among the three populated valleys of the Fezzan and give the patients whatever treatment is prescribed by the medical officers.

C. FACILITIES

137. The following facilities are available :

(a) *Medical centre*: Each centre with a resident medical officer has a hospital-infirmiry. In addition, there are seventeen clinics with resident orderlies operating in the three sub-divisions. They are visited at least once a month by the medical officer of the sub-division. Each one includes one out-patients' ward, and one in-patients' ward. Patients from the surrounding villages can be accommodated in them. These clinics are situated in the following villages :

Shatti: Agar, Gorda, Berguen, Uenzerik, Edri.

Sebha-Ubari: Semou, Gorda, Gheddua, Bendbeya, Greifa, Ubari, Reguiba.

Murzuq: Agar, Traghen, Um el Araneb, Zuila, Ga-trun.

(b) *Materials*: The equipment and drugs are paid for out of the Fezzan budget. The surgical and labora-

tory equipment and the drugs are kept at the centres with resident medical officers. Each hospital orderly has at his disposal the necessary equipment and drugs for dealing with eye diseases, malaria, parasitosis, intestinal and pulmonary complaints, and for applying dressings and giving the most widely used injections.

(c) *Treatments*: Most of the patients are treated on the spot. The Fezzan medical officers perform minor surgery and eye operations (trichiasis) on the spot.

D. STATISTICS

138. Statistical information is as follows:

(a) *Budget* (francs):

1944	1945	1946	1947	1948	1949
274,700	372,459	729,459	2,712,511	4,133,741	4,120,800

(b) *Number of patients* (Moslem population):

Attended by the medical officers

1944	1945	1946	1947	1948	1949
18,995	5,084	5,986	6,244	18,507	16,177

Attended by hospital orderlies

1944	1945	1946	1947	1948	1949
6,658	6,752	66,120	52,060	50,525	66,685

Principal diseases and epidemics (listed in order of importance):

Eye diseases (the four stages of trachoma, acute conjunctivitis and cataract)

Malaria, all stages

Intestinal, urinary and cutaneous parasites

Venereal diseases (bleorrhagia and syphilis)

Smallpox

Measles

Typhus

Recurrent fever

Tuberculosis (chiefly extra-pulmonary)

Alcoholism (through palm wine: lagmi)

Theinism

Statistics according to the treatment given:

Eye diseases:

Trachoma: On the arrival of the French, 95 per cent of the population was affected, with 5 per cent corneal complications and 10 per cent trichiasis. At present, 50 per cent of the population is affected, with 1 per cent evolutional complications and 25 per cent trichiasis.

Acute blepharoconjunctivitis: Weeks or Morax type, .05 per cent a year on the average.

Gonococcic: 0.05 per cent.

Cataract and blindness through various sources: 2 per cent.

Malaria: In 1943, on the average 25 per cent (chiefly at Murzuq, Traghen, Brach, Edri and Wadi Ajal): in 1947, only 10 per cent; by 1950, malaria was practically non-existent.

Urinary bilharziosis: 0.25 per cent every year, particularly in children in the Jedid area.

Intestinal parasitosis (ascaris and oxyuris chiefly): 23 per cent because of dirty habits.

Venereal diseases:

Gonococosis: 1 per cent of male patients, chiefly at the complications stage.

Syphilis: 1 per cent of patients (rarely chancres), chiefly tertiary forms (nervous and cutaneous).

Syphilis hereditaria: 0.25 per cent found during regular visits (school children and babies).

Smallpox: Endemic among the nomads since 1942. Small local epidemics among the settled population: in 1946, 20 cases in the Shatti; in 1947, about 200 cases (centres at Tarut Semnu and Ajal).

Anti-smallpox vaccination:

1946	1947	1948	1949
18,800	7,122	6,365	4,247

Measles: In 1947, from spring to winter, about 500 cases in the whole territory with a mortality rate of 10 per cent chiefly among children.

Influenza: Epidemic in Wadi Ajal in 1945.

Typhus: About 100 cases in the summer of 1947 at Edri.

Recurrent fever: Violent epidemics in 1943 and 1944 over the whole Territory with a mortality rate of 25 per cent in some villages.

Tuberculosis: 1 to 2 cases of pulmonary tuberculosis, 5 to 6 cases of extra-pulmonary tuberculosis, particularly in the joints and peritoneum.

Alcoholism: 5 to 8 cases of cirrhosis and chronic ethylism due to lagmi, particularly in the Edri area.

(c) *Steps taken to prevent the spreading of epidemics*:

Trachoma: Children's eyes are treated (by drops, etc.) daily and systematically in the schools and when babies are brought for inspection. Treatment with lotions of copper sulphate, lutazolen tablets, autohaemmo-therapy with lutazolen, sub-conjunctival exoseptoplax and finally trabal and Panas' operations for trichiasis (140 a year on the average).

Blepharoconjunctivitis: Lotions of argyrol or protargol, zinc sulphate and silver nitrate and yellow mercuric oxide ointment.

Malaria: Quinacrine for use as a prophylactic is distributed free. Carriers are disinfected by quinine (injections or tablets), quinacrine or premaline. In addition, there are annual budget appropriations for the improvement of malarial regions. (Stocking of springs and wells with fish, draining of ditches and temporary pools.) The wells are stocked with small fish (gambusia), which feed heavily on mosquito larvae. The results have been excellent and the practice is being spread. The appropriations used in the anti-malaria campaign since 1944 have been (francs).

1944	1945	1946	1947	1948	1949
30,000	28,000	47,000	78,000	199,760	252,000

Smallpox-typhus: Preventive vaccinations.

Measles and influenza: Isolation of patients, rhinopharyngeal disinfection.

(d) *Special establishments*

There are none in the Fezzan. The clinics have wards for the isolation of contagious patients.

E. MATERNAL AND CHILD CARE

139. The programme of care for mothers and children is as follows:

(a) *Care of infants*: The budget has included an appropriation for such care since 1944, covering:

(i) The free distribution of tins of condensed milk for frail or sick children or babies which cannot be breast-fed.

(ii) The free monthly distribution of cloth and cereals.

These measures apply to all children under 18 months regularly brought to see the medical officers by their mothers.

(b) *Maternity hospitals*: Fezzanese women (except in the case of complications) are reluctant to consult medical officers for normal births; there are no maternity hospitals. Complicated pregnancies or births are treated at home or in the hospitals.

(c) *Treatment given to children at school*:

Regular anti-smallpox vaccination

Inspection by the medical officer on each round, at least once a month

Measurements taken at each inspection

Eyes bathed regularly by the teacher

Daily care for pupils on the school's medical register, given by the infirmary attendants as prescribed by the medical officer.

F. MEDICAL PERSONNEL

140. The situation in regard to medical personnel is as follows:

(a) *Recruitment and instruction*: The hospital orderlies are recruited locally. They are placed on probation for a minimum period of two months with one of the medical officers (Sebha, Jedid, Brach and Murzuq). Subsequently, at least every two years, they take a refresher course of one month.

(b) *Results obtained*: The results obtained are in general good. The six hospital orderlies first class are able to give intravenous injections and the rest can give subcutaneous or intramuscular injections. All have some knowledge of the common drugs and anti-smallpox vaccination, and they are all trained to set fractures

provisionally. They can recognize the chief epidemic diseases, which they bring to the notice of the medical officer on his periodic visits.

G. HEALTH LEGISLATION AND GENERAL PROVISIONS

141. The situation in regard to health legislation and education is as follows:

(a) *Laws regulating public health*: In principle, the Fezzan is subject to the health regulations in force in Algeria. In addition, in the case of epidemics, the Resident issues temporary regulations and orders vaccinations.

(b) *Steps taken for the health education of the population*:

Verbal propaganda by the medical officers and hospital orderlies.

Demonstration of the use of condensed milk and nursing bottles.

Installation of shower baths in the hospitals and schools.

Education given by the teachers to children of school age.

Refusal of assistance in the case of the repeated presentation of dirty and neglected children.

H. EXTENT AND EFFECTS OF PROSTITUTION

142. Prostitution exists throughout the Fezzan, particularly in the Murzuq area where morals have always been more lax. There are no houses of prostitution in the Fezzan villages but there are women of easy virtue almost everywhere, who are tracked down when they infect men and given compulsory treatment at a dispensary.

I. SANITATION

143. The situation with regard to water is as follows:

(a) *Sources and distribution*: In the Fezzan villages, the inhabitants take their water directly from one or more wells. There are no streams or springs (except in the Shatti). The water comes from the water table and is quite plentiful.

(b) *Analysis and purification*: The French carried out an analysis of the water on their arrival. Bacteriologically, it is drinkable, except in the case of the salty lakes (Jedid, Mandara and the sebkhras). In the Shatti and at Edri particularly, the magnesium salt content gives it a brackish taste and causes newly-arrived Europeans slight diarrhoea. So far there has been no water-borne epidemic disease.

VIII. SOCIAL CONDITIONS

144. Ever since its arrival, the French Administration has been concerned with finding a solution for the serious social problems existing in the Fezzan. As

mentioned in chapter I, the Territory contains a few wealthy families, a minority of persons who are fairly comfortably off and a majority of workers with a very

low standard of living. In 1943, most of the population was under-nourished.

145. Owing to the total absence of voluntary organizations (there is not a single Moslem charitable society in the Fezzan), the Administration has had to take sole responsibility in fighting poverty, raising the standard of living of the population and preventing unemployment and temporary emigration, which in all the Saharan oases is the consequence of unemployment.

A. PUBLIC ASSISTANCE

146. Since they are generally short of cash, the Fezzanese sell their grain as soon as it is harvested in order to be able to buy tea, sugar and clothing. They do the same with the date harvest. The poorest cannot even buy the tools that they need. Unless they receive financial assistance, they cannot subsist between sowing and harvest time. Various annual loans are granted, all interest free, as follows :

(a) *Loans of seed in the form of winter grain (tons) :*

1945	1946	1947	1948	1949
32.5	45.2	80.7	77	75

These loans are repayable, after the harvest, in cash or in kind in the borrower's option.

(b) *Loans of dates:* A portion of the dates collected under the tax payable in kind is also lent out during the winter, to be repaid out of the following harvest (tons).

1946	1947	1948	1949
200	100	120	120

(c) *Cash loans:* Agricultural loans in cash repayable at harvest time in cash or in kind are granted to the farmers (thousand francs).

1945	1946	1947	1948	1949
1,500	1,700	3,000	3,000	3,000

(d) *Tool vouchers:* These vouchers are for the distribution of hoes, sickles and *dalous* (leather bags for drawing water) to the very poor.

(e) *Campaign against unemployment:* In addition to the hydraulic works which are designed to extend the area of farming land and which employ a large labour force, there are permanent road or building gangs where unskilled workers can always find work.

B. RAISING THE STANDARD OF LIVING OF THE LOWER CLASSES

147. When the French Administration took over, there existed in the Fezzan a form of serfdom closely akin to slavery. It took the form of binding Negro debtors to the land and employing them in the gardens for the heavy work of drawing water. In most cases they received as wages one-quarter of the harvest,

which was hardly enough to sustain life and certainly not enough to enable them to pay their debts.

148. According to custom in the Fezzan, the harvest was shared as follows :

- One-quarter for the *jebbad* (drawer of water),
- One-quarter for the use of the *dalou* (leather bucket used in drawing water),
- One-quarter for the seed,
- One-quarter for the land.

149. The owner of the garden, who supplied the *dalou* and the seed, received three-quarters of the harvest for doing almost nothing. The *jebbad* on the other hand, after six months of hard work, was obliged, in order to subsist, either to steal from his master or to be satisfied with eating grated *agul* roots, since his share and the few perquisites allowed him by the landowner were far from sufficient. When his food-supply was exhausted, which usually happened a few months after the harvest, he was forced to borrow from the landowner in order to avoid dying from starvation. It was usually impossible to repay the debt in full out of the subsequent harvest, or if he did succeed, the debtor was forced to ask for a new loan within a month or two. The debt was carefully kept alive by the landowner, for it furnished him with a tool wherewith to enslave the agricultural worker.

150. As early as 1944, a decision of the French authorities exempted the share of the *jebbad* from the tax in kind on grain.

151. In 1946, another step by the Administration resulted in a revision of all the contracts between employers and workers on the basis of a two-thirds share to the employer and one-third to the worker.

152. Since artesian borings have made it possible to bring land which could not be cultivated before (*mauta* property, i.e. unoccupied and untenanted land) into production, such land has been given over to the *jebbadin* as their own property. In order to free them from any obligation to their former masters, the Administration reimbursed the landowners for the debts contracted by the *jebbadin* so that the latter could begin to work their new property free of any encumbrance. The Administration also provided, free, the tools needed for farming, the *dalou* and the seed. The first experiment was carried out in the Traghen area where 200 plots of land suitable for cultivation after artesian boring were distributed to the *jebbadin*.

153. Apart from the *jebbad* there are certain classes of Fezzanese society, such as agricultural workers and small landowners, whose condition is almost as wretched. Their lives can only be improved by the extension of irrigation.

154. Social action on these lines is therefore closely bound up with the country's water system. The Administration believes that irrigation ought to be extended since it constitutes the most effective means of improving the lot of the long-neglected majority of the Territory's population.

155. Further particulars regarding the steps taken on behalf of the *jebbad* will be found in a note at the end of this chapter.

C. FEZZANESE PURCHASING GROUP

156. In 1948, a group of Fezzanese traders set up a company in the form of a co-operative for the purchase abroad and distribution within the country of essential goods. The capital of the company, of which the Chairman is Mr. Belgacem Badi, a trader at Murzuq, comes from the following sources :

(a) Contributions from the Fezzanese village traders in proportion to population : 5 million francs;

(b) Loan from the Government-General of Algeria : 5 million francs;

(c) Annual renewable advance from the Fezzan budget. The amount, which in 1947 was 5 million francs, was increased to 11 million in 1948 and 10 million in 1949 (the same amount is planned for 1950).

157. This purchasing group can carry out banking operations, buy the goods needed by the Fezzanese at wholesale prices, and build up reserves. Through the operation of an equalization fund, the prices of food-stuffs are the same throughout the Territory, even in the most distant villages. The selling prices are calculated according to the lowest rates. Although a kilogramme of wheat bought for 21 francs in Tunis sometimes costs as much as 32 francs in transport charges, it is still sold to consumers at an average price lower than cost. The selling prices of cloth sold by this group are less than half of those quoted by ordinary traders : 80 francs as against 180 and 200 francs.

158. The profit on the sales provides 3 per cent of the Fezzan budget in the form of market dues, but it serves chiefly to assist the poor and to bring down the prices of staple foods.

D. FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL

159. The following is the situation in regard to rights and freedoms :

(a) *Freedom of religion*: All the Fezzanese are Moslems. They have full freedom to practice their religion. Fridays and Moslem feast days (Aid el Seghir, Aid el Kebir, Mulud, Ashura) are non-working days in the administrative services and on all public works. Facilities are granted to Fezzanese who wish to make the pilgrimage to Mecca.

(b) *Freedom of thought*: The laws in force place no restriction on freedom of thought. Although no papers are published in the Fezzan, those from Tripoli, Benghazi, Tunis and Cairo are free to enter. The formation of political parties is also free from all restriction. To date, no Fezzanese has requested permission to form such a party.

(c) *Racial equality*: The only Europeans serving in the Fezzan are French soldiers and civil servants. The problem of racial equality does not therefore arise. The Fezzanese can use the same means of transport as Europeans. They can also own them. Existing legislation makes no distinction between Fezzanese and non-Fezzanese. There was apparently no demonstration in the country in favour of or against the Italians at the time of their defeat.

E. CONDITIONS AMONG THE WORKERS

160. A distinction should be drawn between workers employed by the Administration and those employed by private persons,

(a) *Workers employed by the Administration*: These include permanent workers who are attached to different posts and take part in the work of construction, gardening, cleaning and repairing; regular workers who are attached to gangs employed on building, hydraulic works and road repair; domestic workers; and lastly, *reserve workers*, who are hired whenever many more workers are required for road gangs or water works.

(i) *Permanent workers*: These are paid by the month at the following rates :

		<i>Francs</i>
Mechanics	(9)	26,500
Gardeners	(10)	4,200
<i>Shaush</i>	(6)	6,000
Messengers	(3)	4,500
Master mason	(1)	26,500

The permanent masons receive daily pay of 250 francs.

All these employees are entitled to family allowances (200 francs a month for each child).

(ii) *Regular workers*: These receive a daily wage of 150 francs. They are distributed as follows : Building, 30; Water works, 60; Tracks, 72.

(iii) *Reserve workers*: The number varies according to the work in progress. The maximum has been 600 and the minimum 200. They receive a daily wage of 150 francs.

(iv) *Hours of work*: The working day is eight hours. Fridays and Moslem feast days are holidays. All workers are granted fifteen days paid leave annually. They are given regular medical examinations. Treatment and drugs are free. Algerian social insurance provisions have been applicable to these workers since 1950.

(v) *Work of women, young persons and children*: No women are employed by the Administration. Several young persons serve as domestic servants in messes or in European households. These posts are very much sought after.

(b) *Private employees*: These are agricultural workers and the *jebbadin*. The precariousness of their livelihood was referred to above. As an example, in the Ubari region :

A *jebbad* earns 90 kilogrammes of grain, plus a few perquisites in kind for six months' work;

A small landowner, 150 kilogrammes of grain;

An average landowner, 180 kilogrammes of grain;
A large landowner, 560 kilogrammes of grain.

A weekly holiday has been made obligatory by the French authorities, as has the annual fifteen days leave. However, it has not yet been possible to regulate hours

of work. These are governed by the drawing of water and vary with the output of the wells and the area of the plots. It is calculated that twelve working hours are needed for the normal irrigation of one garden.

ANNEX

NOTE ON THE REVISION OF THE CONTRACTS OF THE JEBBAD

On the arrival of the French troops in the Fezzan, the attention of the authorities was drawn to the situation of the *jebbadin* (drawers of water from wells with a pulley system; they work for the landowner). After an exhaustive inquiry, covering more than seventy agricultural centres, it was decided that the share of the *jebbad* in the harvest should be raised from one-quarter to one-third and that he should continue to enjoy all the benefits which had been granted to him before:

The *gfiz* or tenth part of every 200 kilogrammes or thereabouts;

The *dur* or grain sown over three-quarters of the land cultivated;

The *gaz* or earth mixed with ears from the threshing floor;

The *taudi* or handfuls of barley in the corners;

The *hassida* or gleanings of the barley;

The *hamil* or unharvested barley stem, etc.

These measures came into application as from the harvest of 1947 throughout the Fezzan, according to written contracts drawn up under the supervision of the *chaoukh*.

Moreover, an order was given to the *mudirs* to prepare a statement of the debts of all the *jebbadin* before 15 October 1946.

Example of a new jebbad contract

The *jebbad* using a donkey which is his property at a well belonging to his master (*shrik* by association) receives one-eighth more than is stipulated in the contract of a *jebbad* who has "only his health" (physical strength) as the saying goes. Such a contract will therefore involve as regards cereals:

One-third of the harvest as the share of the *jebbad*,

One-eighth of the harvest for the donkey, plus the perquisites known as the *awayyed* (enumerated above).

Participation of the jebbad in the date harvest.

Except at Jedid and in a very few centres in the Shatti, it was not customary to give the *jebbad* any share in the date harvest. It was decided throughout the territory that:

1. The *jebbad* who waters the palms which he has fertilized ought to receive the best cluster of dates from each palm that he waters,

2. The *jebbad* watering land without palms will receive the harvest from the three best palms of his *shrik*;

3. The custom of the *zerafa* or dates falling at the harvest among the stems of the palms or *kernaf* remains unchanged;

4. The custom of filling the basket brought by the members of the *jebbad's* family when the dates are cut also remains unchanged;

5. The lending of dates at interest, or *faiez*, is strictly prohibited.

The jebbad's weekly rest period.

The few hours leave which certain landowners allow the *jebbad* on Friday mornings (and then it is often to carry fertilizer or grass) are extended to the whole of Friday, which is to be a day of complete rest.

IX. DEVELOPMENT OF THE FEZZAN

161. The prospects for the development of the Fezzan are twofold—agricultural and commercial—and are conditioned by the geography and economic history of the country. These prospects leave little room for industrial development.

162. The Fezzan consists of a group of oases situated in the bottom of a vast depression approximately 800 kilometres in diameter. The rim of this depression consists of mountain ranges in some parts and of huge sandstone plateaux or vast stretches of desert in others. In the central region a water-table fed by the rainfall in the surrounding region breaks through to the surface here and there. The water comes to the surface, unaided by human effort, in oases which are few and far between. In most cases the water-table is 5 to 10 metres below the surface and at depths greater than 20—25 metres a much more abundant water-table occurs.

163. This water enabled agriculture of a relatively developed type to be introduced and makes the Fezzan appear a land of great possibilities in comparison with the other Saharan regions. Although the stages in the economic history of the Fezzan cannot be clearly defined, it would appear clear that certain periods of peace in the past enabled the inhabitants to devote great care to agricultural works which the Fezzanese are still turning to account. It is difficult to find any other explanation for the existence of the large palm groves which are one of the country's main sources of wealth.

164. But it would seem that during the centuries commerce gained a lead over agriculture in the Fezzan.

165. The Fezzan is situated at the crossroads of the routes leading from the Mediterranean to the Central

Sahara and thence to Equatorial Africa. In the days when the whole of the trade between the Mediterranean and the countries in the interior of Africa was carried by caravan, the Fezzan was an indispensable stopping-place on the easier and shorter routes. Agriculture was only the secondary activity of the Fezzan, the backbone of the economy being the profit from trade movements.

166. The growth of navigation along the African coasts considerably reduced this trade. The trade of the Fezzan no longer leads to the sea but consists merely of trading between the Saharan populations. It is destined to develop anew as the quantity of products which the Fezzan can supply increases. It follows that the commercial development of the country depends on its agricultural development.

A. AGRICULTURE

167. The agriculture of the Fezzan, which for centuries was regarded as a secondary activity, has not progressed as it might have done.

168. The deficiencies of Fezzanese agriculture can be set forth in a few lines : water is plentiful and there is no lack of land, but the inhabitants numbering some 45,000 and almost exclusively engaged in agriculture, succeeded with difficulty in extracting from the soil, in two harvests, 25,000 quintals of cereals, a quantity far short of that required to provide them with a normal diet. Not until 1950 will the first results of the efforts made by the French authorities to restore the agriculture of the Fezzan really be felt. The grain harvest in 1950 will exceed 50,000 quintals or more than 100 kilogrammes per inhabitant.

169. The quantity of meat consumed by the population is almost negligible. Their diet consists entirely of an average of 170 kilogrammes of dates per annum, plus cereals, and is therefore very unbalanced. The palm trees are almost uncared for and the working population therefore spends all its time in producing a grain crop which before 1950 was manifestly inadequate to meet the country's requirements.

170. Every year since 1943 the administering Power has had to supply the Territory with cereals in order to enable it to subsist.

171. Agricultural methods differ little from one place to another. There are no fields but only *suani* gardens divided into small plots of an average area of 3 square metres which are successively irrigated. The tenants devote almost all their efforts to the drawing of water. At the highest point in each garden there is a well with scaffolding which supports pulleys and ropes controlling the movement of a leather bucket known as the *dalou*. By their combined efforts one man and one donkey raise some sixty litres of water per minute, a task which they carry on monotonously throughout the day. A young man or young woman working side by side with the water-drawer or *jebbad* operates the irrigation ditches (*segua*) and allows the water to flow in turn to the various plots in the garden.

B. THE WATER PROBLEM

172. The most important of all the tasks undertaken by the administering Power for the modernization of the Fezzan consists in freeing Fezzanese agriculture from its dependence on water-drawing by bringing the water to the surface by suitable mechanical means.

173. The Territory has a large water-table which comes to the surface, by artesian forces, in the Shatti and the Hofra (Traghen). A full geological survey of the region has disclosed the existence at these two points of an artesian water-table at a depth of 50—100 metres in the Shatti and of 40—80 metres in the Hofra. This water comes from vast water-tables at estimated depths of 360 metres in the eastern part of the Shatti, 1500 metres in the western part of the Hofra and between 200 and 1000 metres elsewhere, but no estimate of the effective output of water from the wells to be sunk can yet be made.

174. The Administration made a preliminary experiment consisting in the replacement of the traditional well installations—briefly described above—by motor pumps. Of the twenty-eight Bernard motors brought to the Fezzan in 1947 only five are still in working order. The cost of one motor is 250,000 francs. The cost of equipping all of the 6,000 wells in the Fezzan with these motors would be 1,500 million francs, and the high price of petrol (or other fuels), in a country where it has to be transported by lorry across some 1500 kilometres of desert, would be a heavy item in the cost of production. Lastly, the time is still far off when all of the Fezzan villages will have a mechanic capable of operating the motors properly, maintaining them and carrying out the necessary minor repairs. The "motor" experiment can be regarded as unsuccessful.

175. The technicians subsequently considered the possibility of using *norias* with plaited chains and buckets of palm fibre which could be manufactured locally. This type of *noria* is the only rustic device which can be used for the speedy conversion of the old installations. The problem of motive power is solved by the existence in the Territory of a herd of camels the number of which could easily be increased. This system has so far met with a lack of understanding on the part of the inhabitants who have no clear idea of the advantages of the *noria* as compared with the *dalou*. However, the Administration has not lost all hope of convincing them. On its instructions, an industrial firm has produced a model *noria*, in cast iron, which could be imported after 1950. The cost of this type of *noria*, including installation, would be some 200,000 francs and the total outlay for its installation in the 600 wells in the Territory would amount to some 1,200 million francs.

176. At one time consideration was also given to windmills which are very widely used in Tripolitania. These are much more expensive than the *norias*, as a water storage tank has to be built and upkeep is difficult. The cost of one windmill is 250,000 francs and the installation and storage tank involve a further outlay of 400,000 francs. The cost of constructing 1,500 windmills would be 975 million francs.

177. There remained the most attractive solution, that is, artesian wells. A thorough survey of water resources in the Fezzan was carried out from 1944 to 1946 by Messrs. Lelubre, Bellair, Muller and Feuga, experts in Saharan hydraulics. They drew up a preliminary five-year plan for the sinking of shallow wells in the years 1946-1951, to be followed by a plan for the tapping of the deep water-tables in 1952-1957.

178. Forty-one artesian wells have been sunk since 1944 with varying results. Thirty-two of them were sunk in the Shatti where the conditions were most favourable. In that region the water-table is nearer the surface than in the other regions and the land-owners are more alive to the possibility of improving their crops.

179. It was experimental work carried out in the particularly poor region of Traghen (Shatti) which showed that living conditions in the Fezzan could be improved by solving the water problem. The three artesian wells sunk at Traghen, with a capacity of 135 cubic metres, made it possible to make a free distribution of 466 plots of land, each 625 square metres in area. The farmers were led to abandon their land and resettle around the new water points. A storage tank with a capacity of 180 cubic metres was constructed. As a result, the water from one well can be stored during the night and can be used during the day together with the water which passes directly from the wells into the irrigation ditches.

180. The cost of one 100-metre artesian well is roughly 3 million francs. There are 30 villages or nomad tribes in the Shatti and the cost of sinking wells in this region therefore amounts to 90 million francs. Plans have also been made for ten new wells to irrigate the lucerne fields which will provide the fodder required by the nomad herds. This involves a further outlay of 30 million francs.

181. Fifteen wells at a cost of 45 million francs are planned for the Hofra (Traghen region).

182. A deep well costs about 40 million francs. The water experts consider that 25 wells of this type should be sunk at a cost of 1,000 million francs.

183. Thus, the total cost of sinking artesian wells in the Fezzan would be 1,165 million francs plus 236 million francs for seventeen test borings.

184. During the next ten years the development of the Fezzan will be governed by the increase in the number of artesian wells, the resulting revival of agriculture and the social adjustment to this technical revolution. The relatively large area of the *marwat* or wastelands will make development easier by simplifying the land problem.

185. The inhabitants of the Fezzan, who will no longer be dependent upon the drawing of water, will have to be given agricultural training. They will learn to use the implements provided to them, to work the soil more deeply, to care for their land, to adapt their crops to the soil, to use selected seeds and to improve

their *seguia* so as to prevent the seeds from being washed away by the water.

186. The rational organization of agricultural training will go hand in hand with the provision of new facilities for the inhabitants. An agricultural centre will start to operate at Sebha in October 1950.

187. It would seem that in the first programme for the sinking of artesian wells too much was made of the farmers' ability to adapt themselves and to use the larger water supply for the development of new land. The Administration had to postpone the sinking of some wells until a plan for their use had been drawn up and until the users had had time to familiarize themselves with this innovation.

C. POLITICAL ASPECTS OF THE DEVELOPMENT OF THE FEZZAN

188. The French Administration has encountered certain political difficulties in its efforts to transform the agricultural economy of the country. The traditional hydraulic methods were conducive to the maintenance of social conditions in which two distinct classes were opposed to each other; on the one hand, the large and medium landowners, the successors of the large merchants and the merchants themselves, members of religious bodies, officials and nomads, who own almost all of the gardens and have them cultivated; and on the other, the crop-sharing water-drawers and labourers, who work for the members of the first class. The *jebbadin* (water-drawers) were bound to their employers by a debt system, and their status was therefore that of serfs rather than of free workers. The class of large and medium landowners forms about one-quarter of the population, and the actual workers, three-quarters.

189. In 1946 the French authorities increased the *jebbad's* share of the crop to one-third. It had previously been only one-quarter. Further action should be taken in this connexion, as a large part of the Territory's small income now goes to a very small minority which contributes little, by its work, to the prosperity of the Fezzan.

190. The distribution of land around the new wells, particularly at Traghen, was made for the benefit of the whole population and, as a result, the *jebbadin* became landowners once their debts had been paid by the Administration. The large landowners were deprived of the usual labour for their gardens and were only too glad to accept an irrigated plot which they must now cultivate themselves.

191. The success of the technical revolution now in progress is bound up with that of a veritable social revolution, on the completion of which all the inhabitants of the Fezzan will be concerned as landowners to make the land they cultivate adequately productive.

⁷ The 1947 census gives the following figures :
Large landowners : 1,732; Medium landowners : 10,040; One-quarter of the population
Small landowners : 13,112; Agricultural workers : 15,120; *Jebbadin* : 7,640; Three-quarters of the population

D. THE PROBLEM OF THE PALMS

192. Freed from the slavery of water-drawing, the Fezzanese will have to learn how to improve the cultivation of their palm trees so as to obtain a better yield.

193. At the present time, the attention they give to their trees is confined to fertilizing them in May and gathering the harvest in November and December. In no case are the trees cared for or pruned. The proportion of trees totally neglected and therefore producing no crop is estimated at more than 80 per cent.

194. Nevertheless, the annual fruit crop amounts to 15,000 tons, about one-third of which is sold to nomads in the Territory or from neighbouring territories.

195. A first effort has already been made to increase production. Fertilization has been extended to a greater number of trees and certain processes derived from Algerian or Tunisian techniques have been taught to the Fezzanese. These steps should be followed by a more elaborate plan for improving the quality of the fruit and making it exportable. Owing to its inferior quality, the Fezzanese date does not find a good market but has to be sold off cheap. While some results may be expected from the selection of native plants such as the Tassert and Selaula, the primary objective should be the systematic introduction of new trees, particularly from Deglat, which provide fruits that are universally esteemed. The study of the acclimatization of various species should be spread over a period of fifteen years. The cost of introducing 3,000 suckers and maintaining them for fifteen years would be about 65 million francs. The process of substituting these new plants for the old trees will be long and costly. It is not at present possible to give any estimate of the expense in figures.

E. NEW CROPS

196. The production of dates, a heavy crop of which already abounds in the Sahara, is not necessarily the true vocation of a country which can engage in the production of much more lucrative crops. During the period in which an attempt is to be made to adapt new kinds of palms, experiments should be conducted with olive trees, apricot trees and the various fruit trees, the cultivation of which on irrigated land is feasible in hot countries.

197. The cultivation of tomatoes has already yielded good results. It is to be increased. Dried tomatoes bring a price double that of wheat. Now that the cereal harvest is sufficient to provide the staple foodstuffs, increasing attention must be given to the growing of vegetables.

198. Experiments have already been tried, and will possibly be developed, with beans, flax, peanuts, tobacco, the castor oil plant and various oleaginous plants.

199. As said before, the development of agricultural production in the Fezzan in the immediate future

is entirely bound up with the question of water. The main features of the solution which that problem requires have already been outlined. Experiments that may be regarded as conclusive have already been conducted. It is now for the geologists precisely to demarcate the areas in which efforts should be intensified. A general survey of soils and water resources is now being made. It appears that the next well-boring operations will have to be carried out in the particularly poor areas of Wadi Ajel, Wadi Etba and the area between Murzuq and Zuila. The introduction of new crops will depend on the completion of this work.

F. TRADE

200. The first objective of the revival of Fezzanese agriculture, that of providing the population with adequate means of existence, has now been attained. The further execution of the water resources plan will soon produce a surplus of exportable products which will make the Fezzan one of the suppliers of all the population groups in the central Sahara. Thanks to its geographical situation, the territory has enjoyed prosperity in the past. A relative flourishing economy at that time won it the name of "Granary of the Ajjer". To-day it entertains the ambition of soon becoming the "Counter of the Sahara" in the sense in which that word is understood in the population centres of southern Algeria and southern Tunisia, where the grocer is the only trader and the supplier of all consumer goods.

201. At the present time, the commercial life of the Fezzan functions as follows. Textiles, tea, sugar, oil, wool and miscellaneous goods come in from Tunisia or Tripolitania. These products are exchanged for cash, or, when they are brought in by nomads, for dates.

202. Part of the commodities is consumed in the Fezzan, while the rest passes through Ghat to the Sudan, Air, Damergu and the districts of Nigeria or through Gatrun to Kuar, Kanem, and the regions of Chad, Tibesti, Borku, Wa'ai and Darfour.

203. In exchange, all these countries of central Africa send to the Fezzan hides, manufactured goods, butter from Chad, coffee and textiles, which are consumed in the Fezzan or redistributed. Some merchants, mostly Tripolitanians or Tunisians, make large profits, completely unrecorded in the statistics, on the sale of Saharan consumer goods, some of which are produced in the Sahara while others are imported from Europe. The trade in European products grew out of the difference in prices charged in the various areas bordering on the Sahara, a difference which in turn is due to the fluctuation of rates of currency exchange.

204. While the vicissitudes of political life in the Fezzan have occasionally seriously interfered with trade, they have never completely interrupted it. Since the opening of the frontier between Libya and the French Sahara, Fezzanese trade has again turned in that direction, and the traditional routes are experiencing renewed activity.

205. The prospects of agricultural development in the Fezzan offer a guarantee of the future of these routes. They should be the normal channels for the movement towards the areas of the Sahara of the foodstuffs, mainly cereals and vegetables, which, alone of all the desert countries, the Fezzan can supply in sufficient quantities. In the trade now carried on, transit operations are most important, while the export of surplus Fezzanese products is of merely incidental significance, but the positions should gradually be reversed.

G. ROAD TRAFFIC

206. To make the development of road traffic possible, the administering Power has been endeavouring to maintain the network of tracks and to regulate the traffic.

207. The network of roads left by the Italian occupation consisted, in addition to local roads, of two tracks connecting the Fezzan with Tripoli and Misurata. The French Administration has sought again to make the Fezzan a cross-roads of the Sahara.

208. A track between Sebha and Brach across the Zellaf has made it possible to reduce the distance between these two centres from 200 to 70 kilometres. The track leading to south Tunisia and Gabes has been remade, particularly between Derj and Bir Ghazeil. A new track has been constructed connecting Derj with Edri and running through Awinet Wenin, thus reducing the distance from Gabes to Sebha by 200 kilometres. Since 1948 two scrapers, three bulldozers, one motor-grader and a leveller have been in permanent service on this road, the remaking of which will be completed in 1950. Then work will be done on the very important tracks leading in one direction towards Ghat and in the other towards Gatrún and Korizo. The section of the track between Gatrún and Un el Araneb has already been prepared.

209. The Fort-Lamy-Gatrún-Sebha route is already used regularly by the Chad traders. Since 1948 experiments have been made with a commercial road connexion from Tunis to Fort-Lamy, the same route as that followed twice a month from 1943 to 1946 by the motor supply convoys of the Leclerc army.

210. In the autumn of 1950 a relay post will be established at Sebha on the Tunis-Fort-Lamy commercial route, with a fleet of lorries and a large repair shop. The opening of regular traffic by motor convoy with the Chad will restore to the Fezzan part of its former commercial importance and considerably enlarge the Territory's economic prospects.

H. AIR TRAFFIC

211. While Saharan trade in general should profit by the restoration of connexions with the Fezzan, a new trans-continental trade should enable the Fezzan to recover its function as a stopping-point which it held until the beginning of the century. With the development of air services, the Fezzan has a chance of gaining a place on the great highways of world trade.

212. Sebha is in fact on the direct route leading from the countries of Western Europe to the countries of central Africa. Normally, the Fezzan would be traversed by the routes: Paris-Brazzaville, Paris-Tananarive via Zouar and Nairobi, Brussels-Leopoldville, and Tripoli-Kano. The adoption of this route would shorten by 600 kilometres the Paris-Brazzaville crossing as at present operated, and the Paris-Tananarive crossing by 1,000 kilometres. In addition, atmospheric conditions are generally more favourable over the Fezzan than in the more western parts of the Sahara.

213. The main airfields have already been equipped. The three principal aerodromes at Ghadames, Sebha and Ghat already have radio direction-finding equipment, modern radio transmitters and meteorological stations. The marking of the runways, which is satisfactory at Ghadames and Sebha, will have to be improved at Ghat.

214. The first urgent task will be to mark out two runways on the auxiliary airfields, which have generally up to the present been marked rectangularly only. This incidentally, must also be done for the airfields in French Equatorial Africa. The north-south line will thus be marked off at the following points: Derj, Bir Ghazeil, Awinet and Wig el Seghir. In French Equatorial Africa, where Largeau and Fort-Lamy are the principal aerodromes, subsidiary aerodromes already exist at Wur, Zuar, Scherdas, Korotoro and Mussoro.

215. Once this essential work has been done, the civil aviation services must be induced to do something about the breakdown equipment, at present very rudimentary, at each of the main aerodromes.

216. Hotel accommodation is already satisfactory: there are suitable hotels now at the Sebha and Ghadames stops.

I. SECONDARY ECONOMIC ACTIVITIES

217. The main purpose is to make of this Territory, which before the Second World War was regarded as the miserable hinterland of a relatively rich coastal belt, a group of oases able to assume a pre-eminent position in the framework of the Saharan economy because of abundant water, scope of arable land, and excellent commercial location.

218. The essential importance of agriculture and trade in the Fezzan should not lead one to ignore a number of secondary economic activities the development of which will contribute to the country's prosperity.

Stock-raising

219. Stock raising is still in a rudimentary state. Pasture land is too scarce to provide nourishment for large herds. Statistics (the accuracy of which, by the way, is doubtful) provide the following figures: 12,000 sheep and goats, 6,000 donkeys and 5,000 camels.

220. The settled population is chiefly interested in the raising of donkeys, whose part in the drawing of water has been explained above. They are fed largely

on dates. During recent years the Administration has regularly imported Tibesti donkeys, which are particularly robust and well-adapted to the desert.

221. The raising of sheep and camels, on the other hand, is largely confined to the nomadic populations, which move their flocks across the areas bordering on the Fezzan basin: Arabicized Berbers of the northern tribes, Tebus from the districts of French Equatorial Africa, and Tuaregs from the Algerian frontier. These groups move from one country to another without heeding frontiers. It is difficult to estimate their size. They are thought to amount to about 5,000 persons. The name Fezzanese is reserved to the settled population, and is not applied to the nomads.

222. The stock-raising in which they engage is intended almost exclusively to supply their own consumption requirements, and only when forced by necessity can they be induced to sell their animals. To assist them to increase their flocks, the watering points where, for any reason, the water supply has failed or is polluted should be put in order. Thus the Bir En Nahia and Bir Mangul wells in the Hamada el Homra have been restored. In some cases new wells will have to be dug. On the whole, however, it is difficult to see how nomadic stock-raising could be made to contribute to the economic development of the Fezzan without forcing the populations concerned to adopt a semi-settled mode of life. To the extent to which the great nomadic proprietors who live on the labour of their *jebbadin* are deprived of their income, this transformation will take place automatically. Every time irrigated lands are distributed in lots, portions will be assigned systematically to those of the nomads who are already established in the villages (the Guirza well among the Megarha; lucerne fields in years of drought). As regards the remainder of the tribes, it will be necessary, in so far as they are amenable to new methods, to establish at every agricultural experimental station a stock-raising centre where demonstrations of the care of stock will be given. At the same time these centres will encourage the development of a settled type of stock-raising which, however, must always be on a somewhat small scale.

223. In present circumstances, the oasis Fezzanese have only a small number of sheep. Their flocks must be increased to provide the population with a better-balanced diet than it now enjoys. The development of forage crops is the principal condition to the introduction of a family type of stock-raising capable of satisfying the country's meat requirements. The establishment of a sheep population of 50,000 within ten years may be regarded as a reasonable objective. Experiments giving satisfactory results have been made with the introduction of the long-tailed barbary sheep, the features of which are so perfectly adapted to the Tunisian climate.

224. The camel herds of the settled population must increase at a similar rate. If the use of *norias* can be developed, the Fezzanese should have a camel population of about 20,000 living on dates of inferior quality.

Craftsmen

225. The increase in the number of sheep will provide the craftsman class with a more abundant and cheaper supply of raw material than that offered by the nomadic populations. Wool and hides are very important in the various crafts, which in the Fezzan are little developed.

226. Most craft work is done by the family or, at any rate, within the village. Products rarely pass from village to village. None are sent out of the Fezzan.

227. At Brach and Jedib sandals and slippers are made; at Jedib, Semnu and Traghen, reed mats; at Temessa, textiles; at Gatrun and Tedjeri, articles made of esparto grass. Pottery techniques are particularly rudimentary. The art of baking clay is unknown in the Fezzan.

228. Owing to its central situation and its relatively advanced position with regard to the development of craft techniques, Murzuq already has a centre where some ten mastercraftsmen in leather are assembled at one place and work under the head of a craftsmen's guild. The volume of production is not great, but the products are interesting from the artistic point of view: some finely executed objects, such as embroidered leathers, might well find outlets in the Mediterranean countries and in Europe.

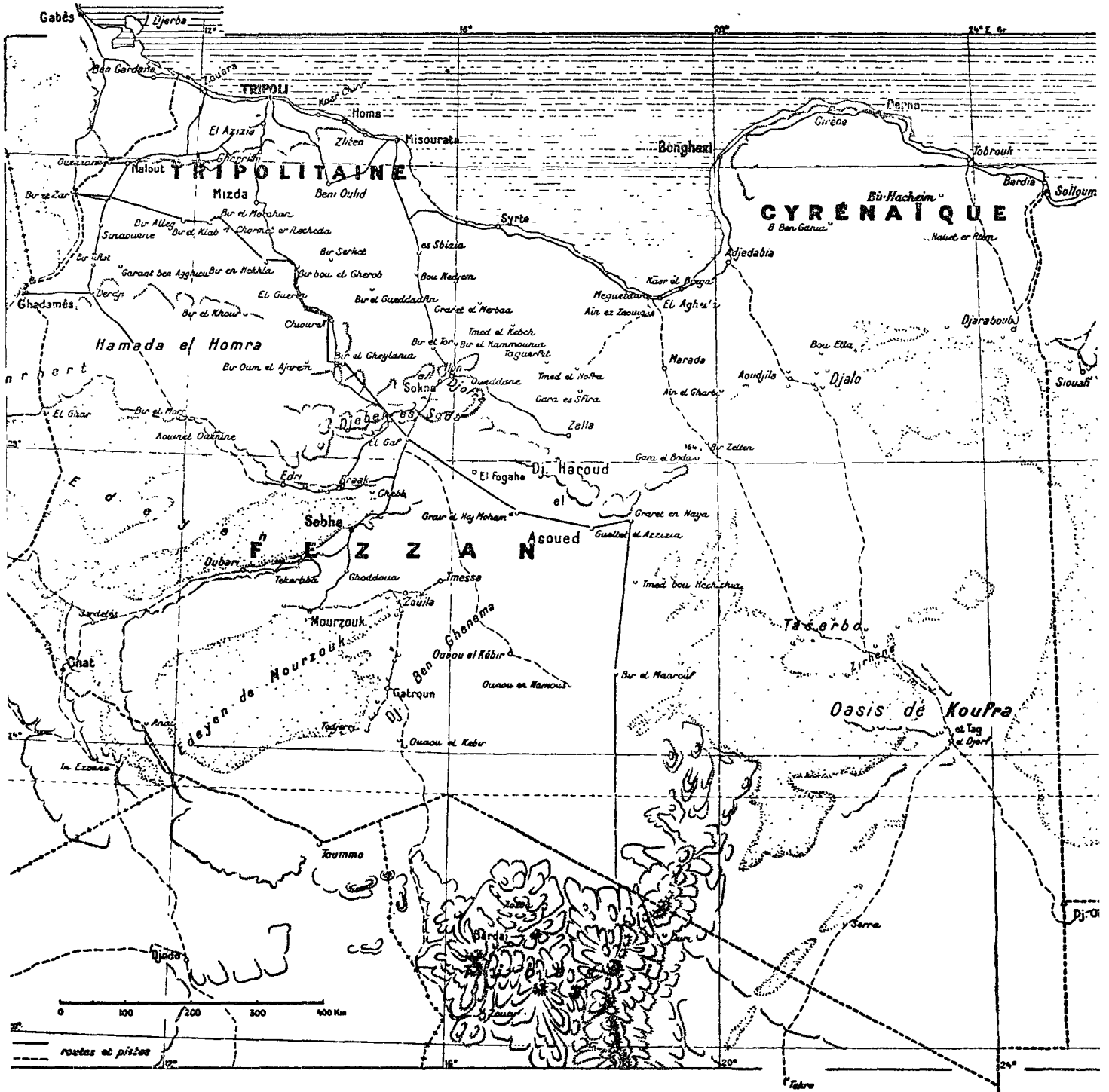
229. An apprenticeship centre for carpenters, cartwrights and mechanics will as a matter of course find its place beside the repair shop which the road transport company operating the Tunis-Fezzan service is to set up at Sebha. Owing to this proximity, the operational expenses of the apprenticeship centre will be considerably reduced.

J. MISCELLANEOUS INDUSTRIES

230. Fezzanese production has not hitherto involved the operation of any processing industry. Studies made in connexion with the distillation of dates have been abandoned because of the uneconomic nature of the operation.

231. The Fezzan already possesses an extractive industry, though a rather small one: the soda industry. About 100 tons of this carbonate of soda collected from lake surfaces in the Oubari area is exported annually to Tripoli or Tunis. Markets have never been very numerous, and it does not seem possible to find others than those provided by the tobacco factories of Egypt, Tripolitania, Tunis and Algeria. Production may be increased without difficulty, since the extractive processes are simple and the raw material comparatively abundant; but before anything is done in this connexion, outlets for the increased production must be found.

232. The question of petroleum is still in the realm of conjecture. The contradictory statements of geologists do not make it possible to form a definite opinion of the oil-bearing potentialities of the Fezzanese sub-soil.



CONCLUSIONS

233. The drawing-up of a development plan for the Fezzan was a relatively simple matter, owing chiefly to the fact that the country's economy was essentially agricultural and dominated by geographic and historic conditions common to all the oasis areas of the Sahara.

234. The immediate objective set by the French authorities as soon as the occupation of the Territory commenced has been attained : to enable the Fezzanese to find on their own soil sufficient resources to ensure their subsistence; to impress upon a people living in wretched material conditions and in constant fear of a return to the time of insecurity, that they are part of a community capable of development; to put a stop to the most flagrant social inequalities and to organize the first stages in education, public health and hygiene.

235. The second purpose of the Administration is to increase the agricultural capacity of the country by a long-term water supply policy making it possible to cultivate fresh land and restoring to this Territory its former important place in the great movements of African trade.

236. This purpose will be accomplished only to the extent to which the Fezzan has sufficient human and material resources. In present circumstances, the Territory can supply only a small portion of either.

237. The Fezzan has no technical experts, no university graduates, and the number of persons capable of assuming responsible positions in a modern organization is extremely small.

238. The equipment of the Territory cannot be financed out of the Fezzanese budget, the ordinary resources of which will for long remain slender. The development of the Fezzan can be ensured only by the influx of capital from abroad. The special conditions governing the economy of the Sahara imply that any advances that are made will not yield a return for a long time.

239. The administering Power is of the opinion that in the Territory's present circumstances, and for the purpose of promptly and rationally utilizing the resources available, multiple-purpose centres should be established to act as points for the dissemination of knowledge. The jointly undertaken and often overlapping efforts of the *mudirs*, teachers, medical officers and agronomists can be extended into the neighbouring villages by monitors, hospital attendants and agricultural monitors whose own knowledge is still undeveloped but who will in the end carry out the most urgent work.

240. The geographical situation of these centres will for practical purposes be determined both by the distribution of the population and considerations of water supply. From the comparatively developed villages, those will be chosen where water can be brought to the surface without effort and where, as a result, men can be relieved of the work of drawing water and instead apply themselves to the business of developing new land.

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LETTER DATED 6 SEPTEMBER 1950 ADDRESSED TO THE SECRETARY-GENERAL FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM TO THE UNITED NATIONS, TRANSMITTING THE ANNUAL REPORT ON THE BRITISH ADMINISTRATION OF CYRENAICA AND TRIPOLITANIA

I have the honour to transmit herewith to you a copy of the report on the British administration of Cyrenaica and Tripolitania for the period 1949-50, which has been prepared in accordance with sub-para-

graph 10 (c) of General Assembly resolution 289 A (IV) of 21 November 1949.

(Signed) Gladwyn JEBB
Permanent Representative
of the United Kingdom
to the United Nations

⁸ Document A/1390/Add.1 is dated 6 October 1950.

REPORT OF THE GOVERNMENT OF THE UNITED KINGDOM

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INTRODUCTION

1. The political, social and economic conditions in Cyrenaica and Tripolitania bear a general similarity, but differ in certain important respects. In Cyrenaica the predominant political factor is the personality and position of His Highness the Amir and the unanimous support he receives from his people. There are, in fact, no significant minorities in Cyrenaica, nor is there an Italian community. In Tripolitania there is party rivalry, and the political scene is further complicated by the presence of large minorities of which the Italian is the most important. In Tripolitania there is a greater degree of fertility and agricultural development than exists in Cyrenaica. In Tripolitania the European minority provides the greater part of the technically skilled element of the population. In Cyrenaica there is marked shortage of skilled labour. In Cyrenaica Italian influence had scarcely established itself, while much of the economic and social structure in Tripolitania is Italian in inspiration and character.

2. Economically these territories are not undeveloped lands with a considerable potential capacity for improved agriculture or prospects of mineral discovery and industrial development, but areas that supported a considerable colonial population from Phoenicia, Greece and Rome over a period of 1,000 years (from roughly 500 B. C. to 500 A. D.), and are now exhausted and largely infertile by reason of the exploitation they then suffered and the neglect to maintain the wells, cisterns, tanks, terraced fields, trees and so on (which were the essential basis of the agricultural prosperity of that earlier period) since the time of the Arab invasion, which brought in a largely pastoral economy and permitted extensive and indiscriminate grazing. The territories, therefore, need very substantial amounts of initially unproductive expenditure on investigations into such items as water resources, soil fertility, and in kindred fields, as well as the provision of cheap and easily accessible power for pumping water from subterra-

nean storage. This sort of development is in hand on a scale limited by the finance available.

3. The fulfilment of United Nations resolution 289 A (IV) created for His Majesty's Government, as the administering Power, essentially different problems in the two territories in question. Cyrenaica, unlike Tripolitania, had a firm point of departure for political development, but smaller resources in skilled and trained personnel. In Tripolitania there is greater wealth, or more accurately, less poverty, both in material and personnel, but a certain political instability. More rapid political development has thus been possible in Cyrenaica, but Tripolitania's prospects of economic progress are better.

4. Prior to the United Nations resolution His Majesty's Government, as the administering Power, was restricted in the steps it could take in either territory by the temporary nature of its administration, by its international obligations, and by the amount of available resources. A number of important measures of economic, political and administrative reform were, however, put into effect. Some of these are summarized below. The passage of the United Nations resolution has naturally enabled the progress in some directions to be accelerated, though it has complicated progress in others.

5. Since the arrival of the United Nations Commissioner in Libya in January, the Administrations in both territories have maintained the closest touch with Mr. Pelt and have benefited, in the execution of their task, from his co-operation.

6. In the notes which follow, political and social developments in furtherance of the resolution are, for the reasons outlined above, dealt with separately for each territory, while economic and financial developments are treated as common to both territories.

I. CYRENAICA

7. Before adoption of the General Assembly resolution, His Majesty's Government had already initiated steps in Cyrenaica which would, by their logical consequence, prepare the country for independence at an early date. On 1 June 1949, His Majesty's Government agreed to the formation of a Cyrenaican Government with responsibility for internal affairs, and also to recognize His Highness the Amir as Head of the Government.

8. Subsequently, on 16 September 1949, His Highness the Amir enacted with the consent of His Majesty's Government a Constitution for Cyrenaica which came into effect on 18 September 1949. This enactment provided the foundation for self-government and from that date there has been established in Cyrenaica a

Cyrenaican Government with authority over internal affairs.

9. By an Order-in-Council made on 28 October 1949, the Chief Administrator became the British Resident in Cyrenaica, thus formally recognizing the transfer of responsibility to the Cyrenaican Government.

10. The Government of Cyrenaica, which is headed by the Amir, consists of a Council of Ministers served by a Cyrenaican Civil Service, and decides and develops its own policy in regard to internal affairs.

11. Pending the fulfilment of the United Nations resolution, a number of subjects are reserved to the British Resident acting on behalf of His Majesty's Government. The more important of these are foreign

relations, defence, foreign trade, ex-enemy property, currency and immigration.

12. The first elections to be held in Cyrenaica since 1919 took place on 5 June 1950, when fifty members were elected to a Cyrenaican Assembly of Representatives. A further ten members were nominated by His Highness the Amir. The elections were considered an unqualified success, 80 per cent of the townsmen and 56 per cent of the tribesmen having recorded their votes. On 12 June, the Assembly of Representatives held its first meeting when a President, a Vice-President and a Secretary of the Assembly were elected.

13. Since the transfer of power to the Cyrenaican Government many posts in the Administration, formerly held by British officials, have been filled by Cyrenaicans and candidates will be trained to replace the remainder as they become available. Meanwhile, a number of British officials are being offered Cyrenaican Government contracts under which they will become servants of the Cyrenaican Government and will be subject to Cyrenaican Civil Service Law. Since November 1949, the administrative districts of Cyrenaica have been in the charge of Cyrenaican officials appointed by His Highness the Amir. The British officials who had previously been responsible for these districts have remained in post as advisers to their Cyrenaican successors. This transfer of responsibility was everywhere effected smoothly.⁹

14. In accordance with the wish of His Highness the Amir, the Minister of Education took the first steps in November 1949, to plan the further development of education in Cyrenaica. In December 1949, a highly qualified and experienced British Education Adviser was appointed to strengthen the Ministry of Education and to assist in formulating the programme.

15. During the period of British administration in Cyrenaica, considerable progress was made in the development of educational facilities for the Cyrenaican people. In 1939, there were 31 elementary schools attended by 2,245 Arabs, but almost the whole of the Italian system disappeared during the war and it has had to be rebuilt from the beginning. By the end of 1949, 10 primary and 44 elementary schools, as well as one secondary school, one teacher training centre, one trade school, 26 instructional centres in the Zawias, and 41 Koranic schools, had been established. In all, some 8,000 pupils attended these establishments. In addition, there is an advanced study centre where students can matriculate. Further expansion is planned by the Cyrenaican Government with the beginning of the new school year in the autumn, including a secondary school for girls. Conditions in Cyrenaica are such that a number of boarding schools are highly desirable and necessary. At present, there are four. There has been a limited desire for female education which has been met by the provision of schools and encouraged in other ways.

⁹ By 1 August 1950 only 22.2 per cent of the posts in the Cyrenaican Government's establishment remained occupied by non-Libyans, *viz.* 12.2 per cent (183 posts) by United Kingdom based personnel and 10 per cent (150 posts) by other non-Libyans.

16. His Majesty's Government, realizing the need for a cadre of Cyrenaican experts in all fields of public administration, has made arrangements for the advanced training of selected Cyrenaican students to be carried out in the United Kingdom, France, Egypt and the Sudan, and at present about 50 students are attending courses in these countries. Cyrenaicans have received or are receiving in the United Kingdom specialized training in education, law, medicine, economics, customs and excise administration and police work. Arrangements are also being made for the attendance of Cyrenaican students at a two-year municipal engineering course in the United Kingdom. Provision has been made for the extension of this system of specialized training so as to ensure that a sufficient cadre of Cyrenaicans will be available both to assist with the administration of their country and to assist with the training of their fellow-countrymen. A summer school for the training of Cyrenaican students during the school holidays has been organized and will prove a valuable addition to the more formal teacher training facilities in the Territory.

17. Until more Cyrenaican technicians have been trained it will not be possible substantially to reduce the foreign element in the technical departments in the Cyrenaican Government. During the period of British administration a number of Cyrenaicans have received technical training in the transport and public works departments, and the gradually increasing supply of persons possessing an adequate basic education has now made it possible to give further emphasis to technical training generally, and apprenticeship and training with industry schemes are now being drawn up on a wider scale than has been possible heretofore. A trade school was opened in Benghazi in 1949 with an attendance of some 50 boys. The pupils at this school continue with a specially arranged curriculum of primary education which allows for additional time in mechanics, weaving, carpentry and leather work. It is expected that the number of pupils will rapidly increase and that the teaching of further trades will soon be introduced into the school.

18. Cyrenaicans have applied for United Nations scholarships and fellowships and their applications have been referred to the appropriate United Nations authorities.

19. Adult education, consisting of lessons in English and mathematics for personnel of the Cyrenaican Government and evening classes for working men, is being extended in scope, following a recent visit to Cyrenaica by a British educationalist whose recommendations were wholeheartedly accepted by the Cyrenaican Government. These recommendations included proposals for the development of teacher training, evening institutes, the provision of educational films, pamphlets and textbooks.

20. More than 50 teachers have been brought from Egypt, and it will continue to be necessary to employ teachers from other Arab countries until such time as Cyrenaica can produce a sufficient number of well trained

teachers of its own. There is a teachers' training centre for male students.

21. A comprehensive review of the health services in Cyrenaica was undertaken in March 1950, in consequence of which consideration is now being given to the further training of Cyrenaicans to fill posts as nurses, midwives, health visitors and sanitary inspectors, to the appointment of further medical specialists and to increasing the number of hospital beds.

22. A visit by Mr. Davidson of the United Nations International Children's Emergency Fund has been arranged for September with a view to his investigating ways in which assistance can be given by the Fund to Cyrenaica and Tripolitania.

23. An inspection of the Cyrenaican police and prisons services was carried out during 1949, and a number of recommendations were made which have resulted in the complete reorganization of these services so as to conform with the best modern practice.

II. TRIPOLITANIA

24. After the adoption of the United Nations resolution a programme was prepared designed to lead the Tripolitanians to a stage where they would be in a position to assume responsibility for their own government by 1 January 1952.

25. After consultation with the United Nations Commissioner, this programme was divided into three stages :

(a) Creation of an Administrative Council.

(b) Inauguration of a Representative Assembly.

(c) Gradual transfer of powers and responsibilities to the Administrative Council and Representative Assembly.

26. The functions of the Administrative Council, which was inaugurated on 15 May 1950, are in the first instance advisory, though it is consulted on all important matters of internal administrative policy. The Council thus serves a dual purpose of providing the Tripolitanians with an advisory body of standing through which they can make known to the Chief Administrator their views on matters affecting the well-being of the Territory, and at the same time gives those who will ultimately be called upon to assume political responsibility an opportunity to acquire experience in the functions of government. The Council was established after consultation with the political leaders of Tripolitania and with the agreement of the United Nations Commissioner. It consists at present of three *ex officio* members who are British and ten nominated members, eight of whom are Libyans, one an Italian and one a Jew. The Libyan members were selected in such a way as to represent so far as possible the various political, geographical and ethnic groups of the Territory. They include, accordingly, outstanding personalities from each of the three main political groups of the four provinces of Tripolitania, while two out of the eight have been drawn from the important Berber group. At the majority of meetings held so far the Chief Administrator has presided, but a Libyan Vice-President has been elected and has taken the Chair on several occasions in the Chief Administrator's absence. This body, although comprising men of widely differing cultural and political outlook, has worked since its establishment in complete harmony, and the sense of responsibility shown by its members has fully borne out the confidence placed in it as a means of political education. In accordance with its terms of reference, the

Council has been consulted on all measures of proposed new legislation, and on all important matters of internal administrative policy. Among the legislative proposals which have so far been referred to it are an immigration law, a new Press law and an amendment to the existing law on the control of rents. Other matters which it has discussed have included such varied questions as the establishment of foreign banks, the future of the olive oil and sponge-fishing industries and the resettlement of Palestine refugees. On all these topics the members of the Council have shown wisdom and good sense, and in no case has it been necessary for the Chief Administrator to act in opposition to their advice. A copy of the general notice establishing the Council is included in the appendix to this report.

27. It is hoped as soon as practicable, to hold elections for a Representative Assembly and in addition to the legislative proposals mentioned in the preceding paragraph a draft electoral law has been prepared and referred to the Administrative Council for preliminary consideration. The administering Power's efforts to hold elections have hitherto been delayed by the opposition of the inhabitants to the participation of the non-Libyan minorities in the election and to their representation in the Assembly. When the Representative Assembly comes into being, it is proposed that the functions of the Administrative Council, as then constituted, should approximate to those of a Council of Ministers inasmuch as individual members of the Council would become associated with and possibly responsible for groups of departments.

28. A complete examination of the judicial system of the Territory in the light of the future requirements of Libya is in progress. Before the adoption of the United Nations resolution fourteen Native courts had already been set up and the working of these has been most satisfactory.

29. In the administrative, as distinct from the constitutional, field, His Majesty's Government has proceeded from the premise that the most urgent duty of the Administration, in the light of the United Nations resolution, is to expand the educational services and to hasten the training of Libyan civil servants who will have to take an increasing part in the government of their country.

30. For a proper appreciation of the progress which has been made in the Libyanization of the civil service it must be borne in mind that under the Italian régime the proportion of Libyans employed was extremely low and the number occupying senior and responsible positions was negligible. It has been the consistent policy of His Majesty's Government to increase the proportion of Libyans serving in the Administration, and since the passing of the United Nations' resolution this policy has been still more actively pursued. At the end of 1946, only 584 Libyans were employed, but by 31 March 1950 the number of Libyans (other than daily paid workers) employed in government service has been increased (by nearly 300 in the last year) to 6062, of whom roughly 1400 were in the higher grades; and the proportion of Libyans in the service has risen to approximately 65 per cent. Owing to lack of training and experience it is inevitable that the majority of these must serve at this stage in comparatively junior positions, but the importance of training Libyans for senior posts also has been constantly borne in mind. In order that the persons selected for such senior posts might gain their experience in the most favourable circumstances, it was decided to employ them in supernumerary positions in the Administration, and a suitable sum of money was allocated to provide for their pay and allowances. Twenty of these senior supernumerary appointments have been made in the last six months, and it is hoped that in the near future these officials will be able to assume the full responsibilities of the posts which they are at present understudying. It is proposed to extend this method of training by the appointment of a considerably larger number of supernumeraries in the intermediate ranks and suitable candidates are now being selected for this purpose. In addition it is intended with the assistance of the United Nations Educational, Scientific and Cultural Organization to establish in Tripoli a technical and clerical training school for some 250 young Libyans, approximately half of whom will receive training in accountancy, typing and general clerical duties, while the other half will be given practical tuition in artisan trades. A police officer cadet training centre has already been approved and is now fully equipped and provided with qualified training staff, most of whom have been recruited in countries of the Near East. The first course for 25 selected cadets is due to begin in September 1950, and at the end of 36 weeks it is hoped that a high proportion of these will be capable of undertaking the responsibilities of assistant superintendents of police.

31. A further valuable method of training is being provided by a programme of short courses abroad, whereby Libyan officials drawn from the various departments are being sent to England to study modern methods of education, local government, customs administration and the like. About thirty such courses are envisaged in the present year.

32. One great difficulty in the way of specialist training is that the general educational level of the Libyans to be trained is, in many cases, too poor to enable them to benefit from advanced studies, for which some previous academic qualifications are required.

This is particularly true in the more specialized departments such as agriculture, health and public works. Training for responsible positions in these departments is inevitably a long-term undertaking and before much progress can be made the general educational facilities within the Territory will have to be extended.

33. His Majesty's Government have long been aware of this and have already achieved much. They found education—apart from the education of Italians—very backward; but, by 1949, the number of Libyan teachers engaged in primary schools had risen from 60 to 700. There were sixty primary schools and two secondary schools. A number of technical courses had been held, and courses in Arabic literacy and in the English language had been well attended. Nevertheless, it will be realized that such developments necessarily form part of a long-term plan. His Majesty's Government has never anticipated that they would reach fruition within the short space of two years.

34. When the United Nations resolution was adopted, it became clear to His Majesty's Government that the hitherto steady expansion of the educational services had to be considerably accelerated. Accordingly, as a first step, a well-qualified and experienced Director of Education was appointed to the staff of the Chief Administrator and charged with the preparation of a comprehensive plan covering all fields of educational activity. This official took up his duties in January 1950, and the plan produced under his direction was approved in April at an additional cost to His Majesty's Government of £50,000 for the financial year 1950-1951. The plan includes considerable expansion of secondary education—seven new classes are to be accepted in October 1950, compared with three in 1949—and tuition and boarding are to be free for the majority of pupils. Two teachers' training colleges—one for men and the other for women—are also to be founded in October, in addition to the technical and clerical training centre to which reference has already been made. Although no new primary schools are to be opened in 1950, the numbers of primary teachers and pupils will nevertheless undergo a large increase, since the majority of schools have been founded for a period less than that of the full primary curriculum, and therefore increase their numbers by one or more classes per school every year. Substantial increases in the facilities for non-academic education are also planned. Provision is being made for the education abroad of a number of selected Libyans, and the possibility of obtaining a limited number of United Nations fellowships or scholarships is being actively explored. It will be appreciated that arrangements of this nature are difficult to complete within the space of a few months. Every effort, however, is being made. The necessary trained staff, which must of necessity be found from abroad, is being recruited; buildings are being renovated and converted; textbooks and equipment have been ordered, and furniture is being made. It is intended that the scheme as a whole shall be implemented by the beginning of the school year in October 1950.

35. These educational projects have already involved His Majesty's Government in considerable expense. During the financial year 1951-1952, however, the financial burden will be much greater; for not only will the staff appointed in October 1950 require payment for a full instead of a half year, but further large increases in staff, equipment and buildings will be required in October 1951 to cope with the necessary new intake of students if the expansion is to continue. UNESCO assistance in the staffing of the technical training centre has already been sought.

36. Notwithstanding the financial difficulties involved in implementing the programme for Libyan education, it is recognized that even this programme will not be adequate to provide trained Libyans in the numbers required, in that most of it will not directly affect the efficiency of administration for a number of years, and that it caters for the needs of a limited number only of those who will be required to take an active part in the administration of Tripolitania after 1951. Every effort is therefore being made to afford Libyans the opportunity—by association with British staff—to

acquire practical experience of administration. This applies not only at the high level of the Administrative Council and the senior posts of the civil service, but also to local administration. Under the guidance of the Provincial Commissioners steps are being taken to increase the powers and responsibilities of the municipal councils of which there are eighteen, in all the principal towns. They were elected, on a new and more democratic basis, at the end of 1948 and in January 1949 from all communities, and each council elected its own mayor. Their powers extend to the levy of local taxes, the enactment of by-laws, and the control of sanitation, water supply, lighting, town planning, relief, etc. Recently a study visit to the United Kingdom has been made by the Mayor of Tripoli and a senior member of his Municipal Council to a local authority responsible for comparable activities in England. During the course of their tour these officials have had an opportunity of acquiring an insight into most aspects of modern local government, but have paid particular attention to the financial administration of the authority to which they were attached.

III. ECONOMIC AND FINANCIAL POLICY IN CYRENAICA AND TRIPOLITANIA

37. The economic and financial policy in both Tripolitania and Cyrenaica is directed towards the establishment of Libyan independence, as laid down in the resolution of the United Nations General Assembly. It aims at setting the territories on the road to economic viability, for that is an essential element of full independence. Nevertheless, neither Tripolitania nor Cyrenaica can hope to achieve such viability for a number of years without outside assistance.

38. The estimated budgetary deficits for the current financial year are :

Cyrenaica: £1,271,000;

Tripolitania: £325,000.

The estimated adverse visible balances of trade for the current financial year are :

Cyrenaica: £900,000;

Tripolitania: £1,800,000.

Drought and crops failure are a recurrent possibility in the two territories and, in assessing their economic prospects, this factor must always be taken into consideration.

39. In order to place the economy of the country on a sounder basis it is planned, *inter alia*, to introduce as soon as possible a new and internationally recognized common currency for the territories; to bring about a customs union between them; to improve such basic facilities as water, electric power and communications; to encourage secondary industries for the processing of indigenous raw material; to improve credit facilities by the establishment of additional banks; to improve and develop agriculture and animal husbandry by the introduction of better strains and the extension of potential grazing areas; to explore new fields for the

marketing of early fruit and vegetables, for the production of which Tripolitania is climatically well suited.

40. In most of the above matters, action based on expert surveys has already been initiated. A good deal of preliminary consideration has been given to the lines on which a common currency could be introduced. The subject will, it is hoped, be discussed shortly with technical experts on the United Nations Commissioner's staff. Legislation has been drafted which should make possible the opening or reopening of branches of foreign banks. Meanwhile, an Industrial Loans Board has been set up with a revolving fund to make financial assistance on a limited scale available for the extension and development of agriculture and secondary industries.

41. In the agricultural field steady progress has been made since the beginning of the British administration. The Agricultural Research Station at Sidi Mesri, and six experimental farms (three in each territory), have been rehabilitated, and such Italian projects as the Barce Plain wheat scheme and the afforestation of suitable areas have been continued. Over 2,000 wells have been surveyed in all, and many hundreds have been renovated and improved, enabling flocks to graze in recently unwatered areas. Further, a quantity of high-class breeding stock has been imported including nine Zebu cattle which have been flown by aeroplane from the Sudan. In general, the territories are being encouraged to effect a close liaison by exchange of experience and the common use of research and experimental establishments.

42. The question of Italian state and parastatal property and undertakings in Tripolitania and Cyrenaica continues to be examined. It has not, however,

been possible to complete the examination of the question of parastatal property and concerns, which present very great complications, and the examination so far made has disclosed the need for further data which are not available in the territories. As a result of the examination which has already been made, however, it would appear desirable that the administering Power should apply to all questions of former Italian property in Tripolitania and Cyrenaica the general rules of international law and procedure applicable in such circumstances, having regard to the interests of all parties concerned.

43. Progress towards economic viability will necessarily be gradual, since the territories are deficient in many natural resources and the inhabitants are in the

main conservative in their methods. In the face of great difficulties, however, much has been accomplished and the ground has been prepared for further advances in the future.

44. Having reached the conclusion that a long-term development plan for Libya (covering the next 20 or 30 years) is required, His Majesty's Government asked the specialized agencies of the United Nations, in June 1950, to provide a team of experts to survey the problem. The request is under consideration, and in this connexion the specialized agencies have the benefit also of the advice of Mr. Carter Goodrich, technical adviser to the United Nations Commissioner for Libya, who has conducted an independent survey at Mr. Pelt's request.

IV. CO-ORDINATION OF ACTION WITH THE FRENCH AUTHORITIES

45. In view of the terms of the General Assembly resolution, it should be added, in conclusion, that His Majesty's Government and the Administrations in Tripolitania and Cyrenaica have maintained the closest

liaison with the French authorities responsible for the Fezzan, and that they expect to continue such co-ordination in the future.

APPENDIX

ESTABLISHMENT OF ADMINISTRATIVE COUNCIL

1. The Chief Administrator has today approved the constitution of an Administrative Council in Tripolitania in accordance with the spirit of the United Nations resolution. The Administrative Council will consist of the persons for the time being lawfully discharging the functions of Chief Secretary, Legal Adviser and Controller of Finance and Accounts, who will be styled *ex officio* members of the Administrative Council, and such other persons as the Chief Administrator may from time to time appoint. Whenever on any occasion the Chief Administrator desires to obtain the advice of any persons within Tripolitania, relating to affairs therein, he may summon for such special occasion any person who may be considered suitable to give advice. Neither the *ex officio* members nor the advisers whom he may invite on such occasions shall be entitled to vote on the Council. The number of Councillors will be limited to fourteen, and this number will not be increased except after the views of the Council have been heard.

Every member of the Administrative Council will vacate his seat at the end of such period as is specified in the instrument appointing him, or in the event of no such date being specified then at the end of six months from the date of his appointment. The Chief Administrator may suspend any person appointed by name from the exercise of his functions as a member of the Council, or revoke the appointment of any such person after having given the Council the reasons for his proposed action and after having sought the views of the Council. The names of those appointed to be members of the Administrative Council will be published in the Tripolitania Gazette.

2. (a) Each member of the Administrative Council, before taking his seat in the Council, will be required to take an oath or make a solemn declaration and affirmation that, having been appointed a member of the Administrative Council, he will, to the best of his judgment at all times when thereto required, freely give his counsel and

advice to the Chief Administrator for good government of the affairs of Tripolitania and that he will not directly or indirectly reveal such matters as may be debated in the Council and committed to his secrecy.

(b) The Chief Administrator may attend and preside at any meeting of the Administrative Council. The Council shall, with the approval of the Chief Administrator, elect one of its Libyan members to be known as Deputy Chairman of the Council, who will preside at any meeting which the Chief Administrator does not attend. The person so elected shall hold office for a period of three months, at the end of which period a fresh election shall be held, provided that the Council, with the approval of the Chief Administrator, may at any time revoke the appointment of the person elected to be Deputy Chairman and elect another member in his place.

(c) The Administrative Council will not proceed to the despatch of business unless duly summoned by authority of the Chief Administrator or, subject to his approval, of the person appointed to be Chairman in his absence, nor unless a majority of the nominated members (exclusive of himself or of the member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched. In addition to the meetings which will be summoned regularly and proposed by the Chief Administrator, it is open to any member to request that a special meeting shall be held. Any such application will be considered if supported by one-third or more of the members (excluding the *ex officio* members).

(d) Minutes will be regularly kept of all the proceedings of the Administrative Council; and at each meeting of the Council the minutes of the last meeting will be confirmed and amended, as the case may require, before proceeding to the despatch of any other business.

(e) In the execution of the powers and authorities relating to internal administrative affairs granted to the Chief

Administrator, he will in all cases consult with the Administrative Council, excepting only in cases which may be of such a nature that, in his judgment, the service would sustain material prejudice by consulting the Council thereupon, or when the matters to be decided shall be too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases, he will, at the earliest practicable period, communicate to the Administrative Council the measures which he may so have adopted, with the reasons therefor. The Council shall not pass resolutions in matters relating to constitutional development of the country.

(f) The agenda for each meeting of the Administrative Council will be approved by the Chief Administrator. Any members will be entitled to propose questions for inclusion therein, and the Chief Administrator will give full

consideration to the views of members as to the items which they wish to be included. Should the Chief Administrator decline to submit any question to the Administrative Council when requested in writing by any member to do so, it shall be competent to such member to require that there be recorded upon the minutes his written application, together with the answer returned by the Chief Administrator to the same.

(g) The Chief Administrator will at all times give full consideration to the advice given to him by the members of the Administrative Council although he may act in opposition to their advice; but in any such case he shall explain fully to the Administrative Council the grounds and reasons for his action. In every such case it shall be competent to any member of the Council to require that there be recorded on the minutes the grounds of any advice or opinion he may give upon the question.

Tripoli, 15 May 1950.

DOCUMENT A/1405

Supplement to the annual report of the United Nations Commissioner in Libya (A/1340)

[Original text: French]
[28 September 1950]

LETTER DATED 22 SEPTEMBER 1950 ADDRESSED TO THE SECRETARY-GENERAL FROM THE UNITED NATIONS COMMISSIONER IN LIBYA

Referring to my letter of 4 September 1950 (A/1340), I have the honour to transmit herewith a supplementary report on the Libyan question. I should be grateful if you would have this supplementary report distributed to the Members of the General Assembly in order that it may be discussed at the fifth session.

As the report states, it could not be submitted for consultation to the Council for Libya as the latter adjourned on 3 September 1950.

(Signed) A. PELT
United Nations Commissioner in Libya

SUPPLEMENTARY REPORT

Note: This supplementary report was not drawn up in consultation with the Council for Libya, as it was drafted after the Committee of Twenty-One had adjourned and while the Council for Libya was no longer in session.

THE COMMITTEE OF TWENTY-ONE

1. On 25 July the Commissioner invited the twenty-one persons indicated in the list approved by the Council for Libya to meet in committee at Tripoli.¹⁰

2. He so informed the Acting Chief Administrator. The Committee of Twenty-One met for the first time on 27 July 1950 in the Commissioner's office. It adopted its rules of procedure which laid down in particular that the Committee's decisions would be taken by a majority of two-thirds of the members present and voting, and that fifteen members would constitute a quorum.

3. After approving the rules of procedure, the Committee elected as its chairman one of the representatives of Tripolitania, His Eminence the Mufti, and as secre-

taries a representative of the Fezzan and a representative of Cyrenaica. It also adopted an agenda for the study of a plan providing for the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan to meet as a National Assembly. The agenda was as follows:

- (a) Number of members of the National Assembly.
- (b) Should representation on the National Assembly be proportional to the number of inhabitants, or equal for the three territories composing Libya?
- (c) Should the National Assembly be elected or appointed?
- (d) If the principle of appointment were adopted, how should the members of the Assembly be appointed?
- (e) Date and place of the meeting of the Assembly.

4. It was also decided that the question of the representation of the minorities on the National Assembly

¹⁰ See *Official Records of the General Assembly, Fifth Session, Supplement No. 15 (A/1340), paras. 175-177.*

should be discussed after the items on the above agenda had been exhausted.

5. At its meeting on 7 August 1950, the Committee decided that the National Assembly should consist of sixty representatives on the basis of an equal number of representatives for each of the three territories of Libya. At the same meeting the Committee studied the question whether the members of the National Assembly should be elected or appointed. The members from the Fezzan supported the principle of election, asserting that it was the only one which was in conformity with the democratic principles in force in civilized countries, and that it was, moreover, the only way of ascertaining the wishes and aspirations of the people. The members from Tripolitania took a different view. They considered that in the present circumstances it would be difficult to hold elections in Tripolitania since there was no national government in that territory, and that no reliance could be placed on the British administration which could, if it so wished, influence the results of the elections.

6. The representatives of Cyrenaica supported their colleagues from Tripolitania and emphasized that, in their opinion, elections in Tripolitania would be ill-timed, and that if such elections were held a considerable interval of time would be required to prepare the electoral campaign.

7. On being put to the vote, the proposal that members of the National Assembly should be appointed received only 13 votes, or less than the two-thirds majority laid down in the rules of procedure. The proposal that members of the National Assembly should be elected received only 4 votes. In order to find a way out of the impasse, the Committee decided to adjourn the meeting in the hope that in the interval a compromise solution might be reached.

8. Meanwhile, the Fezzan representatives went to Sebha to consult Ahmed Bey Seif el Nasr on this important matter, and the meetings of the Committee were postponed. On the return of the Fezzan representatives from Sebha the Committee held an important meeting on Tuesday 29 August. The Fezzan representatives maintained their view and insisted that representatives to the National Assembly should be elected. The Tripolitarians and the Cyrenaicans said they were opposed to the holding of elections, and the same arguments were reiterated by both sides. The following day, Wednesday 30 August, the Committee rejected by 10 votes to 7 (four members being absent) the proposal that representatives to the National Assembly should be elected.

9. A further meeting was arranged for Thursday 7 September to discuss the manner of appointing representatives to the National Assembly. The idea of the postponement was to enable the members of the Committee to agree on the manner of appointment and to try to convince the representatives from the Fezzan to change their attitude in the light of the vote which had just taken place in the Committee.

10. The United Nations Commissioner had returned to Tripoli on 7 September and had immediately asked the members of the Committee about the progress of the work. At a meeting held on 8 September 1950, the Committee unanimously adopted a resolution calling for the Commissioner's assistance in its efforts to find a solution to the fundamental question which had been impeding its work for some time. The resolution also requested the Commissioner to inform the Committee of the outcome of his endeavours by 18 September 1950 at the latest. That particular date had been chosen because of the forthcoming departure of the Commissioner for Lake Success and because the members had to return home for the feast of Bairam. The Commissioner immediately began conversations with the leaders of the political parties in Tripolitania, Ahmed Seif el Nasr Bey, at Sebha, and Emir el Senussi, near Benghazi. He wanted to persuade Ahmed Seif el Nasr Bey and his Council to accept the principle of appointment and to get the political parties in Tripolitania to agree to a list of Tripolitanian members for the approval of the Committee which would be as representative as possible.

11. The conversations held for several days with the political parties in Tripolitania showed promise of a successful outcome; unfortunately, Ahmed Seif el Nasr Bey maintained his attitude and continued to ask for elections to the National Assembly and the immediate return of the Fezzan delegation to Sebha for the celebrations.

12. At the beginning of the meeting between the Commissioner and Ahmed Seif el Nasr Bey on 13 September at Sebha, the Bey handed the Commissioner a verbal note which is summarized below.

13. During the conversation which followed, the Bey repeatedly emphasized that in no circumstances would he be able to agree to minorities being represented in the Libyan National Assembly.

14. In a conversation which the Commissioner then held with His Highness the Emir, at Beda (Cyrenaica), the latter also expressed the view that minorities could not be represented in the National Assembly. The Emir agreed to a suggestion made by the Commissioner and previously discussed with Ahmed Bey that the Committee of Twenty-One should adjourn on 16 September and resume its work on 9 October.

15. In the above-mentioned verbal note, Ahmed Seif el Nasr Bey, speaking in the interest both of the Fezzan population and of the other two territories, asked the Commission for time to think matters over since the decision would determine Libya's future for a long time to come. "Too much haste", he said, "might have disastrous consequences both for the Fezzan and the other two territories".

16. Ahmed Bey asked for the extra time in order to enable the inhabitants of the Fezzan to become acquainted with the work of the Committee of Twenty-One, through consultations with him and his Counsellors and the Chamber of Representatives. As for the

National Assembly, it could only be truly representative of the wishes of the inhabitants of Libya if its members were elected. According to Ahmed Bey that is the golden rule of democracy as opposed to the autocratic method of arbitrary selection which he rejects, recalling that the representative of Tripolitania to the Council for Libya is a member of a certain political party—the National Congress Party—that the seven¹¹ representatives of Tripolitania on the Committee of Twenty-One are members or followers of the National Congress Party, and finally that Tripolitania's representation in the National Assembly is in danger—if the method of appointment is adopted—of being dominated by that same National Congress.

17. Ahmed Bey asked the Commissioner whether a majority opinion in Tripolitania was in favour of the method of appointment. Personally, he thought there was no information on the number of political parties in Tripolitania or their relative size.

18. While recognizing all the varied difficulties inherent in the electoral system, he asked the Commissioner whether the method of appointment was not also likely to create difficulties for the future. Ahmed Bey said that "it is better to build on solid foundations right from the very beginning".

¹¹ Of the seven members for Tripolitania on the Committee of Twenty-One, six are members of the National Congress Party or of parties affiliated to the Congress, while the seventh is an Italian representing the minorities.

19. Ahmed Bey was also against the notion that any "foreign authority" should undertake to choose representatives for Tripolitania. Following these remarks, he spoke in favour of a secret vote in the three territories for the election of representatives to the National Assembly, as that was the only method that would enable the inhabitants of these territories to express their views freely.

20. Lastly, Ahmed Bey wanted the question of the participation of minorities in the National Assembly to be discussed after the question of the election had been settled. He did, however, agree that the Committee should resume its work after the Bairam celebrations.

21. On Saturday 16, the Commissioner informed the Committee of Twenty-One of the outcome of his conversations. In the light of this information, the Committee, and in particular its Tripolitanian members, felt it would be useless to pursue conversations on the preparation of a list of twenty persons who could represent Tripolitania in the National Assembly, the more so as there did not remain sufficient time before the holidays to take a decision either on the principle of selection or on the participation of minorities. In those circumstances, the Committee unanimously decided to postpone its work until Monday, 9 October 1950, while thanking the Commissioner for his efforts and expressing the hope that upon resuming its work it would fulfil its mission successfully.

DOCUMENT A/1459/Rev.1

Second supplement to the annual report of the United Nations Commissioner in Libya (A/1340)

[Original text: English]
[30 October 1950]

LETTER DATED 24 OCTOBER 1950 ADDRESSED TO THE SECRETARY-GENERAL FROM THE UNITED NATIONS COMMISSIONER IN LIBYA

I have the honour to transmit herewith a second supplementary report on the Libyan question. I should be grateful if you would have this supplementary report distributed to the Members of the General Assembly.

This second supplementary report, based on informa-

tion received on 23 October 1950, could not be submitted for consultation to the Council for Libya as the latter adjourned on 3 September until 28 November 1950.

(Signed) A. PELT
United Nations Commissioner in Libya

SECOND SUPPLEMENTARY REPORT

In addition to the verbal information supplied by the United Nations Commissioner in Libya to the *Ad Hoc* Political Committee during its discussion of his annual report (A/1340)¹² and his supplementary report (A/1405) in regard to the proceedings of the Committee of Twenty-One, charged with the elaboration

of a plan for the convocation of the Libyan National Assembly, the Commissioner received on 23 October 1950 information to the effect that the Committee of Twenty-One approved unanimously on 22 October the following resolution:

"The Committee of Twenty-One, consisting of seven members from each of the three Libyan territories—Cyrenaica, Tripolitania and the Fezzan—was set up in accordance with the advice given at

¹² See *Official Records of the General Assembly, Fifth Session, Supplement No. 15*.

the 19th meeting of the United Nations Council for Libya on 14 June 1950, its task being to prepare a plan whereby the National Assembly should meet, as envisaged in paragraph 3 of United Nations General Assembly resolution 289 A (IV) of 21 November 1949, for the purpose of drawing up a constitution for Libya and determining the form of the government. The Committee held its meetings at Tripoli and discussed the ways and means of convening the National Assembly in order to determine which of them in the prevailing circumstances would best attain the desired objective and which would be the most expeditious. After discussing and debating the matter, the Committee unanimously adopted the following resolution, based on its various earlier decisions, which constitutes the plan on the basis of which the National Assembly mentioned in the afore-mentioned United Nations General Assembly resolution will meet :

“(a) The National Assembly will be composed of sixty members.

“(b) The representation of the three territories of Cyrenaica, Tripolitania and the Fezzan in the National Assembly will be on a basis of equality : namely, twenty representatives of each territory.

“(c) Representation in the National Assembly will be by means of selection, consideration being given to the equitable representation of the National Arab parties in the various areas, as also of independent individuals and leading personalities, particularly where the territory of Tripolitania is concerned.

“(d) The selection of the representatives of Cyrenaica will be made by His Highness the Amir Sayed Mohamed Idris Es Senussi, and the selection of the representatives of the Fezzan will be made by His Excellency Ahmed Seif el Nasr. In accordance with a proposal put forward unanimously by the Tripolitanian representatives in the Committee of Twenty-One, the selection of the representatives of the territory of Tripolitania will be made by the Chairman of the Committee, His Eminence Mohamed Abul Asad el Alem, who, after the necessary consultations and conversations, will draw up a list of candidates and submit it to the Committee of Twenty-One not later than 26 October 1950. Copies of this resolution will be sent to His Highness the Amir and His Excellency Ahmed Bey.

“(e) Non-national minorities will not be allowed to participate or to be represented in the National Assembly. There is, however, a genuine intention and a general feeling that all civil, religious and social rights of all minorities and foreigners should be fully safeguarded in the future constitution of Libya. The Committee is confident that this principle will be taken into consideration by the National Assembly when it draws up the Constitution, in accordance with the practice of all civilized nations.

“(f) The National Assembly will hold its first meeting in the city of Tripoli on 25 November 1950, after which it may decide to hold its subsequent meetings elsewhere.”

DOCUMENT A/AC.38/L.5

Letter dated 22 September 1950 addressed to the Secretary-General from the Italian observer with the United Nations

[Original text : French]
[3 October 1950]

In anticipation of the discussions shortly to take place in the *Ad Hoc* Political Committee and in the Fourth Committee concerning the question of the former Italian colonies, I have the honour to inform you that the Italian Government is anxious to take part in these discussions in order to uphold its many and great interests which are linked to the future of these territories.

I should therefore be grateful if you would be so good as to inform the Chairmen of the aforesaid Committees accordingly so that they may make the necessary arrangements to enable the Italian representatives to take part in the proceedings of their Committees.

The Italian delegation will be composed of the following members :

Representative : His Excellency, Giuseppe Brusasca, Under-Secretary of State for Foreign Affairs;

Alternates : Count Leonardo Vitetti, Minister Plenipotentiary; and Mr. Luciano Mascia, Minister Plenipotentiary, Italian Observer with the United Nations;

Secretary : Mr. Federico Sensi.

(Signed) Luciano MASCIA
Minister Plenipotentiary, Italian
Observer with the United Nations

DOCUMENT A/AC.38/L.8

Letter dated 6 October 1950 addressed to the Chairman of the *Ad Hoc* Political Committee from the Chairman of the United Nations Council for Libya

[Original text : English]
[9 October 1950]

I have the honour to inform you that the United Nations Council for Libya, at its 56th meeting on 3 September 1950, adopted a resolution deputing the Chairman to represent it before the General Assembly and its Committees when the report of the Commissioner comes up for discussion. This resolution has authorized the Chairman to select such other members of the Council as he deems necessary to accompany him. In this capacity, I have selected only one member, namely, the representative of Pakistan on the Council, and he will be here very shortly.

During the debate that ended by the adoption of this resolution, the members of the Council made it abundantly clear that they had good reasons to believe that vital issues might be involved, and important decisions by the General Assembly and its Committees might be required. It was therefore decided that the Council should be represented by its Chairman, who can throw sufficient light on any important suggestion on which the debate may revolve before a definite decision is taken.

Now that I have arrived in New York, I hereby make myself available to the General Assembly and its Committees during their discussions on Libyan affairs.

(Signed) M. K. SELIM Bey
Chairman, Council for Libya

DOCUMENT A/AC.38/L.9 (incorporating A/AC.38/L.9/Corr.1)

United Kingdom : draft resolution

[Original text : English]
[9 October 1950]

Whereas annex XIV of the Treaty of Peace with Italy contained economic and financial provisions relating to territories ceded by Italy,

Whereas paragraph 19 of that annex stated that its provisions should not apply to the former Italian Colonies, but that " the economic and financial provisions to be applied therein will form part of the arrangements for the final disposal of these territories pursuant to article 23 of the Treaty ",

Whereas the four Powers were unable to agree upon their disposal by 15 September 1948 in accordance with article 23 of the Treaty, and therefore the matter was referred to the General Assembly of the United Nations in accordance with annex XI to the Treaty of Peace with Italy,

Whereas the general disposal of the former Italian Colonies (excepting Eritrea) was effected by resolution 289 (IV) of the General Assembly adopted 21 November 1949, but the question of financial and economic provisions was left in abeyance,

Whereas it is desirable that before the transfer of the administration in Libya takes place in accordance with the above-mentioned resolution, the financial and economic provisions to be applied in connexion with the final disposal of Libya should be determined and that as far as possible their application to property in Libya should have been decided;

The General Assembly resolves :

1. That the economic and financial provisions to be applied in Libya, in accordance with annex XIV paragraph 19 of the Treaty of Peace with Italy, shall be those set forth in the annex to and in paragraphs 6 to 10 of the present resolution;

2. That a United Nations Arbitral Tribunal, composed of three persons selected by the Secretary-General on the grounds of their legal qualifications from the nationals of three different States not directly interested in the question, shall be entrusted with the task of deciding all questions relating to the application of the provisions in the annex, and that in deciding such questions the Tribunal should, in so far as the provisions of the annex afford no direct guidance, be inspired by the general principles of international law and practice;

3. That the above-mentioned Tribunal shall proceed to Libya as soon as possible, arrangements for accommodation and staff having been made by the Secretary-General of the United Nations. All the expenses of the Tribunal shall be borne by the United Nations;

4. That the administering Powers shall submit to the Tribunal as soon as possible all the information which they possess with regard to all property covered by the annex to this resolution, and shall request the directions of the Tribunal as to the disposition of the

property. The Tribunal shall give immediate directions with regard to all property about which no reasonable doubt arises. The Tribunal shall then decide all cases where there is doubt or dispute and shall, before reaching a decision thereon, afford to all interested parties a reasonable opportunity of presenting their views;

5. That the Tribunal shall determine its procedure. It may take all decisions by a majority vote. It shall be entitled to submit demands for information which it requires for the purposes of deciding the matters submitted to it to any Government or authority which it deems to be likely to be in a position to furnish such information;

6. That the social insurance organizations operating in Libya shall be excepted from the provisions of the annex and special arrangements shall be concluded between Libya and Italy to govern the conditions under which the obligations of Italian public or private social insurance organizations towards the inhabitants of Libya and a proportionate part of the reserves accumulated by the said organizations shall be transferred to similar organizations in the successor State, together with all real property and fixed assets of the said organizations in Libya;

7. That the Government of Italy shall continue to be liable for the payment of civil or military pensions earned, as from the coming into force of the Treaty of Peace with Italy, for service under the Italian State, municipal or other local authorities, by persons who acquire Libyan nationality, including pension rights not yet matured. Arrangements shall be concluded between the Governments of Italy and Libya providing for the method by which this liability shall be discharged;

8. That the Government of Libya shall be exempted from the payment of any portion of the Italian public debt.

9. That Italy shall return to Libya in the shortest possible time any ships in Italian possession which were owned on 3 September 1943, by persons resident in Libya who acquire the nationality of Libya or by other nationals of Member States of the United Nations, except any ships which have been subject to a *bona fide* sale.

10. That if Libya grants compensation to its nationals for loss or damage sustained during, and as a result of, the Second World War, then it shall grant no less favourable treatment in this respect to nationals of Member States of the United Nations.

ANNEX

1. The Libyan State shall receive, without payment, the movable and immovable property, within the Territory of Libya, which formerly belonged solely to the Italian State or to local authorities under the Italian Administration, as well as all relative archives and documents of an administrative character or historical value concerning the Territory of Libya or relating to property transferred under this paragraph.

2. The Libyan State shall receive, without payment, all Italian State interest (as it existed on the coming into force of the Treaty of Peace with Italy) in any undertakings, public companies and organizations within Libya. Where the operations of such undertakings, public companies

and organizations extend to Italy or elsewhere, the Libyan State shall receive only such Italian State interest as appertains to the operations which are confined to Libya. In cases where the former Italian or Libyan Governments exercised only managerial control over any concerns, as distinct from possessing financial or property rights, the Libyan State shall not be entitled to have any interest in the concern transferred to it.

3. Concessions within the Territory of Libya which were granted to individuals by the Italian or former Libyan Governments shall be confirmed if it is shown that the concessionaire has carried out the terms of the concession in full.

DOCUMENT A/AC.38/L.12

Canada, Chile, Ecuador, Greece : joint draft resolution

[Original text : English]
[12 October 1950]

The General Assembly,

Having received the reports of the United Nations Commissioner in Libya, prepared in consultation with the Council for Libya, and of the administering Powers, submitted in accordance with General Assembly resolution 289 A (IV),

Having noted in particular the belief expressed by the Commissioner that the aim of the General Assembly, that Libya should become an independent and sovereign State, will be attained within the time limit prescribed, with the continuing co-operation and co-

ordination of the activities of the administering Powers toward that end;

Taking account of the progress being made by the representatives of the inhabitants of Cyrenaica, Tripolitania and the Fezzan, meeting in their Committee of Twenty-One, regarding the establishment of a National Assembly to determine a Constitution for Libya, including the form of government in accordance with paragraph 3 of the above-mentioned resolution,

Having noted the statements on the above-mentioned reports regarding the substantial needs of Libya for

technical and financial assistance both before and after independence;

Takes note of the reports of the United Nations Commissioner in Libya and those of the administering Powers;

Expresses confidence that the United Nations Commissioner in Libya, aided and advised by the Council for Libya, will continue effectively to discharge his functions under General Assembly resolution 289 A (IV) toward the achievement of the independence and unity of Libya pursuant to that resolution;

1. *Recommends to the administering Powers* that, in their administration of the respective territories of Libya and in co-operation with the United Nations Commissioner in Libya, they press forward with the formation of governmental institutions for Libya in accordance with the wishes of the people of Libya, in order

to facilitate the establishment of an independent and sovereign Libya as soon as possible and in any case not later than 1 January 1952, and with further co-ordination of their activities to that end;

2. *Urges* the Economic and Social Council and the specialized agencies of the United Nations as well as Member Governments, having regard for the special responsibilities of the United Nations in respect of Libya, to continue to assist that country through technical and financial assistance to develop a sound administrative system and viable economy, offering the prospect of economic and social progress;

3. *Reaffirms* its recommendation that, upon its establishment as an independent State, Libya shall be admitted to the United Nations in accordance with Article 4 of the Charter.

DOCUMENT A/AC.38/L.13/Rev.1

Egypt, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Yemen : joint draft resolution

[Original text : English]
[14 October 1950]

Whereas the United Nations on 21 November 1949, resolved in resolution 289 A (IV) that Libya shall be constituted a united independent sovereign State,

Whereas under sub-paragraph 10 (b) of section A of that resolution the administering Powers in co-operation with the United Nations Commissioner were directed to :

“(b) Administer the territories for the purpose of assisting in the establishment of Libyan unity and independence, co-operate in the formation of governmental institutions and co-ordinate their activities to this end”,

Whereas on the consideration of the reports of the United Nations Commissioner and the administering Powers and the information supplied by the Chairman of the Council for Libya, it appears that appropriate and adequate measures have not been taken to ensure Libyan unity,

Whereas the steps necessary for the transfer of power to an independent Libyan Government were to have been initiated immediately after the said resolution of the General Assembly and the transfer must be completed by a date not later than 1 January 1952, and

Whereas adequate measures to ensure the realization of the objectives referred to in the preceding paragraph do not appear to have been taken,

The General Assembly :

1. *Calls upon* the authorities concerned to take all steps necessary to ensure the early, full and effective implementation of resolution 289 A (IV) of 21 November 1949, and particularly to safeguard the unity of Libya and the early transfer of power to an independent Libyan Government;

2. *Recommends :*

(a) That a National Assembly duly representative of the inhabitants of Libya shall be convened as early as possible and in any case not later than 1 January 1951;

(b) That the National Assembly shall set up a provisional Government of Libya, responsible to the Assembly, to which shall be transferred all powers at present exercised by the administering Powers;

(c) That the provisional Government shall be set up as early as possible and not later than 1 March 1951.

DOCUMENT A/AC.38/L.14

Information transmitted to the United Nations Commissioner in Libya by the administering Powers with regard to freedom of movement in Libya

[Original text : English]
[16 October 1950]

1. In response to the request of the representative of Syria at the 11th meeting of the *Ad Hoc* Political Committee on 12 October 1950, the United Nations

Commissioner in Libya submits herewith a summary of the information transmitted to him by the administering Powers in accordance with the request adopted

by the United Nations Council for Libya, dated 31 July 1950, for information on the steps taken by such Powers to ensure freedom of movement in Libya (annex XIII to the Commissioner's report, A/1340) :

TRIPOLITANIA

Movement of individuals

2. The movement of Libyans in or out of Tripolitania to or from other territories of Libya is free of all local restrictions. Specific reference to this free movement has been made in a draft immigration and emigration proclamation which will be enacted shortly. Temporary travel documents are required of Libyans proceeding abroad. Other nationals, government officials included, require movement orders to visit Cyrenaica or the Fezzan or to proceed abroad. Such orders are issued only after permission to enter has been received from the Administration of the country of destination.

Movement of animals

3. Animals move freely from one territory to another except when one of the territories prohibits the movement of animals from any area where the presence of noticable infections or contagious diseases has been established.

Movements of goods

4. Restrictions on movement of goods is limited to rationed commodities and essential machinery. Rationed commodities are wheat, wheaten flour, sugar, tea and coffee but it is intended to make movement of these commodities free when complete uniformity of customs tariffs has been achieved. Negotiations towards this end are already under way. The increased cost of most types of machinery, as well as the difficulty in obtaining new machinery, makes it necessary to maintain a certain degree of control of that movement in the interest of the economy of the Territory. A permit is required before essential machinery is removed from any industrial premises but every case is carefully investigated and, whenever it is possible, authority for the removal is given. This administrative control does not apply to new machinery not installed in industrial concerns and purchasable from local machinery merchants.

CYRENAICA

Movement of individuals

5. Between Cyrenaica and Tripolitania there is com-

plete freedom of movement for the non-European inhabitants of Cyrenaica. Movement into the Fezzan is controlled by the visa system, visas being issued by the French Consul at Benghazi. Movement from the Fezzan to Cyrenaica is similarly controlled, visas being issued on request by the local migration department. The British authorities in Cyrenaica would not object to the abolition of this system if the French authorities in the Fezzan would agree to it. The visa system applies to the movement of all persons of non-Libyan nationality who wish to enter or leave Cyrenaica. The revision of restrictions in this respect, with a view to the establishment of the maximum liberty of movement possible, has been under active consideration for some time and a decision is expected shortly.

Movement of animals and goods

6. As from 1 September 1950 the movement of all animals and goods between Cyrenaica and Tripolitania may take place without restriction, except for commodities which are rationed foodstuffs in Tripolitania. Movement of these commodities may take place only under cover of a goods movement order issued by the trade supplies department of the Cyrenaican Government and the Tripolitanian Administration. At the present moment it is impossible to modify this arrangement. There is virtually no animal or goods traffic directly with the Fezzan but there are no restrictions to this traffic from the Cyrenaican side.

THE FEZZAN

7. Fezzanese wishing to leave the Territory must notify the authorities of their intention and destination in order to obtain a *laissez-passer*. They must likewise report their return to the Fezzan. These formalities tend to ensure the control of movement of individuals against whom proceedings are pending or who have law suits awaiting settlement. Persons living in Tripolitania or in Cyrenaica who desire to go to the Fezzan must apply for a *laissez-passer* which is issued free of charge by French consulates in Tripoli or Benghazi. Nomads whose flocks move between the three territories and who migrate seasonally are not subject to any formalities. They must, however, pay the normal taxes for the goods they transport to the Fezzan for commercial purposes. Cattle and supplies of nomadic tribes are free from the payment of such taxes. Animals and goods entering the Fezzan for commercial purposes are subject to taxes which vary according to the nature of the imported goods.

DOCUMENT A/AC.38/L.70

Financial and economic provisions relating to Libya : report of Sub-Committee 1

Rapporteur : Mr. Rodolfo Muñoz (Argentina).

[Original text : French]
[11 December 1950]

1. At its 11th meeting on 12 October 1950, the *Ad Hoc* (Sub-Committee 1) composed of representatives of Political Committee decided to establish a sub-committee Argentina, Belgium, Egypt, France, Greece, Poland and

the United Kingdom, to consider the United Kingdom draft resolution (A/AC.38/L.9, A/AC.38/L.9/Corr.1) concerning financial and economic provisions relating to Libya under paragraph 19 of annex XIV of the Treaty of Peace with Italy. The *Ad Hoc* Political Committee requested the Sub-Committee to submit to it a report, together with recommendations. The representative of Italy, the United Nations Commissioner in Libya, and the President of the Council for Libya, were invited to take part in the work of the Sub-Committee in an advisory capacity. Sub-Committee 1 held 28 meetings between 12 October and 11 December 1950. At the first meeting, Mr. Rodolfo Muñoz (Argentina) was elected Chairman and Rapporteur.

2. The Sub-Committee had before it the text of the draft resolution submitted to the *Ad Hoc* Political Committee by the representative of the United Kingdom. On 17 October 1950, the United Kingdom delegation submitted a statement (A/AC.38/SC.1/L.1) giving detailed reasons for submitting its draft resolution.

3. On 30 October 1950, the United Nations Commissioner in Libya submitted some suggestions (A/AC.38/SC.1/1 and Corrs.1, 2 and 3) to amend the United Kingdom draft resolution. During the debates, many suggestions and amendments concerning various parts of the draft resolution were submitted.

4. The Sub-Committee has drawn up the result of its considerations in the following draft resolution, adopted by 6 votes in favour to one against, and has the honour to submit it to the *Ad Hoc* Political Committee :

FINANCIAL AND ECONOMIC PROVISIONS RELATING TO LIBYA

A

Whereas, in accordance with the provisions of Article 23 and paragraph 3 of annex XI of the Treaty of Peace with Italy, the question of the disposal of the former Italian colonies was submitted on 15 September 1948 to the General Assembly by the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

Whereas, by virtue of the above-mentioned provisions, the four Powers have agreed to accept the recommendation of the General Assembly and to take appropriate measures for giving effect to it,

Whereas, the General Assembly, by its resolutions of 21 November 1949 and of 17 November 1950, recommended that the independence of Libya should become effective as soon as possible and in any case not later than 1 January 1952,

Whereas paragraph 19 of annex XIV of the Treaty of Peace with Italy, which contains the economic and financial provisions relating to ceded territories, states that " The provisions of this annex shall not apply to the former Italian colonies. The economic and financial provisions to be applied therein will form part of the

arrangements for the final disposal of these territories pursuant to article 23 of the present Treaty ",

Whereas it is desirable that the economic and financial provisions relating to Libya should be determined before the transfer of power in that territory takes place in order that they may be applied as soon as possible,

The General Assembly

Approves the following articles :

Article I

1. Libya shall receive, without payment, the movable and immovable property located in Libya owned by the Italian State, either in its own name or in the name of the Italian administration of Libya.

2. The following property shall be transferred immediately :

(a) The public property of the State (*demanio pubblico*) and the inalienable property of the State (*patrimonio indisponibile*) in Libya, as well as the relevant archives and documents of an administrative character or technical value concerning Libya or relating to property, the transfer of which is provided for by the present resolution ;

(b) The property in Libya of the Fascist Party and its organizations.

3. In addition the following shall be transferred on conditions to be established by special agreement between Italy and Libya :

(a) The alienable property (*patrimonio disponibile*) of the State in Libya and the property in Libya belonging to the autonomous agencies (*aziende autonome*) of the State;

(b) The rights of the State in the capital and the property of institutions, companies and associations of a public character located in Libya.

4. Where the operations of such institutions, companies and associations extend to Italy or to countries other than Libya, Libya shall receive only those rights of the Italian State or the Italian administration of Libya which appertain to the operations in Libya. In cases where the Italian State or the Italian administration of Libya exercised only managerial control over such institutions, companies and associations, Libya shall have no claim to any rights in those institutions, companies and associations.

5. Italy shall retain the ownership of immovable property necessary for the functioning of its diplomatic and consular services and, when the conditions so require, of the schools necessary for the present Italian community whether such property is owned by the Italian State in its own name or in the name of the Italian administration of Libya. Such immovable property shall be determined by special agreements concluded between Italy and Libya.

6. Buildings used in connexion with non-Moslem public worship and their appurtenances shall be trans-

ferred by Italy to the respective religious communities.

7. Special agreements may be concluded between Italy and Libya to ensure the functioning of hospitals in Libya.

Article II

Italy and Libya shall determine by special agreements the conditions under which the obligations of Italian public or private social insurance organizations towards the inhabitants of Libya and a proportionate part of the reserves accumulated by the said organizations shall be transferred to similar organizations in Libya. That part of the reserves shall preferably be taken from the real property and fixed assets in Libya of the said organizations.

Article III

Italy shall continue to be liable for the payment of civil or military pensions earned as of the coming into force of the Treaty of Peace with Italy and owed by it at that date, including pension rights not yet matured. Arrangements shall be concluded between Italy and Libya providing for the method by which this liability shall be discharged.

Article IV

Libya shall be exempt from the payment of any portion of the Italian public debt.

Article V

Italy shall return to their owners, in the shortest possible time, any ships in its possession or that of its nationals, which are proved to have been the property of former Italian nationals belonging to Libya or to have been registered in Libya, except in the case of ships acquired in good faith by Italy or its nationals.

Article VI

1. The property, rights and interests of Italian nationals, including Italian juridical persons, in Libya, shall, provided they have been lawfully acquired, be respected. They shall not be treated less favourably than the property, rights and interests of other foreign nationals, including foreign juridical persons.

2. Italian nationals in Libya who move or who have since 3 September 1943 moved to Italy shall be permitted freely to sell their movable and immovable property, realize and dispose of their assets, and, after settlement of any debts or taxes due from them in Libya, to take with them their movable property and transfer the funds they possess, unless such property and funds were unlawfully acquired. Such transfers of property shall not be subject to any import or export duty. The conditions of the transfer of this movable property to Italy will be fixed by agreement between the administering Powers or the Government of Libya upon its establishment on the one hand, and the Government of Italy on the other hand. The conditions and the time-periods of the transfer of the funds, including

the proceeds of above-mentioned transactions shall likewise be determined.

3. Companies incorporated under Italian law and having *siège social* in Italy shall be dealt with under the provisions of paragraph (2) above. Companies incorporated under Italian law and having *siège social* in Libya and which wish to remove *siège social* to Italy shall likewise be dealt with under the provisions of paragraph (2) above, provided that more than 50 per cent of the capital of the company is owned by persons usually resident outside Libya and provided also that the greater part of the activity of the company is carried on outside Libya.

4. The property, rights and interests in Italy of former Italian nationals belonging to Libya and of companies previously incorporated under Italian law and having their *siège social* in Libya, shall be respected by Italy to the same extent as the property, rights and interests of foreign nationals and of foreign companies generally. Such persons and companies are authorized to effect the transfer and liquidation of their property, rights and interests under the same conditions as may be established under paragraph (2) above.

5. Debts owed by persons in Italy to persons in Libya or by persons in Libya to persons in Italy shall not be affected by the transfer of sovereignty. The Government of Italy and the administering Powers or the Government of Libya after its establishment shall facilitate the settlement of such obligations. As used in this paragraph, the term "persons" includes juridical persons.

Article VII

Property, rights and interests in Libya which, as result of the war, are still subject to measures of seizure, compulsory administration or sequestration, shall be restored to their owners, and, in cases submitted to the Tribunal referred to in article X of the present resolution, following decisions of that Tribunal.

Article VIII

The former Italian nationals belonging to Libya shall continue to enjoy all the rights in industrial, literary and artistic property in Italy to which they were entitled under the legislation in force at the time of the coming into force of the Treaty of Peace. Until Libya becomes a party to the relevant international convention or conventions, the rights in industrial, literary and artistic property which existed in Libya under Italian law shall remain in force for the period for which they would have remained in force under that law.

Article IX

The following special provisions shall apply to concessions :

1. Concessions granted within the territory of Libya by the Italian State or by the Italian administration of Libya, and concession contracts (*patti colonici*) existing between the "*Ente per la Colonizzazione della Libia*"

or the " *Instituto della Previdenza Sociale* " and the concessionaires of land to which each contract relates shall be respected, unless it is established that the concessionaire has not complied with the essential conditions of the concession.

2. Land placed at the disposal of the " *Ente per la Colonizzazione della Libia* " and of the colonization department of the " *Instituto della Previdenza Sociale* " by the Italian State or the Italian administration of Libya and which has not been the object of a concession shall be transferred immediately to Libya.

3. Land, buildings and their appurtenances referred to in sub-paragraph (d) of paragraph 4 below shall be transferred to Libya in accordance with the arrangements to be made under that sub-paragraph.

4. Special agreements between Italy and Libya shall provide for :

(a) The liquidation of the " *Ente per la Colonizzazione della Libia* " and of the colonization department of the " *Instituto della Previdenza Sociale* ", the interim status of those institutions for the purpose of enabling them to fulfil their obligations towards concessionaires whose contracts are still in operation, and, if necessary, the taking over of their functions by new organizations.

(b) The repayment by those institutions to financial concerns of the quotas subscribed by the latter in the establishment of the " *Ente per la Colonizzazione della Libia* ", and, in the case of the " *Instituto della Previdenza Sociale* ", the reconstitution of that part of its reserves invested by that institution in its colonization department.

(c) The transfer to Libya of the residual assets of the institutions to be liquidated.

(d) Arrangements relating to land placed at the disposal of these institutions and to the buildings on and appurtenances to that land, in which, after their abandonment by the concessionaires, no further investment could be made by the institutions.

(e) Payments in amortization of the debts of concessionaires owed to those institutions.

5. In consideration of the renunciation by the Italian Government of its claims against those institutions, the latter shall cancel the debts of the concessionaires and the mortgages securing those debts.

Article X

1. A United Nations Tribunal shall be set up, composed of three persons selected by the Secretary-General for their legal qualifications from the nationals of three different States not directly interested. The Tribunal, whose decisions shall be based on law, shall have the following two functions :

(a) It shall give to the administering Powers, the Libyan Government after its establishment, and the Italian Government, upon request by any of those authorities, such instructions as may be required for the purpose of giving effect to the present resolution;

(b) It shall decide all disputes arising between the said authorities concerning the interpretation and application of the present resolution. The Tribunal shall be seized of any such dispute upon the unilateral request of one of those authorities.

2. The administering Powers, the Libyan Government after its establishment and the Italian Government shall supply the Tribunal as soon as possible with all the information and assistance it may need for the performance of its functions.

3. The seat of the Tribunal shall be in Libya. The Tribunal shall determine its own procedure. It shall afford to the interested parties an opportunity to present their views, and shall be entitled to request information and evidence which it may require from any authority or person whom it considers to be in a position to furnish it. In the absence of unanimity, the Tribunal shall take decisions by a majority vote. Its decisions shall be final and binding.

B

The General Assembly,

Authorizes the Secretary-General, in accordance with established practice,

1. To arrange for the payment of an appropriate remuneration for the members of the United Nations Tribunal set up under article X above and to reimburse their travel and subsistence expenses;

2. To assign to the United Nations Tribunal such staff and provide such facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution, utilizing the existing United Nations staff of the Libyan mission in so far as possible.

5. The Sub-Committee wishes, at the same time, to give some further explanations of the following points of the draft resolution and recommends that they shall be included in the report of the *Ad Hoc* Political Committee to the General Assembly :

Article I

Paragraph 2 (a)

It is understood that the Italian Government will facilitate the return to Libya of any archives or documents of an administrative character or technical value, property of the Italian State, which are in Italy and which the Libyan Government would have the right to request of it under this paragraph.

The words documents of " technical value " apply, *inter alia*, to documents concerning archaeological research projects which are being carried out or are to be carried out in Libya.

Paragraph 3

Italy abandons its right to property transferred under this paragraph, as a contribution to the rehabilitation of Libya.

Paragraph 3 (b)

The rights mentioned in this sub-paragraph include share holdings and similar rights owned by the Italian State either in its own name or in the name of the Italian administration of Libya.

Paragraph 6

The expression "buildings used in connexion with non-Moslem public worship" includes all articles used in connexion with public worship in those buildings.

It is understood that mosques and articles used in connexion with Moslem public worship will be transferred directly to the Libyan State.

It is also understood that the maintenance of cemeteries shall be the subject of special agreements.

Article IV

Italy renounces all its claims to any payment whatsoever from Libya in respect of debts, in view of the economic conditions of that country.

Articles V, VI (paragraph 4), VIII

The phrase "former Italian nationals belonging to Libya" means, in particular, the indigenous population of Libya.

Article VII

It is understood that this article does not affect the requisitions made by the authorities for the needs of the administration.

Article VIII

It is understood that the second sentence applies to aliens only, and not to the Libyans themselves.

Article IX (paragraph 4 (c))

It is understood that if the final balance sheet of the institutions shows a debit balance, no part of such liability will be transferred to the Libyan Government.

Article X (paragraph 1)

The Tribunal "whose decisions shall be based on law" shall apply the rules of law, and shall not decide *ex æquo et bono*. It will thus apply the General Assembly resolution in the light of the principles of international law and of the rules for the interpretation of international texts.

Article X

The Sub-Committee discussed the period during which the Tribunal should remain in existence. Although it is difficult to foresee precisely the time it will take that body to accomplish its task, the Sub-Committee believes that it might take at least two or three years. In this connexion, much will depend on the time it will take to conclude the several special Italo-Libyan Agreements provided for in the resolution.

The Sub-Committee further believes that the General Assembly should in any case examine either at its seventh, or at its eighth session at the latest, and in the light of the progress then made by the Tribunal, the question of whether its functions should be continued. By then, Italy and Libya might desire either to maintain the Tribunal jointly, assuming the corresponding financial obligations, or prefer to replace it by a different procedure.

Paragraph 1

The Tribunal's decisions "shall be based on law", that is, it will apply the rules of law and will not make decrees *ex æquo et bono*. It will thus apply the General Assembly resolution in the light of the principles of international law and of the rules of interpretation of international texts.

Paragraph 3 (last sentence)

In specifying that the decisions of the Tribunal should be binding, the Sub-Committee does not intend to infer that this does not apply to the instructions given by the Tribunal.

6. During the debates, the representative of Poland made some reservations of principle and some of a general nature with regard to the application of articles I, VI, IX and X of the draft resolution.

DOCUMENT A/C.5/392**Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1457) : report of the Secretary-General**

[Original text : English]
[26 October 1950]

1. In General Assembly resolution 289 A (IV) of 21 November 1949, section A concerned the future of Libya and provided for a United Nations Commissioner appointed by the General Assembly, aided and guided by the advice of members of the Council for Libya, to

assist the people of Libya in the formulation of a constitution and the establishment of an independent government not later than 1 January 1952. The resolution further provided that the Council shall consist of six Member States together with one member representative

of the people of each of the three regions of Libya and one representative of the minorities.

2. Under the terms of section D of the resolution, the Secretary-General was authorized to arrange for the payment of an appropriate remuneration to the United Nations Commissioner, to reimburse subsistence and travel expenses of the members of the Council and to provide the Commissioner such staff and facilities as the Secretary-General may consider necessary to carry out the terms of the resolution.

3. At its 17th meeting held on 19 October 1950, the *Ad Hoc* Political Committee adopted a draft resolution (A/AC.38/L.15) recommending that the United Nations Commissioner, aided and guided by the advice of the members of the Council for Libya, shall proceed immediately to draw up a programme in co-operation with the administering Powers for the progressive transfer of power to a provisional Government of Libya to be established by a National Assembly in a manner which will ensure the independence and unity of Libya by 1 January 1952.

4. Paragraph 4 of the draft resolution urged the Economic and Social Council, the specialized agencies, and the Secretary-General of the United Nations to extend to Libya such technical and financial assistance as it may request in order to establish a sound basis for economic and social progress.

5. The funds required in 1951 for the implementation of resolution 289 A (IV) and the draft resolution referred to above, are as follows :

	<i>US dollars</i>
Temporary assistance	314,400
Travel and subsistence of members	60,500
Travel and subsistence of staff	132,800
Communications	12,000
Rental and maintenance of premises	10,900
Stationery and office supplies	2,000
Contractual printing	7,200
Local transportation	60,000
Maintenance and operation of transportation equipment	3,000
Freight, cartage and express	4,000
Miscellaneous supplies and contractual services .	3,500
Insurance	2,500
Office furniture, fixtures and equipment.....	1,000
Transportation equipment	2,500
Miscellaneous equipment	1,000
Hospitality	2,000
	619,300

6. The sum of \$314,400 required under temporary assistance will cover (a) salaries of twenty-five internationally recruited personnel (as shown in annex), including legal and technical advisers requested by the Commissioner under authority of paragraph 9 of section A of resolution 289 A (IV) to assist him in assessing the resources of the country and planning the development of a viable economy for an independent Libya (\$226,190); (b) salaries and wages of eighteen local recruits including six drivers, two mimeograph operators, three Arabic typists, three porters, two clerks and one messenger at an estimated cost of \$16,210; (c)

and costs of temporary replacement at Headquarters of 50 per cent of staff detailed to the mission (\$72,000).

7. The cost of temporary assistance will be partly compensated by an estimated income of \$50,000 from the application of the Staff Assessment Plan on the salaries of temporary staff.

8. Under "travel and subsistence of members", provision is made for subsistence allowance for eight members at the rate of \$20 per day and for two members at \$10 per day over the period of meeting of the Council, i.e. nine months (\$49,550). Provision is also made for one round-trip of all members of the Council to Geneva to take place in accordance with its rules of procedure during the period of meeting of the Council (\$1,750) and for one round-trip of five members (four Libyan members and the Chairman of the Council) to New York to attend the sixth session of the General Assembly (\$4,700) plus subsistence allowance for thirty-six days in New York at \$25 per day (\$4,500).

9. Under "travel and subsistence of staff", the sum of \$132,800 is requested to cover (a) cost of fifteen round-trips, New York to Libya, for replacement and new assignment of staff members (\$13,800); (b) subsistence allowance for the Commissioner, the Principal Secretary and forty-nine staff members, less 10 per cent for periods of absence (\$119,000). It is intended to reduce the subsistence allowance for staff members from \$9.50 per day for those having dependants and \$6.50 per day for those having no dependants to \$150 and \$100 per month respectively, after completion of one year's service in Libya. The reduction will apply to most of the staff in March 1951.

10. A sum of \$12,000 is requested for "communications services" at the average of \$1,000 per month.

11. Under "rental and maintenance of premises", provision of \$10,900 is made for offices in Tripoli, Benghazi and Sebha, and for the Commissioner's residence in Tripoli. A sum of \$2,000 is requested for "office supplies and stationery".

12. In view of the distances between the three territories of Libya and the lack of good roads, it has been found necessary to have a chartered plane at the disposal of the Commissioner so that he and his staff can move quickly and on short notice from one territory to another.

13. A reasonable charter arrangement has been made in 1950 and a sum of \$60,000 is requested under "local transportation" to defray the cost of the charter in 1951.

14. The plane is also required for the transport of Council members within Libya and for the transport of those Libyans whose presence at one of the major administrative centres is required for the implementation of the General Assembly resolution.

15. Under "maintenance and operation of transportation equipment", provision is made for the operation of seven vehicles. In 1950, six vehicles have

been in use and provision is made for an additional station wagon required for the office in Sebha.

16. Provision for all other items is based on the 1950 pattern of expenditure. A sum of \$2,000 is requested for hospitality.

17. No provision is made for an Arbitral Tribunal for Libya as has been proposed (A/AC.38/L.9, A/AC.38/L.9/Corr.1). Supplementary estimates will be submitted if the proposal is adopted by the General Assembly.

18. The Secretary-General requests that \$619,300 be appropriated for the United Nations Commissioner in Libya under section 5, chapter VII of the 1951 budget. As stated above, these expenses will be partly compensated by an estimated income of \$50,000 from the assessments to be levied on the salaries of internationally recruited and temporary-replacement staff.

19. This request is the first of a series to be presented for the various political missions in substitution for the interim estimate of \$2,500,000 included under section 5 of the original 1951 budget (A/1267).

ANNEX

MANNING TABLE OF THE OFFICE OF THE UNITED NATIONS COMMISSIONER IN LIBYA

<i>Internationally recruited</i>	<i>Detailed from Headquarters</i>	<i>Gross salary for internationally recruited personnel Dollars</i>
1		28,250
1		13,670
1		12,830
1		12,830
2		24,000
2		21,000
1		10,200
1		11,200
1		8,710
	4	
	1	
	1	
	1	
	1	
7	2	50,750
2	2	14,500
5	7	18,250
7	7	
25	26	TOTAL 226,190

DOCUMENT A/1479

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1457): twelfth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[2 November 1950]

1. In accordance with a decision taken by the Fifth Committee at its 256th meeting on 27 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/392) on the financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee in document A/1457.

2. The General Assembly, at its fourth regular session, appropriated an amount of \$251,100 to cover the estimated expenses for 1950 of the Office of the United Nations Commissioner in Libya and of the Council for Libya.

3. The Advisory Committee has now received evidence to the effect that, on the basis of actual expenditure

and obligations as at 30 September 1950, the revised figure for 1950 amounts to \$466,600, and that in this connexion the Secretary-General will find it necessary to meet the additional expenditure by a withdrawal from the Working Capital Fund under the provision of General Assembly resolution 357 (IV), paragraph (a). The Committee is of the opinion that, in the light of the expenditure incurred during the first nine months of 1950, the revised figure may prove to be an over-estimate.

4. The estimated expenditure for 1951 (\$619,300) shows a further sharp increase, due principally to the item for temporary assistance, which includes provision for twenty-five internationally recruited staff members, by comparison with the corresponding figures of four and fourteen, respectively, in the original and in the revised

manning tables for 1950. The Advisory Committee also draws attention to the fact that the item of \$314,400 for temporary assistance comprises the cost of replacement of only 50 per cent of the staff detailed from Headquarters; the direct gross salary costs of the remaining Headquarters staff temporarily serving with the Office of the Commissioner amount to approximately \$73,000.

5. The staffing proposals for 1951 include two posts for deputy principal secretaries, four posts for political officers and seven posts for advisers on legal, agricultural and other technical matters. The Advisory Committee considers this provision to be unduly liberal, and recommends that one post of deputy principal secretary (administrative) should in any event be eliminated. Further economies should be feasible, since the figure for temporary assistance is based on a full complement of staff for the whole of 1951 and, apart from probable delays in recruitment, the services of the technical advisers are not likely to be continuous throughout the year.

6. The Advisory Committee was informed that the Secretary-General proposes, in the case of the Office of the Commissioner in Libya, to introduce a system of post allowances at reduced rates, in place of the present subsistence allowances, to take effect after the completion of one year's service with the mission. The Committee concurs in this proposal, and it understands that a possible extension of the principle to other missions in which staff members serve under comparable conditions will be examined. Consideration might, in the opinion of the Committee, also be given to the reduction of the suggested initial period of one year for which the subsistence allowance would be payable.

7. The Advisory Committee had occasion to inquire into the provision made both in the revised 1950 budget and in the 1951 estimates for a post of deputy on technical assistance matters to the principal secretary. It was

represented to the Committee that, while some of the expenditure for technical assistance to Libya under the terms of paragraph 4 of the draft resolution (A/1457) might, when approved, appropriately be charged to the special account for technical assistance, it would be desirable, in order to maintain a clear line of authority, that the officer dealing with these matters should be directly responsible to the Commissioner. In view of this consideration, as well as in the interest of a simple administrative relationship between the administering Powers, the Office of the Commissioner and the provisional government, the Committee concurs in the proposed provision of \$12,830 for the above purpose. It suggests, however, that the position should be kept under review.

8. An item of \$7,200 for contractual printing is included in the estimate submitted by the Secretary-General (A/C.5/392), in order to provide a comprehensive statement of expenditure. It is, however, proposed to transfer this amount from section 5, chapter VII, to section 25, chapter V, in which global provision is made for the contractual printing of official records of committees and commissions of investigation and inquiry.

9. The sum requested under section 5, chapter VII, accordingly amounts to \$612,100, and the Advisory Committee recommends that, on the basis of the observations made in paragraph 5 above, the estimate should be reduced by \$37,100. The resulting provision of \$575,000 may, in the opinion of the Committee, prove more than adequate, and some savings are likely in practice to ensue.

10. The salaries of the internationally recruited staff members of the Office of the Commissioner and of the temporary replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$50,000.

DOCUMENT A/C.5/L.68

Pakistan : proposal to reduce estimated expenses for 1951 of the Office of the United Nations Commissioner in Libya and of the Council for Libya

[Original text : English]
[3 November 1950]

It is proposed that the estimates as recommended by the Advisory Committee on Administrative and Budgetary Questions (A/1479) be reduced by \$66,900 to a total of \$508,100. (i.e., a reduction of \$104,000 below the amount requested by the Secretary-General, after allowing for the transfer to section 25 of an item of \$7,200 for contractual printing).

The delegation of Pakistan proposes, that on the basis of the Secretary-General's estimates as presented in

document A/C.5/392, this reduction of \$104,000 be distributed as follows :

	<i>US dollars</i>
Temporary assistance	70,000
Travel and subsistence of staff	5,000
Local transportation	25,000
Maintenance and operation of transportation equipment	2,500
Miscellaneous supplies and contractual services .	1,500
TOTAL	104,000

DOCUMENT A/C.5/447

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1726) : report of the Secretary-General

[Original text : English]
[15 December 1950]

1. At its 82nd meeting held on 14 December 1950, the *Ad Hoc* Political Committee adopted a draft resolution (A/AC.38/L.70), article X of which provided that :

“ 1. A United Nations Tribunal shall be set up, composed of three persons selected by the Secretary-General for their legal qualifications from the nationals of three different States not directly interested. The Tribunal, whose decisions shall be based on law, shall have the following two functions :

“ (a) It shall give to the administering Powers, the Libyan Government after its establishment, and the Italian Government, upon request by any of those authorities, such instructions as may be required for the purpose of giving effect to the present resolution;

“ (b) It shall decide all disputes arising between the said authorities concerning the interpretation and application of the present resolution. The Tribunal shall be seized of any such dispute upon the unilateral request of one of those authorities.

“ 2. The administering Powers, the Libyan Government after its establishment and the Italian Government shall supply the Tribunal as soon as possible with all the information and assistance it may need for the performance of its functions.

“ 3. The seat of the Tribunal shall be in Libya. The Tribunal shall determine its own procedure. It shall afford to the interested parties an opportunity to present their views, and shall be entitled to request information and evidence which it may require from any authority or person whom it considers to be in a position to furnish it. In the absence of unanimity the Tribunal shall take decisions by a majority vote. Its decisions shall be final and binding. ”

2. Part B of the resolution authorizes the Secretary-General, in accordance with established practice :

“ 1. To arrange for the payment of an appropriate remuneration for the members of the United Nations Tribunal set up under article X above and to reimburse their travel and subsistence expenses;

“ 2. To assign to the United Nations Tribunal such staff and provide such facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution, utilizing the existing United

Nations staff of the Libyan mission in so far as possible. ”

3. Accordingly, should this resolution be adopted by the General Assembly the funds required for the Tribunal in 1951 will be as follows :

	<i>US dollars</i>
Temporary assistance	83,500
Travel and subsistence of staff	30,500
Local transportation	3,000
Stationery and office supplies	500
Freight, cartage and express	500
Office furniture, fixtures and equipment	4,000
Miscellaneous supplies and contractual services .	2,000
TOTAL	124,000

4. Under temporary assistance provision is made for nine internationally recruited staff members as shown in the annex (\$83,500), allowing for one legal officer, two interpreters-translators and three secretaries to service the three judges of the Tribunal. Administrative and other clerical services and facilities will be rendered by the staff of the United Nations Commissioner in Libya.

5. Under travel and subsistence provision is made for ten round-trips between Headquarters and Libya (\$9,000), including a round-trip by the Chairman of the Tribunal for consultation and report. Provision of \$21,500 is also made for special post allowances and subsistence for periods in travel for the three judges and the six additional staff in Libya.

6. It is envisaged that members of the Tribunal may have to travel to Italy in connexion with collection of documents and settlement of legal matters. Under local transportation provision of \$3,000 is made for such trips and other transportation costs which cannot be met from the budget of the Commissioner. The estimates for other items cover such costs as cannot be absorbed by the Commissioner's budget.

7. The Secretary-General requests that \$124,000 be appropriated for the Tribunal as an additional amount under section 5, chapter VII, of the 1951 budget.

8. These expenses will be partly compensated by an estimated income of \$17,000 from the assessments to be levied on the salaries of the internationally-recruited staff.

ANNEX

*Internationally
recruited
staff members*

Classification

*Gross salaries of
internationally
recruited staff*

		<i>US dollars</i>
3	Judges	45,000
1	Legal officer	12,000
2	Interpreters-translators	16,000
3	Secretaries	10,500
	TOTAL	83,500

DOCUMENT A/1728

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1726) : forty-second report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[14 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General on the financial implications of the draft resolutions proposed by the *Ad Hoc* Political Committee in document A/1726.

2. The estimated expenditure in respect of 1951 for the proposed Arbitral Tribunal amounts to \$124,000, and the Advisory Committee notes that the bulk of the administrative and clerical services for the Tribunal will be provided by the Office of the United Nations Commissioner in Libya.

3. Under the item for travel and subsistence of staff, provision is made for ten round-trips between Head-

quarters and Libya. In view, however, of the fact that the nine staff members will be internationally recruited, some savings are likely to accrue on this item, as well as by reason of deferred recruitment.

4. The Committee therefore recommends a reduction of \$4,000 in the estimate submitted and an appropriation under section 5, chapter VII, of the 1951 budget to an amount of \$120,000.

5. The salaries of the internationally-recruited staff members are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$17,000.

DOCUMENT A/1457

Report of the *Ad Hoc* Political Committee

[Original text : English]
[25 October 1950]

1. The General Assembly, at its 250th meeting on 21 November 1949, adopted resolution 289 (IV) on the question of the disposal of the former Italian colonies. Part A of that resolution provided that Libya, comprising Cyrenaica, Tripolitania and the Fezzan, should be constituted an independent and sovereign State not later than 1 January 1952. The resolution also provided for the appointment of a United Nations Commissioner and a Council to aid and advise him, to assist the people of Libya in the formulation of the constitution and the establishment of an independent government. The resolution further provided that the United Nations Commissioner, in consultation with the Council, should submit an annual report to the Secretary-General and that the administering Powers should make an annual report to the General Assembly.

2. Pursuant to the resolution, the following reports were submitted :

(a) The annual report of the United Nations Commissioner in Libya prepared in consultation with the Council for Libya (A/1340)¹³ and a supplementary report (A/1405) not prepared in consultation with the Council for Libya as the Council had adjourned before the supplementary report was drafted;

(b) The report of the French Government concerning the administration of the Fezzan (A/1387) and the report of the Government of the United Kingdom on the administration of Cyrenaica and Tripolitania (A/1390, A/1390/Add.1).

3. The General Assembly, at its 284th and 285th meetings on 26 September 1950, decided to include the item "Former Italian colonies" in the agenda of the fifth session and to refer it to the *Ad Hoc* Political Committee.

4. The *Ad Hoc* Political Committee, at its 6th meeting on 5 October, decided to consider next in its order of business sub-items (a) and (b) of agenda item 21.

5. The *Ad Hoc* Political Committee considered sub-items (a) and (b) jointly at its 7th to 17th meetings inclusive.

6. At its 7th meeting on 9 October, following the request of the Italian observer with the United Nations (A/AC.38/L.5), the Committee decided, without objection, to invite a representative of Italy to take part in the discussion of the question. At the same meeting the United Nations Commissioner in Libya, who was invited without objection to take his seat at the Committee table, presented his report and made an explanatory statement.

¹³ See *Official Records of the General Assembly, Fifth Session, Supplement No. 15*.

7. At its 8th meeting, the Committee decided, by 33 votes to 11, with 10 abstentions, to accede to a request of the United Nations Council for Libya (A/AC.38/L.8) and to invite the Chairman of the Council and another member of the Council selected by him (the representative of Pakistan) to sit at the Committee table.

8. The Committee held a general debate on the question at its 7th to 15th meetings inclusive, and the following draft resolutions were submitted :

(a) A draft resolution (A/AC.38/L.9, A/AC.38/L.9/Corr.1) submitted by the United Kingdom at the 7th meeting relating to the economic and financial provisions to be applied in Libya, in accordance with annex XIV, paragraph 19, of the Treaty of Peace with Italy, and providing, *inter alia*, for the establishment of a United Nations Arbitral Tribunal;

(b) A draft resolution (A/AC.38/L.10) submitted by the Union of Soviet Socialist Republics at the 8th meeting, providing that the parts of Libya be united in a single State and that legislative and executive organs for Libya be established, and that all foreign troops and military personnel be withdrawn from Libya within three months and military bases dismantled.

(c) A joint draft resolution (A/AC.38/L.12) submitted by Canada, Chile, Ecuador and Greece at the 11th meeting, which took note of the reports that had been received; recommended that the administering Powers press forward with the formation of governmental institutions for Libya in accordance with the wishes of the people in order to facilitate the establishment of an independent and sovereign Libya not later than 1 January 1952, urged the Economic and Social Council, the specialized agencies and Members of the United Nations to continue to assist Libya, through technical and financial assistance, to develop a sound and viable economy; and reaffirmed the recommendation that Libya be admitted to the United Nations upon its establishment as an independent State.

(d) A joint draft resolution (A/AC.38/L.13/Rev.1) submitted by the representatives of Egypt, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen at the 12th meeting, which called upon the authorities concerned to ensure the full and effective implementation of resolution 289 A (IV) of 21 November 1949 and particularly to safeguard the unity of Libya and the early transfer of power to an independent Libyan Government, and recommended that a National Assembly representative of the inhabitants of Libya be convened not later than 1 January 1951, and that the National Assembly should set up a provisional Government not later than 1 March 1951 to which would be transferred all powers exercised by the administering Powers.

9. At its 11th meeting, the Committee decided without objection to establish a sub-committee, consisting of Argentina, Belgium, Egypt, France, Greece, Poland and the United Kingdom, to consider the United Kingdom draft resolution and to report back to the Committee with recommendations. It was also decided that the representative of Italy, the United Nations Commissioner in Libya and the Chairman of the Council for Libya would

participate in the Sub-Committee's work in an advisory capacity. It was also agreed that the *Ad Hoc* Political Committee would complete its discussion and vote on the three other draft resolutions submitted on sub-items 21 (a) and (b) without waiting for the report of the Sub-Committee, which would be considered at a later date, and that the Committee would later make a separate report on that aspect of the matter to the General Assembly.

10. At its 13th meeting, the Committee decided to adjourn in order to permit the sponsors of the three draft resolutions (A/AC.38/L.10, A/AC.38/L.12, A/AC.38/L.13/Rev.1) to meet informally in an attempt to harmonize their views and produce a single text.

11. As a result of the informal meetings, a joint draft resolution (A/AC.38/L.15) was submitted at the 15th meeting, sponsored by Canada, Chile, Ecuador, Egypt, Greece, India, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen to replace draft resolutions A/AC.38/L.12 and A/AC.38/L.13/Rev.1. Under the terms of the joint draft resolution, the General Assembly expressed confidence that the Commissioner, aided by the Council, would take the necessary steps toward the achievement of the independence and unity of Libya pursuant to resolution 289 A (IV); called on the authorities concerned to ensure the early, full and effective implementation of that resolution and particularly the realization of the unity of Libya and the transfer of power to an independent Libyan Government; recommended that a National Assembly be convened before 1 January 1951 which would establish a provisional Government as early as possible with 1 April 1951 as the target date, that the administering Powers progressively transfer powers to the provisional Government in a manner to ensure that all powers would be transferred to the duly constituted Libyan Government by 1 January 1952, and that the Commissioner, aided by the Council, draw up a programme for this transfer of power in co-operation with the administering Powers; urged the Economic and Social Council, the specialized agencies and the Secretary-General to extend to Libya such technical and financial assistance as it might request; and reaffirmed the recommendation that the independent Libya State be admitted to the United Nations.

12. After the conclusion of the general debate, statements were made by the representative of Italy and by the United Nations Commissioner in Libya.

13. At the 16th meeting, the following amendments were submitted to the joint draft resolution (A/AC.38/L.15) sponsored by thirteen Powers :

(a) By Australia (A/AC.38/L.16), to change the words in the first paragraph of the preamble from " a united independent and sovereign State " to " one independent and sovereign State ; "

(b) By Argentina (A/AC.38/L.17), to insert after the first paragraph of the preamble a new paragraph recalling the recommendation that the administering Powers, in co-operation with the United Nations Commissioner, administer the territories for the purpose of assisting in the establishment of Libyan unity and independence;

(c) By Pakistan (A/AC.38/L.18), to add in sub-paragraph 3 (b) a phrase making the provisional Government responsible to the National Assembly, and to add at the end of the clause a proviso that, if the National Assembly were unable to set up a provisional Government by 31 March 1951, the Commissioner, advised and guided by the Council for Libya, should at once proceed to set up a provisional Government in consultation with the National Assembly.

(d) By the United States of America (A/AC.38/L.19), to replace the text of paragraph 4 by a new text drawing the attention of the Economic and Social Council, the specialized agencies and the Secretary-General to the need to extend to Libya, at the request of that country, such technical and financial assistance as they might be in a position to render in order to establish a sound basis for economic and social progress.

(e) By Israel (A/AC.38/L.20), to insert the word "all" in sub-paragraph 3 (a), so that it would read "a National Assembly duly representative of all the inhabitants".

14. At the 17th meeting, the Vice-Chairman of the Committee made an explanatory statement on behalf of the thirteen sponsors of the joint draft resolution (A/AC.38/L.15), which the Committee agreed should be included in the Rapporteur's report. In his statement, the Vice-Chairman stressed the following points :

(a) That the inclusion of the word "united" in the first paragraph of the preamble meant only that the aim of the General Assembly, as expressed in sub-paragraph 10 (b) of section A of its resolution of 21 November 1949, was to establish Libyan unity and independence; the word was not intended to impose on the Libyan people a unitary State if they did not wish it, nor in any way to prejudice the form of government; the form of State to be created, and whether it would be a unitary or federal State, must be left entirely to the representatives of the Libyan people, meeting and consulting in a National Assembly.

(b) The use of the words "increasing co-operation of the administering Powers" in the third paragraph of the preamble should not be interpreted as implying any criticism.

(c) That, while it was not possible to specify the financial implications of paragraph 4, that paragraph was intended to emphasize the need of the new State for technical and financial assistance to enable it to found its nationhood on a firm economic basis.

(d) Parts of the General Assembly resolution of 21 November 1949 and, in particular, the recommendation regarding the admission of an independent Libya to the United Nations, were reiterated because it was considered helpful to repeat those words which could enhance the morale of the people of Libya.

15. At the same meeting, the amendment proposed by Australia (A/AC.38/L.16) was withdrawn on the understanding that the above clarification of the intentions of the sponsors of the joint draft resolution would be included in the Rapporteur's report. The amendment proposed by Argentina (A/AC.38/L.17) was also

withdrawn following the withdrawal of the Australian amendment.

16. The amendment proposed by the United States of America (A/AC.38/L.19) was withdrawn on the understanding that the Rapporteur's report would make it clear that paragraph 4 was intended merely to request the United Nations organs and specialized agencies mentioned to grant requests made by Libya for assistance to the extent that such organs and agencies might be in a position to do so.

17. The amendments proposed by Pakistan (A/AC.38/L.18) were withdrawn in the interests of unanimity.

18. The amendment proposed by Israel (A/AC.38/L.20) was withdrawn on the understanding that the word "inhabitants" in sub-paragraph 3 (a) of the joint draft resolution was not intended to have a prohibitive meaning, excluding certain sections of the population from equal participation in the life of the new State, and that it was the desire of the Committee that adequate safeguards for the protection of the rights of minorities should be included in the future constitution of Libya. It was agreed by the Committee that this interpretation should be included in the Rapporteur's report.

19. The representative of the Union of Soviet Socialist Republics proposed an oral amendment to delete from the third paragraph of the preamble of the joint draft resolution the words "with the increasing co-operation of the administering Powers with the United Nations Commissioner and the mutual co-ordination of their activities toward that end".

20. The two draft resolutions proposed by the Union of Soviet Socialist Republics (A/AC.38/L.10) and the thirteen Powers (A/AC.38/L.15) were put to the vote.

21. The vote on the Union of Soviet Socialist Republics draft resolution (A/AC.38/L.10) was as follows :

(a) Paragraph 1 of the draft resolution, referring to the union of the parts of Libya in a single State and the establishment of legislative and executive organs, was adopted by 20 votes to 18, with 17 abstentions.

(b) The first part of paragraph 2, referring to the withdrawal of foreign troops and military personnel, was rejected by 38 votes to 13 with 8 abstentions.

(c) The second part of paragraph 2, referring to the dismantling of military bases, was rejected by 38 votes to 5, with 15 abstentions.

(d) The draft resolution as a whole was rejected by 38 votes to 13, with 7 abstentions.

22. The vote on the joint draft resolution (A/AC.38/L.15) was as follows :

(a) The Union of Soviet Socialist Republics oral amendment to delete the last part of the third paragraph of the preamble was rejected by 42 votes to 5, with 6 abstentions.

(b) The first paragraph of the preamble was adopted by 57 votes in favour, with 3 abstentions.

(c) The second paragraph of the preamble was adopted by 53 votes in favour, with 6 abstentions.

(d) The third paragraph of the preamble was adopted by 52 votes in favour, with 7 abstentions.

(e) The fourth paragraph of the preamble was adopted by 57 votes in favour.

(f) Paragraph 1 was adopted by 58 votes in favour, with one abstention.

(g) Paragraph 2 was adopted by 55 votes in favour, with one abstention.

(h) Sub-paragraph 3 (a) was adopted by 55 votes in favour, with 2 abstentions.

(i) Sub-paragraph 3 (b) was adopted by 57 votes to one, with one abstention.

(j) Sub-paragraph 3 (c) was adopted by 56 votes in favour, with 2 abstentions.

(k) Sub-paragraph 3 (d) was adopted by 53 votes in favour, with 7 abstentions.

(l) Paragraph 4 was adopted by 55 votes in favour, with 4 abstentions.

(m) Paragraph 5 was adopted by 58 votes in favour, with one abstention.

(n) The joint draft resolution as a whole was adopted by 53 votes to one, with 5 abstentions.

23. The *Ad Hoc* Political Committee accordingly recommends to the General Assembly the adoption of the following draft resolution :

FORMER ITALIAN COLONIES

(a) *Report of the United Nations Commissioner in Libya*

(b) *Reports of the Administering Powers in Libya*

The General Assembly,

Having resolved by its resolution 289 A (IV) of 21 November 1949, that Libya shall be constituted a united independent and sovereign State,

Having noted the report of the United Nations Commissioner in Libya, prepared in consultation with the Council for Libya, and those of the administering Powers, submitted in accordance with General Assembly resolution 289 A (IV), as well as the statements of the United Nations Commissioner and the representatives of the Council for Libya,

Having noted in particular the confidence expressed by the Commissioner that the aim of the General Assembly, namely, that Libya should become an independent and sovereign State, will be attained within the time-limit prescribed, with the increasing co-operation of the admin-

istering Powers with the United Nations Commissioner and the mutual co-ordination of their activities toward that end,

Having noted the statements in the above-mentioned report of the Commissioner regarding the needs of Libya for technical and financial assistance both before and after independence, if such assistance is requested by the Government of Libya,

1. *Expresses confidence* that the United Nations Commissioner in Libya, aided and guided by the advice of the members of the Council for Libya, will take the necessary steps to discharge his functions toward the achievement of the independence and unity of Libya pursuant to the above-mentioned resolution;

2. *Calls upon* the authorities concerned to take all steps necessary to ensure the early, full and effective implementation of the resolution of 21 November 1949 and particularly the realization of the unity of Libya and the transfer of power to an independent Libyan Government;

3. *Recommends*

(a) That a National Assembly duly representative of the inhabitants of Libya shall be convened as early as possible, and in any case before 1 January 1951;

(b) That this National Assembly shall establish a provisional government of Libya as early as possible, bearing in mind 1 April 1951 as the target date;

(c) That powers shall be progressively transferred to the provisional government by the administering Powers in a manner which will ensure that, by 1 January 1952, all powers at present exercised by the administering Powers shall have been transferred to the duly constituted Libyan Government;

(d) That the United Nations Commissioner, aided and guided by the advice of the members of the Council for Libya, shall proceed immediately to draw up a programme, in co-operation with the administering Powers, for the transfer of power as provided in sub-paragraph (c) above;

4. *Urges* the Economic and Social Council, the specialized agencies and the Secretary-General of the United Nations to extend to Libya such technical and financial assistance as it may request in order to establish a sound basis for economic and social progress;

5. *Reaffirms* its recommendation that, upon its establishment as an independent State, Libya be admitted to the United Nations in accordance with Article 4 of the Charter.

DOCUMENT A/1509 (incorporating A/1509/Corr.1)

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1457) : report of the Fifth Committee

[Original text : English]
[14 November 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee,

at its 259th and 261st meetings held on 3 and 7 November 1950, considered the effect on the budget estimates

for 1951 of the draft resolution adopted by the *Ad Hoc* Political Committee concerning Libya (A/1457). The draft resolution recommends that the United Nations Commissioner, aided and guided by the advice of the members of the Council for Libya, shall proceed immediately to draw up a programme in co-operation with the administering Powers for the progressive transfer of power to a provisional Government of Libya to be established by a National Assembly in a manner which will ensure the independence and unity of Libya by 1 January 1952.

2. The Fifth Committee had before it a report by the Secretary-General (A/C.5/392), informing it that the funds which he estimated would be required for the implementation of this draft resolution and of General Assembly resolution 289 A (IV) (providing for the appointment and functions of the Commissioner and Council), would amount in 1951 to a total of \$619,300, against which there would be offsetting income of \$50,000 from the assessments to be levied on the salaries of internationally-recruited and temporary-replacement staff.

3. In response to the Fifth Committee's request, the Advisory Committee on Administrative and Budgetary Questions examined the Secretary-General's estimates and reported its conclusions to the Fifth Committee in its twelfth report of 1950 (A/1479). The Advisory Committee noted that the estimated expenditure for 1951 shows a further sharp increase, due principally to the item for temporary assistance, which included provision for twenty-five internationally-recruited staff members by comparison with the corresponding figures of four and fourteen respectively in the original and in the revised manning tables for 1950. It drew attention also to the fact that estimated expenditure on temporary assistance (\$314,400) comprised the cost of replacement of only 50 per cent of the staff detailed from Headquarters, the direct gross salary costs of the remaining Headquarters' staff temporarily serving with the Office of the Commissioner amounting to approximately \$73,000. The view was expressed by the Advisory Committee that the staffing proposals for 1951, particularly with regard to political and technical advisers, offered scope for certain economies, in addition to which further savings should result from the fact that the Secretary-General's estimate for temporary assistance was based on a full complement of staff for the whole of 1951, whereas, apart from probable delays in recruitment, the services of the technical advisers are not likely to be continuous throughout the year. On the basis of these observations, the Advisory Committee reached the conclusion that the estimate, as submitted by the Secretary-General, should be reduced by a global amount of \$37,100 to a total (after allowing for the transfer to section 25 of the budget of an item of \$7,200 for contractual printing) of \$575,000, for which provision would require to be made under section 5, chapter VII. The Fifth Committee was informed that the Secretary-General was prepared to concur in the Advisory Committee's recommendation, on the understanding that the reduction proposed was of a global nature, the de-

tailed application of which would be left to his discretion. The Chairman of the Advisory Committee subsequently agreed with this understanding.

4. The Fifth Committee was accordingly invited to consider the budgetary provision necessary for 1951 in the light of the draft resolution of the *Ad Hoc* Political Committee and of the Advisory Committee's recommendations. The representative of Pakistan called attention to what his delegation considered to be excessive staffing requirements for the Office of the United Nations Commissioner, as well as an unduly liberal estimate for local transportation, including operation and maintenance of transportation equipment, for travel and subsistence of staff and for miscellaneous supplies and contractual services. In the circumstances, he proposed a reduction of \$104,000 in the estimates as submitted by the Secretary-General (i.e., a reduction of \$66,900 additional to that suggested by the Advisory Committee). At the Committee's 261st meeting, the representative of Egypt moved an amendment to the Pakistan proposal to the effect that the Secretary-General's estimates be reduced by a total of \$90,030 distributed as follows :

\$55,030 on salaries of internationally-recruited personnel,

\$25,000 on local transportation, and

\$10,000 on travel and subsistence of staff.

The representative of Pakistan accepted this amendment to his initial proposal. The opinion was expressed by the representatives of Pakistan and Egypt that the essential purposes of the draft resolution of the *Ad Hoc* Political Committee and of the earlier resolutions of the General Assembly could be effectively accomplished within the limits of the reduced appropriation recommended.

5. Following a detailed explanation by the United Nations Commissioner of the problems confronting his Office and the Council for Libya, a number of delegations stated their belief that an appropriation in the amount recommended by the Advisory Committee would be necessary if the achievement of independence by the target date of 1 January 1952 were not to be prejudiced.

6. The proposal of the representative of Pakistan, as amended by the representative of Egypt, on being put to the vote, was rejected by 25 votes to 6, with 13 abstentions. The recommendation of the Advisory Committee that, for the purpose of implementing the draft resolution of the *Ad Hoc* Political Committee, budgetary provision would be required in 1951 in the amount of \$575,000 (allowing for the transfer of \$7,200 to section 25 of the budget estimates) was then approved unanimously.

7. The Fifth Committee therefore decided to inform the General Assembly that the adoption of the draft resolution of the *Ad Hoc* Political Committee would require provision to be made in the amount of \$575,000 under section 5 of the budget estimates and of an additional \$7,200 under section 25.

DOCUMENT A/1726

Report of the *Ad Hoc* Political Committee on economic and financial provisions relating to Libya

[Original text : English]
[14 December 1950]

1. During consideration by the *Ad Hoc* Political Committee of agenda item 21 (a) and (b) : the representative of the United Kingdom, at the 7th meeting on 9 October 1950 submitted a draft resolution (A/AC.38/L.9, A/AC.38/L.9/Corr.1) relating to the economic and financial provisions to be applied to Libya, in accordance with annex XIV, paragraph 19, of the Treaty of Peace with Italy. The representative of the United Kingdom stated that it had been the sense of Sub-Committee 17 of the First Committee at the fourth session that the question should be considered at the fifth session.

2. As mentioned in the report of the *Ad Hoc* Political Committee to the General Assembly on agenda item 21 (a) and (b) (A/1457), the Committee, at its 11th meeting on 12 October 1950, decided without objection to establish a sub-committee (Sub-Committee 1), consisting of Argentina, Belgium, Egypt, France, Greece, Poland and the United Kingdom, to consider the United Kingdom draft resolution and to report back to the Committee with recommendations. It was also decided that the representative of Italy, the United Nations Commissioner in Libya and the Chairman of the Council for Libya should participate in the Sub-Committee's work in an advisory capacity. It was agreed that the *Ad Hoc* Political Committee would complete its discussion and vote on the draft resolutions submitted on the reports of the Commissioner and of the administering Powers in Libya and that the Committee would later make a separate report on the economic and financial aspect of the matter to the General Assembly.

3. Sub-Committee 1 held 28 meetings and submitted its report to the *Ad Hoc* Political Committee on 11 December 1950 (A/AC.38/L.70). The draft resolution adopted by the Sub-Committee by 6 votes to one was divided into two parts. The ten articles of part A related, *inter alia*, to the transfer of property owned by the Italian

State (article I), the pensions owed by Italy (article III), the rules to be applied to the property rights and interests of the Italian nationals (article VI), and the special provisions concerning concessions (article IX). The draft resolution provided for a United Nations Tribunal of three members to give instructions and to decide all disputes between the authorities concerned relating to the application of the economic and financial provisions (article X). Part B provided for the staff and all expenses necessary to carry out the terms of the draft resolution. The report set out in paragraph 5 some further explanations on various points of the draft resolution.

4. The Committee considered the report of Sub-Committee I at its 81st and 82nd meetings on 13 and 14 December 1950.

5. At its 82nd meeting the Committee, by 26 votes to 5, with 9 abstentions, rejected a proposal of the representative of the Union of Soviet Socialist Republics to defer further consideration of the matter until the sixth session of the General Assembly, at which time a representative of Libya could be heard.

6. At the same meeting the Committee adopted, by 34 votes to 5, with 3 abstentions, the draft resolution (A/AC.38/L.70) submitted by Sub-Committee 1.

7. The Committee also agreed to include in its report the explanations contained in paragraph 5 of the Sub-Committee's report on certain points of the draft resolution. The explanations referred to are set out after the text of the draft resolution.

8. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution :

[The text of the draft resolution and of explanatory statements related to it, are identical with those set forth in document A/AC.38/L.70.]

DOCUMENT A/1727

Report of the *Ad Hoc* Political Committee on technical and financial assistance to Libya

[Original text : English]
[14 December 1950]

1. During consideration by the *Ad Hoc* Political Committee of the economic and financial provisions relating to Libya under agenda item 21 (a) and (b), the representative of Egypt, at the 81st meeting on 13 December 1950, submitted a draft resolution (A/AC.38/L.75) relating to technical and financial assistance to Libya.

2. The draft resolution proposed that the Secretary-General of the United Nations should be instructed to study, in connexion with the technical and financial assistance which Libya might request from the organs of the United Nations, the problem of war damages suffered by Libya and to report on the subject to the sixth session of the General Assembly.

3. At the 82nd meeting the representative of Belgium suggested that the Egyptian draft resolution should be entitled " Technical and financial assistance to Libya ", and that if adopted, it should be made the subject of a separate report to the General Assembly. Both suggestions were accepted.

4. At the same meeting the Committee adopted, by 40 votes to none, with one abstention, the Egyptian draft resolution (A/AC.38/L.75), as amended.

5. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution :

TECHNICAL AND FINANCIAL ASSISTANCE TO LIBYA

The General Assembly,

Whereas Libya as a result of the war has suffered extensive damages to private and public property, both

movable and immovable, as well as to its system of communications,

Whereas the existence of these war damages and the necessity of repairing them represents one of the major economic and financial problems to be taken into consideration in order that an independent Libya may be established with a sound basis for economic and social progress, which is one of the avowed purposes of the United Nations in accordance with paragraph 4 of the resolution adopted by the General Assembly on 17 November 1950,

Instructs the Secretary-General to study the problem of war damages in connexion with the technical and financial assistance which Libya may request from the Economic and Social Council, the specialized agencies and the Secretary-General of the United Nations, and to report on the subject to the sixth session of the General Assembly.

DOCUMENT A/1730

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1726) : report of the Fifth Committee

[*Original text : English*]
[14 December 1950]

In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee at its 283rd meeting held on 14 December 1950 considered the financial implications of the draft resolution (A/1726) proposed by the *Ad Hoc* Political Committee providing for establishment of a United Nations Tribunal in Libya. The Committee approved by 34 votes to 4 with one ab-

stention the recommendation of the Advisory Committee to the effect that the estimated cost involved would amount to approximately \$120,000. It therefore decided to inform the General Assembly that adoption of the draft resolution of the *Ad Hoc* Political Committee would involve additional budgetary provision in 1951 under section 5 of the budget in the amount of \$120,000.

DOCUMENT A/C.4/178

Progress report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration

[*Original text : English*]
[9 November 1950]

Note by the Secretariat: In accordance with the decision of the Fourth Committee, the progress report of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration

is communicated herewith to members of the Fourth Committee. The report covers the work of the Advisory Council up to 31 July 1950.

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CHAPTER I

ESTABLISHMENT, TERMS OF REFERENCE, COMPOSITION, CHAIRMANSHIP, SECRETARIAT AND HEADQUARTERS OF THE ADVISORY COUNCIL

Establishment

1. The General Assembly, to which the question of the disposal of the former Italian colonies had been referred in accordance with the terms of the Treaty of Peace with Italy, recommended, on 21 November 1949, in resolution 289 A (IV), part B (see annex I), the establishment of the Advisory Council.

Terms of reference

2. The present terms of reference of the Advisory Council are contained in General Assembly resolution 289 A (IV), part B, of 21 November 1949, and the draft trusteeship agreement (A/1294).

Composition of the Advisory Council

3. According to resolution 289 A (IV), part B, the Advisory Council is composed of one representative of each of the following States: Colombia, Egypt and the Philippines. Members of the Council have found it extremely trying to be in permanent residence in an area which is notorious for its treacherous climate, where accommodation is scarce and living conditions difficult, and where the nearest "hill station" is 600 miles away. It is felt, therefore, that the question of providing for alternates or of relieving the representatives from the obligation of prolonged residence in Mogadiscio is one meriting serious study. The provision of alternates would entail a change in the General Assembly resolution.

Chairmanship

4. The Advisory Council, at its first meeting, held in Cairo, elected as Chairman Amin Rostem Bey, the repre-

sentative of Egypt, who remained in the chair until 13 May 1950, when he left for Cairo. Mr. E. de Holte Castello, representative of Colombia, took over as Acting Chairman until 25 May, when Mr. Talaat M. Ragheb, the representative of Egypt, took the chair. Mr. Manuel Escudero, the representative of the Philippines, assumed the chairmanship on 16 June 1950. According to the rules of procedure established by the Advisory Council at its meeting of 3 April, the chairmanship is held in turn by representatives of Egypt, the Philippines and Colombia. Each Chairman holds office for two months, provided, however, that the Chairman in office at the beginning of any session of the General Assembly or of the Trusteeship Council the agenda of which includes any item relating directly to the Trust Territory of Somaliland, shall remain in office until such items are disposed of at the session in question.

Secretariat

5. The secretariat assigned to the Advisory Council, totalling twenty-one members, including nine locally-recruited personnel and guards, but not chauffeurs and service personnel, is headed by a Principal Secretary.

Headquarters

6. In accordance with paragraph 4 of General Assembly resolution 289 A (IV), part B, the Advisory Council set up its headquarters at Mogadiscio. The secretariat assigned to the Advisory Council established its temporary headquarters at the Lido, in a compound in which there are ten buildings. Three adjoining houses contain a council chamber and offices; the other houses are used as living quarters by the Principal Secretary and

members of the secretariat. This temporary establishment has the advantage of providing fair working quarters for the Advisory Council and the secretariat. The fact that the offices stand in a compound ensures that the United Nations site is a separate entity. A disadvantage of the location, on the other hand, can be found in the fact that it removes the Advisory Council somewhat from the centre of Mogadiscio. The compound lies over one mile from the centre of the town, a considerable distance under the equatorial sun during the entire day, without normal means of transportation. This has not, however, prevented many indigenous visitors and deputations from calling at the temporary headquarters. As the Advisory Council will have its seat

in Mogadiscio for ten years, it feels that, in view of this long-term operation, it may be desirable to establish its own headquarters in the centre of Mogadiscio, on a scale comparable with the major buildings of the Italian Administration. The local housing situation suggests, however, that the cost of renting a suitable building, if it could be found at all, might be excessive, and that the remodelling of one of the many dilapidated buildings in Mogadiscio would be disproportionately high, so that the only proper alternative to the Lido compound would be the erection of a new building in the centre of the town. The Council reserves the right to make, through its Chairman, suggestions to the General Assembly in this respect.

CHAPTER II

SUMMARY OF THE MAIN ACTIVITIES OF THE ADVISORY COUNCIL

Activities and decisions of the Advisory Council

7. At its first meeting held in Cairo on 27 March 1950, the Advisory Council decided that it would be present at the ceremony of transfer of powers from the British Military Occupation to the provisional Italian Administration, fixed for 1 April 1950. As the date was only tentatively set at that time and changes in the schedule were possible, the Advisory Council agreed to proceed to Mogadiscio via Nairobi. It was felt that it would not be appropriate for the Advisory Council to be present in Mogadiscio for any length of time prior to the entering into function of the Italian Administration. The break of the journey in Nairobi would allow the Council to proceed to Mogadiscio immediately prior to the ceremony. The members of the Advisory Council arrived in Nairobi on 30 March, where they were informed that the ceremony would definitely take place on 1 April. The Council proceeded by chartered plane to Mogadiscio on 31 March.

8. At its 2nd meeting, held in Alexandria on 29 March 1950, the Advisory Council discussed certain problems regarding its presence at the ceremony of transfer in Mogadiscio. It expressed unanimously the wish that the United Nations flag be raised with the Italian flag at the ceremony of transfer of powers. The Advisory Council took this view as the General Assembly had, by an overwhelming majority vote of 48 to 5, with 4 abstentions (resolution 325 (IV) of 15 November 1949), requested the Trusteeship Council to recommend to the Administering Authorities concerned to fly the United Nations flag over all United Nations Trust Territories. While the Council was *en route*, the Trusteeship Council, on 30 March, failed to agree upon a resolution implementing the request of the General Assembly (actually a tie vote of 5 to 5, with 1 abstention).¹⁴ The Advisory Council therefore agreed to dispense with the raising of the United Nations flag, and during the ceremony took its stand on a separate

balcony of Government House draped with the United Nations flag.

9. At its 3rd meeting, the first held in Mogadiscio, on 3 April 1950, the Advisory Council adopted its rules of procedure.

10. At its 4th meeting on 5 May, the first to be held at the Council's temporary headquarters at the Lido, the Advisory Council heard a statement by the Administrator, Mr. Giovanni Fornari, on the steps taken by the provisional Italian Trusteeship Administration during the first month of Italian administration (see annex II).

11. On 3 May 1950, the Advisory Council received a communication from the Administering Authority, which was circulated to the members of the Council, containing requests for advice on the composition and number of the territorial council provided for in the draft trusteeship agreement, on the principles to be followed in selecting its members, and on the question of the languages of instruction in the Territory. The full text of the requests is contained in annex III.

12. On 17 May 1950, Mr. de Holte Castello, in his capacity as Acting Chairman of the Advisory Council, addressed a preliminary reply to the above-mentioned requests for advice submitted by the Italian Administration. In his reply, the full text of which is reproduced in annex IV, Mr. de Holte Castello expressed the belief that an examination of the methods used in other countries with comparable political problems might result in a reduction in the number of alternative solutions in the matter of the territorial council. Such studies would, however, be somewhat theoretical. The Administering Authority was consulting the peoples of the Territory upon the question, and the results of the consultation would also permit of a more precise evaluation of solutions adopted elsewhere. As regards education, the adoption of written Somali was not favoured; the use of Arabic was considered to be preferable. The secretariat has prepared for the Advisory Council studies on both the constitutional and educational questions.

¹⁴ See *Official Records of the Trusteeship Council, Sixth Session, 76th and 77th meetings*.

13. At its 5th meeting, held on 31 May 1950, the Advisory Council formally approved the letter containing the preliminary reply addressed by Mr. de Holte Castello, in his capacity as Acting Chairman, to the Administrator of Somaliland. The relevant extracts from the summary record of that meeting are attached as annex V. The Advisory Council was informed of an invitation addressed to Mr. de Holte Castello by the Italian Government to pay an official visit to Rome, and charged the Colombian representative to undertake the journey as representative of the Advisory Council.

14. When Mr. Escudero, representative of the Philippines, arrived in Rome on 16 June *en route* to Mogadiscio, as Chairman for the then current period he was invited by the Administrator, Mr. Fornari, to remain in Rome in order to hold a series of conferences with high government officials on many problems concerning the Trust Territory. He accepted the invitation and arrived in Mogadiscio on 6 July, in the company of the Administrator and the representative of Colombia.

15. At its 6th meeting, held on 12 July 1950, the representatives of Colombia and the Philippines reported to the Advisory Council on their visits to Rome and on the conversations with high Italian Government officials regarding the progress of the peoples of Somaliland. Mr. de Holte Castello also reported on discussions he had held in Cairo. The Advisory Council considered various communications which had been addressed to it by individuals and representatives of tribes and of organizations (see the following section).

16. At its 7th meeting, held on 18 July 1950, the Council decided to make a progress report on its activities since its constitutional meeting in Cairo on 27 March 1950, for transmission to the Secretary-General.

17. At its 8th meeting, held on 3 August 1950, the Council adopted its draft report (A/AC.33/W.24/Rev.1).

Communications from non-governmental organizations or individuals concerning the Trust Territory

18. Communications addressed to the Advisory Council which do not contain a request for a specific action by the Advisory Council are, in accordance with rule 45 of the rules of procedure of the Council, transmitted to the Secretary-General for submission to the Trusteeship Council. In regard to communications requesting a specific action by the Advisory Council, the comments of the Italian Administration have been invited. The Advisory Council has, up to 27 July, received and considered certain communications of the above nature. As one of these communications refers to the question of the boundaries, the Council decided to refer it to the Secretary-General for distribution at his discretion.

19. One communication was received addressed to the President of the Trusteeship Council. It was transmitted to the Secretary-General.

20. The representatives on the Advisory Council took note of the communications of which the Council received

only a copy; in some cases informal inquiries were made by different representatives.

Field trips

21. For an appreciable part of the time during which the Advisory Council has been established in the Territory, weather conditions have rendered difficult field trips involving road travel for any great distance. During the rainy seasons, considerable stretches of the road become virtually impassable for wheeled traffic. Nevertheless, members of the Council have undertaken field trips to points of interest in the vicinity of Mogadiscio and even, as shown below, to places relatively far in the interior of the country.

22. In company with officials of the Administering Authority, representatives visited the large agricultural development, some 80 kilometres from Mogadiscio, run by the *Societa Agricola Italo-Somalo* and located in the Villaggio del Duca d'Abruzzi, where most of the sugar consumed in the Territory is produced and processed. This is the biggest and most ambitious single agricultural development in the Territory. Visits have also been made to settlements along the Webbi Shebelle river, which runs parallel to the coast about 20 kilometres from Mogadiscio, and to points along the coast to the south of Mogadiscio.

23. During the recent visit paid to the Territory by Mr. Brusasca, Under-Secretary of State for Foreign Affairs of Italy, from 25 May to 10 June, the representative of Colombia, who was for part of that time the only representative present in Mogadiscio, accompanied him on a number of lengthy field trips through the Territory in the course of which they visited Afgoi, Villaggio del Duca d'Abruzzi, Bulu Burti, Belet Uen, Fer Fer and Gallacaio. When Mr. Ragheb, representative of Egypt, arrived in Mogadiscio he was also invited by Mr. Brusasca to accompany him in a number of field trips. Mr. Escudero, representative of the Philippines, was absent from Mogadiscio during the period of Mr. Brusasca's visit.

24. The representative of Colombia was particularly struck, when he visited Fer Fer, by the difficulty which the present temporary boundaries with Ethiopia have created in some locations. At Fer Fer it is the inhabitants of Somaliland who suffer inconvenience, since the only well there is nine yards inside the Ethiopian frontier and is therefore inaccessible to the herdsmen on the Somali side, while the nearest well on the Somali side is some considerable distance away.

Relations with inhabitants of the Territory and the Press

25. The representatives on the Advisory Council, at times accompanied by members of the secretariat, received visitors representing all groups and strata of the Somali population and the Arab and Indian communities, at their residence, the Hotel Croce del Sud, as well as in their offices at the Lido. Moreover they attended meetings, celebrations and anniversary gatherings of different

groups and of all political factions in Mogadiscio and other places in Somaliland they visited.

26. In this manner and during their field trips, the representatives on the Council have established friendly and cordial relations with the inhabitants of the Territory. An outstanding example of the result of this policy was displayed when the representative of Egypt, Amin Rostem Bey, on 12 May gathered together in the council chamber representatives of important political factions and induced them to make a solemn pledge that they would not act without consulting each other (see annex XII). Mr. Ragheb, representative of Egypt, has continued his predecessor's policy of establishing close relations with the indigenous inhabitants.

27. Both the inhabitants and the Italian Administration have welcomed these activities. An increasing demand has been shown for the conciliatory influence which the representatives on the Council can exercise.

28. Communications received by the Council from non-governmental organizations or individuals concerning the affairs of the Trust Territory are dealt with in the present chapter, paragraphs 18-20.

29. There is only one daily local newspaper in the whole of Somaliland, the *Corriere della Somalia*. This paper is issued by the Administration and the editor is a government official; each issue contains, apart from the Italian text, a column in Arabic. For the first two months there was a weekly paper, the *Nuovo Giornale*, published by the Catholic authorities, but publication

has since ceased. This was a well-informed paper with very good articles written by prominent local men. There is also a weekly military paper. A large number of Italian newspapers are available, but none of any racial views. No newspapers from other countries are on sale.

30. Some Italian newspapers maintain correspondents in Mogadiscio, most of them covering Somaliland as a professional side line. Reuters maintains a correspondent. Apart from this, no foreign correspondent or agency is permanently represented in Somaliland. Special events such as the transfer of administration from the British Government to the Italian Government, the visit of Under-Secretary of State Brusasca, etc., were covered by special correspondents of Italian agencies and newspapers who were dispatched to Mogadiscio for the purpose. A "roving correspondent" from the *New York Herald Tribune* visited Somaliland. Press releases issued by the Advisory Council during the period under review were reproduced in full by the *Corriere della Somalia*, which gave continued prominence to all official and non-official statements made by members of the Advisory Council. It is very unfortunate, however, that the great experiment initiated in Somaliland has found so little coverage in the Press of the Members of the United Nations.

31. The Secretariat issued, between 7 April and 27 July 1950, fourteen Press reviews containing translations of interesting material and comments appearing in the local Press, and translations of excerpts from comments and opinions expressed in the Italian Press.

CHAPTER III

SITUATION IN THE TRUST TERRITORY AND THE POSITION OF THE ADVISORY COUNCIL

A. *Situation in the Trust Territory*¹⁵

Law and order

32. The Advisory Council is not in a position to quote official facts and figures relating to law and order which might perhaps give some indication of the political atmosphere. It has, naturally, formed opinions from daily contact with and observations of life in Mogadiscio, where the population contains representatives of most of the peoples of the Territory; from conversations with members of the Administration; from impressions gained on field trips; from the Press; and, lastly, from the various members of the community who have approached it with complaints, requests and suggestions.

33. The general impression is certainly one of an improvement in public security, particularly in Mogadiscio, and of a noticeable diminution in the Territory of the tension which was most marked at the time when the provisional trusteeship administration began. The conduct of the Administration's armed forces and of the *carabinieri* and Somali police appears to be correct and their relations with the population good.

34. As stated above (chapter II, paragraphs 18-20), the Advisory Council has received many oral or written complaints or copies of complaints addressed to the Administration either by individuals or representatives of one political party, the Somali Youth League, or other groups. Roughly speaking, the following points were made in these communications:

(a) That there had been unlawful assaults on individuals and that there had been serious civil disorders at Baidoa owing to the negligence or culpability of the authorities, which involved injury to individuals and loss of property.

(b) That Somalis known for their opposition to Italian rule prior to 31 March 1950 were not fully protected by the Italian Administration, and that discriminatory acts committed by Italian officials are *de facto* retaliatory measures in respect of 11 January 1948, when a number of Italians were killed in Somalia in a sort of "Sicilian Vespers"; that people were being arrested without warrant and/or without a charge being communicated to the person involved, and that a large number of persons were being held in prison without being brought to trial.

¹⁵ For a detailed description of the political, economic and social life of the Territory, see annex VII.

(c) That political discrimination was being practised against members of the Somali Youth League in the matter of engagement of personnel either for the Administration or for public works, and that the leaders of the Somali Youth League were refused admittance to the offices of the Italian Administration officials or kept waiting an unreasonable time.

35. In the light of personal observation and additional information received from private persons and members of the Administration, the members of the Advisory Council gained the impression that some of the complaints were exaggerated and could not be sustained by any proof, and that some accusations were dictated by prejudice or anti-Italian bias on the part of certain elements. Further, it must be remembered that the criminal procedure in use for nearly ten years has been the British criminal procedure. The Administering Authority has now reverted to the Italian criminal procedure and it is likely that members of the population involved in criminal proceedings, not understanding the difference between the two systems, may bear an unreasonable resentment against the changed methods.

36. On the other hand, representatives on the Advisory Council gained the impression that some of the basic facts underlying the complaints were not entirely without foundation. It is known to the Council, for example, that civil disorders occurred in Baidoa and at other places between factions of the indigenous inhabitants; no effort was made to conceal the fact and the disorders were reported in the Press. Two truckloads of men and children, who alleged that they were refugees from the area, appeared on more than one occasion at the gates of the United Nations compound. The Council has, of course, no means of knowing the extent of the disturbances nor their origins. The Council is fully confident that the Administration, personified in the Administrator, Mr. Fornari, is doing everything to investigate all the *bona fide* complaints in a spirit of equity and with the desire to redress any justified complaint.

Trusteeship administration

37. During the first weeks, the Italian Authorities were chiefly occupied with settling down in the *cadres* created by the British Occupation Authorities and adapting the machinery of administration, military as well as civilian, to Italian working methods and concepts of administration. After his return from Rome, the Administrator, on 7 July, announced to the Administration plans for a reorganization of the trusteeship administration. His plans provided for the following administrative structure: the Administrator's Office; Chief Secretary's Office; International Affairs; Internal Affairs; Personnel and General Affairs; Financial Affairs; Agriculture and Zootechnical Affairs; Industry, Internal Commerce and Labour; Currency and Commerce with Foreign Countries; Judicial and Legislative Affairs; Health and Public Education; Public Works and Communications; Office for Studies and Statistics; Press; Accounts. This system, which differs greatly from the former system, is particularly interesting inasmuch as it is clearly meant to be a nucleus for the ministerial organization of the future independent Somali State.

38. The Administrator has informed the Advisory Council that he intends "to establish district councils to enable the local authorities (District Commissioners) of the Italian Administration to have the benefit of an advisory body which would improve the collaboration between the indigenous population and the Administering Authority as well as encourage the people's evolution towards political progress". He stated that he had prepared a circular on that subject to be sent to all District and Provincial Commissioners and he communicated the contents of it to the Council so that the representatives might be informed thereof before it was circulated. The contents of the circular are set out in annex VIII.

39. The Administering Authority requested the advice of the Advisory Council (see chapter II, paragraph 11) concerning the composition and number of the territorial council provided for in the draft trusteeship agreement. In its reply (see chapter II, paragraphs 12 and 13 and annex IV) the Council suggested that an examination of solutions adopted elsewhere, though theoretical, would no doubt be of value and that a more practical evaluation would be made of them when the results were known of the inquiry which the Administering Authority was making among the peoples of the Territory upon these questions. The Council has now been informed by the Administering Authority of the results of the consultation with the representatives of the peoples of the Territory; the full text of the Administering Authority's report to the Council is contained in annex IX.

40. In transmitting its report, the Administering Authority pointed out that in spite of the fact that its officials had emphasized to the peoples the great importance of the consultation, which was the first time that the indigenous population had participated in the study of matters of concern to the whole Territory, it appeared that elements of the population consulted did not appreciate the character of the system which was to be established and, consequently, the significance and importance of the territorial council. It appears that the response evoked from the population ranged from indifference to uninstructed enthusiasm, an example of the latter being a proposal that the Council should be composed of between 400 and 700 members, who would discuss all the unimportant daily disagreements between the tribes.

41. The Administering Authority reports, however, that a great number of people interrogated, and by no means only the most prominent among them, fully appreciated the value of the referendum and expressed satisfaction, in their own name and on behalf of their community, with the fact that the Administration had consulted them and was prepared to give them a voice in matters which concerned them. The creation of a council which would provide a further link between the Administration and the people was welcomed. The opinion was widely held that such a council should not be too large; a number thought that it should be composed of one representative from each district of the Territory, i.e., twenty-two members. Some doubts were expressed,

however, that one member could satisfactorily represent districts with mixed populations.

42. As to methods of choosing representatives, the political bodies urged that representatives should be chosen from among their ranks, in which they claimed the most progressive elements of the population were to be found. On the other hand, the chiefs and notables pointed out that three-quarters of the population lived in the bush and had little contact with the political parties. Furthermore, it is recognized that among the chiefs of the tribes are to be found many persons of great culture, with a profound knowledge of, and a deep influence over, their peoples. There was unanimous rejection of the idea of a system of suffrage, in view of the general cultural level of the population and of their lack of political education. There appears to be a great unanimity of opinion that, at least in the beginning, there should not be separate representation in the council of indigenous economic interests.

43. The question of limiting the discretionary power of the Administrator in the choice of members of the council was not raised. The District Commissioners, however, made it clear to those they consulted that, even if the Administrator had complete freedom of choice, he intended to take into consideration the wishes of the people.

44. In some places the people were ready to nominate their representative forthwith, but in others the desire was expressed that the District Commissioner should choose a name from a list submitted by the people.

Legislation and judicial system

45. As regards legislation and the administration of justice, the position in the Territory, up to 1 April 1950, was that in civil and commercial cases judgment was given in accordance with Italian law by the Judge of the Territory, who is an Italian, and in accordance with Koranic law and customary law by the Kadis. In penal cases the Italian penal code, as amended by British proclamations, was administered. A new system of criminal courts using British penal procedure had, however, been set up by the British.

46. On 1 April 1950, the Administering Authority published its first proclamation stating that Italy had assumed the administration of the Territory which it undertook to carry out in accordance with the provisions and in conformity with the principles and spirit of the United Nations Charter. The rights of man, the fundamental liberties and full equality before the law without distinction as to race, sex and political or religious opinion were guaranteed in accordance with the principles enshrined in the Constitution and legislation of the Italian Republic. Until the issuance of new regulations, the present legislation was to remain in force in the Territory, as far as compatible with the principles of the trusteeship administration.

47. By Ordinance No. 5 of 19 April, which was declared to be effective as from 1 April, various British proclamations were cancelled. Those proclamations had, *inter alia*, established British procedure for dealing with offen-

ders between the ages of eight and eighteen, new jurisdiction for the Kadis' courts and a new system of criminal courts. They were replaced by the former Italian system, in particular by the provisions of the Judicial Ordinance approved by Royal Decree of 20 June 1935 (No. 1638), until new judicial ordinances might be issued in accordance with the terms of the Trusteeship System.

48. By Ordinance No. 29 of 8 June, the Administrator granted pardon in some cases, and a reduction of sentence in others, to persons sentenced to imprisonment in the Territory prior to 1 April 1950. By Ordinance No. 40 of 17 July, he granted amnesty to all imprisoned in the Territory for political crimes committed there during or after the exchange of powers and up to the date of the ordinance. The amnesty was not only a step of internal pacification, but reflected, and has been accepted as reflecting, the spirit in which the Administering Authority intends to carry out its work.

49. A new monetary system was instituted by Ordinances Nos. 14-19 of 16 and 18 May, which are more fully described in paragraph 67 below. That step had very important political implications since, for the first time, it gave a Trust Territory a currency of its own, undoubtedly one of the principal bases for future sovereignty. The new currency bears Arabic and Italian identification.

50. There have been a number of other ordinances, some of very recent date, to which the Advisory Council has as yet been unable to give detailed consideration. They deal with a variety of subjects, including payment of arrears of pay to ex-soldiers, exchange control, rent control, assessors in the courts of assize, insurance to be carried by operators of public vehicles, nomination of a price controller, tax returns, social insurance, etc.

Political parties

51. It is difficult to estimate the strength of the influence of the political parties. There are two main groups in the Territory, the Somali Youth League and its adherents, on the one side, and the parties comprising the Conference Party on the other hand. The Somali Youth League, which was founded in 1943, has a programme for the economic and social betterment of the country and for its independence; it opposed Italian trusteeship and is inclined towards a radical nationalism. The Conference Party has a very similar programme but wishes to work toward the independence of the Territory under Italian trusteeship; it is more conservative than SYL. According to the claims made before the Four-Power Commission of Investigation in 1948, the Somali Youth League had about 93,000 members, with 300,000 adherents, and the Conference Party 180,000 members, with 360,000 adherents. That meant that the parties between them claimed an active membership amounting to nearly one-third of the population and an adherence totalling nearly two-thirds of the population. By contrast, the British authorities estimated that the two parties together amounted, in 1949, to about 110,000 active members.

52. There are indications that, since the assumption of the provisional trusteeship by the Italian Government,

there has been an increase of popular interest in the political parties in view of the coming independence.

53. As far as is known, the Conference Party group, the Arab community and the other minority groups are well satisfied with the state of affairs since 1 April 1950. None of their component organizations approached the Council with complaints.

54. The Somali Youth League was formed in 1943. Its leadership gradually assumed an anti-Italian attitude, which first became apparent in 1947 and, at the time of the debates on the Trust Territory in the General Assembly, they professed the most violently anti-Italian sentiments, to the point of threatening to use force if the Italian Government was appointed the Administering Authority. Since the arrival of the Italians, the leaders of the Somali Youth League have expressed their willingness to co-operate with the Administration. They have appeared on the same platform with Administration officials and with Conference Party leaders, and have exhorted their followers to co-operate with the Italian authorities. Nevertheless, as an examination of the complaints received by the Council will show (see chapter II, paragraphs 18-20, and chapter III, paragraph 34), they are perhaps hyper-sensitive in their relations with the authorities. They are quick to suspect that they are being discriminated against and they undoubtedly act as leaders of the "opposition". Although they may exaggerate their grievances, there is no doubt as to the bitterness of their feelings and it is a tribute to the diplomacy of the Administrator and to the Somali Youth League's belief in his integrity that their relations with the Administration have not been entirely unharmonious and that they still express their willingness to co-operate. The Council considers that, in this connexion, mention should be made of the devoted work of the representatives of Egypt, through whose good offices many misunderstandings between the political parties themselves and between the Administration and the political parties have been removed.

55. Relations between the two main political groups appear, at least outwardly, to have been calm in Mogadiscio. The Council understands, however, that there have been conflicts in towns and villages outside Mogadiscio. Such instances, of course, are not necessarily an expression of political views, but may simply be repayment of old scores by one side or the other which imagines that it has gained an ascendancy with the Administration.

Visit to Somaliland of Mr. Brusasca, Under-Secretary of State for Foreign Affairs

56. There existed in Somaliland, chiefly among the Somali population proper¹⁶ prior to and at the time of the change from British to Italian administration certain doubts about the intentions and motives of the Italian Administration. The Italian Government had every interest in dispersing that uneasiness as quickly as possible. The decision to send Mr. Brusasca, Under-

Secretary of State, to Somaliland was therefore dictated by great political wisdom and comprehension of the situation existing at the time in Somaliland. Mr. Brusasca arrived from Rome on 25 May 1950. When he left after a two weeks' visit, a noticeable change in the political climate of Somaliland had occurred. It may be said that the Italian statesman rendered a major service to Italy and the world by his visit, during which he travelled to almost all accessible parts of the Territory, despite rains and floods.

57. The first and most important objective of the visit was to make an appeal to the population of Somaliland to collaborate with the Italian Administration, and to assure them that the Administration would undertake its task in Somaliland with impartiality and in the spirit of the United Nations Trusteeship Agreement. Mr. Brusasca's sincerity and his deep respect for the religious feelings of the population, which he manifested in his speeches and by donating Korans and money to Moslem religious institutions, made a considerable impression upon the Somalis. An immediate result of his visit was a noticeable relaxation of tension and an amelioration of the relationship between the Italian Administration and the anti-Italian elements of the Somali population. The appeals he made will have lasting consequences, however, only if that part of the population which is hostile to the Italians or sceptical regarding their intentions receives tangible proof of a change in attitude or methods.

58. Mr. Brusasca's second important task was to appeal to the Italian officials and to the Italian permanent colony in Somaliland for comprehension of Italy's task in Somaliland. An outstanding feature of practically every speech he made was the stress he laid upon Italy's role as an agent of the United Nations, and the emphasis he placed upon the fact that Italy's performance in Somaliland would be an important element in the judgment the world will pass on Italy's post-war role in world affairs. In asking the representatives of Colombia and Egypt to join him on his trip throughout Somaliland, Mr. Brusasca wished to give special prominence to the United Nations in the eyes of the people of Somaliland. It is already apparent how greatly his visit has strengthened the hand of the Administrator, Mr. Fornari, within his own administration.

The frontier situation

59. The Advisory Council is not called upon to pass judgment upon the territorial questions pending between Somaliland under Italian administration and adjoining territories. It is obvious, however, that the successful work of the Administering Authority will depend upon the frontier situation, to the extent that trouble or difficulties on the frontier would absorb energies which are needed for internal reconstruction; on the other hand, pending a definite settlement by the international authorities charged with the question, calm would naturally constitute a positive element in the over-all situation and would be a tribute to the handling of the external situation by the Administering Authority.

¹⁶ This does not include the Arab and Indian communities who did not oppose the assumption of trusteeship by Italy.

60. The journey to Belet Uen by Mr. Brusasca gave the representative of Colombia an occasion to observe personally, on behalf of the Advisory Council, the frontier situation at Fer Fer. The village, over which an Ethiopian flag was hoisted, is entirely on the Ethiopian side. Neither soldiers nor frontier guards were visible. The frontier was marked only by a removable road-block. On the Somali side there were neither Italian civilian nor military guards. The first outpost is about 2 kilometres behind the front. The frontier itself is guarded by a platoon of Somalis, without heavy arms. They are under the command of a Somali.

61. On the occasion of his visit, Mr. Brusasca made a speech to the Somalis garrisoned at the frontier station, in which he stated in effect :

“ You are here not as soldiers with the task of giving battle, but as representatives of the Somali population. It is your duty to live in good neighbourly relations with those on the other side of the frontier and to establish such good relations that they will endure when your country has become independent. ”

62. The Council has received some communications from Somalis on the question of the present delimitation of the frontier between Ethiopia and Somaliland, requesting that the tribes of the writers be reunited with Somaliland.

*Statement by the Administrator of policy with regard to economic, social and educational affairs*¹⁷

63. On the occasion of the 4th meeting of the Advisory Council, the Administrator, Mr. Fornari, made a report on the work done by the Italian Administration during the first months of its stewardship. He expressed the opinion that the majority of the Somali population trusted in the Administration and wished to collaborate with it. His policy was one of goodwill and understanding, on the basis of the maintenance of public order and of the punishment of those guilty of infringing the law. The first step was organization of the public services, and immediately afterwards, consideration of the most urgent problems. He considered that public health was the first of those problems, with veterinary problems closely linked with it. Next in importance ranked the question of unemployment. Public works, which had already been initiated, led to an absorption of unemployed. Wages were insufficient. It was the Administration's policy to increase wages whenever possible, while taking the necessary steps to counteract a concomitant rise in the cost of living. Other matters examined included hunting problems, locust destruction, meteorological services and detailed consideration of the agricultural question. The question of extending the benefit of insurance against labour accidents to indigenous labour was considered in the light of the recommendation of the International Labour Organisation. The Administrator further reported that the Administration was studying the most rapid means possible of

providing to Somalis the education essential to their future independence. The immediate problems on which the advice of the Advisory Council was requested were those of the alphabet and the language of instruction in addition to Italian (see also chapter II, paragraph 11). Italian was considered absolutely necessary to permit contact between Somalis and the Italian Administration.

Economic situation

64. Since the Administering Authority has not yet requested the advice of the Advisory Council regarding article 8 (b) of the draft trusteeship agreement, which concerns economic and financial development, the Council has not yet initiated any systematic studies on these subjects as it has, for instance, in the case of article 8 (a), which concerns the establishment and development of organs of self-government, and upon which the Administering Authority has asked its advice (see chapter II, paragraph 11) : There is evidence of the extension of public works and a notable absorption of idle persons who were roaming the streets of the capital when the Council arrived. Signs of road repair work and road building and house repair work can be found in many places. The Council realizes, however, that much remains to be done to restore the economic level of the country to its pre-war state and to raise the present standard of living, and that the task of reaching a stage where the budget can be balanced is formidable. Mogadiscio is no longer an *entrepôt* for Ethiopia, and the revenue derived from handling supplies for Ethiopia at the port and from the industries associated with the trade with that country will have to be sought elsewhere. The damage done to plant and communications in the course of the war and the subsequent deterioration must be made up. Some means must also be found to offset the loss of many skilled and productive Italian workers who have left the country.

65. The Council has been made aware that at the outset of the trusteeship administration, difficulties existed in connexion with the system of licences for imports into the Territory. The Administering Authority felt that, in view of the number of licences issued by the outgoing British Authorities, it could not accede to all the new applications for licences presented to it. Some sections of the trading community found this attitude unduly restrictive and did not wish to be diverted to Italy as the only source of supply. The Council understands, however, that these difficulties have now to a large extent been surmounted, to the general satisfaction of all.

66. According to official statistics, the cost of living in the Territory rose in the decade between the beginning of the war and the inception of the provisional trusteeship administration by some 500 per cent. No official statistics are available for the period since 1 April 1950, but from the personal observations of the representatives on the Council the rise appears to have continued and it is estimated that prices are some 25 per cent higher now in Mogadiscio, at least for goods consumed by the non-Somali community, than they were when the Council

¹⁷ For full text, see annex II.

first arrived. On the other hand, the costs of basic food products for the indigenous population (meat and durra) have diminished.

New currency

67. The Administering Authority agreed with the British Authorities that the currency in circulation in the Territory at the time of the transfer of powers, which consisted of notes and coinage in denominations of East African shillings, should be withdrawn and that a new currency issued by the Administering Authority should be substituted for it. By Ordinance No. 14, which became effective on 18 May 1950, a new monetary unit was instituted, the somalo, which has a gold parity of 0.124414 gr. of fine gold. As from 23 July (later amended to 22 August) it will be the only legal monetary tender in the Territory. The privilege of printing bank-notes and of minting and issuing coinage has been granted to the *Cassa per la Circolazione Monetaria della Somalia*, with its head office in Rome. The Bank of Italy acts as the agent of the *Cassa*. The *Cassa* is obliged to carry guaranteed reserves in gold, silver and other currencies equal to the whole amount of bank-notes and coins in circulation, and is authorized to maintain a reserve of somali of an amount not greater than one-third of the notes and coinage in circulation. The Italian laws in force regulating the printing, minting, issuing and circulation of coinage are applicable to the Territory. Normally the operations of the *Cassa* in Somaliland are supervised by an official appointed by the Administrator.

Education

68. In the year previous to the transfer of powers, the British Administration maintained 28 indigenous schools (27 elementary and one higher) with a total of 60 teachers and 1,862 pupils. In addition, there were 2 Indian and nine Italian schools. The whole educational project covered 39 government and grant-aid schools, with 89 teachers and 2,414 pupils, and 150 small private schools, organized by religious leaders, with 2,500 pupils. In government schools for the indigenous population, the language of instruction was Arabic. English was included in the curriculum of schools which had a fourth-year course. Elementary education was, practically speaking, free.

69. The plans which the Italian Administration proposes to carry out for the education of the indigenous population in Somaliland were set out by the Administrator in a memorandum which he submitted to the Advisory Council. The Administrator drew the attention of the Advisory Council in particular to the proposed 1950-51 educational budget of 4 million somali, as compared to 480,000 East African shillings spent by the British Administration during the last year. The number of schools in Mogadiscio and other important centres will total thirty-one. Seventy-four Somali teachers will be appointed. Special training and refresher courses have been instituted to make an increase in this number possible. By these measures, the Italian Administration hopes to increase the number of

pupils to about 3,500. The languages to be used in the classes are Arabic and Italian. This policy is in accordance with the preliminary advice given by the Advisory Council (see chapter II, paragraph 12). Further provision is being made for secondary schooling and for a technical school for artisans.

70. The Council notes with particular interest the proposed establishment of a school for specialized training in administrative and political matters. In this way, a class capable of leadership will be formed for the future State of Somaliland. These measures, as well as the large budget involved, are in the eyes of the Council a substantial proof of the Administration's comprehension of its task of bringing the Somali people to a standard of education which will fit them for independence within ten years.

B. Position of the Advisory Council

Three-cornered relationship

71. General Assembly resolution 289 A (IV), part B, and the draft trusteeship agreement envisage a bilateral relationship between the Advisory Council on the one hand and the Administering Authority on the other, in which the latter furnishes information and the former assistance and advice. From the very first, however, the Council has found that to some extent it is involved in a three-cornered relationship, the other two parties of which are the Administering Authority and the population. In a territory like Somaliland, with a primitive population unversed in political refinements, it is inevitable that complainants should look to the Advisory Council for redress of their wrongs, real or imagined, and that malcontents should seek to play off the Council and the Administering Authority one against the other. The Council has received many requests raising questions of human rights, and has taken the necessary action with the Administering Authority.

Relationship with the Italian Administration

72. The Italian Administration started its work in Somaliland on 1 April 1950 only. Four months are an insufficient period in which to organize and set into motion the administration of a whole territory and also insufficient to serve as a basis for drawing up a balance sheet of this first stage of the experiment. Evidence of the work done in the first stage has convinced the Advisory Council, however, that the Italian Administration is resolved to carry out its task in the spirit of the lofty mandate received from the United Nations, and that it is making a great and successful effort to lay down the basis for its tremendous task, namely, to guide primitive peoples steeped in customs belonging to a past stage of human development, and to a great extent still in the nomadic state, to independence within the time limit stated by the Assembly.

73. Generally speaking, the relations between the members of the Advisory Council, the Italian Administration and the population have been characterized by the greatest mutual courtesy and comprehension. This has been particularly true since the arrival of the Administrator, Mr. Fornari, in Mogadiscio on 6 April 1950.

74. In emphasizing its belief in the good faith and resolve of the Administering Authority to fulfil its task in Somaliland in the letter and spirit of the trusteeship agreement, the Advisory Council must, however, state the fact that it feels that it has, during the first stage of the Administration, not been as fully informed and consulted by the Administering Authority as the draft trusteeship agreement would appear to stipulate in accordance with articles 6 and 8.

75. The Council realizes that the energies of the

Administering Authority, during the first four months of its provisional administration, have been fully devoted to organizing the administrative machinery of the Territory and that, in consequence, it may not have been possible to perfect arrangements for keeping the Council fully informed of its plans as they matured and of the rapid sequence of developments. The Council is pleased to record that since the return of the Administrator from Rome, in July, the flow of information from the Administering Authority has embraced every important decision.

CHAPTER IV

MEMORANDUM OF 1 AUGUST 1950 SUBMITTED BY THE REPRESENTATIVE OF THE PHILIPPINE REPUBLIC

76. I do not intend to sign the progress report in spite of my concurrence with most of its contents, and I desire to give to the Advisory Council an explanation of the reasons which prompted me to take this serious step.

77. Two major reasons have led me to take this stand after a mature consideration of all the elements involved. Foremost in my mind was the consideration that circumstances have compelled me to be absent from Mogadiscio during the major part of the time covered by the report, and that the few weeks which have passed since my return to the seat of the Council have not been sufficient for me to familiarize myself with the aspects covered by the report in their totality and to examine, as thoroughly as is my habit to do, the information and facts which have led the Council to take, or abstain from taking, certain conclusions.

78. The confidence which I place in the judgment of my colleagues from Colombia and Egypt, however, might have induced me to overcome my doubts and hesitations had I not felt—and this is the second major point I desire to make—that four months of provisional administration are not a sufficient period in which to make a report. Our words will be carefully read and weighed, and I wonder whether after only four months of functioning we can assume the responsibility of passing judgment upon the situation in this Territory at this early stage. During these four months the Italian Administration has had to step in and replace an administration founded on a military occupation. It had, after ten years, to re-familiarize itself with the situation in Somaliland, to build up an administration, to organize the security forces and to formulate policies. It is therefore undeniable that only now are the outlines of the Administering Authority's policies becoming visible. The same applies, in a certain degree, to the Advisory Council, for it constitutes an experiment without precedent in the history of the United Nations; it, too, is only beginning to establish its working procedures and shape its policy.

79. I feel a strong reluctance to tackle and pass a judgment upon political affairs now when some of the most important matters, namely the composition, selection and functioning of the territorial council, are still in a preliminary stage and when some major questions relative to the educational system in Somaliland are still in the preliminary stage of blue-printing. Moreover, the Advisory Council has not yet had any occasion to deal with economic and social affairs. No request for advice nor any official information on these subjects beyond the statement made by the Administrator at the Council's 4th meeting has reached the Council yet.

80. In order to avoid any misunderstanding, however, I should like to place on record that I am well satisfied with the Administering Authority's intention to carry out its tremendous task of guiding a primitive people, the majority of whom is still in the nomadic state, to an early independence. Everything which I have observed points to the serious resolve of the Italian Administration to fulfil its obligations toward the United Nations in the letter and the spirit. As stated above, I am therefore in agreement with a good deal of the contents of this report which I cannot, however, sign as I should very much have desired to do, for the reasons outlined in this memorandum.

(Signed) Manuel ESCUDERO

81. This progress report, of which the memorandum by the representative of the Philippines, Mr. Manuel Escudero, forms an integral part, has been done in a single copy in the English language at the Villagio Roma, Lido, Mogadiscio, Somaliland, this third day of August in the year nineteen hundred fifty.

(Signed) E. DE HOLTE CASTELLO (Colombia)
Chairman

Talaat M. RAGHEB (Egypt)

M. ESCUDERO (Philippines)

Egon RANSHOFEN-WERTHEIMER
Principal Secretary

ANNEX I

EXCERPTS FROM RESOLUTION 289 A (IV) ADOPTED BY THE GENERAL ASSEMBLY AT ITS 250TH PLENARY MEETING ON 21 NOVEMBER 1949

The General Assembly,

In accordance with Annex XI, paragraph 3, of the Treaty of Peace with Italy, 1947, whereby the Powers concerned have agreed to accept the recommendation of the General Assembly on the disposal of the former Italian colonies and to take appropriate measures for giving effect to it,

Having taken note of the report of the Four Power Commission of Investigation, having heard spokesmen of organizations representing substantial sections of opinion in the territories concerned, and having taken into consideration the wishes and welfare of the inhabitants of the territories, the interests of peace and security, the views of the interested Governments and the relevant provisions of the Charter, ...

B. With respect to Italian Somaliland, recommends :

1. That Italian Somaliland shall be an independent sovereign State;

2. That this independence shall become effective at the end of ten years from the date of the approval of a Trusteeship Agreement by the General Assembly;

3. That, during the period mentioned in paragraph 2, Italian Somaliland shall be placed under the International Trusteeship System with Italy as the Administering Authority;

4. That the Administering Authority shall be aided and advised by an Advisory Council composed of representatives of the following States : Colombia, Egypt and the Philippines. The headquarters of the Advisory Council shall be Mogadiscio. The precise terms of reference of the Advisory Council shall be determined in the Trusteeship Agreement and shall include a provision whereby the Trusteeship Council shall invite the States members of the Advisory Council, to participate without vote in the debates of the Trusteeship Council on any question relating to this territory;

5. That the Trusteeship Council shall negotiate with the Administering Authority the draft of a Trusteeship Agreement for submission to the General Assembly if possible during the present session, and in any case not later than the fifth regular session;

6. That the Trusteeship Agreement shall include an annex containing a declaration of constitutional principles guaranteeing the rights of the inhabitants of Somaliland and providing for institutions designed to ensure the inau-

guration, development and subsequent establishment of full self-government;

7. That in the drafting of this declaration the Trusteeship Council and the Administering Authority shall be guided by the annexed text proposed by the Indian delegation;

8. That Italy shall be invited to undertake provisional administration of the territory :

(a) At a time and pursuant to arrangements for the orderly transfer of administration agreed upon between Italy and the United Kingdom, after the Trusteeship Council and Italy have negotiated the Trusteeship Agreement;

(b) On condition that Italy gives an undertaking to administer the territory in accordance with the provisions of the Charter relating to the International Trusteeship System and to the Trusteeship Agreement pending approval by the General Assembly of a Trusteeship Agreement for the territory;

9. That the Advisory Council shall commence the discharge of its functions when the Italian Government begins its provisional administration; ...

D. With respect to the above provisions :

1. *Invites* the Secretary-General to request the necessary facilities from the competent authorities of each of the States in whose territory it may be necessary for the Commission for Eritrea to meet or travel;

2. *Authorizes* the Secretary-General, in accordance with established practices,

(a) To arrange for the payment of an appropriate remuneration to the United Nations Commissioner in Libya;

(b) To reimburse the travelling and subsistence expenses of the members of the Council for Libya, of one representative from each Government represented on the Advisory Council for Somaliland, and of one representative and one alternate from each Government represented on the Commission for Eritrea;

(c) To assign to the United Nations Commissioner in Libya, to the Advisory Council for Somaliland, and to the United Nations Commission for Eritrea such staff and to provide such facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution.

ANNEX II

STATEMENT BY H.E. AMBASSADOR GIOVANNI FORNARI, ADMINISTRATOR OF SOMALILAND UNDER ITALIAN ADMINISTRATION, AT THE 4TH MEETING OF THE ADVISORY COUNCIL ON 5 MAY 1950

[Original text : French]

I must first thank the Chairman and the Council for the welcome they were kind enough to extend to me.

I feel certain that I can rely upon the whole-hearted collaboration of the Council. The spirit of collaboration which has been evident from the outset has been constantly proved by the activities of each member and by the confidence which has reigned on both sides.

I wish also to pay a special tribute to the United Nations which has entrusted us with the very important task of guiding Somaliland to independence. At the same time I pay a tribute to the Secretary-General of the United Nations, who is represented here by the Principal Secretary.

And now I come to the subject of my statement which I propose to divide into three parts.

I shall first deal with the general situation as it appears at the moment throughout the Territory under our administration.

The situation is good, because the great majority of the Somali population have placed their trust in the Italian Administration and wish to collaborate with it. Certain inevitable events have taken place during the first month of our administration; they represent symptoms of adjustment, and are due to the fact that certain elements have but an insufficient knowledge of what is meant by democratic collaboration towards total independence. I repeat that the Italian wish is to fulfil every duty laid upon it by the Trusteeship Agreement. The first of the tasks entrusted to us by the agreement is to guide Somaliland to independence. Trusteeship also imposes upon us, however, another duty, which is to ensure public order. Our policy is certainly one of understanding, and by this I mean that both on my part and on that of my collaborators there is whole-hearted goodwill. It is nevertheless our duty to see that law is respected and that those who violate it are punished. That is in the interest of Somaliland, since it is only in an atmosphere of peace, of confidence and of calm that it will be possible to work for the good of the country.

I now come to the work which has been accomplished during this first month, work done in the interest of the indigenous population and based on plans for the progressive establishment of self-government.

After organizing the public services, we immediately considered the fields in which the change of administration posed the most urgent problems, such as public health, for instance. The number of physicians in Mogadiscio is, I think, sufficient; on the other hand, there are but few doctors in the interior of the country. We have already asked the Italian Government to send us eight or ten medical officers and one health inspector to reorganize the health services and to re-establish the system of mobile medical groups which operated previously in the country. In Mogadiscio there is a very important medical unit, the De Martino Hospital. We are considering the possibility of freeing the sections of that hospital which are now used by Europeans, civilian or military, and placing the whole hospital at the disposal of the indigenous population.

We are also dealing with veterinary problems. There are three veterinary surgeons in Mogadiscio, but there are very few up-country. I have visited the Institute at Merca, where vaccines are being prepared. It functions in a satisfactory way, but it needs to be enlarged. We have asked the Italian Government to send us a certain number of veterinary officers to reorganize the zootechnical services.

There is another question which has claimed a great deal of our attention because of its size, and that is the problem of unemployment. I do not propose to deal now with the whole question of employment and labour in Somaliland; the problem is far too complex and far too deep to be discussed at this meeting. We have looked for the simplest remedy, which was to develop public works. In one month we have undertaken such works, involving an amount of 2,507,000 shillings. The number of persons employed has increased from 450 to 1,880 since our arrival.

In the field of labour, you have seen that wages were in no way sufficient to ensure an adequate standard of living. We are fully aware that increases in salary must involve an increase in the cost of living. We have nevertheless considered it our duty to provide for an immediate increase in wages which would afford to the Somalis the possibility of living decently. This increase in wages is

already operating in several departments; it will gradually be extended to other trades and crafts.

A price control commission has been instituted. Its duty is to see that increases in wages and salaries do not cause an excessive rise in prices, and that the spiral—in other words, an increase in salaries and an increase in cost of living—does not become a danger to the country's economy.

The way we hope to avoid this increase in the cost of living is by increasing the amount of consumer goods on the local market, either by developing the production and the distribution of local goods, or by importing goods from abroad within the limits of the available foreign exchange. A commission has already examined 177 applications for import licences and 58 for export licences. The Exchange Control Office has already granted 150 exchange permits required for importing goods.

In addition, we have considered many other questions, namely, hunting problems, destruction of locusts, meteorological services, detailed consideration of agricultural questions which are so important for the country and problems of social services.

As regards the last of these questions, I must mention that a delegate of the National Institute for Insurance against Labour Accidents has just arrived in Somaliland. We already had a system of laws governing that field, but we are resolved to extend the benefits of that type of insurance to indigenous labour, in accordance with the recommendations made by the International Labour Organisation, in particular during one of its recent Conferences. It will be the first social welfare service to be extended to the Somalis and we propose to extend other social insurance schemes gradually.

This is what we have done and what we propose to do for the material and moral welfare of the indigenous population. There are, as you know, two other essential fields which have claimed our attention. We are studying the most rapid means possible of providing for the education of the Somalis and the methods which should enable them to achieve self-government in ten years. These are the two questions on which we have asked the advice of the Advisory Council.

First, let us take education. The reopening of schools has been scheduled for the first of July; the problems which need the most urgent solution are those of the alphabet and the language of instruction in addition to Italian. The latter is absolutely necessary to permit contact between Somalis and the Italian Administration. The question as a whole is extremely important, since it is one of the bases of the country's future. It is essential that a section of the population should have had sufficient education if the independence which they are to receive, and which we desire with all our hearts for them, is to be established on a solid basis.

The second problem is that of the composition of the territorial council provided for in the trusteeship agreement, which we propose to establish as soon as possible. We are asking the Advisory Council's opinion as regards the number of members and the composition of the council.

I am an idealist, and I believe in a better world to come. I believe in international collaboration. I have great faith in the United Nations and I am confident that there is hope for the betterment of the world through that great Organization. What I believe for the future of the world, I believe still more strongly for the future of Somaliland. I am convinced that, with earnest goodwill, we will succeed in producing a happy and independent Somaliland. As far as I am concerned, I shall work with all my heart and I know that I can rely upon the collaboration of the Advisory Council to help me in that task, as well as on all the agencies which derive from it.

ANNEX III

REQUESTS FOR ADVICE PRESENTED TO THE ADVISORY COUNCIL BY THE ADMINISTERING AUTHORITY

[Original text : French]

A. Territorial council of Somaliland

1. Article 4 of the annex to the draft trusteeship agreement provides for the appointment of a territorial council, composed of inhabitants of the Territory and representative of its people. That article does not, however, give any precise indication of the composition of the Council nor of the principles to be followed in the selection of its members.

2. The Administration considers that the territorial council, without being too numerous, should nevertheless be large enough to include representatives of all the chief ethnic groups of Somaliland, of the principal political parties, of the various communities, and representatives of commerce, industry and agriculture.

3. In order to meet the wishes of interested parties, as far as possible, the Administration has given instructions to all Provincial and District Commissioners to consult with all chiefs, notables and heads of political parties and of communities in each district, to ascertain their ideas in regard to the composition of the council and the selection of its members. These consultations are now being held and the results will soon be known.

4. The Administration requests the advice of the Advisory Council in the matter.

B. Education in Somaliland: Language and alphabet to be used

1. During the school year 1949-50, twenty-four elementary schools were operating in Somaliland. Sixteen hundred pupils attended the courses and the teaching staff comprised about sixty Somali teachers and five Arab teachers (who had been brought in especially by the British and

have since been repatriated), under the direction of three British teachers.

2. The opening of a secondary school had been planned for the year 1950-51. It began to operate even before the scheduled date. Twenty-four students belonging to various communities attended the courses, which were given by a British teacher with the help of a specialist in Arabic and in mathematics.

3. The Italian Administration for the Trust Territory of Somaliland has taken measures for the reopening, on 1 July, of all former primary and elementary schools, as well as the secondary school mentioned in paragraph 2 and a preparatory secondary school. It is proposed to open, in the near future, another secondary school (technical) and a training college for the preparation of teachers, technicians and students who wish to attend Italian universities. A training college for teachers is already operating.

4. In order to have the accurate data needed to draw up a definite programme, and to conform to the principles contained in article 4 of the draft trusteeship agreement, the Administration has given instructions to the Provincial and District Commissioners to :

(a) Submit a detailed report on the condition of school buildings, the prospective number of pupils, and the number and qualifications of teachers required;

(b) Make a preliminary inquiry among the various groups of the population by consulting with the chiefs, the notables, the heads of parties and of communities in each district, in order to ascertain their wishes in regard to the language to be taught, in addition to Italian, and the alphabet to be used.

5. The Administration requests the advice of the Advisory Council in the matter.

ANNEX IV

REPLY TO THE REQUESTS FOR ADVICE PRESENTED TO THE ADVISORY COUNCIL ON 5 MAY 1950 BY THE ADMINISTRATOR, MR. FORNARI

[Original text : French]

May I take this opportunity of expressing once more the gratitude of the Advisory Council for the general review of the situation in Somaliland which you made before it. Your presence among us was a token of the goodwill which inspires our relations.

The confidence which the Administration has in our Council was shown on this occasion by your request for its advice on two problems of major importance which are engaging your attention, namely that of setting up the territorial council provided for in the trusteeship agreement, and choosing the language which should be used, besides Italian, as the official language for teaching.

As regards the territorial council, you informed us that under your guidance the views of the leaders of the Somali communities and of the major political parties in the Territory were being ascertained. For its part, the Advisory Council is studying closely the complex problems relating to this question, and with the assistance of its secretariat,

has embarked upon comparative studies in the technical field, the results of which are communicated to you from time to time. We believe that it will be possible, by taking stock of the experience already acquired by countries with comparable political problems, to reduce the number of alternative solutions before us and then to weigh the advantages and disadvantages of each system.

Whatever the outcome of these studies, they run the risk of being somewhat theoretical in character. It also appears to the Council that it would be difficult to give a comprehensive answer to this problem before knowing the result of the consultations undertaken by your Administration. The trends revealed by these consultations would in addition permit a more precise evaluation of the extent to which solutions adopted elsewhere may be adapted to the needs of the Territory.

Turning now to the problem of education, the Council has noted with the greatest interest the programme estab-

lished by the Administration for adapting the structure of the educational services to the principles enunciated in the trusteeship agreement, and more especially, in article 4 thereof. The Council has been particularly struck by the steps envisaged for the creation of a body of teachers, the extension of secondary or technical education and the creation of a university *élite*.

The only way to create a class capable of guiding the Territory in the future is to increase the opportunities for university training. This is, therefore, one of the essential goals of the Trusteeship System, to which the Council attaches the greatest value.

Your Administration's request for advice concerns the choice of a language of instruction to be used side by side with the Italian language. After having considered this problem the Council is of opinion that, in arriving at a solution, high political considerations should have more weight than purely technical arguments.

The population of this Territory, in its nascent and enthusiastic nationalism, feels an attachment for its mother tongue which might lead some to see in Somali the official language of the future. There is need to emphasize, however, that there are important dialectal variations in the Somali language and that, in some parts of the Territory, languages of Bantu origin are in current usage. The languages or dialects used in Somaliland have one factor in common: they are not written.

Apart from the European languages, especially Italian, the only widespread written language in Somaliland is Arabic. Geography and century-old traditions have established it as the language of economic relations, the language of culture and as a sacred language. Somaliland, it may be said, turns its back on the interior of the African continent. It is with the Arab world and the Islamic world that the currents of every type of interchange have constantly and naturally been established. Is it not important for the future of this country that its official written language, instead of confining it within its own boundaries, should permit it to maintain economic and political bonds with the outside world and in particular with that part of the world towards which it is drawn by both cultural and material interests?

The trusteeship agreement merely recognizes a condition and asks that it should be respected. While article 8 of the declaration of constitutional principles proclaims freedom of religion, article 4 of the agreement calls for the establishment of an educational system with due regard for Islamic culture and religion.

The Council itself has been in a position to assess the extent to which knowledge of Arabic is already widespread among the Somalis, since up to this time all communications addressed to it have been written in that tongue.

It is of interest to note at the same time that the widespread adoption of Arabic has not prevented the birth here of certain manifestations of indigenous culture, for example in the domain of the arts.

For all these reasons, the Council would find it difficult to understand the creation of an alphabet based phonetically on the Somali language, the official acceptance of which would raise a number of technical questions. Among these questions, and one of the most serious, would be the necessity of re-educating all the educated class. This would be, moreover, a new problem added without apparent reason to the already sufficiently complex task of ending illiteracy. An even graver disadvantage would be the risk of prejudicing the essential aim of the trusteeship agreement, namely, the creation within ten years of a State which shall possess, along with the means of independence, those of an international personality.

The adoption of an alphabet for writing Somali carries the implication that the Somali language will be adopted as the official means of teaching. Such a step might come about as a result of a popular inquiry. The validity of such an inquiry, however, if it took the form of a widespread plebiscite, could be challenged. If it were not confined to those with education, how could it be argued that illiterates could weigh up the immediate repercussions or perceive the ultimate consequences of the choice they might make in the matter.

The Council asks that you accept the foregoing ideas as a preliminary and tentative expression of its views. We feel that it is necessary, before formulating a definite reply, for us to enlarge our present bases of information by travelling through the country. We are convinced that contacts made in the course of such visits will enable us to perceive the extent to which the principles regarding decentralization and education, laid down by the trusteeship agreement, may be implemented in a manner most in conformity with the interests of the peoples of the Territory, and to estimate the speed with which such steps should be taken.

(Signed) E. DE HOLTE CASTELLO
*Acting Chairman of the United Nations
 for the Trust Territory Advisory Council
 of Somaliland under Italian Administration*

ANNEX V

EXTRACT FROM THE SUMMARY RECORD OF THE 5TH MEETING OF THE ADVISORY COUNCIL HELD AT MOGADISCIO ON 31 MAY 1950

[Original text : French]

Present : Mr. Talaat Mohamed Ragheb (Egypt), *Chairman*; Mr. de Holte Castello (Colombia), *Member*; Mr. Ranshofen-Wertheimer, *Principal Secretary, Secretariat*.

III. Request for advice presented to the Advisory Council by the Administering Authority (A/AC.33/R.2 and A/AC.33/R.3).

11. Mr. DE HOLTE-CASTELLO (Colombia) requested the insertion in the summary record, in the most precise terms possible, of the statement which he was about to make on a matter which was essentially political in character.

12. After the Administration had requested the advice of the Council on two problems, namely, a language of

instruction and an alphabet, and the constitution of a territorial council, the representative of Egypt, Amin Rostem Bey, and the representative of Colombia had agreed upon the terms and scope of the reply to be given to the Administering Authority.

13. It was on account of their complete accord and by virtue of rule 42 of the rules of procedure, whereby the Chairman represented the Council in its official relations with the Administering Authority, that a preliminary reply had been given to the question on education. Mr. de Holte Castello wished to emphasize the clarity and imperative meaning of the phrase, in English "shall represent" and in French *représente*.

14. He wished to make clear the attitude of his Government regarding the position of Colombian representatives in the councils and commissions of the United Nations.

15. Amongst persons with official duties at the United Nations there were those whose appointment was entirely at the discretion of their countries, which they were empowered to represent fully in a particular capacity. In such cases the representative was of course bound to both the national government and the international organization, but his link with the latter might be said to be secondary, as he spoke primarily for the country which he represented and which undertook to support him in the accomplishment of a particular task.

16. In the present case, the choice of Colombia to occupy one of the three seats on the Advisory Council should not be confused with the responsibility which the national government entrusted to the foreign service official named to fill that post.

17. That responsibility was the origin of a bond, the existence of which was constantly manifested, for example in the duty of a government to support its representative in every effort towards the accomplishment of the purposes of his mission, as agreed upon by the General Assembly. It was clear, however, that the existence of trusteeship administrations established certain relations between States, and that the administering countries, and those whose duty it was to help them, entered into a moral and political arrangement with the Trust Territory. The country concerned carried out that obligation or arrangement through its representatives.

18. Further, the national government had the right to change its representative on the Council, which proved a direct relationship of dependence on the part of the latter.

19. In view of the terms of rule 42 and of the position taken by the Colombian Government, and in order to dispel any possible doubt with regard to the position taken when the reply had been made to the Administering Authority, Mr. de Holte Castello said it was clear that the Chairman was exclusively responsible to the Council and that, as regards the political views which supported that opinion, the Colombian representative was exclusively responsible to the Colombian Government.

20. Finally, he requested the Chairman's approval of the form in which the preliminary reply on education had been made to the Italian Administration. As to substance, the reply had merely expressed the ideas on which Mr. de Holte Castello had reached full agreement with the former representative of Egypt, Amin Rostem Bey.

21. The CHAIRMAN thanked the Colombian representative for his statement and said that, in the name of his predecessor, he associated himself with the letter addressed to the Administrator of Somaliland. That letter was a preliminary reply to two questions on which the Council's advice had been asked; it had merely affirmed the view of his predecessor. He himself agreed with what had been said concerning the spirit of collaboration which should characterize relations with the Italian Administration, and also concerning the cultural evolution of the Somali people.

ANNEX VI

STATEMENT TO THE PRESS BY AMIN ROSTEM BEY, CHAIRMAN OF THE ADVISORY COUNCIL, ON 12 MAY 1950
(As reported in the *Corriere della Somalia*, 15 May 1950)

[Original text : Italian]

The day before yesterday, H.E. Rostem Bey, Egypt's representative on the Advisory Council for Somaliland, expressed the desire to see all Press representatives in Mogadiscio, in order to make a statement before his departure for Cairo, where, as we have announced previously, he has gone to confer with his Government.

The following interesting statements were made by His Excellency. They reveal not only a very friendly feeling towards the Italian Administration—which augurs well for a fruitful collaboration in the future—but they describe also the work accomplished by the eminent Egyptian diplomat to bring into contact the various Somali political factions.

This activity, which was known to us already, was especially valuable in so far as it guided the efforts of the more responsible elements among the main political groups, and competent authorities of the Administration followed and supported it closely.

H.E. Rostem Bey stated that, when he arrived in Somaliland, he thought the best way to eliminate the tension which existed between the various political groups was to see first of all that the tribal chiefs and the heads of the political parties should meet and work together.

With this end in view, he began by interviewing them separately, quietly and with patience. He soon became aware that they were completely ignorant of what was meant by a trusteeship administration and a trusteeship agreement. They knew nothing of the question and were completely unprepared to deal with it.

In reply to a question, His Excellency stated that he had not contented himself with seeing the heads of tribes and of parties in Mogadiscio, but that a great number of persons from the interior of the country and from such places as Buracaba, Baidoa, Kismayu and Gallaciao had also come to see him. The work he had had to do was long and had required much patience; he had lost no opportunity to meet Somalis and to talk to them. Very often he had addressed them at the mosque after prayers. He had also been to the headquarters of the political parties and had kept up his efforts until he had obtained their promises to meet each other. He had appealed to their religious faith. As a Moslem, addressing Moslems, he had often referred to the teachings of the Koran and told them, for instance, that if the Prophet had taught that kindness must be shown to infidels and to idolators, when they had to deal with them, it was wrong that Moslems should kill their brothers because they had different political opinions.

After the Baidoa incidents, the Arab community had invited him to attend a party in his honour. He had refused because, he explained, he felt he was in mourning, as that day some of his brothers had died. He had, however, attended the party and addressed those present, without taking part in the festivities.

The climax of his efforts had been a meeting at the Lido, on the previous Friday afternoon, of representatives of the Somali Youth League, of the Conference Party and of the Hamar Youth Club.

The Arab community did not attend, but had pledged

themselves to agree to the decisions taken by the Somalis, placing their faith in Rostem Bey. Those who attended have certainly not eliminated the divergence of their views; but it was already a great step forward that they met, that they shook hands and that they promised on the Koran to meet in future to exchange their ideas and their opinions. A significant fact was that they had arrived at the Lido separately, in their cars, but they left together, going home in a friendly mood.

On that occasion, some of those present expressed the fear that some members of their parties might think that they were betraying them if they saw them in the company of opponents. Rostem Bey replied that he understood that feeling, but that they should endeavour to explain to their friends the necessity of meeting those who had opposite views and of maintaining contact. He also told them that he thought it was absurd that there should be such grave difference of opinion among Somalis, now, when Somaliland was to be under trusteeship administration for ten years. He compared the matter to that of an agricultural enterprise in process of development and to be handed to its owners after it had been put into production. "It is useless to quarrel now", he said. "It is better to let those who have the task of developing the farm work. At the end of ten years, when they have taken over the farm, the proprietors can then discuss the best way to settle things".

Replying to a question whether the Arabs were afraid that the Somalis would turn them out of Somaliland, Rostem Bey replied that he had heard a rumour to that effect, but he had already explained to the Arabs that their rights were safeguarded by the trusteeship agreement. He had advised the Somalis to consider other nations,

Egypt, for instance, where Moslems, Christians, Jews and people of all nationalities lived together peacefully and all were equal before the law.

To the question whether it was true that the Somalis felt animosity towards Arabs because they held all the trade of the Territory in their hands, he replied he had heard about that too; but he had told the Somalis it was their fault if they had not succeeded in getting the control of trade themselves. One must work the soil to make it produce.

Rostem Bey was then asked what he thought about the Italian Trusteeship Administration and what were its prospects of succeeding in its task. He replied he felt sure that the Italian Administration would be successful, especially under the guidance of a man like Ambassador Fornari.

He said he could speak with knowledge of the Italian Trusteeship Administration, because he had been at Geneva when it came into being and he had taken part in the discussions which had created it. He had met Under-Secretary of State Brusasca there.

He considered that the Ambassador had thrown himself whole-heartedly into his job; he was a new man, of democratic principles, who had an open mind, and was anxious to leave behind him in Somaliland a task well done.

Rostem Bey concluded by saying:

"My personal relations with Ambassador Fornari are such as to make me feel that we have worked together and known each other for twenty years, although I had never met him before. We understand each other very well and I can say that, often, we do not even need to talk to have had the same thought. We understand each other perfectly."

ANNEX VII

GENERAL DESCRIPTION OF THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

1. The following material concerning the number and composition of the population and the social and political structure has been compiled from the report of the Four Power Commission of Investigation for the former Italian Colonies (vol. II), supplemented by more up to date information from the Italian Trusteeship Administration. Some of the statistics on population published in the report are different from those given by the Administration and in such cases both sets of figures are given, those of the Administration being in parentheses.

Population and its composition

2. The population of the Trust Territory is estimated to be 971,000 (992,500) of which about 940,000 (977,200) are of indigenous origin. It may be roughly divided as follows:

(i) Main tribes

(a) Darot, Hawiye, and Dirr numbering about 560,000 (572,000); mostly nomads, though the Dirr and a small number of the Hawiye have taken up mixed farming; speak Somali.

(b) Sab, numbering about 292,000 (256,600); engaged in mixed farming; most of them speak Sab, a dialect closely related to Somali, and are of similar stock, with perhaps some admixture of negroid elements.

(ii) Negroid peoples: engaged in pure agriculture along the rivers; number 44,000 (70,000); use the languages of their neighbours except along the Juba river where the Gosha speak a Bantu dialect.

(iii) Low caste tribes: number about 17,000; are scattered among the other tribes; are engaged in hunting, weaving, iron work and performing menial tasks.

(iv) Somali-Arabs: number about 19,000; are engaged mostly in agriculture but also in stock-raising and fishing.

(v) Some 8,000 persons who do not fall into any of the above groups.

(vi) Urban and village population: estimated to number about 170,000, of whom some 74,000 (68,850) live in Mogadiscio; about 142,000 are of indigenous origin and are considered as deriving from the following tribal groups: Darot, Hawiye and Dirr, 75,000; Sab, 38,000; Negroid, 9,000; Low caste, 3,000; Somali-Arab, 17,000.

(vii) Alien community: this is not large; is approximately as follows:

(a) Arabs, of whom there are 25,000 (about 12,000), mostly merchants and shopkeepers, but include some who also farm by modern methods;

(b) The Italian community, which was estimated at 10,000 in 1939, numbered 3,774 in 1948 and has since increased;

(c) About 1,000 (650) Indians and a few Ethiopians, Eritreans and others.

Social structure and component groups

3. The nomadic inhabitants are divided into three main tribal groups—Darot, Hawiye and Dirr—which are further divided into tribes and lower divisions of tribes referred

to as "sub-tribes", "sections" and *vers* (families). The social unit is that division of a tribe which pays and receives blood-money (*dia*). The nomad tribes have chiefs and headmen who are chosen by their tribes, sub-tribes or sections, as the case may be. Succession in case of the greater chiefs, however, usually passes by heredity, if agreeable to the tribe. The appointment of elected chiefs is confirmed by the Administration. Important decisions regarding the life of the tribe are taken or confirmed in the *shir*, or tribal council, at which all tribesmen may attend and have their say, though weight is attached to the opinion of the Elders.

4. The more important of the mixed farming tribes are contained in the Sab confederacy and the Abgal. They are organized on a tribal basis, similar to that described above, but since they have permanent settlements they have evolved a more settled policy than the nomad tribes. Each sub-tribe is ruled by a chief who is chosen by the tribe and confirmed by the Administration. He is assisted and controlled by a Council of Elders. Chief and Council deal with all matters such as the distribution of land (which is owned by the tribe), control of water supplies and settlement of internal disputes.

5. The settled agriculturalists are mostly negroid. They are organized into tribes, but their social life is based on their villages. They have village headmen and councils, chosen by themselves and confirmed by the Administration.

6. As regards the Native urban population, the permanent Native inhabitants of Mogadiscio are detribalized to some extent, but there are *dia*-paying groups. Members of the same tribe have a bond of sympathy and help each other in distress. The Rer Hamar in Mogadiscio, Somali-Arab in origin, is a community bound together by ties of interest, and is organized as an "urban" tribe. Similarly, the inhabitants of Brava, who speak a Bantu dialect, form a separate community.

7. Pre-war Italian legislation provided for consultative bodies of chiefs meeting for zones and districts with the District Commissioners. There were a series of municipal councils which collected and expended revenue. The British Administration, in 1946, formed Advisory Councils for zones and districts, composed of about fifteen chiefs and notables designated by the authorities. In 1947, Provincial Councils were formed consisting of fifteen member selected by councils for zones and districts. These councils were of a purely consultative character and had no executive power.

8. Chiefs and headmen have a triple role: they have authority in internal matters within the tribe; they represent the tribe before the Administration; and they act as agents of the Administration within the tribe. The more important ones receive a small salary for their services in the last capacity.

Political parties and other organizations

9. The Four Power Commission collected the following information about political parties and other organizations within the Territory:

(i) Somali Youth League claiming 93,000 members and 300,000 followers, with headquarters in Mogadiscio and 79 branches outside. One of the stated objectives of the SYL is to unite all Somalis generally, and the youth especially, with the consequent repudiation of all harmful prejudices as, for instance, distinctions of tribe, *ver*, religion, etc.

(ii) Hamar Youth Club, claiming 1,587 members of Hamar youth in Mogadiscio. In accordance with its statutes, the club has no political aims.

(iii) The Somalia Conference, which asserts that it represents the following organizations claiming between them 180,000 members and 360,000 supporters:

(a) Patriotic Beneficence Union, claiming 80,788 members in Mogadiscio and branches outside the town. At first the Union included numerous Arabs but these left it after the Somali-Arab riots of October 1947;

(b) Hisbid Dighil Mirifle, claiming 60,871 members and 300,000 supporters. The activities of this organization are mainly concerned with the Dighil and Mirifle tribes (part of the Rahan Mein tribes);

(c) Union of Africans in Somalia, claiming 5,000 members;

(d) Somali Young Abgal Association, claiming 30,000 members and confined to the tribes of the Abgal, with two branches outside Mogadiscio;

(e) The War Veterans, whose organization had not yet been constituted at the time of the Four Power Commission's visit. They claimed to represent the opinion of 25,000 veterans, 5,000 families of those killed and 700 wounded;

(f) The Eidait al Islam Shidle and Mobilen, claiming 10,818 registered members together with their families, a total of 60,000 persons; and six branches outside Mogadiscio. The programme of this party is the welfare of the Shidle and Mobilen tribes;

(g) The Bimal Union, claiming 300 members of the Bimal tribe.

(iv) Somali Progressive Committee, which is claimed by the Somalia Conference but about which only little information was received.

(v) Seven Italian political parties affiliated to the corresponding parties in the homeland. In 1947, an Italian Representative Committee was formed to represent before the Four Power Commission all Italians living in Somaliland.

(vi) The Arab Community, claiming to represent the whole of the Arab population of the Territory and the Local Born Young Association claiming 1,800 members.

(vii) The Indian Association, which does not take part in local politics.

(viii) The Association of Ethiopian Youths, which has no political aims.

10. As regards trade and labour organizations the European trade unions in the Territory do not exercise any real influence on account of their limited membership, and there are no Native trade unions. There is one Chamber of Commerce with its offices in Mogadiscio, in which European members are in a majority.

Economic structure at present existing

11. Information in the following paragraphs, which concern the present economic structure, is taken partly from the report of the Four Power Commission of Investigation, and partly from those portions which are available for publication of the annual report on the British administration of Somaliland for the period 1 January-31 December 1949.

Natural resources

12. Approximately half of the Territory is waste land. About 80 per cent of the other half is pasturage, the remainder being arable land. Stock-raising, therefore, forms the

principal means of livelihood for about three-quarters of the entire population.

13. Two types of agriculture are practised in the Territory: that of the European, which clings closely to the courses of the two rivers for the purpose of artificial irrigation; and that of the Native, which generally relies on rain-fall or any other natural means of irrigation. Only two rivers intersect the Territory, the Webbi Shebelle (maximum flow of water 120-200 cubic metres), and the Juba (maximum water flow 600-700 cubic metres). Both originate from the southern part of the Abyssinian highlands. The land cultivated by Europeans, though less extensive than that under indigenous cultivation, plays an important part in the economy of the country. Sugar-cane, bananas and cotton, the only agricultural products which were exported on a commercial basis, are grown on such land. Maize and millet, grown mainly by the Natives, are adequate in a good year to meet local requirements. The principal agricultural crops of the Territory are maize, millet, oil seeds, sugar-cane, rice, fruit and vegetables.

14. The forests cover only a small area and are not exploited commercially. Aromatic wood substances from the Territory form a large part of the world supply of these products, but they are of small absolute value and consequently their part in the economy of Italian Somaliland is limited.

15. There are a number of valuable fishing areas, particularly off the coast of the Mijertein.

16. Prospecting has revealed neither large mineral resources nor deposits of coal and oil.

Trade and industry

17. At the outbreak of the war, there were a substantial number of industrial enterprises, consisting in the main of transport and building enterprises as well as light industry for manufacturers using local produce. Amongst these, in particular, should be mentioned the Dante Salt Works in the Mijertein Province, which exported in 1939 more than 150,000 tons of salt. A number of the light industries in the Territory, especially those associated with transport, were dependent upon the incorporation of Ethiopia as an economic unit with the rest of the Italian East African possessions. During the early stage of British administration, while the war was still being waged, the authorities,

to meet the requirements of war, requisitioned equipment and materials, including that of the salt works, agricultural machinery and the rolling stock of the Mogadiscio-Villabruzzi railway. Economic conditions also deteriorated owing to the fall in the Italian population.

18. The value in external trade has declined by comparison with pre-war figures and, although this is the result of present-day conditions, the fact remains that the country has always had a large adverse trade balance, even though in pre-war days the port of Mogadiscio handled and obtained revenue from a great amount of supplies destined for Ethiopia.

19. Before the war, the Italian Government financed the deficit in the balance of payments. In the same fashion, the British Government was forced to meet the deficit for the period of occupation although the amounts involved were smaller. The grant-in-aid for the four years ending 30 June 1947 averaged £433,031; in 1948, it was £276,864; in 1949, £291,085; and it was estimated that £418,000 would be required for 1949-1950.

20. The British Administration believed that the adverse trade balance might be eliminated or, at least, greatly reduced if considerable expenditure of a capital nature were undertaken, particularly in relation to the extension of the irrigation system of the Webbi Shebelle River and to the harnessing of the water of the fast flowing Juba River.

21. In addition, it was thought that the present high cost of production and transportation must be reduced, and better methods of farming, including improvement in the drying and curing of skins, must be adopted before the external trade of the Territory could be balanced. Exports of produce, such as bananas and cotton, to Italy have shown a gratifying increase. The following are the figures for the total imports, exports and re-exports for the years 1945 to 1949:

Year	Total imports £	Total exports and re-exports £	Trade deficit £
1945	770,249	230,266	539,983
1946	983,031	441,955	541,076
1947	1,113,816	692,545	421,271
1948	1,113,423	780,501	332,922
1949	1,378,477	878,964	499,513

ANNEX VIII

INFORMATION CONCERNING DISTRICT COUNCILS RECEIVED FROM THE ADMINISTERING AUTHORITY IN ACCORDANCE WITH THE TERMS OF THE DRAFT TRUSTEESHIP AGREEMENT

Note by the Secretariat: In accordance with rule 44 of the rules of procedure for the Advisory Council, the Principal Secretary has the honour to transmit herewith to the representatives on the Advisory Council a draft circular to be sent to all District and Provincial Commissioners, received by the Chairman of the Advisory Council on 21 July 1950 from the Administrator.

The Administrator made the following observations in his letter of transmittal:

"... I intend to establish District Councils to enable

the local authorities (District Commissioners) of the Italian Administration to have the benefit of an advisory body which would improve the collaboration between the indigenous population and the Administering Authority as well as encourage the people's evolution towards political progress.

"I have therefore prepared the draft of a circular to be sent to all District and Provincial Commissioners, a copy of which I enclose as I wish you and your colleagues of the Advisory Council to see it beforehand."

DRAFT CIRCULAR

To: District and Provincial Commissioners

Subject: District Councils

District Councils have always been in existence in Somaliland, at first as a *de facto* organization which was imposed

by political and social exigencies and accepted by the common sense of our former administrators, and later embodied in the legal and political organization of Italian East Africa.

Their functions and terms of reference were never clearly

defined; the members preferred to trust to the judgment of the District Commissioners in all matters related to the constitution, convocation and functions of the Council, in accordance with the traditions, customs and exigencies of the country.

It must be noted that the vagueness of this method offered undeniable advantages, since it enabled the Council to adapt itself to any particular conditions, however varied. Many District Commissioners, however, who did not understand the political value of such institutions, were inclined to neglect them, when they did not ignore them altogether.

I propose, now, to restore these Councils and to adapt them to the political conditions prevailing in Somaliland, giving them the widest field of action possible.

The Trusteeship Agreement mentions, in fact, that one of our specific duties is to encourage and develop free political institutions, and to promote the evolution of the population by increasing the part played by it in the various organizations of the administration of their country.

You will no doubt realize that the District Councils can become a most efficient medium for political education, as they can stimulate the interest of the indigenous population in political, administrative and economic questions of interest to the Territory and assimilate indigenous elements in the task of the administration.

The District Councils will be composed of :

- (a) All paid chiefs and elders;
- (b) Village and market headmen (*Capi paese e Capi mercati*) who receive no salary;
- (c) Section secretaries, and in the case of Mogadiscio, chairmen of political parties legally recognized;
- (d) Prominent persons of the Territory, no more in number than the salaried chiefs and elders, to be selected by public opinion as persons of culture, education and possessing special qualifications.

The members mentioned in paragraph (d) will be appointed by the District Commissioner, subject to the approval of the Provincial Commissioner who will advise the Department of the Interior in the Administration of these appointments together with all others constituting the Council.

Members will hold office for one year.

In the case of death or of disqualification of one or more members (for moral indignity, condemnation to prison, etc.), their seats will be filled in the same manner as that used for the first appointments.

The following questions will be referred to the District

Councils, which will have, for the moment at least, only an advisory capacity :

- (a) All questions related to agriculture, stock raising, animal husbandry, fisheries and the economic development of the Territory;
- (b) Problems of a general nature related to trade, industry and exploitation of the resources of the country;
- (c) Public works, communications, building plans, construction of markets, etc.;
- (d) General problems related to education, public health and labour (utilization of labour, unemployment, etc.);
- (e) The fixing of all local and municipal rates and taxes;
- (f) All problems arising from the delimitation of frontiers;
- (g) Any alterations which may appear necessary in local customs (*testur*);
- (h) All matters related to the property, allocation and use of tribal land;
- (i) All agreements dealing with grazing, cattle moving and water rights between sections of the population in the same district or between the population of one district and that of others;
- (j) Any matter of interest either to the whole or part of the population.

The District Commissioner may ask the advice of the Council on all matters he may deem advisable. He may also call a section of the Council together in order to hear its opinion on specific questions of interest only to some particular group or to the inhabitants of the chief town.

The District Council must assemble at least four times a year, and must meet before the draft budget is approved.

Under exceptional circumstances, the District Councils can assemble on their own initiative, if they have to submit to the District Commissioners matters of extreme importance and of general interest.

No fee will be paid to members, but in the event of the Council's having to meet at a place distant from the main town of the district, members will receive a daily allowance of six somali, and their travelling costs will be reimbursed.

I request the District Commissioners to attend to the composition of these councils without delay, so as to be in a position to have an inaugural meeting as soon as possible, in any case not later than 15 August.

THE ADMINISTRATOR

ANNEX IX

INFORMATION ON THE TERRITORIAL COUNCIL RECEIVED FROM THE ADMINISTERING AUTHORITY IN ACCORDANCE WITH THE TERMS OF THE DRAFT TRUSTEESHIP AGREEMENT

Note by the Secretariat: In accordance with rule 44 of the rules of procedure for the Advisory Council, the Principal Secretary has the honour to transmit herewith to the representatives on the Advisory Council a copy of a memorandum on the results of consultations with the repre-

sentatives of the Somali population, in regard to the composition of the territorial council, received by the Chairman of the Advisory Council on 27 July 1950 under cover of the following letter from the Administrator :

[Original text : Italian]

" In reply to your letter No.A/AC.33/R.3 of 17 May 1950, I have the honour to attach for your information a copy of the report on the results of the consultations which the various officials of the Italian Administration have had with the chiefs, elders, and heads of the various parties and communities in regard to the wishes of the Somali people concerning the composition of the territorial council.

" Although the inquiry was carried out with great

diligence by these officials viewed as a whole, it does not enable us to visualize very clearly what are the wishes of the majority of the inhabitants of the Territory in this matter.

" That is due, less to the well-known differences of opinion among the persons consulted, than to actual lack of political training, and it unfortunately shows how arduous and difficult will be the task which Italy has assumed to guide the population to autonomy.

" I believe, however, that although it may not give sufficiently precise information on the method to be followed in order to fulfil the desires of the population itself, the information communicated herewith to the

Advisory Council may be useful to help them form an opinion on the question of the territorial council, which will be of great value to me in the decisions I have to take. "

RESULTS OF CONSULTATIONS WITH THE REPRESENTATIVES OF THE SOMALI POPULATION IN REGARD TO THE COMPOSITION OF THE TERRITORIAL COUNCIL

[Original text : Italian]

The Advisory Council, in its note A/AC.33/R.3 of 1/ May 1950, replying to the request presented by the Italian Administration for advice concerning the territorial council to be constituted in accordance with article 4 of the declaration of constitutional principles annexed to the Trusteeship Agreement for the Territory of Somaliland, reserved to itself the right to express its opinion when it had received the results of the consultation by the regional organs of the Administration with chiefs, notables and the most important personalities of the parties and of the communities. The Council remarked that the practical results of the inquiry would enable it better to evaluate how far solutions chosen elsewhere could be adapted for the needs of this Territory.

In transmitting to the Advisory Council the results of the above-mentioned consultations, which have just been completed, it is necessary to call attention to the fact that, in spite of the solemnity conferred by the regional authorities on the inquiry, since it represented the first attempt to let the indigenous inhabitants participate in the examination of matters concerning the whole Territory, it appears that some of those consulted did not appreciate the nature of the system proposed to be established and, consequently, the significance and the importance of the organ to be set up.

For example, the tribes of the Lugh Ferrandi territory did not display great interest in this question, being always unreceptive of every proposal which cannot give them an immediate benefit of a material character. Also among the peoples of the lower Webi Scebeli, not a few of their representatives absolutely refused to discuss such a problem, limiting themselves to saying that the Administration already knows the peoples of the Territory and their interests and needs, so that it does not require any advice.

Here and there in this vast Territory proposals have been made which are completely inadequate to the realities of the present situation and to the objectives sought through this new organ. The representatives of the population of Belet Uen and Bulo Burti even proposed that the council be composed of a total of between 400 and 700 members, a number based on the application of a percentage to the whole population of the Territory, showing thereby that they thought that the council would be a forum wherein all the trivial daily disputes between tribes would be discussed.

Notwithstanding the foregoing, it must however be noted that a good number of the persons interrogated, and not only the most prominent among them, have understood the value of such a referendum and have in fact expressed their satisfaction in their own names and on behalf of their communities at having been consulted by the Administration and at the fact that it wants to give them the opportunity of expressing their opinions on all matters concerning the community as a whole.

They are in favour of the institution of an indigenous advisory organ which will assist the central Administration in its activities and which will in this manner ensure a stronger link between these activities and the interests and needs of the population.

Considering, however, that very few are really prepared to participate in such an Assembly and that, moreover, a council would be of little value if its great size rendered its convocation difficult and its functioning uncertain, most of them proposed criteria restricting the number of members.

Among these criteria one received much support, namely, that there should be at least one representative for every district of the Territory so that each province would return a number of representatives equal to the number of its districts which would mean that the council would be composed of 22 members.

Two reservations were made as regards this criterion, which was finally approved after long discussion, especially amongst the representatives of the populations of the territories of Baidoa and Bardera.

1. The population of every district must have the satisfaction of being represented by a person who can best defend its interests in the council and keep the people directly informed of any matters dealt with.

2. Some problems treated in the council may be of interest to the district only. For example, all matters concerning production of and trade in durra are of great importance for the territory of Baidoa, which is called the durra centre of the whole of Somaliland. Some persons, however, for example, the representatives of the populations of El Bur expressed their doubts that in some districts where different sections of the population differ widely as to traditions and numbers, it would be possible to obtain the nomination of only one member as representative of all the groups who would be accepted by all the chiefs.

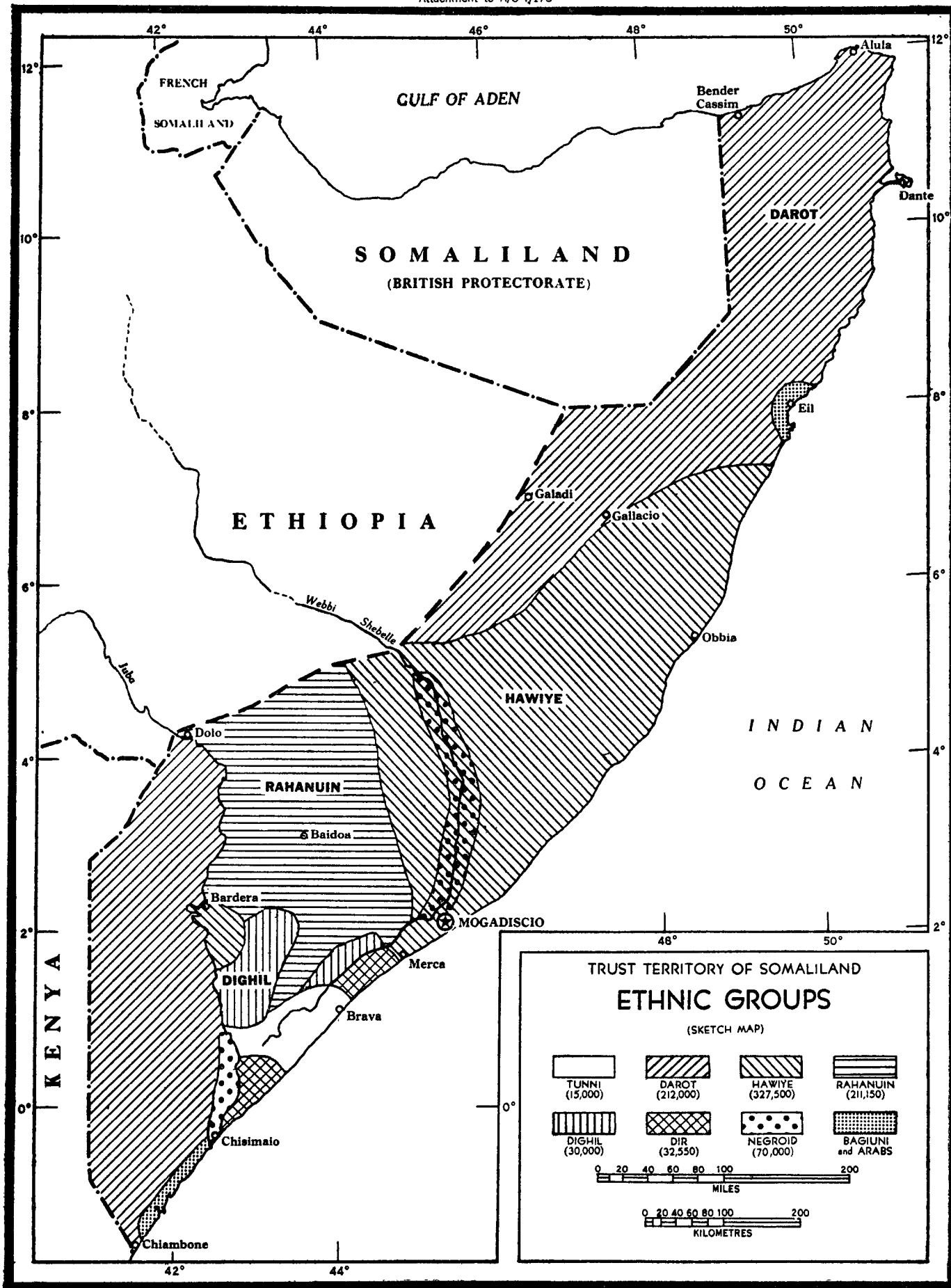
In the territories of Benadir and Upper and Lower Juba, the criterion which has been accepted by the majority is that the representation of ethnic groups must not be equal but proportional, that is to say, that the principal ethnic groups of every district could express their opinion through from one to four representatives, according to their numerical importance.

The most important difference of opinion among those consulted appeared when they gave their opinion concerning criteria to be applied in the choice of members.

They were unanimous in rejecting a system of suffrage, in consideration of the level of culture of the population and of their lack of political education. Two schools of thought emerged, which are a reflection of the present ferment in Somali society, where the progressive elements are endeavouring to replace the traditional tribal organization by one with a territorial basis.

The representatives of political parties desire that the members of the council be chosen from among members of the parties. They claim that these would in fact be more qualified to assist the Administration to comply with the task assigned by the United Nations, as they have a certain degree of culture and desire very strongly the independence of their country.

On the other hand, the chiefs and notables pointed out that such a criterion would sacrifice the interests of the populations living in the bush, which represents about



three-quarters of the whole population, to those of the urban centres, where the parties have the greatest part of their supporters. Many of them, however, recognizing that among chiefs of the " noble " tribes are often to be found persons with a high level of culture, entitling them to govern and lead their own tribes but not giving them the necessary qualifications to discuss general problems concerning the whole Territory, have expressed the opinion that in the choice of the members of the council, the fundamental criterion of " nobility " of the tribe of a candidate must also be taken into account, together with considerations of personal competence such as education, influence on the population, special knowledge of customs, habits and needs of the different communities.

All have been of the opinion that, at least at the start of the council, indigenous economic interests should not be represented, as they are not yet well determined and defined.

The problem of the limitation of the discretionary power of the Administrator in regard to the choice of members of the council was not raised.

The District Commissioners, however, drew the attention of those interrogated to the fact that even if the Administrator has exclusive competence to nominate the members, he intends to take into consideration the desires of the population concerning the choice of their representatives.

Some gatherings, as for example that of Bardera, quickly and unanimously nominated their representatives.

In most cases, however, the people would like to ask the District Commissioner to choose, from a list of persons designated by the different groups of the districts, the member or members to be proposed to the Administrator for final nomination.

Finally, the proposal was made that in order to obtain a good selection of persons to be chosen for nomination this should be done in two steps.

The " noble " tribes of every district would designate their representatives; these would in their turn designate a more restricted number of members, one of whom would be chosen by the Administrator.

DOCUMENT A/C.4/179

Memoranda to the United Nations submitted by the representatives of the Somali Youth League and the Hamar Youth Club

[Original text : English]
[11 November 1950]

Note by the Secretariat: In accordance with a decision taken by the Fourth Committee at its 174th meeting, on 10 November 1950, the Secretary-General has the honour to circulate herewith to members of the Committee two

memoranda dated 19 September 1950 and 3 October 1950 submitted by the representatives of the Somali Youth League and the Hamar Youth Club.

I

LETTER DATED 19 SEPTEMBER 1950 FROM REPRESENTATIVES OF THE SOMALI YOUTH LEAGUE TO THE SECRETARY-GENERAL OF THE UNITED NATIONS

We respectfully submit the enclosed memorandum regarding the Trust Territory of Somaliland with the request that this memorandum be submitted to the Chairman of the Fourth Committee of the General Assembly of the United Nations.

In connexion with this memorandum, we urge that members of the Fourth Committee give us the oppor-

tunity to make oral statements in support of the memorandum. Further we ask them to grant us the status of observers to that Committee during the debate on the Trust Territory of Somaliland.

(Signed) Abdullahi ISSA
Ismail HASSAN

MEMORANDUM ADDRESSED TO THE UNITED NATIONS BY THE SOMALI DELEGATION REPRESENTATIVES CONCERNING THE TRUST TERRITORY OF SOMALILAND

As the lawful and duly authorized representatives of the Somali Youth League and the Hamar Youth Club, representing the overwhelming majority of the Somalis, we respectfully submit this memorandum setting forth our position on the proposed trusteeship agreement¹⁸ for the former Italian Somaliland.

The Trusteeship Council, while negotiating the terms of the trusteeship agreement for Somaliland with Italy,

granted representatives of political parties in the Territory the right to express their views in regard to the terms of that agreement. Unfortunately no representative of ours was available to attend at that time the meeting of the Council which took place in Geneva. Therefore, we sincerely hope that the members of the Committee will recognize these inalienable rights of ours, and consider carefully our views in regard to this vital question dealing with our country and our people.

To our deep disappointment, we notice that the draft trusteeship agreement for Somaliland¹⁸ submitted by

¹⁸ See *Official Records of the General Assembly, Fifth Session, Supplement No. 10*.

the Trusteeship Council is almost identical with the trusteeship agreements of other trust territories. There are only these differences: the limitation of the trusteeship to a ten-year period; the establishment of a purely advisory council; and the annex proposed by the representative of India—all of which form the main part of the unjust resolution adopted by the General Assembly of the United Nations on 21 November 1949.

When we remind you that the trusteeship agreements for existing trust territories were drafted by the controlling Power in each instance and submitted to the General Assembly for approval only, you will understand our alarm and concern. Those agreements, as you well know, were drafted to facilitate the evil and imperialistic aims and purposes of the authors.

May we also point out that the conditions in the existing Trust Territories—particularly those in Africa—are no better than conditions in the acknowledged colonies; in some instances, even worse than in the colonies. By means of the so-called administrative union, almost all of these Territories have been brought under the same rule as the adjacent colonial possessions of the Administering Authority. In other words, the Trust Territories have been subjected to the same administrator as the colonies, the same political, economic and cultural policies; in short, the same exploitation.

We deeply regret to notice the failure of the Trusteeship Council to include in the draft trusteeship agreement for Somaliland such vital items as the protection of our country against the menace of large-scale foreign immigration, and the question of the unification of the Territory with the other Somali-inhabited countries.

It is well known that the questions of population surplus and unemployment are among the major problems facing the Italian Government at present. For this reason the Government at Rome has insisted upon having an outlet somewhere in Africa for its surplus and jobless elements. The lack of any protection in the draft trusteeship agreement for Somaliland will facilitate the evil purposes of Italy to use the Territory as the desired outlet—the only one in Italian hands at present—for its surplus population. Italy is now in a position to send thousands of its surplus and jobless citizens to Somaliland every year so that at the expiration of the ten-year trusteeship there may be more Italians than Somalis in our country.

The Italian civil population in Somaliland, numbering about 3,000, has increased more than three times since the start of the provisional Italian administration some five months ago, while the Italian military staff in the Territory now numbers more than 5,000 officers and men. Under the guise and pretence of bringing in technicians, experts, skilled labourers, and so on, the Government at Rome is already carrying out the desired large-scale Italian immigration. The arrival of these surplus and jobless Italians in Somaliland means to our people the alienation of fertile land and other natural resources, the restoration of the familiar Italian monopolies in trade and business. The ultimate aim is to take over the whole of our land.

As the representatives of the true interests of Somaliland and the Somalis, we appeal to you, gentlemen, not to permit our beloved Motherland to be used as an outlet for

the surplus and jobless Italian masses. Accordingly, we ask the honourable members of the Committee to insert in the trusteeship agreement for Somaliland a strong protection against the menace of foreign immigration in general and that of large-scale Italian immigration in particular. Without such essential protection, the whole trusteeship agreement for the Territory is worthless in that it fails to safeguard the most vital interests of the Somali people.

We had hoped that the members of the Trusteeship Council, while considering the matter, would have taken into account the repeatedly expressed wishes of the Somali people for the unification of their country now artificially divided into five different parts by the four foreign Powers actually controlling Somaliland. We had expected the members of the Council to pave the way for this greatly desired reunion, and, in the meantime, to seek the early removal of political, economic and currency barriers which make difficult the unification of the country. On the contrary, the members of the Council did not even mention this vital question in the draft submitted by them for the approval of the General Assembly of the United Nations.

We do not intend to repeat all the arguments for the unification of an artificially divided Somaliland whose indigenous inhabitants are *one* in race and language, profess the same Islamic faith and culture and live by the same customs upon the peninsular of Somaliland which forms an indivisible geographic entity. As the representatives of the people, we ask the members of the Committee to insert in the trusteeship agreement for the Territory a provision specifically concerning the question of the unification, in the near future, of the artificially divided Somaliland. In particular we demand:

(i) The immediate removal of all restrictions of the free movement between the Territory and the other portions of Somaliland actually under foreign colonial rule, namely, British Somaliland, the northern frontier district of Kenya (also under the United Kingdom), Ethiopian Somaliland (Ogaden and other Somali provinces) and French Somaliland;

(ii) The free entrance of our Somali brothers into the Trust Territory of Somaliland.

Now we proceed to express our views in regard to the draft trusteeship agreement for Somaliland submitted by the Trusteeship Council. Article 14 of the draft deals with the vital question of the holding or alienation of rights over land or other natural resources. While extending our whole-hearted thanks to the representatives of the Philippines and of Iraq in the Council for their kind and thoughtful efforts to protect the vital interests of the people of Somaliland against alienation of land and other natural resources in their country, we wish to point out that the draft, in its present form, does not contain adequate protection against such alienation.

In fact the Administering Authority has the power to lease or grant concessions to non-indigenous persons or to companies or associations controlled by such persons the rights over land and over all the other natural resources in the Territory. The Administering Authority is even in a position to permit the acquisition by non-indigenous

persons or by companies or associations controlled by such persons the rights over land in the Territory provided that a two-thirds majority of the members of the proposed territorial council (provided for in article 4 of the annex) consent to such acquisition. Article 4 of the annex states that the Administrator shall appoint the territorial council. Undoubtedly, the members of the said council will be chosen from among the Italians and other foreign residents in the Territory together with some hand-picked Somali stooges. Thus the Administering Authority will have little difficulty in carrying out its evil plans to alienate the land and other natural resources of our country during the ten years of Italian trusteeship.

May we remind the members of the Committee that this very question of land holding and ownership was the cause of recent rioting and bloodshed in Italy itself. Marching throughout Central and Southern Italy, thousands of jobless and landless Italians seized millions of acres of land owned by their more fortunate brothers. In spite of government intervention, this issue has not yet been settled. Once settled in Italian-controlled Somaliland, these jobless and land-hungry masses who resorted to violence in their own country, will certainly find several easier ways to seize the land and other vital properties of the poor and defenceless Somali people. With this in mind we believe we have every right to be much alarmed by the prospect of such a development in view of the absence of adequate protection against alienation of our land and other natural resources.

By ignoring the clearly expressed wishes and welfare of our people and restoring the hated Italian rule in our country, the General Assembly of the United Nations assumes the sole responsibility for effective protection against the alienation of land and other natural resources in our country and the safeguarding of all the vital interests of our people. As the representatives of the true interests of the Somali people, we urge the members of the Committee to delete from the draft trusteeship agreement the whole clause dealing with the acquisition of the rights over the land by non-indigenous persons or by companies or associations controlled by such persons.

Subject to the consent, in each case of a two-thirds majority of the members of the proposed territorial council, the Administering Authority may be empowered to lease to non-indigenous persons or to companies or associations controlled by such persons the rights over land for a period determined by law. The said period shall not, for any reason whatsoever and under any circumstances, exceed the ten years of Italian trusteeship. In cases involving the lease to non-indigenous persons or to companies or associations controlled by such persons of rights over agricultural land and those over any other natural resources in the Territory, the Administering Authority shall also seek in advance the advice and opi-

nion of the Advisory Council. The Administering Authority shall include in its annual report to the Trusteeship Council a detailed account of such leases. We also urge the members of the Committee to strike from the draft the last paragraph of article 14, which exempts the municipal area of Mogadiscio from the restrictions against the acquisition of land imposed by other provisions of the same article. Mogadiscio is a part of the Territory and the capital of Somaliland.

Several United Nations organs have recognized the importance of including in the educational programmes of dependent countries the teaching of the Native language. In fact the General Assembly of the United Nations has recommended to the controlling Powers of non-self-governing areas and those of Trust Territories to include in their respective educational programmes, the teaching of the Native language. Accordingly, we do not understand why the members of the Trusteeship Council fail to include this important question in article 4 of the draft trusteeship agreement for Somaliland, setting forth the educational obligations of the Administering Authority.

The nationalist and progressive political parties in Somaliland—the Somali Youth League and the Hamar Youth Club—which we have the honour to represent here, are strongly in favour of introducing into the country the most advanced educational system of this modern age. Both parties recognize the necessity for a radical reform of the existing social, political, economic and cultural conditions. They advocate a speedy and well-planned social revolution having as principal object the improvement and raising of the standard of living of our people.

On the other hand, the parties stand for the preservation of our mother tongue as well as the traditional Islamic faith and culture of the Somali people. We feel obliged to urge the members of the Committee to insert in the agreement a provision under which the teaching of the Somali language will have an important role within the educational system in the Territory.

We sincerely hope that the demands we are submitting on behalf of the true interests and welfare of our people and country contained in this and subsequent memoranda be not ignored again by the members of the General Assembly of the United Nations. Indeed, we dare hope to see during this session a sincere effort by the august Assembly to repair the damage done during the last session when the Assembly took the unjust decision to restore the hated and oppressive Italian rule in our country.

We reserve the right to submit further demands concerning this vital question.

(Signed) Abdullahi Issa
Ismail HASSAN

II

LETTER DATED 3 OCTOBER 1950 FROM THE PRESIDENT OF THE SOMALI YOUTH LEAGUE TO THE SECRETARY-GENERAL

I would crave leave to refer to the memorandum regarding the future status of Somalia (a copy of which accompanies this letter) which on 5 April 1949 my colleague

Abdullahi Issa and I, attending Lake Success as the authorized representatives of the Somali people, submitted to you for presentation to, and consideration by,

the First Committee of the General Assembly of the United Nations, for I have again been constituted the spokesman of the Somali people to make to your Assembly on their behalf an urgent representation to lead if possible a radical and complete change in the Administration of Somalia.

I would venture to explain that I myself have just completed a tour of many months duration in Somaliland, during which time I visited all parts of the country, and I have seen for myself, as doubtless the United Nations observers present in the country will also have seen, that practically all the evils of the former Italian Administration of Somalia, as mentioned in some detail in paragraphs 6 and 7 of our memorandum of April 1949, are now being practised by the "new" Italian Administration, which to a great extent consists of the same officials who wielded power, and abused their powers, under the Mussolini régime.

Having regard to the recrudescence in Somalia of these administrative malpractices, my countrymen in every quarter of the land urged me to lose no time in bringing this deplorable state of affairs before your august Assembly, with a view to the Italian Administration of Somalia being brought, as speedily as possible, to an end.

In our memorandum of April 1949 we indicated that it was not then our intention to make concrete suggestions regarding the application of trusteeship to the ex-Italian colonies, but we reserved the right to present suggestions for incorporation into any trusteeship plan for administering Somalia. It is now the wish of the

Somali people that I should make on their behalf the following petition to the Assembly, namely, that the administration of Somalia should at once be transferred to, and vested in, Ethiopia, or alternatively Great Britain and Ethiopia jointly.

This change in administration, if effected, would unite the whole of Somaliland; it would bring into operation some degree of co-ordination in law procedure and education in Somalia, the Ogaden and British Somaliland. Such an administration would be accepted loyally by all Somalis, who, as a united people, would be prepared to co-operate in every way; it would, in effect, be a step towards bringing into operation the idea expressed to your Assembly on 25 September last by the British Foreign Secretary, the Rt. Hon. Ernest Bevin, who, when speaking of Korea, said "...there must no longer be South Koreans and North Koreans, but just Koreans, who must be encouraged to work together to rebuild their country with the advice and... support of the United Nations".¹⁹ These words apply with even greater force to the most undesirable and artificial division of Somaliland which now exists, namely, Somalia, the Ogaden, French Somaliland, and British Somaliland.

May I venture to hope that the Assembly will give full consideration to the petition of the Somali people as expressed in this letter.

(Signed) Ali NOOR EIMI

¹⁹ See *Official Records of the General Assembly, Fifth Session, Plenary Meetings*, 283rd meeting.

MEMORANDUM ADDRESSED TO THE UNITED NATIONS BY THE SOMALI DELEGATION, CONCERNING THE FUTURE OF EX-ITALIAN SOMALILAND

Enclosed, herewith, we respectfully submit a brief memorandum regarding the future status of the former Italian Somaliland with the request that this memorandum be submitted to the Chairman of the First Committee of the General Assembly of the United Nations.

In connexion with this memorandum, we urge that the members of the First Committee give us the opportunity to make an oral statement in support of the memorandum and, if possible, to give us the status of observers to that Committee.

This request is based on the previous action taken by the First Committee when in the course of the discussions regarding Palestine during the second session of the General Assembly it granted consultative status

to non-governmental organizations which represented the inhabitants of those territories concerned.

In view of the fact that the question regarding the disposition of the former Italian colonies gives to the United Nations General Assembly the difficult task of making territorial allocations, we are sure that the First Committee will want to be informed regarding the desires of the inhabitants most vitally concerned before making a final decision. We stand ready, therefore, as authorized representatives of the Somali Youth League, representing the overwhelming majority of the peoples of this Territory, to place ourselves at the disposal of the Committee, and we urge most strongly that this request be granted.

(Signed) Abdullahi ISSA
Ali NOOR

* * *

1. We, the lawful and duly authorized representatives of the Somali Youth League, representing the overwhelming majority of the Somalis, most respectfully submit this memorandum, supplementing previously-submitted documents, to the General Assembly of the United Nations and its appropriate sub-divisions, setting forth our position on the future of Somaliland, formerly held as an Italian colony.

2. Under the peace treaty, Italy has renounced all rights and titles to her former African colonies of which our country, Somalia, is one.

3. The Council of Foreign Ministers, failing to reach agreement in regard of the final disposal of these territories, submitted the matter to the General Assembly of the United Nations. Thus the Assembly is confronted

with the responsibility of designating the Administering Authority and setting up the Trusteeship System for Somalia.

4. It is not our intention at this time to make concrete suggestions regarding the application of the Trusteeship System to these territories, but we are vitally concerned with respect to the designation of the Administering Authority. We reserve for the future the right to present concrete suggestions for incorporation into any trusteeship plan for administering these territories.

5. It is generally understood that some of the great Powers intend to support the unjust imperialist claims of the present Italian Government to re-administer our country in spite of the report of the Four Power Commission of Investigation which unequivocally states that in Somalia, apart from "an insignificant number", none has asked for the restoration of the Italian administration. It is thus quite clear that the Somalis do not wish to live again under Italian rule. Therefore, we must state with emphasis that the restoration of Italian administration under any form or guise, even as a trustee under the supervision of the United Nations, is totally unacceptable to our people.

6. We summarize briefly the main reasons for our opposition to the return of Italian rule :

(a) The Somalis, under Italian rule, were deprived of education and enlightenment; they were not entitled to any form of education during the fifty-year Italian régime;

(b) The Somalis were kept out of the economic field because Italian nationals monopolized all commerce and industry, leaving our people to become peons, gatekeepers, orderlies, interpreters, cooks, coolies, porters, boys, waiters, etc.;

(c) The Somalis were not allowed to form any association or political body; there was no freedom of speech and no freedom of action;

(d) The Somalis were treated like chattels in the social sphere;

(e) Italy is poor and she cannot finance her own country soundly, much less our country of Somalia; and

(f) The Somalis earnestly desire the unification of their country with the other Somali-inhabited territories, and by allowing Italy to return, they can never hope to achieve this greatest aim.

The above-mentioned points (a), (b), (c) and (d) have, during the past fifty years of Italian rule, left their odious mark upon us so that it is impossible for Somalis to believe that they can ever be treated in a better manner by the Italians.

7. In addition to this, the Administration has deprived the Somalis of fertile land in favour of Italian farmers and imposed forced labour, making the Somalis work for the Italians. This forced labour problem, better known in Somalia as *colonia*, is horrible and beyond description. To give you a rough idea of the barbarous and inhuman methods employed by the Administration,

we quote hereafter extracts from page 60 of an official British publication of 1944 entitled *The First to be Freed* :

" This labour shortage, which at one time threatened to stop production altogether, was caused by the wholesale refusal of the Somalis to continue to work for the Italians. This was hardly surprising. For when the circumstances under which labour had been recruited were investigated, a situation was disclosed even less tolerable than the state of Mogadiscio jail. Under the 'colonia' system, men, women and children had been taken by force from remote places and condemned to an indefinite period of servitude on Italian farms. To quote from an official report : ' Rations were grossly inadequate both in quality and quantity, and pay varied from one to three lire a day. Bachelors were forced to marry women who had been born and bred on the estate. Punishment, inflicted by the resident on the ex-parte representations of the employer, was brutal and excessive. For a first offence of disobedience or indiscipline, fifty lashes with a hippopotamus-hide whip was a common award, and for a second offence the victim was strung up for several hours on a gallows, with his toes just clear of the ground, suspended by chains attached to wooden billets under his armpits, and with his hands handcuffed behind his back. It is not unnatural that the native labouring population regarded our coming as a deliverance from their Italian oppressors and that they resolutely and determinedly refused to return to work for them, in spite of our efforts to persuade them to do so.' They had had enough of slavery. "

8. The Somalis suffered enough of slavery, suppression and oppression under the Italian administration during and long before the Fascist régime. They will never forget the Tyranny practised by the Administration. To Somalis, Italy is Italy, and Italians are Italians, whether demo-Christian, fascist, communist, nazi, socialist, republican, liberal. To them there is no difference whatsoever between Mussolini and Signor de Gasperi; between Count Ciano and Count Sforza; and between Signor Terruzzi and Signor Brusasca.

9. Italy lays claim to a share in the administration of her former colonies on the basis of the securing of an overseas outlet for her surplus population. As everyone knows, Italian emigrants are now scattered all over the world. Millions are in the United States alone. Millions more are in Argentina, Brazil and other South American countries. Other millions reside in Great Britain, France and elsewhere in Europe. They are also in Africa, Asia and other parts of the world. These Italian emigrants live peacefully with the peoples of these countries and have their ordinary jobs as workers, traders, etc. None of them has ever dreamed of ruling or demanding the right to administer these countries to which they have migrated.

10. There is no reason why Italian residents in Somalia cannot remain and live peacefully with the inhabitants without again aspiring to rulership over the territory. This can be achieved if, and only if, they renounce

their unjust imperialist claims and cease seeking to restore the Italian administration since the Somalis can never forget the records of the past Italian régime.

11. Besides the Italians, there are also other foreign elements in Somalia, the most important being Indians (Hindustani and Pakistani) and Arabs. The latter is the largest foreign community in Somalia as they actually number some 20,000. These immigrants have their ordinary jobs and none of them lays claim to sovereignty over the country.

12. Among the nations supporting the unjust imperialist claims of Italy some are rich, both in wealth and land. If they really wish—with good and sincere intention—to solve the problem of the Italian surplus population, they would do far better to let down the bars and permit a sufficient number of Italian immigrants into these prosperous lands rather than awarding to bankrupt Italy the infertile and desert lands of East Africa, where, because of former Italian oppression, emigrants from that land would not be welcome.

13. In addition to the problem of the Italian surplus, the new Government of Italy has repeatedly sought opportunity to send back to Africa some thousands of refugees from the former Italian colonies. Concluding its mission, the Four Power Commission of Investigation visited Italy and interviewed representatives of these refugees. These were avowed fascists who had poured into Africa during and immediately after the fascist conquest of Abyssinia. They are aptly and accurately described in the following excerpt from page 12 of *The First to be Freed*.

“ In Somalia, too, the conditions found were similar in the main, though different in detail. True, Mogadishu had never suffered from the elephantiasis that had overtaken Asmara. True, the Italian population of the colony was only one-tenth of that of Eritrea; but they were more violently fascist, incorrigibly corrupt, and cordially hated by the Somali, who is difficult to deal with even at his friendliest.”

14. May we call your attention to the fact that the United Nations Charter, which embodies the principles of the Atlantic Charter, upholds the right of self-determination. In Article 76 of the Charter, setting forth the objectives of the Trusteeship System, such phrases as “freely expressed wishes of the peoples concerned”, appear.

15. If against our wishes the First Committee and the General Assembly should decide to return Somalia to Italy, are we to assume that the Italian officials who are so bitterly hated by our people there are to be returned with the benediction of the United Nations? In such case, how can you expect us to trust and have faith in the United Nations?

16. In concluding our memorandum, we humbly and respectfully beg the Assembly to study carefully the contents of all that we have submitted and what we are going to submit.

17. Once again we stress that the Somalis do not desire and will not accept the restoration, in their country, of Italian administration under any form or guise, even as a trustee under supervision of the United Nations.

18. May we draw the attention of the honourable members of the august Assembly to the fact that today they are the supreme judges of the fate of our country and its people. We wish to see these honourable members give more consideration and weight to the desires and welfare of the inhabitants. Furthermore, we trust that this august Assembly will not judge this issue on the basis of self-interest whether for political, religious or other reasons and will act as a neutral and impartial judge.

19. We faithfully hope that the august Assembly will carefully consider our just and legitimate demands expressed in this and other memoranda submitted.

(Signed) Abdullahi Issa
Ali Noor

DOCUMENT A/C.4/179/Add.1

Addendum to the memoranda to the United Nations submitted by the representatives of the Somali Youth League and the Hamar Youth Club

LETTER DATED 15 NOVEMBER 1950 FROM THE REPRESENTATIVES OF THE SOMALI YOUTH LEAGUE AND THE HAMAR YOUTH CLUB

[Original text: English]
[16 November 1950]

As representatives of the Somali Youth League and the Hamar Youth Club, we disassociate ourselves with the letter dated 3 October 1950, signed by Ali Noor Elmi, President of Somali Youth League in the United

Kingdom. Together with our memorandum of 19 September 1950, this letter appears in document A/C.4/179 of 11 November 1950.

(Signed) Abdullahi Issa
Ismail HASSAN

DOCUMENT A/C.4/180

Memorandum submitted by the *Conferenza della Somalia*

[Original text: English]
[10 November 1950]

Note by the Secretariat: In accordance with a decision taken by the Fourth Committee at its 174th meeting, on 10 November 1950, the Secretary-General has the honour to circulate herewith to the members of the

Committee a memorandum submitted in October 1950 to the General Assembly of the United Nations by the *Conferenza della Somalia*.

MEMORANDUM

We, the undersigned exponents of *Conferenza della Somalia*, which comprises eight different parties representing the great majority of Somali people, since they number over 670,000 adherents, are these days anxiously looking upon you, representatives of all civilized nations of the world, and pray the almighty God to illuminate your minds and your hearts when you are about to take definitive decisions in respect of our country. With us are all those other Somalis, who, even though not attached to any political party, love their country, and are therefore well aware of the importance of the decisions you are going to take. And with us are also many who, until quite recently, were our opponents, and, perceiving that they were going to cover themselves with ridicule, gave up their old programme of opposition to Italy and, drawn by the evidence of facts, abandoned hatred and rancour. All together we thank the almighty God and you, and we ask, on behalf of the whole of our people, that the Italian Administration, through you definitive ratification of the Trusteeship Agreement, be enabled to carry on the work, already successfully commenced, to lead our people to prosperity and independence.

Gentlemen of the United Nations, when last April, soon after the transfer of powers from British to Italian administration, the inhabitants of lower and upper Juba districts (Bardera, Baidoa, Kismayu, Margherita) unanimously asked to be delivered from the few Somali Youth League scoundrels who intended to continue to tyrannize them from their control places, wrongfully held until then, the Italian Administration defended and protected those same scoundrels, although they were opponents, and only punished some of them, caught with weapons in their hands and intent to make mischief.

We wondered for a while if that was what was meant by "democracy", i.e. the smothering of a just and human resentment felt by a mass of people for a group of criminals, who were, unfortunately, our brothers. But later on we learnt from the Italian Administration the clear lesson on freedom, which is often rather hard. And better still the lesson was learnt by our people, so that, in his recent visit paid to the same people, H. E. the Administrator saw around him such huge crowds and caused the raising of such enthusiasm that we, though being our people's spiritual chiefs, felt small and almost lost, and thought that all Somali headmen should never forget the maxim: "Actions are indeed the best

propaganda". In fact, during these first six months of activity, the Italian Administration not only ensured peace and respect for all inhabitants, irrespective of race or political creed, but did a lot more in addition, thus proving that we were right when, mindful of the good always done by Italy to this country, we were confident of the successful result of the new job which she declared to be willing to tackle, as charged by all civilized nations of the world.

Authority present in the farthest localities of the Territory

The first thing that Italy did on her return to Somalia was the creation of five new districts (Obbia, Itala, Balad, Candala, Eil) to the great advantage of the population, who, for the first time, feel that they are efficaciously protected in their work, without having to travel hundreds of kilometres to do their business, or to ask for justice. The districts, which were only 22, have so been increased to 27.

Medical assistance extended up-country

Previously, medical assistance was limited to Mogadiscio, owing to scarcity of personnel and of medical equipment. Now, thanks to the arrival from Italy of new personnel and plenty of medical equipment, not only the existing districts, but even the new ones are supplied with a medical doctor, a dressing station and a medical store.

Somalis at last able to go to school

In addition to public health, the Italian Administration pays a serious attention to public education. In the short time of six months, the formerly existing 69 primary classes have been increased to over 200, separate for grown-up people, boys and girls. Thus, the number of school people in the new scholastic year leapt from 1,500 to over 13,000. There is no inhabited centre of any importance without its primary school. The secondary school, of Somali type, in Mogadiscio, has been potentiated; a school for artisanship has been created, and in November next a school for political preparation will be opened, which will enable, in three years' time, a group of young Somalis, particularly capable and willing, to follow a university course in Italy or Egypt.

Somalis already participate in the administration of the country

In July last, with the creation of "District Councils" (*Consigli di Residenza*) headmen, notables and the most prominent exponents of political parties were asked in all districts to co-operate, with their Councils, in the political and administrative activity of the authorities. These District Councils were instituted in all centres, and asked, first of all, to express their opinion on the territorial council, to be instituted in accordance with the provisions of article 4 of the declaration of constitutional principles annexed to the trusteeship agreement.²⁰ A few days ago, on the occasion of the feast of *Arafa*, H. E. the Administrator announced that the territorial council shall soon be inaugurated, and that its object, in addition to advise, will be to prepare the greatest possible number of Somalis, of all races and parties for the responsibility of self-government. H. E. the Administrator also expressed his intention of creating Municipalities in all districts.

Somalis employed in the Administration

Civil employees in the Administration are almost all Somalis (approximately 4,000 out of a total number of 4,500), but unfortunately the Italian Administration has been, up to the present, unwilling to take into serious consideration our complaints on this subject, based upon the fact that the greatest part of these Somalis had been recruited by the British Administration among the members of the Somali Youth League to replace as many philo-Italian elements, forcibly dismissed soon after occupation. Either civil servants must belong to no political party, or we request that the *Conferenza* be represented in the Administration with a number of employees in proportion to the number of its adherents.

Somalis form the strength of military and police forces

The Italian Administration has completed the recruitment of three Somali battalions, and started repatriation of Italian military forces. Two more battalions are being recruited. These enlistments are scrupulously proportioned to the various ethnical groups, and without discriminating between parties, which is even going too far, as it might happen that some evil-minded members of the diminutive opposition be tempted to use the weapons supplied by the Administration to the Somali people for other purposes than to protect peace and ensure security. The Somali police forces, apart from some few dismissals due to indiscipline or laziness, are exactly as they were at the time of the change of administration. Warrant officers are mostly Somalis; Italian officers treat their Somali soldiers with a gentlemanly and almost familiar tact, which is normal in all relations between Italian authorities and personnel and Native people.

Somalis participate in the administration of justice

Whereas the British Administration had diminished the competence of Kadis in penal matters, the Italian

Administration has restored their competence for crimes entailing punishment up to 12 years' imprisonment. More serious crimes are dealt with by the Court of Assizes, whose President is an Italian judge assisted also by Somali assessors. In civil and commercial matters Kadis are competent to pass judgment in all disputes between Mohammedans. H. E. the Administrator intervenes with his faculty of revision, which he exercises in public meetings, to cancel or sanction Kadis' judgments against which one of the parties appealed.

Brawls and other crimes considerably diminished

With the return of the Italian Administration it would almost seem that tempers excited by war uncertainties and disorders settled down in appeasement. Prisons have been almost entirely emptied as a result of two acts of mercy ordered by H. E. the Administrator in June and July last. On the District Commissioners' advice, the tribes are settling in solemn *Scir* of Chiefs all frictions of the past ten years. This pacification work is made easier thanks to the many road and building works commenced by the Administration, which considerably reduced unemployment. In many localities reasons of quarrels between tribes have been eliminated by repairing old wells or digging new ones, lack of which is the main plague of this country. It will now be necessary to eliminate the cause of incidents that occur along the border line in the Modugh Province, by suppressing the provisional administrative border line and returning to the old frontier with Ethiopia as existing in 1935, so that all Somali people may return under the rule of a single authority, which should regulate their life impartially and according to rights, particularly in respect of the use of grazing grounds and watering places. It is, after all, a matter of justice, and the Somali people trust that it will be settled without delay, in accordance with human and moral principles which regulate all United Nations actions.

First initiatives in favour of Somalis in the agricultural and zootechnical fields

Barely two months after the return of Italians the agricultural centre of Alessandra resumed its activity, after a decade of neglect. An organization is being created around this centre for free distribution of fruit plants and selected seeds, as well as for the campaign against agriculture parasites. In Baidoa a new agricultural centre was commenced this month for the Somali dry-farming. Also this month will be commenced the works to form the first group of irrigated farms on the middle Juba. In the meantime four veterinary caravans travel through the country for immunization of livestock against cattle diseases, and the Administration has started, in the locality Hortocamo, the installation of an experimental cattle farm, which will make it possible to develop, in future, industrial initiatives for the utilization of meat and milk.

Islamic religion being encouraged

After ten years the Somali people have at last been offered the opportunity to go on pilgrimage to Mecca, encouraged by the assistance on the spot that the Italian

²⁰ See *Official Records of the General Assembly, Fifth Session, Supplement No. 10*.

Administration organized through the Italian Legation at Gedda. The Administration undertook to pay travel expenses both ways for the most prominent personalities of the Territory, and 50 of our brothers availed themselves of the privilege.

Somalia to the Somalis

The Italian Administration shows continually that all its activities are conformed to the principle: "Somalia to the Somalis". In the field of immigration restrictive rulings have been issued, in order to protect Somali labour from foreign competition, in the fields of agriculture, industry and commerce. We are certain that, after the definitive approval of the trusteeship agreement, Italy will stimulate the afflux to Somalia of new capital and new technicians and specialized workmen, of whom there is great need in this country.

Representatives of the United Nations, peace has come back in this land. This may be testified by the United Nations Advisory Council, whom you, very benevolently, teamed with Italy in this difficult path leading to our national constitution.

In the name and on behalf of all Somali people, from this far away land we send you our hearty thanks, and

we wish you the best success in your work, in the interest of the world's peace and civilization.

Unione Nazionale Somala: Ali Mohamed Irave,
Vice-President
(Signed) Ali MOHAMED

Hisbia Dighil & Mirifle: Mursal MOHAMED,
for the President
(Signed) Mursal MOHAMED

Unione Africani in Somalia: Mohamed Seekh OSMAN,
President
(Signed) M. S. OSMAN

Assoc. Gioventu' Abgal: Aptidon OMER, Vice-President
(Signed) Aptidon OMER

Comitato Progresso Somalo: Ievero OMAR, President
(Signed) Ievero OMAR

Lega Progressista Somala: Hagi Ahmed SCIBIN, President
(Signed) Hagi Ahmed SCIBIN

Hidaiet Islam Scidle' Mobilen: Abdulkader NUR, President
(Signed) Abdulkader NUR

Unione Bimalia: Hidle MOHAMED, Vice-President
(Signed) Hidle MOHAMED

Islao MOHADELLE, President of the *Conferenza*
(Signed) [illegible]

DOCUMENT A/C.4/182

Memorandum of 18 October 1950 submitted to the United Nations by the representatives of the Somali Youth League and the Hamar Youth Club

[Original text: English]
[15 November 1950]

Note by the Secretariat: In accordance with a decision taken by the Fourth Committee at its 174th meeting, on 10 November 1950, the Secretary-General has the honour to circulate herewith to members of the Com-

mittee a memorandum submitted by the representatives of the Somali Youth League and the Hamar Youth Club on 18 October 1950.

LETTER DATED 18 OCTOBER 1950 FROM REPRESENTATIVES OF THE SOMALI YOUTH LEAGUE AND THE HAMAR YOUTH CLUB TO THE SECRETARY-GENERAL

New York,

We respectfully submit the enclosed memorandum regarding the Trust Territory of Somaliland with the request that the same be submitted to the Chairman of the Fourth Committee of the General Assembly of the United Nations.

As the lawful and duly authorized representatives of the Somali Youth League and the Hamar Youth Club, representing the overwhelming majority of the Somalis, we formally request the right to participate in the forth-

coming debate on the draft trusteeship agreement for Somaliland²¹ by the Fourth Committee. Recognizing the fact that the said draft deals with a question involving the vital interests of our country and people, we strongly urge the members of the Fourth Committee to consider carefully this legitimate request of ours.

(Signed) Ismail HASSAN
Abdullahi ISSA

²¹ *Ibid.*

MEMORANDUM REGARDING THE TRUST TERRITORY OF SOMALILAND

On 19 September 1950, we submitted through the Secretary-General of the United Nations a memorandum²²

regarding the Trust Territory of Somaliland. We submit this as a supplement to that memorandum.

In that earlier memorandum, we urged the members of the Committee to insert in the trusteeship agreement

²² A/C.4/179.

for the Territory a provision specifically concerning the unification, in the near future, of the artificially divided Somaliland whose indigenous inhabitants are one in race and language, profess the same Islamic faith and culture and live by the same customs upon the peninsula of Somaliland, which forms an indivisible geographic entity. In particular we asked :

(i) That all restrictions of the free movement between the Territory and the other portions of Somaliland actually under foreign colonial rule, namely, British Somaliland, the northern frontier district of Kenya (also under the United Kingdom), Ethiopian Somaliland (Ogaden and other Somali provinces) and French Somaliland, be removed immediately; and

(ii) That our Somali brothers from the above territories and those from overseas be granted free entrance into the Trust Territory of Somaliland.

Also in that memorandum we urged the members of the Committee to insert in the trusteeship agreement for Somaliland an adequate protection against the menace of foreign immigration in general and that of large-scale Italian immigration in particular. Without such essential protection, the whole trusteeship agreement for the Territory is worthless in that it fails to safeguard the most vital interests of the Somali people.

We further pointed out that the lack of any protection in the draft trusteeship agreement submitted by the Trusteeship Council will facilitate the evil purposes of Italy to use the Territory as the greatly desired outlet for the surplus and jobless Italian population. Mass immigration of these surplus and jobless Italians means to the Somalis the alienation of our fertile land and our other natural resources; the restoration of the familiar Italian monopolies in trade and business; and the replacement of those Somalis at present holding secondary positions in the administration of the Territory by the newly-arrived Italian elements. In this connexion we feel obliged to quote here the conclusions reached by Ralph Chapman, a correspondent of the *New York Herald Tribune*, after visiting the Territory. In an article published in that newspaper on 10 July 1950, Mr. Chapman asserted :

“ This correspondent has just completed a tour of Italy's one-time African empire—Somaliland, Ethiopia and Eritrea. On the basis of observation and exhaustive discussion with a cross-section of the various populations, both native and foreign, these broad conclusions may be drawn :

“ 1. The Italian administration in Somaliland, operating under a draft trusteeship agreement which has still to be ratified by the United Nations, are already working furiously to consolidate their position there. It is obvious that Italy hopes to gain such an economic hold on the country in ten years that it will make little difference whether or not Somaliland then becomes politically independent in name... ”

We also pointed out that article 14 of the draft trusteeship agreement, which deals with the vital question of alienation of rights over land and other natural resources in our country, fails to provide adequate protection against such alienation by Italians and other foreign residents. In particular we urged the Committee :

(i) To delete from article 14 of the draft the whole clause dealing with the acquisition of rights over land by non-indigenous persons or by companies or associations controlled by such persons;

(ii) To limit the lease of rights over land and other natural resources in the Territory to non-indigenous persons or to companies or associations controlled by such persons for a period not exceeding the ten years of Italian trusteeship. Such lease shall be subject to the consent, in each case, of a two-thirds majority of the members of the territorial council, provided for in article 4 of the annex.²³ In cases involving the lease to non-indigenous persons or to companies or associations controlled by such persons of rights over agricultural areas and that over all other natural resources, the Administering Authority shall also request in advance the advice of the Advisory Council; and

(iii) To strike from the draft the last paragraph of article 14 which exempts the municipal area of Mogadiscio, the capital of Somaliland, from the restrictions against the acquisition of land imposed by other provisions of the same article 14.

Further we demand :

(i) That a United Nations commission be appointed to investigate the whole question of land concessions held by Italians and other aliens in Somaliland;

(ii) That a competent international court be set up which shall hear and investigate cases dealing with private rights in relation to land and other natural resources in the Territory owned by non-Somalis.

The conclusion reached by the American reporter Ralph Chapman, one of the very few foreign correspondents ever admitted into Somaliland, shows clearly how the Italians “ are already working furiously to consolidate their position there ” in order “ to gain such an economic hold on the country in ten years that it will make little difference whether or not Somaliland then becomes politically independent in name ”. That Rome dreams of establishing firm control over the entire economic structure of our beloved Motherland has been demonstrated. This impending danger compels us to plead for immediate and effective protection against the evil and imperialistic designs of the new Italy to place our country and people under a perpetual economic slavery.

We strongly urge the Committee to insert in the trusteeship agreement for Somaliland adequate protection against economic exploitation in general and in particular against alienation by Italians or other foreigners residing in the Territory of rights over land and other natural resources in our country. To understand and fully appreciate this demand, it is necessary that the members of the Committee take into consideration the views we are expressing on behalf of the true interests and welfare of the Somali people.

In our memorandum of September 19, we urged the Committee to insert in the agreement a provision under which the Native tongue, the Somali language, would play an important role within the system of public education in the Territory. We also demand :

²³ See annex to the draft trusteeship agreement.

(i) That an effective and sound system of public education be provided for the indigenous inhabitants of the Territory (children and adults of both sexes alike). Besides the Koranic, this shall include complete secular education and the teaching of the vernacular tongue;

(ii) That free elementary, secondary, technical and vocational schools be established immediately in all centres and in the principal rural villages;

(iii) That institutions for the training of teachers be established immediately;

(iv) That the training of Somali medical personnel be given special consideration;

(v) That universities be established in Somaliland at the earliest possible time;

(vi) That, pending the establishment of such universities, an adequate number of qualified students from among the indigenous population receive university or professional education outside the Territory every year by means of scholarships granted by the Administration. These students shall not be confined to the metropolitan area of the Administering Authority but be permitted to attend universities or professional institutions in the highly advanced countries throughout the world;

(vii) That illiteracy be eradicated through mass education within the shortest possible time;

(viii) That no Catholic missionaries or organizations be appointed to head, direct or guide the system of public education, as was the case during the days of Italy's colonial régime in Somaliland. Likewise, we object to the appointment of any other religious missionary or organization as the head of the system of public education in the Territory; and

(ix) That the indigenous inhabitants be granted the right to participate in the formulation of educational policies and in the administration of education in their own country.

Under the obligations imposed by article 3 of the draft trusteeship agreement for Somaliland, the Administering Authority "undertakes to administer the Territory in accordance with the provisions of the Charter of the United Nations relating to the International Trusteeship System as set out in Chapters XII and XIII thereof, the relevant parts of the resolution 289 (IV) of 21 November 1949 of the General Assembly, and this Agreement (which includes an annex containing a Declaration of Constitutional Principles), with a view to making the independence of the Territory effective at the end of ten years from the date of the approval of this Agreement by the General Assembly."

However, the practical policy carried out by the Italian Administration since its restoration in Somaliland more than six months ago ignores these provisions. To support this statement of ours, we invite the members of the Committee to observe the composition of the Administration re-established in Somaliland. The former rulers of Somaliland and other African colonies under the fascist régime have been re-appointed. The Italian Government thus has shown that its intentions are far from the academic provisions set forth in the draft trusteeship agreement for the Territory.

With the exception of the Administrator and a few

others, the members of the Italian Administration—particularly the top-ranking officials—are the staff of the *Ministero africa italiana* (Ministry for Colonial Affairs). The Government at Rome even attempted to appoint General Nasi, a former fascist Governor of Harar and other provinces in Ethiopia, as Administrator for Somaliland. Pending the ratification of the trusteeship agreement, Rome has apparently dropped this idea. Therefore, it is quite possible that sooner or later our country will, once again, have as Administrator a former fascist ruler or a high-ranking officer of the Ministry for Colonial Affairs such as General Nasi, Marshal Graziani, Dr. Cerulli, Signor Terruzzi and others.

The fascist-organized *Ministero africa italiana* (literally meaning "Ministry of Italian Africa") is still active within the present cabinet of Premier De Gasperi. The *Ministero africa italiana* was created to meet the demands of the colonial and expansionist policy of Mussolini. The continuation of such a ministry indicates clearly that the new Italy, although it has renounced all rights and titles to its former African colonies by signing the peace treaty with the Allies, is determined to follow the same colonial and expansionist policy of fascist Italy.

The Italian Administration restored in Somaliland is composed mainly of the staff from the Ministry for Colonial Affairs. Undoubtedly, the basic policy of such an administration will pursue the objectives for which the *Ministero africa italiana* was created. Instead of fostering the development of progressive political institutions, the Administration has not hesitated openly to support reactionary groups headed by corrupt and ignorant elements. Instead of promoting the development of the indigenous inhabitants for independence, the Administration has carried out a policy of "divide and rule" by instigating, through corrupt elements, tribal fighting throughout the Territory and thus creating a general situation of bloodshed, chaos and unrest. Instead of giving to the indigenous inhabitants a progressively increasing participation in the various organs of government, the Administration has removed numerous Somalis from the secondary positions they held under the past British Military Administration, replacing them with Italians.

The set-up of the Italian Administration in Somaliland is identical with that during the fascist régime. The old system of *maresciallo*, *residente*, *commissario*, *gogle*, *capo*, *sottocapo*, *sagalo*, *jusbasci*, *bulukbashi*, *muntaz*, etc., has been restored. In addition, the Administration supports strongly the tribal and other primitive feudal systems. This is in line with the well-known policy of colonial Powers to establish indirect rule through corrupt and ignorant tribal chiefs while suppressing progressive movements whose main aim is to abolish tribalism, nomadism and all forms of primitive systems. Under a separate covering we intend to submit shortly details of the above-mentioned as well as many other violations committed by the Italian Administration in Somaliland; all of which has taken place before the General Assembly has acted upon the trusteeship agreement for the Territory.

Under the provision in paragraph 2, article 3 of the draft trusteeship agreement, the Administering Autho-

ity is obligated to " promote the economic advancement and self-sufficiency of the inhabitants, and to this end shall regulate the use of natural resources; encourage the development of fisheries, agriculture, trade and industries; protect the inhabitants against the loss of their lands and resources; and improve the means of transportation and communication. "

To achieve successfully the provisions of this section and thus realize the genuine economic advancement of the indigenous inhabitants in the Territory, we demand :

(i) That the establishment of Somali national co-operative societies for commercial, agricultural, fishery and industrial enterprises be encouraged and assisted by the Administration;

(ii) That credit and other financial facilities be provided to Somali trading companies or individuals by the Administration;

(iii) That a five or ten-year agricultural development programme to improve the economic condition and the general welfare of the Somali people be established. The agricultural people among the indigenous inhabitants of our country urgently need :

(a) Irrigation projects;

(b) Training of Native agricultural technicians and workers;

(c) Rural health and welfare centres;

(d) Modern agricultural machinery; and

(e) Other forms of assistance for the use of modern equipment, the provision of seeds and fertilizers, and the general improvement of crops and the method of work.

(iv) That similar development programmes for industry, commerce and fishery be established in the Territory; and

(v) That effective veterinary service be established at the earliest possible date. Cattle-raising being one of the principal pillars of Somaliland's economic structure, such an effective veterinary service is, therefore, essential. In this connexion, we also demand :

(a) That sufficient Native elements be trained as veterinary experts;

(b) That modern systems of cattle-breeding be introduced in the Territory; and

(c) That adequate deep-water wells and rain-water reservoirs be provided for the pastoral people inhabiting the dry areas of the country.

We strongly urge the Committee to include in the trusteeship agreement for the Territory the demands just outlined as well as any other points considered necessary to promote the genuine economic advancement of the indigenous population of Somaliland.

Under the provision in paragraph 3, article 3 of the draft, the Administering Authority is required to " promote the social advancement of the inhabitants, and to this end shall protect the rights and fundamental freedoms of all elements of the population without discrimination; protect and improve the health of the inhabitants by the development of adequate health and hospital services for all sections of the population; control the

traffic in arms and ammunition, opium and other dangerous drugs, alcohol and other spirituous liquors; prohibit all forms of slavery, slave trade and child marriage; apply existing international conventions concerning prostitution; prohibit all forms of forced or compulsory labour, except for essential public works and services, and then only in time of public emergency with adequate remuneration and adequate protection of the welfare of the workers; and institute such other regulations as may be necessary to protect the inhabitants against any social abuses. "

With the rather dubious phrase, " except for essential public works and services ", appearing in the forced or compulsory labour clause, Italy has the chance to re-introduce in our country the notorious forced labour. It will not be too difficult for Rome to justify such action as necessary for " essential public works and services ".

The forced labour system, better known in Somaliland as *colonia*, was horrible and beyond description. To give you a rough idea of the barbarous and inhuman methods employed by the Italians, we are compelled to quote once again extracts from page 60 of the official British pamphlet, *The First to be Freed*, published in 1944 :

" This labour shortage, which at one time threatened to stop production altogether, was caused by the wholesale refusal of the Somalis to continue to work for the Italians. This was hardly surprising. For when the circumstances under which labour had been recruited were investigated, a situation was disclosed even less tolerable than the state of Mogadiscio jail. Under the ' colonia ' system, men, women and children had been taken by force from remote places and condemned to an indefinite period of servitude on Italian farms. To quote from an official report : ' Rations were grossly inadequate both in quality and quantity, and pay varied from one to three lire a day. Bachelors were forced to marry women who had been born and bred on the estate. Punishment, inflicted by the resident on the ex parte representations of the employer, was brutal and excessive. For a first offence of disobedience or indiscipline, fifty lashes with a hippopotamus-hide whip was a common award, and for a second offence the victim was strung up for several hours on a gallows, with his toes just clear of the ground, suspended by chains attached to wooden billets under his armpits, and with his hands handcuffed behind his back. It is not unnatural that the native labouring population regarded our coming as a deliverance from their Italian oppressors and that they resolutely and determinedly refused to return to work for them, in spite of our efforts to persuade them to do so. ' They had had enough of slavery. "

In addition, our people have been the victims of several other forced or compulsory labour schemes practised by the past Italian Administration. One form of this was the use of Native compulsory labour for the construction of public buildings, roads, bridges and other public works. Sometimes, Native compulsory labour was even used for private projects. The construction of the *Strada Imperiale* (the highway from

Mogadiscio-Villaggio-Beletwen to Addis Ababa), the Genale Dum, and the privately-owned dum of Villaggio are examples of such compulsory labour.

Under the dreadful *colonia* system as well as several other brutal methods of tyranny, the Somalis have suffered enough of slavery, suppression and oppression during the fifty long years of Italian rule. By reading the brief extracts from the official British records as quoted above, the members of the Committee will certainly understand why we are greatly concerned about the provision of forced or compulsory labour.

The draft trusteeship agreement, in its present form, does not contain adequate protection of our people against the *colonia* system and forced or compulsory labour in general. As the true representatives of Somaliland and the Somalis, we demand that adequate protection of our people against all forms of forced or compulsory labour be included in the trusteeship agreement for the Territory. In particular we demand the deletion of the ambiguous phrase in the forced or compulsory labour clause (paragraph 3, article 3 of the draft trusteeship agreement) which reads "except for essential public works and services," and the following words reading "and then only in time of emergency with adequate remuneration and adequate protection of the welfare of the workers".

The past Italian administration in Somaliland also practised discrimination on grounds of colour and religion. These racial discriminations were continued under the temporary British Military Administration in Somaliland, though to a lesser extent.

Traces of these discriminatory practices continue to exist in the Territory. Accordingly, we demand that strong protection of our people against discriminations in general and on racial grounds in particular be included in the trusteeship agreement for Somaliland. In this connexion we also demand :

(i) That adequate protection of the indigenous inhabitants against all other social abuses be included in the agreement;

(ii) That there shall be no legislation in force in the Territory which puts the Somalis at a disadvantage on racial grounds, or which gives a non-Somali a superior advantage by virtue of racial status; and

(iii) That the non-religious courts, including the high courts, established in Somaliland shall have jurisdiction over all "aliens" resident in the Territory as it has over the Somalis.

We are unable to describe the present deplorable conditions under which our people live. The Somalis in the urban centres live in unhealthy slums of dirty small huts and cottages, while those in the rural areas live in even worse conditions. The living conditions of the nomad Somali tribes in the interior are the worst of all.

To promote successfully the genuine social advancement of the indigenous inhabitants in Somaliland, we urge the Committee to include in the trusteeship agreement for the Territory provisions under which the Administering Authority shall be obliged to :

(i) Raise the standard of living of our people within the shortest possible time;

(ii) Provide within the earliest possible time adequate decent living quarters for the urban Somalis as well as those in the rural villages; and

(iii) Encourage and assist the gradual abolition of nomadism and the subsequent settlement of the nomadic tribes in the Territory. To achieve this, the Administration shall provide permanent decent living quarters to the nomadic Somali tribes.

Articles 8, 9, 10 and 11 of the draft trusteeship agreement for Somaliland treat the functions, diplomatic privileges, immunities, etc., of the members of the Advisory Council for the Territory and their staff. However, the impotence of the said Council is apparent in any or all of the articles in the draft and the annex attached thereto. To avoid misunderstanding, we wish to make it quite clear that we are not trying to act as spokesmen for the Council whose members, namely, Colombia, Egypt, and the Philippines, are Member States of this world organization. We do not intend to take the position of being more royalist than the king. Our only concern is to point out that, in the view of the politically-minded elements among our people, the Council has thus far failed to exercise effective United Nations supervision over the Italian Administration in Somaliland. In fact, the Council, so far, has done practically nothing to counter the numerous violations already committed by the provisional Italian Administration in the Territory. The Advisory Council was even unable to make on-the-spot investigations to ascertain the real causes of the recent serious riots in the Upper Juba, Mudugh, Benadir and Lower Juba provinces. These disturbances took place after the restoration of the Italian administration in Somaliland and were spread throughout the Territory. Both the casualties and the damages of these riots were very heavy.

Further, we point out that each member of the Advisory Council is represented by a single delegate with neither an alternate nor an adviser. In the absence of one or more delegates there are no representatives to replace them on the three-member Council. Representatives present in the Territory together with a relatively small staff from the Secretariat of the United Nations are confined in Mogadiscio, the capital of Somaliland. These representatives and the members of the Secretariat know nothing of what is happening in the rest of the Territory. The only official source through which they receive information is that of the Italian Administration, the very same Administration which the United Nations is supposed to supervise.

What we expect is an Advisory Council with real powers; a Council with at least three or more representatives and their alternates and advisers from each Member; in short, an effective Council with sufficient representatives and staff from the Secretariat of the United Nations and ready to fulfil its heavy duties over the whole Territory of Somaliland and not just in the town of Mogadiscio. The least we can expect is that representatives of the Advisory Council be stationed permanently in every province of the country. This will enable the Council to get direct information instead of relying upon the Administering Authority for essential information.

Under the provision in article 13 of the draft trusteeship agreement, the Administering Authority is required to enable the Territory to co-operate with the specialized agencies referred to in Article 57 of the United Nations Charter. The wonderful works already achieved by most of the specialized agencies in the past few years need no explanation. The members of the Committee are undoubtedly aware of the ambitious plans of the said agencies to develop most of the world's under-developed areas. As one of these under-developed countries, Somaliland needs more than any other nation technical, financial and humanitarian assistance from these agencies.

Any or all future development programmes in the Territory will certainly be speeded if provisions for direct participation of the specialized agencies are included in the trusteeship agreement for Somaliland. Accordingly, we demand that the Committee include in the agreement the specific role of each of the said agencies. In particular we demand that a major role be reserved to the following important specialized agencies operating in their respective fields as explained hereunder :

(i) The United Nations Educational, Scientific and Cultural Organization, for cultural advancement and all matters pertaining to education in general;

(ii) The International Labour Organisation, for organizing trade unions and all matters pertaining to labour in general;

(iii) The World Health Organization, for all matters pertaining to health, including anti-tuberculosis, anti-malaria and anti-syphilis campaigns; and

(iv) The Food and Agriculture Organization, for all matters pertaining to agriculture in general and to irrigation projects in particular.

During the debate on the trusteeship agreement for Somaliland, the Committee should consider the roles of the forthcoming United Nations programmes for technical assistance to the under-developed countries, the International Bank for Reconstruction and Development, the United Nations International Children's Emergency Fund and all other specialized or international agencies capable of rendering some contribution to the future development and progress of the Territory.

On this occasion we wish to emphasize that our country urgently needs the formation of trade unions. Organized labour movements do not exist in Somaliland and international labour conventions and regulations are completely unknown. The present labour conditions in the Territory are extremely bad. Therefore, it is quite clear that direct participation of the International Labour Organisation to assist in organizing trade unions in our country is needed most.

Under the provision of article 4 of the annex to the draft trusteeship agreement for Somaliland, the Administrator has the absolute power to appoint members of the proposed territorial council. The Italian Administration will undoubtedly do its best to limit to a very small number the representation of the progressive political parties which have opposed strongly the restoration of Italian rule in Somaliland and that of indivi-

duals associated with these nationalist movements. It is quite possible that the Administration will refuse to recognize such parties and individuals. Of one thing we are certain : the overwhelming majority of the Italian-appointed Council will be composed of hand-picked Somali stooges, ignorant tribal chiefs of pro-Administration tendency, and Italian and other foreign residents in the Territory.

As representatives of the people, we urge the Committee to include in the trusteeship agreement for Somaliland provisions for the early formation of a duly-elected Somali legislative assembly. Pending the formation of such a legislative body, the functions of the proposed territorial council should be considered provisional. In connexion with this council, we demand :

(i) That the territorial council be large enough to include a cross-section representation of the indigenous inhabitants of the Territory. This will require a minimum of 150 representatives from every district or province of the country;

(ii) That adequate representation in the council be granted to the progressive political parties in Somaliland;

(iii) That the said council be formed on the basis of district, regional or provincial representation rather than that of tribal or other primitive feudal systems. Towns, principal rural villages and major pastoral centres throughout the country should have sufficient representation in the council;

(iv) That the members of the council should be selected from among the politically conscious and the intelligentsia sections of the indigenous inhabitants of the Territory. Moreover, these members should be persons able and willing to promote first and foremost the interests of Somaliland and the Somalis; and

(v) That wider legislative authority be given to the territorial council in Somaliland. From article 4 of the annex to the draft trusteeship agreement for the Territory, one can easily understand that the proposed council is nothing more than a mere consultative body to the Administrator.

We strongly urge the members of the Committee to consider carefully the following important demands of ours :

(i) That the word " Somali " be substituted for the oft-repeated words of the draft trusteeship agreement, " inhabitants of the Territory " ;

(ii) That during the trusteeship period, Italians and other aliens residing in the Territory be denied citizenship of Somaliland, but that full rights of the minorities be incorporated in the agreement, as has been done in the case of Libya and is proposed for Eritrea, both territories having strong Italian minorities; and

(iii) That the laws framed by the past Italian Administration during fascist and pre-fascist régimes, now in force in the Territory, be repealed immediately.

We sincerely hope that the members of the General Assembly of the United Nations will not disregard again the legitimate demands we are expressing on behalf of the true interests and welfare of our people

and country. This time we dare hope to obtain the longdesired justice for the oppressed people of Somaliland.

We reserve the right to submit further demands con-

cerning the vital question of approving the draft trusteeship agreement for our country.

(Signed) Ismail HASSAN
Abdullahi ISSA

DOCUMENT A/C.4/183

Memorandum of 9 November 1950 submitted to the United Nations by the representatives of the Somali Youth League and the Hamar Youth Club

[Original text : English]
[15 November 1950]

Note by the Secretariat : In accordance with a decision taken by the Fourth Committee at its 174th meeting, on 10 November 1950, the Secretary-General has the honour to circulate herewith to members of the Com-

mittee a memorandum submitted by the representatives of the Somali Youth League and the Hamar Youth Club on 9 November 1950.

LETTER DATED 9 NOVEMBER 1950 FROM REPRESENTATIVES OF THE SOMALI YOUTH LEAGUE AND THE HAMAR YOUTH CLUB TO THE SECRETARY-GENERAL

New York,

As the lawful representatives of the Somali Youth League and the Hamar Youth Club, representing the overwhelming majority of the Somali people, we respectfully submit the enclosed memorandum regarding

the Trust Territory of Somaliland. We kindly request you to submit the same to the Chairman of the Fourth Committee of the United Nations General Assembly.

(Signed) Ismail HASSAN
Abdullahi ISSA

MEMORANDUM REGARDING THE TRUST TERRITORY OF SOMALILAND

Against the clearly expressed wishes and welfare of the overwhelming majority of our people, the General Assembly of the United Nations during the last session approved the unjust imperialist claims of Italy for restoration of her oppressive rule in Somaliland. By so doing the Assembly not only disregarded the wishes and welfare of the Somali people, but also violated the fundamental principle embodied in the United Nations Charter, namely, the right of self-determination.

Once re-established in Somaliland, the first thing the Italian Administration did was to put into effect an organized persecution against those political organizations which opposed strongly the restoration of Italian control in Somaliland. The Somali Youth League—a well-organized nationalist movement—and its members and sympathizers were the major victims of brutal acts of vengeance. Other victims include those politically-minded Somalis who also advocate national independence for their Fatherland.

The Somali Youth League is the largest and most influential political party in the country. Together with the Hamar Youth Club, this patriotic movement advocates the unification and the complete independence of Somaliland. The Four Power Commission of Investigation (France, Union of Soviet Socialist Republics, United Kingdom and the United States of America) which visited Somaliland early in 1948 recognized that the Somali Youth League is the only real and active political party in the country. The purpose of the

Commission was to ascertain the wishes of the inhabitants of our country and to report to the Council of Foreign Ministers of the four great Powers. We quote hereunder excerpts from the general conclusions of the Four Power Commission's report ²⁴, page 121 of the English text :

“ In spite of this lack of maturity, in the last five years a nationalist movement led by the Somali Youth League has rapidly spread through the country, embracing most of the urban classes wherever located, and, through the influence of the chiefs and elders, almost all the tribes except those in the Sab Confederacy and a few others. This movement is well organized, possesses relatively competent leadership, and may well be the major force in Somali politics for some time to come. ”

In December 1947, just a few days before the visit of the Four Power Commission to Somaliland, the Italians organized a party called *Conferenza della Somalia*. They finance this cabal and run it through corrupt Somali stooges. Almost all the parties adhering the so-called *Conferenza della Somalia* exist only on paper. This Italian-organized *Conferenza* has no popular support and no influence whatsoever because the Somalis know very well its evil origin and purpose.

The standing of our organization in relation to that of other parties in Somaliland is quite clearly indicated

²⁴ See *Four Power Commission of Investigation for the Former Italian Colonies, Volume II, Report on Somaliland*.

in the following passages, quoting again from the same page of the report of the Four Power Commission of Investigation :

“ The other political parties have developed in opposition to the Somali Youth League and, with one exception, are of recent growth. Their influence is slight. ”

Only because it is the leader of an outstanding political movement advocating the unification and the complete independence of Somaliland has the Somali Youth League become the main target of these Italian political persecutions. The Italians lost no time in banning the League branches in Upper Juba and other provinces in the country. Many League members were killed, while many more were wounded, several of them seriously, as a result of these Italian-organized anti-League riots. Branch heads together with members of local committees and influential League members were arrested, convicted or deported. Material damage, both to the League and its members, is enormous.

The methods used to suppress the League branches in Somaliland are identical with those used during the rise of fascism in Italy in the early 1920's. You may recall that in those days organized gangs of fascist *camicie nere* (black-shirts) were used to suppress political opponents in general and in particular the leaders of trade unions. The birth of fascism took place at a time when labour movements in Italy were strong enough to give grave concern to Mussolini. Apprehensive lest a strong labour movement in Italy might hinder his dreams of establishing an absolute totalitarian régime, the late dictator suppressed, through his gangs of *camicie nere*, the movement and its leaders. As a result of this drastic action of the *Duce*, the great socialist leader Mateotti and many other labour leaders lost their lives. Thousands of other labour leaders fled the country to save their skins, while thousands more were arrested, convicted or exiled.

The only difference between the method used by the fascists in Italy and the one used to suppress political opponents in Somaliland is that in the latter case the provisional Italian Administration has employed organized gangs composed of professional delinquents in the place of Mussolini's *camicie nere*. It is easy for the Italians to organize, through their stooges of the *Confessione*, gangs of ex-convicts and professional delinquents for the main purpose of assassinating the leaders of national movements in Somaliland. Should the United Nations decide to investigate this criminal conspiracy, Italians will certainly maintain that they have had nothing to do with it since the trouble has taken place between groups of the indigenous population. By establishing this alibi, the Administration evidently intends to disclaim its responsibility.

Another purpose of the organized gangs is to cause just enough trouble to give justification for the intervention of the Administration's *carabinieri* (police) to shoot, arrest, convict or deport the members of the Somali Youth League. In April of this year, just a few days after the restoration of the Italian administration in Somaliland, gangs of delinquents suddenly attacked the League branches in Baidoa, Lugh, Bar-

dera, Bur Hacaba, and other centres in the Upper Juba province. Because of the unexpected attack, the League members suffered heavy casualties. In each instance the Italian authority deliberately delayed for several hours any attempt to intervene and stop these framed riots. Then the *carabinieri* came only to shoot, arrest, convict, or deport the victims of the organized mob. So the way was cleared for the delinquents to destroy the League branches, loot the property of the arrested League members, set fire to their houses and ill-treat their families, including old men, women and children.

In almost all the other provinces of the Territory, the provisional Italian Administration resorted to similar methods to suppress the Somali Youth League. League members in the Lower Juba and the Benadir provinces have suffered most. Organized delinquent gangs have been encouraged to operate throughout the Territory in order to suppress the Administration's political opponents. As a consequence, normal travel has become dangerous in several areas of the Territory. The mob of delinquents attacks openly those of our members travelling in the interior. The travel of League members in the Upper Juba province has been completely stopped.

In addition, the provisional Italian Administration has instigated and is continuing to instigate, through corrupt and ignorant elements, fighting among the tribes in Somaliland. The main aim of this policy of “ divide and rule ” is to create enmity and hatred among the Somali tribes and thus divert the rapidly-growing national consciousness of our people. Since the restoration of the Italian rule in April of this year, serious tribal fightings have taken place in many places of the Territory. With the excuse of restoring peace and order, tank-led Italian troops are sent to the scene of the fighting only to open fire on the people, arrest and convict them, and inflict on them heavy fines. On their arrival, these Italian troops often machine-gun the people and their cattle alike.

In June of this year, the most serious tribal fighting took place in the province of Mudugh. Over 500 persons were killed in this fighting alone. Thousands more were wounded, while property damage was very high. In many provinces tribal disputes are still unsettled. In several of these, particularly in Mudugh province where the tension is extremely high, renewal of the tribal outbreaks is considered very likely.

One of the principal aims of the Somali Youth League is to solve the tribal disputes through mediation, conciliation and other means of peaceful settlement. As soon as a quarrel arises between two or more tribes, the League forms a goodwill mission composed of religious sheiks, akils and influential persons from each of the contending tribes and from neutral Somali tribes. These goodwill missions are generally formed in the province where the disturbances took place, but, if necessary, missions from other provinces are sent there. The conciliation efforts of the Somali Youth League have been very successful. Because of these efforts, many potential tribal conflicts which might have cost the Somali people thousands of lives and heavy property loss were averted. Many others could have been averted had

it not been for the arbitrary interference of the then British Military Administration in Somaliland. During the years of its rule, this temporary Administration followed the traditional colonial policy of "divide and rule".

Some weeks before the serious tribal outbreaks in Mudugh province took place, members of the local committees of the Somali Youth League informed the local Italian authority of their intention to make the usual efforts at reconciliation among the contending tribes so that the dispute between them could be solved peacefully. The Italian authority rejected this suggestion. By doing so, the Administration made impossible any efforts to prevent the useless bloodshed of our people and considerable damage to their property. With this policy of "kill your brother", the Administration intends to massacre our people, destroy their property and thus place under perpetual Italian subjugation and slavery the impoverished Somali people.

In the Italian-instigated tribal outbreaks, those who lose their lives are Somalis; so are the wounded and the injured. Those who lose property are Somalis. Those receiving heavy fines are Somalis; so are the arrested and the convicted. Thousands of impoverished Somalis are compelled to abandon their homeland. Moreover, the ill-feeling and hatred created by the organized outbreaks will cause further serious tribal disturbances, and so the vicious joke will repeat itself again and again. That is exactly what the Italians desire. So far, the provisional Italian Administration's policy of "divide and rule" has succeeded.

On 11 January 1948, while the Four Power Commission of Investigation was in Somaliland, some pro-Italian elements armed with hand-grenades, rifles and pistols together with daggers, spears, bow and arrows and other home-made arms openly attacked the head office of the Somali Youth League in Mogadiscio, the capital. As a result of this surprise attack, Somalis of both sides and some Italians were killed, while others were wounded. Some leaders of the Italian-organized *Conferenza della Somalia* together with some Italians were arrested by the then British Military Administration in Somaliland. The Administration took such an action after it had been demonstrated that the arrested persons were entirely responsible for the unprovoked attack on the League headquarters, which in turn caused the incident.

As soon as their rule was restored in Somaliland, the Italians lost no time in taking vindictive action against members of the Somali Youth League. Since April of this year, many members of the League have been victims of these spiteful measures. These actions will undoubtedly continue for some time to come. The new rulers of Somaliland state openly that they will avenge those Italians who lost their lives during the incident of January 1948, the same incident for which they were responsible. Privately and publicly, many Italians ask the Somalis the now notorious question: "Do you really consider that we Italians can ever forget that fateful day of 11 January 1948?"

In addition, the Administration is furiously engaged in a desperate effort to eradicate nationalism in Somaliland. In fact, many Italians admit frankly that ten years is more than enough for them to suppress those

considered nationalists and dissidents. Often, these Italians ask the Somalis this provocative question: "Are you so foolish as to believe that we Italians will leave Somaliland after ten years?"

In our previous memoranda²⁵ we pointed out that almost all the members of the Italian Administration re-established in Somaliland are former rulers of the Territory and other African colonies under the fascist régime. Regardless of the terms of a United Nations trusteeship agreement, these officials of the *Ministero africa italiana* (Ministry for Colonial Affairs) will never change their fascist mentality of yesterday. Certainly, they will continue to administer the Territory as before since that is the basic policy of the fascist-organized *Ministero africa italiana*. Under the New Italy of today, this Ministry is still active within the cabinet of Premier de Gasperi. The former colonial rulers—particularly Dr. Bernardelli, Signori Copasso, Comelli, Chapron, Ducati, Soleri and all those who previously held high position in the administration of the former colony of Somaliland—are chiefly responsible for what has happened and is still happening in our country.

Partly because of the vindictive actions carried out by the Italians since their return to our country, partly because of the government's policy of "divide and rule" which has already caused numerous tribal outbreaks, and partly because of the organized persecutions against the Administration's political opponents directed to suppress nationalism in the Territory, Somaliland is today a land in which terror, chaos and general unrest reign. The presence in the Territory of administrators skilled and experienced in subjugating colonial peoples, namely, the former fascist rulers of the *Ministero africa italiana*, is the principal cause of the unhappy events and the tyranny which have taken place in Somaliland since the restoration of the oppressive Italian régime. The mere fact of re-appointing these former fascist rulers is impressive evidence that the intentions of the "new Italy" are far from the academic provisions set forth in the United Nations draft trusteeship agreement for the Territory.

The provisional Italian Administration has already violated the provisions of the draft trusteeship agreement and the annex attached thereto. By re-introducing the fascist law and the fascist *codice penale* (penal code), the Administration has completely ignored the judiciary provisions of the agreement. This law and the penal code are carried out by the powerful *Residenti* (District Commissioners) and the *Commissariati* (Provincial Commissioners) together with the notorious *carabinieri*. The *Residenti* and the *Commissariati* who run the district and the provisional courts, respectively, act also as chief executive and chief judiciary and have unlimited powers.

Since the restoration of the Italian rule in our country, the Somali Youth League has submitted to the provisional Italian Administration several protests against the latter's oppressive policy and misrule of the Territory. Copies of these protests were submitted to the United Nations Advisory Council on the Trust Territory of Somaliland. On 4 September 1950, the League

²⁵ See documents A/C.4/179 and A/C.4/182.

submitted a letter, copy of which is enclosed herewith (see appendix A), to the Council. With this letter, the League once again pointed out the provisional Italian Administration's misgovernment in general, and in particular its repeated violations of the provisions of the draft trusteeship agreement for the Territory. Since April of this year, the Advisory Council has received from various sources of the population, including both political parties and individuals, numerous similar protests together with petitions requesting effective United Nations protection of our people against calculated Italian persecutions for political reasons. But, as we have already pointed out in our previous memoranda, the Council so far lacks real powers.

To support the allegations just outlined, we submit the following documents :

(i) The report from the special correspondent of the weekly *New Times and Ethiopia News* of London published in the 30 September 1950 issue of that paper (see appendix B);

(ii) An article appearing in the London weekly *New*

Statesman and Nation and reproduced in the 14 October 1950 issue of the *New Times and Ethiopian News* (see appendix C);

(iii) An article published in the *Indian at Home and Overseas* of London and reproduced in the *New Times and Ethiopian News* (see appendix D).

After the proper study of this memorandum and the documents attached thereto, we hope that the members of the Fourth Committee will give careful consideration to this serious matter. Accordingly, we demand that the Committee, while debating on the draft trusteeship Agreement for Somaliland submitted by the Trusteeship Council, study ways and means to set up effective machinery for the implementation of the terms set forth in the said agreement.

Further, we demand the deletion of the last phrase appearing in article 20 of the draft which reads as follows: "subject only to the requirements of public order."

(Signed) Ismail HASSAN
Abdullahi ISSA

APPENDIX A

LETTER DATED 4 SEPTEMBER 1950 FROM THE SOMALI YOUTH LEAGUE TO THE UNITED NATIONS ADVISORY COUNCIL FOR THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

Mogadiscio

The Somali Youth League, retaining the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration destined here with the function to safeguard the interests of the autochthones from eventual arbitrary deviations of the system laid down by the United Nations for the administration of Territories under international trusteeship, submit herewith, as the sole party (with the Hamar Youth Club) which is not under the Italian service in Somalia (meaning the pro-Italian parties which are financially run by the Italians themselves), formal protest and denounce the Administering Authority as the sole responsible for all that happened in Somalia in the last four months by the will of the fascist colonial functionaries sent here by Italy. Further, the League deplore that the Advisory Council has had no chance to be aware—by not carrying out direct investigations on the places where serious incidents had taken place—of the tragic reality of the political persecution in which the pre-marked victims have been Somalis who are guilty only because they desire the independence of their country. In this connexion the Somali Youth League (SYL) request the Advisory Council to include or attach this protest to the report which the Council will present to the United Nations General Assembly in its session of this year.

The Somalis of the opposition (meaning the majority ascertained by the Four Power Commission of Investigation in 1948), in distrusting Italy were justified by the experience and record of the past system of the Italian colonial administration and the knowledge that Italy would use the same men of yesterday for the new administration of Somalia. However, when the United Nations, against the wishes expressed by the population, adopted the resolution²⁶ on returning Italy in Somalia, pondered carefully this decision, special attention being paid to the independence after a period of 10 years and the despatch in Somalia of a United Nations representation for the safeguard

of the interests of the autochthones, and decided to co-operate with both the Advisory Council and the Administering Authority. In this respect, the Somalis remained in a pacific expectation to see, on Italy's part, a real coherence between promise and facts and would appreciate to see that the democratic Italians of today (as the world knew them) were effectively different from the fascists of yesterday. As proof of such disposition, for the sake of peace, of the liberty-loving Somalis in general and the SYL in particular, it is a matter of fact that no incidents had taken place, in any locality of Somalia, between the population and members of the Italian trusteeship administration in Somaliland (AFIS).

The Somalis all in a certain comprehensive capacity (amongst whom many of those who auspicated Italy's return) are in agreement to accuse Italy that the only fact of sending, for the administration of Somalia, the same administrators who had governed her under the fascist régime, has itself compromised the application in *bona fide* of the dictates for a wise trustee administration in régime of democratic liberty and the creation in ten years of an independent Somali State. Italy should know that the old functionaries of Somalia, when a fascist colony, would not fail to retake, as they are doing now, their activities with the same old system in which the colonial subject was considered as a servant without will at the mercy and in the power of the dominator.

The good dispositions of the trusteeship agreement have remained only on paper in that they could not defend the League and other liberty-loving Somalis from the organized persecution to which they have been and are still subjected by the hands of the same functionaries of yesterday when Somalia was a fascist colony, and in particular : Dr. Bernardelli at present Political Secretary of Somalia despite his superiors being aware of him as the organizer (before the return of Italy here) and financier of the reactionary and anti-national parties of the *Conferenza* of which he is still the maintainer; Commissario Copasso, organizer and protagonist Number *one* of the regretful situation in

²⁶ General Assembly resolution 289 B (IV).

Upper Juba. The Somalis ignore up to which point Italy approves the mischiefs of the ex-fascist officials against the fundamental human rights and the obligations of the trusteeship agreement, but they have no doubts that the AFIS has failed to perform its duties towards the Somalis and Somalia.

Maintenance of peace and public order

While Italy has, in its Administering Authority here, promised to maintain peace and public security in Somalia (articles 2 and 6 of the trusteeship agreement)²⁷ and a rigid application of the law without racial and political discrimination, the administrators likewise Bernardelli Copasso have, on resuming power, started to practise a system of "divide and rule" policy by instigating the Somalis to kill each other; at Baidoa, Bardera, Lugh Fer-randi and Bur-Hacaba they armed the Hisbia Dighil Mirifle (HDM) party against the League and other Somalis known to be liberty-lovers, and when the wanted and prearranged conflict occurred between the two parties, the Administering Authority intervened at the distance of hours and hours and only to imprison the *exponents of the opposition*. In this method it was allowed that shops and houses of the non-pro-Italians be sacked and destroyed and that even Somali administrative staff be imprisoned for giving shelter to the refugees. As a result of such organised persecution, based on "kill your brother" in the interest of others. All members and sympathizers of the League have been forced to abandon in mass and fly from the Upper Juba province in which area they lived for over a century in good harmony with their Somali brothers even if their political opinions differed.

All branches of the League in that province were closed and the pro-Italian HDM party was made to occupy the premises of the League. Elements of the HDM were allowed, as police force, to control the province and the passerbys who travelled along the Mogadiscio/Dolo road and to molest in all senses the non-pro-Italian Somalis, denouncing to the police and district commissioners those who refused to abandon the province with the menace of exterminating them if not removed. It so happens now that none of the thousands refugees cannot go back home lest he is either arrested and ill-treated by the local authority or killed by irresponsible Somali elements corrupted for the purpose. The mischiefs of that authority have reached to the point of allowing the plunders to take over the property of the League and that of its members, and justify them as office custodians, when the owners claimed the refund of their property.

Analogical facts have taken place in Margherita, Gelib and Kismayu, where only SYL members were imprisoned in hundreds. In the very near village of Afgoi all SYL members were subjected to persecution and were made to choose either leaving the village or renouncing their association even if they were natives of that locality. They had to close the branch.

In the region of Mudugh, the policy of the functionaries who were brought up and educated in the fascist colonial clime based on "divide and rule" has favoured to create enmity among the inhabiting groups of that province. The Galkayu SYL branch has in vain requested the intervention of the Administration to avoid irreparable and sanguinous facts in the Mudugh. In spite of these appeals, the Administration intervened only when serious incidents had taken place and added, by means of its force, blood on the blood which was already filled with the excuse that

the two parties have neglected to respect peace and public order.

As proof of the political persecution in which the non pro-Italy Somalis have been designed victims, the attached list of persons exclusively of the League, imprisoned during the past months, is more than sufficient and eloquent; no single arrest was made from among the pro-Italians who, instigated and armed by the administrators, were always the attackers. The imprisoned persons, just because they were arrested for political necessity and not because they were guilty, have been released after the amnesty accorded by the chief administrator to political prisoners in occasion of the festivity of the end of Ramadan. However quite a large number of our members are still in the various prisons, and arrests are still being effected politically.

Administration, judiciary and judicial procedure

The Italian trusteeship administration has, since its return to Somalia, applied a system of judiciary and procedure in the Territory which has no common, whatsoever, with the new fundamental human rights and with the freedom promised to the Somalis. Paragraph 2 of article 9 of the declaration of constitutional principles²⁸ bonds the Administering Authority to guarantee the inviolability of the personal liberty, which may not be restricted except by warrant of judicial authority and only in cases and in accordance with regulations prescribed by law. The AFIS, however, did not pay any attention to such provisions and never provides the depending organs with arrest or search warrants. It seems that *carabinieri* are invested with full powers to arrest people at their discretion and release them at distance of hours or days after subjecting to them every sort of ill-treatment and humiliation by exposing them handcuffed to the public. Not only, but at the court the judicial decisions are taken according to the report and recommendations of the police, nor the lawyers (Italians), appointed for the defence, are doing their duty to defend the accused specially in the case of the latter being supposed to be anti-Italian. Houses are searched without search warrant and even without the presence of the owner (violation of article 9, paragraph 3, of the declaration of constitutional principles).

Liberty sojourn immigration regulation

Italy has promised to guarantee to the Somalis the right to choose their residency within the Territory (article 13 of UDHR). The Administering Authority and police, ignoring such rights from the beginning, have started to make large use of the so-called *foglio di via obbligatorio* (expulsion order) against their political opponents, thus forcing many people to transfer their residency to places where, in most of the cases, they have never seen before, the excuse for this sort of punishment being that originally the place was inhabited by their ancestors. In this connexion the League has submitted its protest to the chief administrator who, though approving fully such method, has promised not to use it for political purposes. This promise has not been maintained and the said method is still used and only on political grounds.

Somalia has very limited resources and, in order to safeguard the interests of the autochthones, the Administration should not allow immigration of aliens into the Territory.

The AFIS has issued a proclamation to this end and to control the movement of aliens residing in Somalia. But events have shown it beyond any doubt that this rule is

²⁷ See *Official Records of the General Assembly, Fifth Session, Supplement No. 10*.

²⁸ *Ibid.*

applied only to the Somalis of the adjacent territories and that same is not done in the case of the foreigners, especially the Italians who flock continuously in Somalia to such numbers that the consistency of this community has now redoubled. This excludes members of the military and police whose number exceedingly surpasses that of the British Force to which they should be equipollent. In an interview with the chief administrator, he assured us that the afflux of aliens should be limited to a small number of experienced Italian artisans and Italian and American capitalists. Nevertheless there is no ship nor plane coming into Somalia that does not import Italians, which method is a great danger to the interests of the Somalis who do not wish their country to become an immigration land for Italy.

Conservation of personal status and nation

Italy has accepted to promote the Somali national unity, and this recommendation which should be the main principle of the trusteeship agreement is stressed in various articles of the said agreement, specially in paragraph 1 of article 9 of the declaration of constitutional principles where it is said that the Administering Authority shall guarantee the preservation of personal and successional status of the inhabitants with due regard to its evolutionary development. The SYL has, in its statute, abolished its effective members from considering themselves members of any tribal organization and accordingly issued them with identify cards for necessary identification. The organs of the administration have, in order to enfeeble this association, constrained SYL members to state their original tribes and, at their refusal, imprisoned, fined or deported them. In addition to this, no work is given to SYL members unless they deny to belong to the League, state their tribes and are recommended by chiefs and other pro-Italian elements. This sort of persecution which proved to play an important part in the "divide and rule" and "suppress opposition" policy, still stands despite the repeated protests of the League.

"Somalization" of the administration

Italy has promised to give the Somalis a progressively increasing participation in the various organs of the administration (article 3, paragraph 1 of the trusteeship agreement). The AFIS has also promised in the handing-over agreement to maintain in the service all those employees who were working with the British Administration at the time of the handing-over. It was supposed that, while the Somalis were to be encouraged to occupy more responsible posts in the administration of their country, the Administration would, in employing new elements, conduct an impartial attitude amongst the Somalis. On the contrary all Somalis (police officers, sub-accountants, chief and district clerks, cashiers, W/T and telephone operators, mechanic, etc.), who were holding responsible positions prior to the handing-over, have been arrested and imprisoned, dismissed or discharged from service. Many of them run away from the Territory lest they are arrested by the Italians. Only those who, though non-pro-Italians, are thought not to be political minded, are left to work as orderlies which job they have accepted for fear to die from starvation. The total number discharged from the service since the handing-over to the Italian Administration will amount to more than 300 persons.

An implacable political purification has been effected in the ranks of the Somali police. In spite of the existing rules which prohibit a military or police man from being a member of any political party or subscribing himself in any political party, it has been allowed that Somali officers and non-commissioned officers in the military and

police be also leaders of pro-Italian parties (the names of Mohamed Jumale T/Abgal and Nur Muddei T/Abgal, both police marscialle and members of the *Conferenza* party, Hussen Dinle of the HDM who was expelled from the police at the time of the BAS and is now re-engaged as police chief inspector, Hilowle Dagane, president of the pro-Italian party Abgalia, who has been nominated for the merit of being a pro-Italian, and many others, are eloquent). While any man who is suspected to be belong to the SYL or presumed to approve its programme is discharged from both the police and the military. The *Conferenza* party (pro-Italy) was made to enlist the whole organic of the present Somali battalions.

Education

At the time of the handing-over, there were Arabic and English schools in every district of the Territory, amongst which five special classes in Mogadiscio for the Somali girls only. The schools have been closed down until early August which epoch the teachers, in minor number, have been reposted to their respect districts after some initiation in Italian procedure.

It was expected that the five girl classes, which were previously limited in Arabic teaching, would be reopened. On the contrary it happens that the girls have been entrusted to Sisters of the Catholic Church for the teaching of the Italian language and the five Arabic classes have been limited to one only with the evident inconvenience of the religious Moslem culture and with the great danger that the Moslem belief of the girls might be compromised. When approached and requested to reopen the 5 Arabic classes and to limit the girls' teaching to Arabic only (at least for the time being), the Superintendent of Education alleging the deficiency of teachers (note that the previous teachers of the 5 classes are present), made it clear that he would not effect any change in the approved programme. There is as yet no real programme of education even if, according to the statement made by the President of the United Nations Advisory Council H. E. de Holte Castello at Baidoa, the vote allocated for education exceeds ten times than that of the 1949.

Uncertainty state and restoration of colonial system

The Somali Youth League and with it all Somalis—except a minority whose opinion differs for personal interests—realize that the present Italian civil and military officers of the AFIS are doing their best to revive the same method of administration when the Somalis were colonial Italian subjects, thus frustrating the obligations of the trusteeship agreement.

Apart from the above-described political discriminations (in contravention of article 8 of the declaration of constitutional principles) applied to SYL members and non-pro-Italian Somalis, the distinction in economical treatments between Somalis and Italians of same capacity and work is beyond exaggeration. The pretention to see Somalis and assimilates in servile attitudes and dependency—as in the past has already been applied by the Administration in the military, police and civil administration. Native military have been issued with the old colonial uniforms despite the formal promises in opposite sense. The coloured bands and the long-heavy fezes are already in use, nor the Somalis have been consulted on such decision and those who protest ran the risk to be dismissed.

The political gifts and pilgrimages to Mecca at the expense of the Administration and in favour of the pro-Italian chiefs, shiekhs and leaders of pro-Italian parties (see attached list), which cost hundreds of thousands somalis (money) to the budget of the Territory and which could be benefi-

cially spent on education, are evident symptoms of the fascist colonial policy restoration so as to render the beneficiaries more docile and yes-men and to divert the Somalis from their aims towards emancipation and independence.

The above facts are themselves sufficient proof that Italy has violated almost every article of the trusteeship agreement and that the Italian functionaries will never—considering their vindictive character—respect the obligations in the trusteeship agreement.

In this connexion, the Somali Youth League, on behalf of the vast majority of the Somalis, herewith request the United Nations General Assembly to reconsider its decision to place Somalia under the international trusteeship with Italy as Administering Authority and to come to a just and peaceful solution so that the Territory be placed under international trusteeship with collective Powers as Administering Authority. In the event of this request being impossible, they request that their interests be given more assurance in confrontation of the Italian Administration and that, in this respect, more conditions be added to the trusteeship agreement, the more important being :

(a) That Italy shall administer our country with functionaries from the Foreign Minister and will remove from the Territory all the colonial ones, specially those who in the past administered Somalia under the fascist régime. (Bernardelli, Copasso, Comelli, Chapron, Ducati, Soleri and all similar others to them in the military and civil administration.)

(b) That the United Nations Advisory Council be invested with more powers so as to enable it to ascertain the veracity of the protests and claims submitted by the population in carrying out direct investigations when and where necessary. This to avoid the occurrence of serious incidents like those at Isha Baidoa and Mudugh without the Council knowing from which part is the wrong. Further, the number of the Council's officials should be increased so as to have one representative in every district or town.

(c) That, as Somalia is now placed under the International Trusteeship System and the sovereignty of the Territory is invested in its people and will be exercised on their behalf (article 1 of the declaration of constitutional principles), the flag of Italy, which flies now on every village in sign of possession and sovereignty, and for whose hoist and strike the Somalis are twice a day disturbed to salute forcibly, be substituted with a Somali national flag, and until this is made available, the flag of the United Nations, under whose supervision our country is administered, be used in the place of the Italian flag.

(d) That the judiciary of Somalia be exercised by judges other than Italians as the latter are completely under the influence of the Administration and are acquainted only with Italian laws in consequence of which they will never be able to comply with the provisions in article 7 of the declaration of constitutional principles and article 7 of the trusteeship agreement.

(e) That Italy be disallowed to make Somalia an immigration country for the Italians and that the United Nations Advisory Council be empowered to control the afflux of the Italians into Somalia.

Central Committee

Haji Mohamed HUSSEN, *President*;
Ahmed Addawa HUSSEN, *Vice-President*;
Hagi Farah ALI, *Ag. General Secretary*;
Shiekh Issa MOHAMED, *Treasurer*.

Members :

Shiekh MOHAMUD, Tahir Haji OSMAN, Mohamud Yusuf ADAN, Mohamed Ahmed ELMI, Haji Omar SHEGOW, Mohamed Ossoble ADDE, Ali Hersi FARAH, Ali Mohallim MOHAMUD, Hussen Shiekh HASSAN, Osman Shiekh MAHOU.

APPENDIX B

ITALY BACK IN SOMALIA : TRUSTEESHIP AGREEMENT ONLY A SCRAP OF PAPER

From a special correspondent of the New Times and Ethiopia News in Mogadiscio

Italy has been offered a very good opportunity to show her change of heart by the United Nations in allowing her to resume the administration of her former colony, Somalia, as a trustee Power. The conditions in the trusteeship agreement, on which Italy was to administer Somalia, are beautifully worded, but since Italy resumed the administration over Somalia, experience has shown that to the Italians the trusteeship agreement is just a document without value or meaning, and remains only on paper. This reminds one of Mussolini's famous speech, when declaring war against the allies, and thus violating all the peace pacts and mutual agreements with Great Britain, France, and their allies : " *Le carte sono state fatte da uomini come noi, e noi le strappiamo,* " i.e. papers are made by men like us, and we shall tear them up.

" Italianization " of Somaliland Administration

During the British Administration.—The Somaliland police force consisted of only 58 British officers and 2,000 Somali ranks. In the interior, almost all police stations and posts were run by Somali inspectors or sergeants. Some of these stations covered districts inhabited by a population of 50,000 to 100,000, with an area of about 100 to 200 square miles. The British police officers were merely

acting as a sort of a guidance for the Somali inspectors and sergeants; they acted as divisional or district superintendents, and occupied the higher administrative and technical positions in the running of the police force.

Somali police have been dismissed or imprisoned or have fled. To-day, Somalia is policed by the so-called *carabinieri*, and the 58 British officers in the Somaliland police force have been replaced by over two battalions of *carabinieri*. During the first week of April 1950, all Somali inspectors and sergeants, who were in charge of police stations and posts, were replaced by *carabinieri* officers and non-commissioned officers. All Somali leading and intelligent police officers were arrested and imprisoned, kept in jail for months without being informed of the charge against them, convicted and sentenced to terms of imprisonment (with hard labour) ranging from one to five years. Others were dismissed from the service, and some, who were arrested in April, are still detained in jail without trial. The following are some of the victims : Chief Inspector Farah Segulle, Inspector Aden Abdi, Inspector Mohamed Abshir, Sub-Inspector Ahmed Shire, Sub-Inspector Abshir Abdurahman, Sub-Inspector Abdullahi Ahmed, Sub-Inspector Mohamed Mire, Sgt. Ahmed Iasa, Sgt. Mohamed Ahmed Anagel, Sgt. Sheik Ussen Ali, Sgt. Jama Yassin, Sgt. Farah Ali, Sgt. Hassan Mohamed Ali,

Sgt. Issa Mohamed, Sgt. Mohamed Ismail, Sgt. Jama Mohamed, Sgt. Mohamed Aden, Sgt. Farah Dirshe, Sgt. Abdi Mohamed, Sgt. Abdullahi Elmi, Sgt. Issa Wehelie, and Sgt. Issa Hersi.

These were the well-known leading officers who were arrested in the capital and other administrative centres, but large numbers of other ranks have suffered likewise in the interior. Hundreds have been dismissed, after a period of detention, with reasons best known to the Italian authorities. A large number of other inspectors, sergeants, and other ranks gave up their career for fear of being sent to jail and emigrated to Ethiopia and other adjacent territories. These include: Chief Inspector Daud Timayare, Inspector Khaliph Shire, Inspector Jama Aden, Sub-Inspector Issa Farah, Sub-Inspector Ali Farah, Sub-Inspector Abdurahman Omar, Inspector Abdurahman Mumin and many other sergeants and non-commissioned officers.

All these officers were either accused of having been anti-Italian during their service with the British Administration or of being pro-British.

During the British administration, all investigation and detection work was left entirely in the hands of the Somali police officers. This was due to the fact that, being Somalis, they understood the language, the mentality and the various ways and methods of dealing with the local people, as is natural after all.

Trusteeship obligation to train Somalis violated

To-day, the remainder of the Somali police officers are removed from all responsible positions and are made to work under Italian *carabinieri* non-commissioned officers and constables. The highest Somali officer in the police force is subordinate to a *carabinieri* constable. This is quite contrary to the trusteeship agreement, which binds Italy, even in the provisional administration (see article 23, paragraph 2 of the trusteeship agreement), to prepare the ground for the complete independence of the Territory within the short period of ten years, and in the meantime, to give responsible positions to the Somalis in the administration of their country. As a matter of fact, instead of doing so, the Italians have removed all Somali officials who were holding responsible positions during the British administration, and replacing them by Italians.

Somali civil servants also dismissed

This has not only been done in the police force, but also in the civil administration. Nearly all Somali officials, sub-accountants, district and chief clerks, cashiers, postmasters, typists, filing-registering-despatching clerks, W/T and telephone operators, etc. have been replaced by Italians. Quite a large number of the Somalis who occupied such positions were arrested and imprisoned, or discharged from service early in April of this year. Many others went into exile to Ethiopia and other adjacent countries to avoid being arrested and imprisoned by the worthy descendants of Nero. Those who are still retained in the service of the Administration are hanging around the offices, chewing the time and buying *caffè latte* (coffee with milk—famous Italian drink) during office hours. They are purposely treated so that they may get "fed up," and give up their posts. In other words, this is a part of the long-term scheme, which is the policy of the Italian Administration here, to find jobs for Italians, so as to solve the critical problem of unemployment in Italy. Some of the victims known to the writer in person are: Legal Officer Advocate C. L. Salole; Sub-Accountant Ibrahim Hassan; Cashier Abdi Hussein; District Clerks Ahmed Aden, Ahmed Dahir, Ali Hussein, Ahmed Mohamed; Cashiers Abdulkadir Issa, Mohamed Nur; Clerks Ahmed Aden Gabah, Jama Khalaph

Koshin; Post Masters Abdi Haji Hussein, Ahmed Shire Egal, Ahmed Atto Mohamud, Mohamed Hersi; Interpreters Adan Salan and Nur Ahmed—to name the more outstanding ones.

British policy of Somalization revised by Italy

It will be recalled that a policy of gradual Somalization of the Administration was pursued since 1946 by the British Administration, and that one of the Provincial Commissioners' conferences, presided over by the Chief Administrator, adopted a resolution creating Somali administrative officials. What a pity for those British officers, who sacrificed nine years of their lives in Somalia, to see such an end of the brilliant work carried out by them, with great patience and sacrifice, during the nine years of their administration in Somalia! Perhaps these officers will now console themselves in the knowledge that their work has been destroyed by the so-called Bevin-Sforza Plan?

What does the so-called "New Italy" intend by importing thousands of Italian civilian clerks and *carabinieri* constables into Somalia? Surely clerical and constabulary work can be done by the Somalis. Or does Italy intend that these Italian clerks and constables shall lead Somalia to independence? I do not argue that Italy must not have white troops in Somalia. The so-called Italian Security Corps—which is composed of about eight thousand men is one thing; the Italian *carabinieri* as police is another. A policeman must know the local language and mentalities, and the way to deal with the public he serves. The *carabinieri* may be useful in Italy, but they are quite useless here in Somalia as a police force.

Powers of the Carabinieri

Events have proved beyond doubt that the *carabinieri* here are like the Gestapo and the S.S. in Germany. Proof of this:

You will find every *carabiniere*—at all times and even in his off-duty hours when walking out in town—armed with a fully loaded *bretta* sub-machine gun, and automatic pistol and handcuffs. One finds hundreds of *carabinieri*, in various groups at every corner in Mogadiscio, stopping Somalis in the streets by challenging them with their machine guns, ordering them to put up their hands and searching them. *Carabinieri* walk into Somali houses without notice, and carry out searches without a warrant, terrorizing women and children, offering no explanation as to what they are searching for. Very often these searches are carried out without the presence of the owners, using force to make an entry, breaking open all doors and boxes. On completion of the searches, nothing is done to repair the damage. Doors and boxes are left wide open. Thieves take great advantage of this to steal property in the house. Hundreds of Somalis whose houses were searched in their absence and whose property was thus damaged or stolen, and who complained of the matter to the *carabinieri* have been sent to jail on frame-up charges such as "simulating evidence of an offence", under article 367 of Mussolini's penal code.

The *carabinieri* as a force, are soldiers rather than police, and as such, are taught to kill. They are in fact, military police. The crimes and mischief committed by the Italian *carabinieri* in Somalia resemble those of the Nazi armies in occupied Europe during the Second World War. They are invested with full judicial powers; apart from being executives. The lowest *carabiniere* holds as much power as a judicial officer. He does not require arrest, search or remand warrants. He has judicial power to issue expulsion orders to Somalis within and outside the Territory, powers of which the *carabinieri* take the greatest

advantage at the expense of the poor Somalis. In addition to these powers, the *carabinieri* are also in charge of the prison, which completes the chain of the power : to arrest, search, imprison and carry out the execution of the sentence.

Terrible prison conditions: prisoners tied together and piled up like sacks

Thousands of Somalis have been dragged to prison, where they are left for months without being informed of the charges against them. When they request to know with what they are charged, the poor Somalis are told by the *carabinieri* that, according to the Italian law, the authorities are not obliged to inform them of the charge.

All remand prisoners are made to work from the first day of their arrest. Any person who protests against being made to work before trial is inhumanly beaten, placed in the well-known *celle di morte* (death cells) where it is difficult even to breathe owing to lack of ventilation, and where the prisoner is deprived of food and water for days.

The food supplied to prisoners is totally unfit for human consumption. It consists of unsifted coffee-like and millet flour ground with the husks. No fruit, vegetables, meat, milk or tea are supplied. It so happened one day that on an inspection tour the Director of the Central Prison noticed the remains of a prisoner's ration lying on the floor of the cell; he cried out angrily, " Who has deposited this human excrement here ? " At the same time he pointed to the bits of the cooked millet lying on the floor. One of the prisoners explained that the droppings were from the ration supplied to the prisoners by the Administration.

Adult and juvenile prisoners share the same cells, receive the same punishments in the courts, and are subjected to the same labour. During the British administration juvenile offenders were sent to an approved school in the town of Merca. (Proc. of 1943 refers.)

Prison population under the United Kingdom and Italy compared

During the nine years of British administration, the highest number of prisoners in the Mogadiscio prisons was 700 persons; nearly half of these prisoners were from the Ogaden, due to the disturbances existing then in that province. At the time of the handing over there were about 427 prisoners in Mogadiscio prisons. During May 1950, there were over 3,000 prisoners in Mogadiscio. This also occurred in out-stations, but although the writer is not in a position to give the exact number of prisoners in all up-country stations, it has been possible to ascertain the figures for the under-mentioned four.

In the Isha Baidoa District, the average number of prisoners during the British administration was 40. In May this year there were 511; in Kismayu Districts 25; as against 475; in Merca District 35, as against 306; in Villabuzzi 15, as against 89. At least four-fifths of these were political prisoners, and consisted of Somali Youth League members, including branch committee members, SYL sympathizers, among them chiefs, sheikhs, notables and influential men, police officers and other administrative staff. Many of these SYL leaders and other influential men were flown by air from various up-country stations and brought to Mogadiscio Central Prison, tied together in bunches, with ropes attached to their waists from one to another and their hands tied behind them. Political prisoners and criminals are tied together; no distinction is made whatsoever. Thus SYL leaders, chiefs, sheikhs, influential men, police inspectors, sergeants, and other administrative officials share cells with thieves, murderers and other habitual delinquents. Ten to twenty prisoners are placed

in small cells which were intended to accommodate three; in consequence, prisoners lie one on top of the other like piles of sacks or sardines.

Back to 1941

The prisons have now gone back to those wretched conditions which were found by the British in February 1941. Prison cells have become filthy; no whitewash or disinfections have been employed since Italy resumed the Administration over Somalia. No sanitation exists in the prisons and no professional medical officer has yet visited them. There is an Italian dresser at the Mogadiscio Central Prison, but he never goes round to visit the prisoners. Sick prisoners are never attended to at once. The *carabinieri* guards take only one case out of ten to the Italian dresser, and all the medicine the sick prisoner gets is only purgative, no matter what sickness he may be suffering from.

Fascist law still operates

The laws on which Somalia is at present administered are those of the fascist régime of Mussolini. In 1941, when British troops occupied Somalia, the fascist penal code was amended and all measures contrary to democratic principles of law were cancelled and substituted by British proclamations.

On resuming the administration of the Territory, the first thing the Italians did was to reinstate all fascist law cancelled by the British Administration. This was done by means of an official Bulletin, copy of which is attached hereto. [This Bulletin did not arrive with this report.—Editor, *New Times and Ethiopia News.*]

How can Mussolini's penal code and the United Nations Charter go together? Mussolini's laws were made with the sole purpose of colonializing, in its worst form, whereas the Charter of the United Nations is based on democratic constitutional principles. These cannot go together!

As far as the Somalis are concerned, the law under which they are tyrannized is that of the fascists, camouflaged by a beautifully worded trusteeship agreement which only exists on paper.

Proof of this: the Italians have enforced the whole of the old fascist laws, thus disregarding completely the provisions in article 7 of the trusteeship agreement, which reads as follows:

" The Administering Authority shall have full powers of legislation, administration and jurisdiction in the Territory, subject to the provisions of the Charter of the United Nations, of this Agreement, and of the annex attached hereto, and shall have power to apply to the Territory, temporarily and with such modifications as are considered necessary, such Italian laws as are appropriate to the conditions and needs of the Territory, and as are not incompatible with the attainment of its independence. "

The judiciary

Article 7 of the annex to the trusteeship agreement, which is itself an integral part of the trusteeship agreement, reads: " The Administering Authority shall establish a judicial system and shall ensure the absolute independence of the judiciary. " Yet the courts are, as in the totalitarian States, mere instruments in the hands of the hated *carabinieri*, whose incredible and barbarous activities have been described above.

In Somalia, there exist two courts: an assize court in the capital and district courts in the interior. The assize court is run by a single judge, whose decision is supposed to be final.

Powers of resident, executive and judicial

The district courts are run by *Residenti* (District Commissioners), who hold the power of a chief executive, as well as that of a chief judiciary. These so-called *Residenti* have no legal qualifications; they try the poor unfortunate Somalis according to the dictates of their own fascist mentality.

Under Italian law here, every person is presumed guilty from the moment he is arrested by the *carabinieri* until he proves otherwise, whereas according to the democratic conception of justice, and in the words of article 11 of the Universal Declaration of Fundamental Human Rights, accepted by Italy as a standard of achievement for the Territory (*vide* article 10 of the annex to the trusteeship agreement): "Every one charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he had had all the guarantees necessary for his defence."

Every arrested person is sent to jail by the *carabinieri* on their own warrant, after keeping him under their custody for an unlimited period, whereas in the British administration the police were only allowed to detain people for a period not exceeding twenty-four hours, at the end of which time the arrested person was either to be released or taken before the magistrate, who holds the power either to issue a remand warrant, if he deems fit, or to release the prisoner on bail. It is worthy of note that the word "bail" has no place in the judiciary of Somalia. There has been no single case of any person being let out on bail, despite many requests.

How court cases are conducted

After sending the accused to jail, the *carabinieri* later submit their findings, including a full history of the person in question, with special attention to his past and present political activities and views, and in addition to this, their recommendations as to what punishment the person should receive. So it naturally happens that the court, if he is brought to the court at all, opens when the judge has already formed an opinion on the case, having read through the findings, reports and recommendations of the *carabinieri*. He is therefore prejudiced against the defendant in the first place. Because of this influence and the consequent prejudice, the judge, before listening to the defence, addresses to the defendant questions which are absolutely irrelevant to the charge. The following are a few examples of questions which are now very common in the courts of Somalia: "What political party do you belong to?" "What is your tribe?" "Were you in Mogadiscio on 11 January 1948?" "Have you been working for the British Admi-

nistration and, if so, in what capacity and for how long?" If the defendant protests that these questions have no bearing on the charge, the judge severely reprimands him and orders him to answer the questions put to him without further argument.

It is to be noted that under the British administration the judge never knew anything about the case until it was brought before him for trial, so that he was in a position to start the case with an open mind, and without having any preconceived ideas. He therefore tried the case on the evidence produced before him from both sides, namely, the prosecution and the defence.

Another interesting point in the Italian court procedure is that there is no public prosecutor in the whole of Somalia except and only in the assize court in Mogadiscio. In all district courts, the district commissioners are invested with the functions of public prosecutors, in addition to that of judges.

Normally prisoners are not brought before a court for trial. The judge studies the case submitted by the *carabinieri*, from which he makes his judgment. This always means conviction, for the judge is only acquainted with one side of the story. Thereupon he fills an official form which is called *Decreto Penale* (penal decree) concerning the case. These forms are later taken, in great bundles, from the court to the prison by a *carabinieri*, who parades the prisoners and distributes the forms to them, calling out their names and at the same time announcing the sentence inscribed on the form. Sentences may vary from 14 days to three years imprisonment with hard labor, a fine up to a thousand shillings, or both.

Cases of the few prisoners who are fortunate enough to be tried before a court of law are heard *in camera*, to prevent the public discovering the irregularities of Italian court procedure.

The denial of the right of entry to the Courts is another violation of article 10 of the Universal Declaration of Human Rights on the part of the Italian administration.

The so-called *Decreto Penale* has proved an effective means of achieving the aim of the Italians to suppress their political opponents. Hundreds of Somali Youth League members and their supporters, including branch secretaries and committee members, chiefs, sheikhs, elders and other influential men and administrative officials, in every town and village all over the territory, have been arrested and sentenced to from six months to three years hard labor, by means of the *Decreto Penale*. Under this *Decreto Penale* the accused is not allowed to be represented by an advocate. I enclose a copy of *Decreto Penale*. [This document had disappeared in transit.—Editor *New Times and Ethiopia News*.]

APPENDIX C

ITALIAN TRUSTEESHIP

Reproduced in the New Times and Ethiopia News from the New Statesman and Nation

Sir :

A very serious situation is developing in Somaliland under Italian trusteeship. Correspondence from British sources from Somalis in Somaliland and from Somalis who have escaped to Ethiopia, reveals that so far from the promise against political discrimination given by Mr. Tarchiani at the United Nations on behalf of the Italian Government being honored, a ruthless persecution of the members of the Somali Youth League, who opposed Italian Trusteeship, is under way. In the first 47 days after the British hand-over to the Italians more than 300 Somali Youth League

members had been thrown into prison. All the senior police officers, inspectors, sergeants and others employed by the British have been dismissed or imprisoned, including Aden Abdi and Mohamed Abshir, who were dismissed from police service in Mogadiscio and Farah Segulle, who was serving as an interpreter to the British Consul in Mogadiscio when he was arrested. The trials are in secret, the courts being closed to the public.

All the Somali Youth League branches in the Upper Juba have been closed: Mohamed Abdi Nur (Guiggio), the Branch Secretary at Baidoa and all his Committee

have been imprisoned : Mohamed Yusef, the Branch Secretary at Dolo and his Committee, are also in Mogadiscio Central Prison.

Methods similar to those of Fascism in Italy are now in full swing. Somali quislings, ex-soldiers who were induced to support the return of Italy on promise of pay for each of the years of Italy's absence from the Territory, are being armed to attack the Somali Youth League who opposed Italian trusteeship, just as the Fascist black-shirt squads were armed from the State arsenals of Italy to make war on the trade unions and Socialist organizations.

The trusteeship agreement directs that nationals of all members of the United Nations shall have the same liberty of trade, freedom of movement and so forth in the Trust Territory as the Italians. Nevertheless, passengers on British planes who stop at Mogadiscio airport on their way to other territories are kept in a small waiting room and not allowed to enter the town. All applicants for admission to the airport are screened by the police and are

rigidly prevented from communicating with the passengers thus interned.

The administration of the colony is manned by "old colonials," who served under fascism, including Secretary-General Gorini, who under fascism was in the Government of Harar in Ethiopia; Dr. Gualtiero Bernardelli, the present Political Secretary in Somaliland, was Regional Commissioner of Somaliland; the present Regional Commissioner of Somaliland is Dr. Gabbari, who was an official of the fascist Government of Harar under Mussolini...

The draft trusteeship agreement will shortly come before the General Assembly of the United Nations for ratification or rejection. It is obvious that the confidence in the "New Italy" displayed by the United Kingdom and other governments last year has been misplaced. Is it not possible to induce the General Assembly to reverse the decision?

E. Sylvia PANKHURST

APPENDIX D

ITALIAN FASCISM, 1950

Reproduced in the New Times and Ethiopia News from the Indian at Home and Overseas

Signor de Gasperi's idea that the new Italian administration of Somaliland would be a "new cycle" in Italian colonialism can hardly still become a truism. Indians in Somaliland are inclined to think that it would assist the administration's reputation if the administrators' faces also formed a new cycle.

Indians, along with the Somali people themselves, suffered under former Italian rule, with its oppressive race-conscious conceptions. Now they are ruled by a new administration, headed by many of the fascists which ruled them before. This position was not forestalled by any criticism and the attention of the Italian authorities has been drawn to it since. It has been of no avail.

The whole administration is a travesty of the spirit with which Mr. de Gasperi announced the handing over from British to Italian rule. What was ostensibly to be a democratic protectorate has already been turned into a fascist State by political arrests and the "screening" of visitors and a below-surface censorship. Without approving some of the activities of the nationalist SYL organization, many of them have been sacked from positions they held in the Somali police and replaced by Italians or specially selected sympathizers. More than a "new cycle," the new administration would appear to be merely a vicious circle of Mussolini's fascism in a new guise.

DOCUMENT A/C.4/184

Extracts from the minutes of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration

[Original text : English]
[15 November 1950]

Note by the Secretariat: In accordance with a decision taken by the Fourth Committee at its 177th meeting on 15 November 1950, the Secretary-General has the honour to circulate herewith to members of the Committee the following extracts from the minutes of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration :

1. Resolution adopted by the Advisory Council at its ninth meeting on 14 August 1950;

2. Letter dated 14 August 1950 from the Chairman of the Advisory Council to the Administrator of the Trust Territory of Somaliland under Italian administration.

TERRITORIAL COUNCIL FOR THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN TRUSTEESHIP ADMINISTRATION

Resolution adopted by the Advisory Council at its ninth meeting, 14 August 1950

Whereas, the General Assembly adopted at its 250th plenary meeting on 21 November 1949, a resolution (289 A (IV), part B) recommending that the territory formerly known as Italian Somaliland should be an inde-

pendent and sovereign State; that its independence should become effective at the end of ten years from the date of approval of a trusteeship agreement by the General Assembly; and that, during that period of ten

years, the territory should be placed under the International Trusteeship System, with Italy as the Administering Authority, aided and advised by an Advisory Council composed of representatives of Colombia, Egypt and the Philippines;

Whereas, under resolution 289 A (IV), part B, Italy was invited to undertake provisional administration of the territory, until the General Assembly had approved a trusteeship agreement, under certain conditions therein specified, including an undertaking to administer the territory in accordance, *inter alia*, with the terms of a trusteeship agreement negotiated with the Trusteeship Council;

Whereas, the Trusteeship Council, as requested by the General Assembly, has agreed with the Government of Italy upon the draft of a trusteeship agreement;

Whereas the Administering Authority, in accordance with article 8 of the draft trusteeship agreement, requested on 4 May 1950 the advice of the Advisory Council in respect to the number, composition and selection of a territorial council as provided for in article 4 of the annex to the draft trusteeship agreement;

Now, therefore, the Advisory Council

Agrees to advise the Administering Authority that the composition and number of the territorial council should be based upon the following fundamental principles:

(1) The territorial council should, in its overwhelming majority, be composed of Somalis;

(2) The membership of the territorial council should be between 25 and 35;

(3) Not more than three-quarters of the indigenous representation should be tribal, that is to say, nominated through tribal gatherings;

(4) Seats should be granted in the territorial council to representatives of the major indigenous political groups;

(5) Seats should be granted to representatives of the Italian, Arab and Indian/Pakistani communities;

(6) Italian officials and Italian members of the security forces should neither be electors nor candidates for election;

(7) Officials of the Administration should not have *ex-officio* seats with voting rights in the territorial council, but should be able to attend meetings of the council as assessors;

(8) At this stage representation should be given to agriculture, trade and commerce, including representation for progressive Somali elements;

(9) As soon as is practicable, representation should be given to employees and wage earners;

(10) Members of the territorial council should be appointed for a period of one year;

(11) The territorial council should hold two or three annual sessions in Mogadiscio, unless the Council decides to convene elsewhere in the Territory;

(12) A small permanent committee of the territorial council should be set up with the duty of representing the territorial council between meetings; its members should be elected by the members of the territorial council.

(13) In view of the number of languages and dialects spoken in the Territory no language should be barred, but Somali, Arabic and Italian should be considered the official languages of the territorial council.

Requests the Chairman to explain its advice to the Administering Authority in a letter.

LETTER DATED 14 AUGUST 1950 FROM H.E. E. DE HOLTE-CASTELLO, CHAIRMAN OF THE UNITED NATIONS ADVISORY COUNCIL FOR THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION TO H.E. AMBASSADOR G. FORNARI, ADMINISTRATOR OF THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

You will no doubt remember that in the letter I addressed to you on 17 May,²⁹ in reply to the request for advice addressed by you to the Advisory Council regarding the territorial council in Somaliland, I pointed out that it would be difficult to give a comprehensive answer on the problem of the territorial council "before knowing the result of the consultations undertaken by your Administration." The letter continued: "The trends revealed by these consultations would, in addition, permit a more precise evaluation of the extent to which solutions adopted elsewhere may be adapted to the needs of the Territory".

Since then three months have elapsed. The Advisory Council has been able to observe the situation and development in the Territory with its reply to your request in mind. The Secretariat has had time to prepare a number of specialized and comparative studies and has

thus assisted the Council, by taking stock of the experience already acquired by countries with comparable problems, in reducing the number of alternative solutions. Finally, you were good enough to transmit to the Council, on 27 July 1950, a memorandum³⁰ summarizing the result of your own inquiry. The Council thus feels in a better position to make an attempt to give you a considered reply to a very complex question.

In transmitting the Advisory Council's reply, we feel that we should not offer you our advice in the shape of a clear cut plan, but rather give you an outline of the principles upon which we think the number and composition of the territorial council should be based and an outline of what we consider to be both desirable and practicable. There must obviously be a gap between the best solution from the point of view of theoretical perfection and that which meets the test of practical applicability. Any

²⁹ See document A/C.4/178, annex IV.

³⁰ *Ibid.*, annex IX.

workable solution must be a compromise between the ideal which would not correspond to the degree of development of the majority of the inhabitants of Somaliland (and would carry within itself the seeds of destruction) and the solution which would not carry in itself the elements of evolution towards a greater approximation to what is commonly understood as democratic in the sense of modern statehood. Whatever is done at this first stage of development must be considered primarily in the light of its educational value, as a step in the direction of preparing the inhabitants for the tremendous responsibilities which self-government and independence will throw upon their shoulders in a comparatively short time.

We would like to emphasize at the outset that our proposals are based upon the assumption that the territorial council will be subject to the permanent creative processes of future improvement in the sense that the people will be granted a progressively greater share of responsibility in the selection of its members, who will themselves receive progressively an extension of the scope of the questions with which they are charged.

We feel—this is the first concrete point we desire to make—that the council should in its overwhelming majority be composed of Somalis.

The second concrete point we desire to make is that the size of the council should be kept within the size recognized as an optimum in the light of the experience acquired by some countries with considerable experience in this field, i.e., membership should be between 25 and 35. Smaller councils have not only the disadvantage of reflecting less correctly the different groups, tendencies and interests, but their educational value is clearly reduced. The number of persons who gain parliamentary experience and education (if the word parliamentary can appropriately be applied to this first stage) is too restricted and the fruits of their experience will thus be available to a smaller circle of their compatriots. It is obvious that one of the chief advantages to be gained from the experiment will be the spreading of the knowledge acquired during the sessions by the members on return to their tribes, towns and villages. A growing percentage of the inhabitants of this Territory will thus become aware of the importance of the territorial council, the problems and the difficulties of self-government.

This view presupposes, it must be admitted, the hope that the tribal representatives, on returning among their own kin, will not consider the new experience as an additional element for preserving their aloof hieratic position, as a sort of additional secret knowledge giving them greater rather than smaller discretionary powers over their subjects.

We suggest that the territorial council, whose members should hold office for one year, should meet in two or three sessions annually, in Mogadiscio unless it decides to convene elsewhere in the Territory. A smaller committee fairly reflecting the composition of the council as far as it is possible and elected by its members, should remain permanently in session in Mogadiscio during intervals between sessions of the council itself. The creation of a permanent secretariat is not only a technical necessity for the proper functioning of the council, but it would moreover have the duty to keep in constant touch with the members after their temporary return

to their homes and particularly inform them of the progress of legislation taking place in their absence. It may also be charged with the task of "propagandizing" the territorial council and its activities in a manner best adapted to the conditions in Somaliland.

As the communication of the Administration on the result of its referendum shows, there is, among part of the indigenous population, a lack of comprehension of the whole idea of the territorial council. The territorial council will have, in addition to its immediate task, the duty and the function to teach a great majority of the population to think in terms beyond the tribal horizon, to create, up to a point, and to foster the sense of national unity. It will be the first national institution.

This leads to the third important point we wish to make, namely, the question of tribal, as against territorial, representation.

The tribal organization comprises the majority of the population and is still so powerful as to include and hold in its bonds the majority of the town population and the overwhelming percentage of the indigenous population is still in a nomadic stage. As long as the conditions persist, it is in our opinion unrealistic to discard—as one of the political parties suggest—the tribal basis altogether in favour of basing representation in the council on a territorial system of selection.

On the other hand, tribal organization belongs to a primitive stage of social and economic development of humanity. As experience shows it is progressively discarded with technical development and with political evolution in the direction of self-government and national independence. Tribal organization is a static force; in a certain moment it may become a reactionary force.

Faced with this dilemma, we have come to the conclusion that a correct appraisal of the realities of Somaliland and a regard for the needs of safeguarding the progressive evolution of the political, economic and social life of this country suggests that the representation of the indigenous population should be in part tribal, in part political. Not more than three-fourths of the indigenous representation should therefore be tribal.

The Council does not feel competent to give advice on the methods by which tribal representation should be selected. It feels, however, that the very lack of territorial boundaries, the fact that tribes cut across the administrative lines of districts or provinces, suggests the utilization of the tribal machinery for the presentation of candidates. It is difficult to see how the presentation of persons through districts or regional officers can guarantee the final selection of representatives enjoying the confidence of the tribe as a whole, wherever situated in the Territory, and not one or the other of its major branches.

Believing as we do that ultimate technical and political evolution must be affected by the speed with which the Somalis can throw off those aspects of their tribal affiliations which are barriers to their progress, we welcome your statement that you intend to establish district councils. We believe that the future machinery of representation should be through the media of district and municipal councils and that it is through them that the Somali people will eventually accept the idea of "territory" in place of that of "tribe".

The representation of political parties and minority groups is the fourth major subject on which we desire to comment.

We are strongly in favour of giving the political parties seats in the Assembly, possibly in a number which might be considered disproportionate to the total number of their members and to the actual importance of these parties. The parties represent after all the forward-looking element, and to some degree the only element among the indigenous population with some feeling for the need of national unity and administrative centralization. Anything which encourages the parties and gives them responsibilities in competition with the responsibilities traditionally vested in sultans, chiefs and elders will finally bear fruit, as the parties are bound to become the basic factors of the future political life of an independent Somaliland. In stating this, we have been aware that the present party structure will probably undergo far-reaching evolution and changes.

The Council feels that the granting of membership in the territorial council to political parties imposes upon them the concomitant obligation to select their candidates in a genuinely democratic manner, by a vote of their membership and not by appointment on the part of the chairman or leaders of the respective groups.

However, we feel that, through the representation of the parties, some of the youthful elements of the indigenous population will have a chance of participating in the affairs of their country in general, which will otherwise be closed to them.

As to the representation of the Italians and the minority groups, it is generally agreed that the Italians, the Arab, the Indian and the Pakistani communities must have representation, although opinions may differ regarding its respective strength and the number of their representatives in comparison with the total membership of the territorial council.

As to the Italian representation, the Council feels that double representation may be justified through the election of two members belonging to different categories, one a representative of the overall interests of the Italian community, one a representative of economic interests. It is hoped that members belonging to this group will be elected by orthodox democratic methods.

The Council feels, however, that whatever the legal position of the Italian officials and members of the security forces, no franchise should be granted to these members of the Administering Authority.

The fifth major point we wish to make and which is closely linked with the Italian representation on the Council is the problem of official members.

The above remarks have not included the question of the participation and role of members of the Administration in the territorial council.

The question is whether members of the Administration—preferably the heads of the important administrative departments of AFIS—should sit in the assembly, and the capacity in which they should be seated if it should be decided to include them.

The Council feels that in view of the clear statement contained in the draft trusteeship agreement that the territorial council be composed of "inhabitants of the Territory and representative of its people", membership

of officials in the territorial council in the capacity of "official members" is clearly excluded. The Administering Authority should, on the other hand, have the right to designate officials or experts to explain its policies before the territorial council. Furthermore we consider that the council should have the right to call upon the Administering Authority to designate officials or experts to appear before it to explain policy, since we are of the opinion that it would in its first stage be quite unable to fulfil its purpose unless it has permanent aid, advice and counsel from those who are executively responsible for the activities of the Administration in the Territory. Moreover, the accumulated experience which was gained with official members in countries with a structure comparable to that of Somaliland has been highly satisfactory. In view of these considerations it is proposed that persons representing different branches of AFIS be *ex-officio* added to the council as assessors.

Question six with which the Council desires to deal relates to the representation of economic interests (industrial, banking, trade and agricultural).

In those States where democratic processes of government have reached an advanced stage, it is possible to represent all the interests of the community through candidates elected by normal democratic processes. We recognize that in this Territory the economic interests, so important to its future, would probably not have an adequate voice in a council composed of members elected through the tribal machinery and the organizations of the political parties and minority groups. In view of this we consider that, at this stage, there is a case for giving seats in the territorial council to members who will not only represent the interests of agriculture, trade and commerce, but will be in a position to give much valuable guidance and instruction to their fellow members in connexion with the formulation of economic policies for the Territory. Among representatives of economic interests the Council would hope to see Somalis representing progressive elements who are striving to overcome the antiquated methods of property owning, farming and stock-raising which are inherent in the tribal system. The Council believes it unlikely that such men will be included among the tribal representatives and that some other means than the machinery of tribal representation must be found of selecting them, if this is possible.

The Council is of the opinion that in arriving at the composition of the economic representation regard must be given not only to the aspect of securing adequate representation for these interests themselves in proportion to their importance, but to the guidance and instruction which the economic representatives can give the council. From this latter point of view, emphasis would naturally lie in the direction of ensuring that representation should be as diverse as possible.

The territorial council should also provide for the representation of employees and wage earners. This might be done at a time when these elements have become sufficiently organized to propose candidates for appointment to the territorial council.

It is the opinion of the Council that, having regard to the number of languages and dialects spoken in the Territory, there should, at this stage at any event, be no

language bar to the selection of members of the territorial council. The official languages of the territorial council should be Somali, Arabic and Italian.

In conclusion, the Council desires to emphasize that a territorial assembly thus combining static and dynamic forces, traditional and progressive elements will best guarantee an evolution which, without violent break, must *de facto* contribute to the destruction of past patterns and institutions in order to enable Somaliland to become an independent State able to govern and maintain itself in a community of nations which has reached a higher politico-economic-social level. We are aware that the evolution will be painful. Much that is most genuinely Somali and valuable may be destroyed

in the process which, once initiated, cannot be arrested.

The Council is confident that you will take into consideration the views outlined above before taking your final decisions on the structure of the territorial council. It believes that none of the principles and suggestions made is in basic contradiction to any of the views held by you and your Government.

I attach hereto the resolution of the Advisory Council which forms the basis of this letter.

(Signed) Edmundo DE HOLTE-CASTELLO
 Chairman of the United Nations Advisory Council
 for the Trust Territory of Somaliland
 under Italian Administration

DOCUMENT A/C.5/406

Budget estimates for the financial year 1951 for the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration : report of the Secretary-General

[Original text : English]
 [19 November 1950]

1. At its fourth session the General Assembly passed resolution 289 (IV) of 21 November 1949, providing *inter alia* that Italian Somaliland should be an independent sovereign State at the end of ten years from the date of approval by the General Assembly of a trusteeship agreement, with Italy as Administering Authority. The resolution further stated that the Administering Authority should be aided and advised by an Advisory Council composed of representatives of three States, with headquarters at Mogadiscio. The Advisory Council was required to commence the discharge of its functions when the Italian Government began its provisional administration, and to continue for the duration of the period of trusteeship.

2. Under the terms of section D of the resolution, the Secretary-General was authorized to reimburse travelling and subsistence expenses of one representative from each government represented on the Advisory Council, and to provide the Council with such staff and facilities as the Secretary-General might consider necessary to carry out the terms of the resolution.

3. On the above basis, the requirements for 1951 for the Advisory Council for the Trust Territory of Somaliland under Italian Administration are estimated at \$192,000 as follows :

	<i>US dollars</i>
Temporary assistance	57,000
Travel and subsistence of members	26,500
Travel and subsistence of staff	77,500
Communications services	7,200
Rental and maintenance of premises	3,000
Stationery and office supplies	2,800
Local transportation	1,000
Maintenance and operation of transportation equipment	3,000
Freight, cartage and express	4,000
Insurance	1,250
Miscellaneous supplies and contractual services .	7,000
Alterations and improvements to premises	750
Miscellaneous equipment	1,000
TOTAL	192,000

4. Under " Temporary assistance ", provision is made for one internationally recruited staff member (\$6,600), for locally recruited staff at an estimated cost of \$550 per month (\$6,600), and for temporary replacements at Headquarters of all secretarial and half the professional staff detailed to the Advisory Council (\$43,800), as shown in the Annex.

5. Under " Travel and subsistence of members, " provision is made for travel expenses (\$7,500) involving one round-trip for each of the three members of the Council from his home capital to Mogadiscio, plus a round-trip to one of the two Trusteeship Council sessions, which may be required in implementation of article 11 of the draft trusteeship agreement (A/1294). Subsistence allowance, at \$20 per day, less a deduction of about 10 per cent for periods of absence, amounts to \$19,000.

6. Under " Travel and subsistence of staff, " provision is made for 13 round-trips between New York and Mogadiscio at \$1,600 per trip, for replacements of staff and new assignments, and two round-trips of the Principal Secretary to the meeting of the Trusteeship Council and to the General Assembly session (\$24,000). Subsistence allowance is computed at the rate of \$20 for the Principal Secretary, at the current rate of \$10 for 8 staff members with dependents, and at the reduced rate of \$7 for 9 staff members without dependents, less a deduction of 10 per cent for periods of absence (\$53,500).

7. A sum of \$7,200 is requested for " Communications services ", at the average of \$600 per month, on the basis of the 1950 pattern of expenditure. Estimates for the other items of expenditure are also based on 1950 experience.

8. The total estimate of \$192,000 for 1951 exceeds the 1950 appropriation of \$80,000 by \$112,000. When the 1950 estimates were presented to the General Assembly, the scope of secretarial assistance required by the Advisory Council could not be gauged accurately, as the trus-

teeship agreement outlining the responsibilities of the Council had not yet been drawn up. It was assumed that it would be sufficient to assign six staff members for the Council on a long-term basis. It developed, however, that the size of the staff had to be increased considerably to provide the Advisory Council with adequate professional, linguistic, and administrative facilities. The secretarial work-load is augmented by the necessity of using both English and French in all studies and communications involving relationship of the Council with the Italian Administration. Owing to the poor climatic and accommodation conditions, the lack of modern amenities and the excessive heat, it was found necessary, in order to ensure competent assistance for the Council, to detail experienced staff members from Headquarters on one-year assignments and to pay subsistence allowance for which no provision had been made. Costly improvements had to be made to rented premises to provide suitable offices and a meeting room. Cars had to be purchased for local transportation. The actual expenditure for 1950, commencing from last March, is estimated to reach a total of \$143,000 or \$63,000 in excess of the appropriation. This increase is financed from savings realized from other missions.

9. The estimate for 1951 is based on the level of 1950 expenditure, allowing for additional requirements for field trips throughout Somaliland planned by the Council members and necessary staff. Consideration is being given to the possibility of supplanting daily subsistence allowance for staff by a monthly post allowance when

arrangements for adequate accommodation and longer tenure of service can be completed. For budget purposes, however, it would be advisable to plan on the basis of 1950 experience.

10. In submitting the budget estimates for 1950, the Secretary-General expressed his intention to undertake negotiations with the Administering Authority with a view to obtaining reimbursement for expenses incurred by the United Nations in connexion with staff and services provided to the Advisory Council for Somaliland,³¹ on the ground that the Council would be serving a non-Member of the Organization. Such negotiations were carried out in 1950, and the outcome was that the Italian Government would not agree to reimburse the United Nations the cost of the Advisory Council on the grounds that the Italian Government had no control over the expenditures of the Council. To maintain the independent character of the Advisory Council, it is proposed to consider the negotiations for reimbursement of expenditure by the Italian Government as closed.

11. The Secretary-General requests that \$192,000 should be appropriated for the Advisory Council for Somaliland under section 5, chapter VIII, of the 1951 budget. These expenses will be partly compensated by an estimated income of \$8,000 from the assessments to be levied on the salaries of the internationally recruited and temporary replacement staff.

³¹ See *Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex, Vol. I*, document A/C.5/351.

ANNEX

MANNING TABLE

UNITED NATIONS ADVISORY COUNCIL FOR THE TRUST TERRITORY OF SOMALILAND UNDER ITALIAN ADMINISTRATION

<i>Internationally recruited personnel</i>	<i>Personnel detailed from Headquarters</i>	<i>Post</i>
—	1	Principal Secretary
—	1	Deputy Principal Secretary
—	2	Professional Officers
—	1	Administrative Officer
1	—	Interpreter-translator
—	1	Précis-writer-translator
—	1	Finance clerk
—	1	Documents clerk
—	4	Secretaries
—	5	Field service personnel
1	17	

DOCUMENT A/1550

Report of the Fourth Committee

[Original text : English]
[25 November 1950]

1. The special report of the Trusteeship Council concerning the draft trusteeship agreement for the Territory of Somaliland under Italian administration (A/1294) was referred to the Fourth Committee by the General Assembly at its 285th plenary meeting on 26 September 1950.

2. At the 174th meeting of the Committee, the Chairman invited the representative of Italy and the Chairman of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration to participate in the Committee's deliberations without the right to vote.

3. In a communication dated 19 September 1950 (A/C.4/179) addressed to the Chairman of the Fourth Committee, the Somali Youth League asked to be given an opportunity to make oral statements before the Committee. At the 174th meeting, in the course of the discussion concerning this request, the delegation of Iraq submitted a proposal reading as follows :

“ The Fourth Committee decides to grant the request of the Somali Youth League to participate without vote in the work of this Committee during the debate on the question of the draft trusteeship agreement for Somaliland ”.

The delegation of France proposed that the Fourth Committee should permit representatives of local opinion, such as the representatives of political parties or other organizations in Somaliland, to state their views before the Committee should they desire to do so. The delegation of Cuba proposed that the Fourth Committee should decide to invite the Somali Youth League to be present at its meetings and to authorize its representatives to make a statement expressing their views on the draft trusteeship agreement. In accordance with rule 130 of the rules of procedure of the General Assembly, the proposal by the delegation of Iraq was put to the vote first. The proposal was voted upon by roll-call as follows :

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Against: Australia, Belgium, Canada, Denmark, France, Netherlands, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Brazil, China, Colombia, Cuba, El Salvador, Greece, Haiti, Israel, New Zealand, Thailand, Venezuela, Yugoslavia.

The proposal was adopted by 20 votes to 11, with 13 abstentions.

4. The Chairman accordingly invited the representative of the Somali Youth League to participate, without the right to vote, in the work of the Committee.

5. In a communication dated 15 November 1950 to the Secretary-General, the *Conferenza della Somalia* asked to participate in the discussions of the Committee. The Committee, at its 179th meeting, decided to accord the request and the representative of the *Conferenza della Somalia* was invited to participate, without the right to vote, in the Committee's deliberations.

6. At the 175th meeting, the President of the Trusteeship Council, Mr. Max Henríquez Ureña, made an introductory statement in which he outlined the work done by the Trusteeship Council in accordance with General Assembly resolution 289 (IV) of 21 November 1949, and reviewed the main provisions of the draft trusteeship agreement for Somaliland and the declaration of constitutional principles which is attached there-

to and which forms an integral part of the agreement.

7. Statements were also made by the Chairman of the Advisory Council for the Trust Territory of Somaliland under Italian administration and the representative of Italy. The Chairman of the Advisory Council informed the Committee of the activities of the Council since its inception and gave a general outline of the situation in the Territory. The representative of Italy summarized the events in the Territory since the assumption on 1 April 1950 of the provisional Italian administration and gave assurances of the determination of the Administering Authority to prepare Somaliland for independence in a spirit of justice, peace, liberty and progress and to implement the terms of the trusteeship agreement in the spirit and the letter of the Charter of the United Nations.

8. The discussion on the item was then begun and continued until the 180th meeting of the Committee. Statements were made by the representatives of the Somali Youth League and the *Conferenza della Somalia* and the latter representative answered questions put to him by members of the Committee.

9. Two draft resolutions and a joint proposal were submitted for the Committee's consideration, as referred to below.

10. The delegation of Ethiopia submitted two draft resolutions the first of which (A/C.4/L.102) read as follows :

“ *Whereas* the provisions of Articles 79, 83 and 85 of the Charter of the United Nations require that the terms of trusteeship for each territory to be placed under the Trusteeship System shall be agreed upon by the States directly concerned, before approval of such agreement by the United Nations, and

“ *Whereas* the same provisions of the Charter require that any alteration or amendment of the terms of trusteeship shall likewise be agreed upon by the States directly concerned prior to submission of the same to the United Nations for its approval, and

“ *Whereas* the Trusteeship Council in examining the question at no time sought any such agreement within the meaning of Article 79 of the Charter, and

“ *Whereas* the Trusteeship Council has not prepared any agreement submitted to or agreed to or containing any agreement or approval by the States directly concerned, and

“ *Whereas* in respect of the Territory of former Italian Somaliland there is no agreement containing the terms of trusteeship for such Territory and/or for alteration or amendment of said terms, for the placing of said Territory under the Trusteeship System, and agreed to by the States directly concerned, which is submitted to the United Nations for approval in accordance with Articles 79 and 85 of the Charter, nor does document A/1924 constitute any such agreement within the requirements of the aforementioned Articles,

" The General Assembly declares

" 1. That the Fourth Committee of the General Assembly has not been seized of an agreement by the States directly concerned, containing the terms of trusteeship, including all alterations or amendments of the same, for the placing of the Territory of former Italian Somaliland under the Trusteeship System, and

" 2. That no agreement having been submitted to the United Nations for its approval in accordance with the provisions of Articles 79, 83 and 85 of the Charter, the United Nations is unable to proceed further with the question raised by the provisions of the recommendations of 21 November 1949, part B, with respect to Italian Somaliland (General Assembly resolution 289 (IV))."

The draft resolution was voted upon by roll-call at the 176th meeting as follows :

In favour : Byelorussian Soviet Socialist Republic, Czechoslovakia, Ethiopia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against : Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, India, Indonesia, Iran, Iraq, Israel, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Saudi Arabia, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Abstaining : Afghanistan, Burma, Egypt, France, Guatemala, Haiti, Yugoslavia. The draft resolution was rejected by 34 votes to 6, with 7 abstentions.

11. The second draft resolution (A/C.4/L.105) submitted by the delegation of Ethiopia read as follows :

" *Whereas* the terms of Article 79 of the Charter of the United Nations require the agreement by the States directly concerned to the terms of trusteeship for each territory to be placed under the Trusteeship System, including any alterations or amendments thereof, and

" *Whereas* in respect of former Italian Somaliland, a Member of the United Nations has claimed to be a State directly concerned within the meaning of Article 79 of the Charter, and

" *Whereas* the aforesaid Member of the United Nations claims that its agreement to the terms of trusteeship for the placing of former Italian Somaliland under the Trusteeship System has not been obtained as required by the provisions of Article 79 of the Charter, and

" *Whereas* the aforesaid Member of the United Nations has claimed that without its agreement, as a State directly concerned by virtue of the provisions of Article 79 of the Charter, approval by the United Nations of any trusteeship agreement concerning former Italian Somaliland would be contrary to the provisions of Article 2, paragraph 7, of the Charter, in respect of certain territories and inhabitants, in view of the absence of any frontier with former Italian Somaliland,

" The General Assembly,

" By virtue of the provisions of Article 96 of the Charter of the United Nations, requests of the International Court of Justice advisory opinions on the following questions :

" 1. By what criteria are States determined to be ' States directly concerned ' within the meaning of Article 79 of the Charter ?

" 2. What authority or authorities are competent to determine what States are entitled to be considered ' States directly concerned ' within the meaning of Article 79 of the Charter ?

" 3. What procedure or procedures shall the competent authority or authorities apply in determining what States are ' States directly concerned ' within the meaning of Article 79 of the Charter ?

" 4. What procedure or procedures shall the organs of the United Nations, in accordance with the provisions of Articles 79, 83 and 85, apply, following determination by the competent authority or authorities of the ' States directly concerned ' within the meaning of Article 79 of the Charter ?

" 5. What procedure or procedures shall the organs of the United Nations, in accordance with the provisions of Articles 79, 83 and 85, apply, in the absence of a determination by the competent authority or authorities of the ' States directly concerned ' within the meaning of Article 79 of the Charter ?"

12. At the 179th meeting, the Chairman requested the delegation of Ethiopia to withdraw that draft resolution. The delegation of Ethiopia complied with that request, while reserving the right to submit the same or another draft resolution on that question when the draft agreement relating to trusteeship over former Italian Somaliland came before the General Assembly. No objection was raised to his reservation.

13. The delegations of Argentina, Colombia, Denmark, Iraq, Norway, Pakistan, the Philippines and the United States of America submitted a joint draft proposal (A/C.4/L.104) which recommended that the General Assembly should approve the draft trusteeship agreement and called its attention to the declarations regarding the trusteeship agreement made by the representative of the Administering Authority during the discussion in the Fourth Committee. Subsequently, the delegation of India joined the sponsors of the proposal, which was revised (A/C.4/L.104/Rev.1) to read as follows :

" The Fourth Committee

" *Recommends* that the General Assembly approve the draft trusteeship agreement for the Territory of Somaliland under Italian administration, as contained in document A/1294, negotiated by the Trusteeship Council with the Administering Authority pursuant to General Assembly resolution 289 (IV); and

" *Calls the attention* of the Assembly to the declarations regarding the trusteeship agreement made by

the representative of the Administering Authority during the discussion in the Fourth Committee³² and, in particular, to his undertaking to prepare Somaliland for independence in a spirit of justice, peace, liberty and progress, and to implement the terms of the Agreement in the spirit and the letter of the provisions of the Charter of the United Nations."

The joint draft proposal was voted upon by roll-call at the 180th meeting as follows :

In favour : Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philip-

ines, Saudi Arabia, Sweden, Syria, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstentions : Liberia.

The draft proposal was adopted by 44 votes to 5, with 1 abstention. The delegation of Ethiopia did not participate in the vote.

14. In accordance with the above decision, the Fourth Committee recommends that the General Assembly approve the draft trusteeship agreement and declaration of constitutional principles contained in document A/1294, pages 5-11.

³² See 175th, 178th and 179th meetings.

DOCUMENT A/1552

Financial implications of the conclusions of the report of the Fourth Committee (A/1550) : twentieth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[25 November 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/406) on the financial implications of the conclusions of the report of the Fourth Committee on the draft trusteeship agreement for the Territory of Somaliland under Italian administration (A/1550).

2. The General Assembly, at its fourth session, appropriated an amount of \$80,000 to cover the estimated expenses for 1950 of the United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration. The Council did not start full-scale work until last March and, on the basis of actual expenditure since that date, the revised estimate for 1950 amounts to \$143,000, or \$63,000 in excess of the appropriation.

3. The estimated expenditure for 1951 amounts to \$192,000, including an item of \$57,000 for temporary assistance. The latter figure comprises the cost of replacement of one-half of the professional staff detailed from Headquarters; the direct gross salary costs of the remaining three staff members in this category amount to approximately \$33,000. The resulting total of \$90,000 in respect of salaries appears to the Committee excessive, and a reduction of \$15,000 in the item for temporary assistance is accordingly recommended.

4. The Advisory Committee notes that, although the substitution of a monthly post allowance is under consideration, the provision of \$53,500 for subsistence allow-

ance to staff members is based on the existing system of daily rates for the whole year. As regards the corresponding provision (\$19,000) for members of the Council, a deduction of 10 per cent for periods of absence appears unnecessarily low. The Committee recommends a global reduction of \$15,000 on the two items for subsistence.

5. In reporting on the outcome of his negotiations with the Administering Authority for the reimbursement of expenses incurred by the United Nations in connexion with staff and services for the Advisory Council, the Secretary-General has stated (A/C.5/406) that the Italian Government declines to make such reimbursement, on the ground that the expenditure in question is not within its own control. The Advisory Committee cannot concur in the proposal made in the Secretary-General's report to regard the negotiations as closed, and it suggests that the General Assembly may wish to give further consideration to the matter, since substantial services are being rendered, through the Advisory Council, to a non-member of the United Nations.

6. On the basis of the observations made in paragraphs 3 and 4 above, the Advisory Committee recommends an appropriation, under section 5, chapter VIII, of the 1951 budget, of \$162,000, representing a reduction of \$30,000 on the provision requested.

7. The salaries of the internationally recruited staff members of the Advisory Council secretariat and of the temporary replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$8,000.

DOCUMENT A/1573

Financial implications of the conclusions of the report of the Fourth Committee (A/1550) : report of the Fifth Committee

[Original text : English]
[30 November 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 21 November 1950 (A/C.5/415), the Fifth Committee, at its 270th meeting held on 28 November 1950, considered the financial implications of the recommendation of the Fourth Committee (A/1550) that the General Assembly approve the draft trusteeship agreement and declaration of constitutional principles as contained in document A/1294.

2. The Fifth Committee had before it a report by the Secretary-General (A/C.5/406) giving estimates as to the budgetary provision required in 1951 for servicing the Advisory Council for the Trust Territory of Somaliland under Italian Administration, and the twentieth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1552), which had considered these estimates following reference to it of the Secretary-General's report.

3. The Secretary-General estimated that, on the basis of 1950 expenditures, with allowance, however, for additional expenses of field trips throughout Somaliland as planned by the Council, budgetary requirements for the Advisory Council would amount in 1951 to a total of \$192,000, against which there would be offsetting revenue under the Staff Assessment Plan amounting to \$8,000. The Secretary-General also informed the Fifth Committee in his report that negotiations had been carried out in 1950 with the Administering Authority with a view to obtaining reimbursement for expenses incurred by the United Nations in connexion with staff and services provided to the Advisory Council. The Italian Government, however, would not agree to such reimbursement, on the grounds that it had no control over the expenditures of the Council. In these circumstances and in order to maintain the independent character of the Advisory Council, the Secretary-General proposed that the negotiations for reimbursement by the Italian Government be considered as closed.

4. The view was expressed by the Advisory Committee that certain savings should be possible with respect both to temporary assistance and to the provision requested for travel and subsistence of members of the Council and of staff. On the basis of its observations on these items, the Advisory Committee recommended an appropriation of \$162,000 under section 5, chapter VIII, of the 1951 budget, representing a reduction of \$30,000 on the provision requested by the Secretary-General. The Advisory Committee further recom-

mended that the question of seeking reimbursement from the Administering Authority should be given further consideration, since substantial services were being rendered through the Advisory Council to a non-Member of the United Nations.

5. The Fifth Committee was informed that the Secretary-General was unable to concur in the total reduction proposed by the Advisory Committee, and that a global cut of \$10,000 in the estimates as originally submitted represented the maximum which, in his opinion, could safely be made. In addition to the views of the Advisory Committee and the Secretary-General, the Committee heard a statement by the Chairman of the Advisory Council for Somaliland, in the course of which maintenance of the proposed provision for travel and subsistence was requested. The Chairman of the Advisory Council also proposed, at the Council's request, that consideration be given by the General Assembly to the erection of a building in the centre of Mogadiscio for use by the Council. Although the matter had not been examined in detail, he believed that a suitable building could be provided at a cost of approximately \$30,000. The Fifth Committee agreed that this latter proposal should be referred to the Advisory Committee for examination and report, if possible during the current session of the General Assembly.

6. A number of delegations having expressed their concurrence in the observations of the Advisory Committee concerning the desirability of continuing negotiations with the Italian Government for reimbursement of expenses incurred by the United Nations for staff and services rendered to the Advisory Council, the Fifth Committee was assured by the Secretary-General's representative that further efforts in this direction would be undertaken.

7. On being put to the vote, the Secretary-General's request, as supported by several delegations, for an appropriation of \$182,000 under section 5, chapter VIII, of the 1951 budget was rejected by 19 votes to 12, with no abstentions. A proposal by the representative of the United Kingdom that an appropriation of \$175,000 should be approved was then accepted by 25 votes to 12, with 3 abstentions.

8. The Fifth Committee therefore decided to inform the General Assembly that adoption of the proposal of the Fourth Committee with reference to Somaliland would require budgetary provision in 1951 in the amount of \$175,000.

DOCUMENT A/1389

Letter dated 9 August 1950 addressed to the Secretary-General from the Chairman of the Ethiopian delegation to the United Nations

[Original text : English]
[23 November 1950]

With reference to the *Official Records of the General Assembly, Fifth Session*, Supplement No. 8 (A/1285), containing the report of the United Nations Commission for Eritrea, I have the honour to draw your attention to certain errors in reporting statements made by myself at the Commission on 10 and 11 April of this year, as published in annex 7 of the document under reference.

In order that the records of the Commission and of its consultations with the Ethiopian Government should be correct, I transmit herewith certain corrections with reference to specifically numbered paragraphs of annex 7, with the request that appropriate distribution be given to these corrections.

Paragraph 19: The statement to the effect that I had assured the Italian Foreign Minister that, if he listened to the Italians in Ethiopia over the radio he would find that they disagreed with him, is obviously a misstatement. I quite obviously stated that :

“ If the Italians in Ethiopia listened over the radio to the statements of the Italian Foreign Minister, he would find that they disagreed with him ”.

Paragraph 20: The three final sentences of this paragraph are incomplete and therefore misleading. I stated, in fact, that :

“ The Eritrean population, by an unmistakable majority of the inhabitants of the whole Territory, had clearly stated its desire for union without conditions with Ethiopia, which fact would appear to exclude the more complicated and conditional forms of integration suggested. As the Pakistan Foreign Minister had maintained at Lake Success, the essential consideration was the wishes of the population itself, and such would appear to be the wishes of the population. The Ethiopian Government had always declared that it would conform to any clear and unmistakable expression of these wishes. He would submit details to the Commission on that point also ”.

Paragraph 21: Solely the first and the two final sentences of this paragraph correctly reported my statements. As regards the remaining sentences, I, in fact, stated that :

“ The United Nations Commission for Eritrea might possibly have reached the conclusion—whether or not it was founded, he would not take it upon himself at that time to say—that a possible majority of the inhabitants in that region of Eritrea known as the Western Province, might not be in favour of union with Ethiopia. Although his Government had certain reservations in that connexion, it would not oppose a separate solution for that area if, on the basis of a clear expression of a majority of the inhabitants of that Province, the United Nations decided that that was the best settlement ”.

Paragraphs 36 and 37 taken together do not correctly represent my statements which were to the effect that :

“ The Minister for Foreign Affairs of Ethiopia thanked the Pakistan representative for the spirit in which he had spoken, a spirit which was in conformity with the promises of objectivity and impartiality made at Lake Success by the Pakistan Foreign Minister in regard to the conduct which would be followed by the Commissioner for Pakistan on the United Nations Commission for Eritrea. His observations were very important and, as he had been left the choice the previous day, he would answer that representative's request for additional information in writing ”.

(Signed) Abte Wold AKLILOU,

*Minister for Foreign Affairs and
Chairman of the Ethiopian delegation
to the United Nations*

DOCUMENT A/AC.38/L.31

Union of Soviet Socialist Republics : draft resolution

[Original text : Russian]
[8 November 1950]

The General Assembly,

Recommends :

1. That Eritrea should be granted independence immediately;
2. That the British occupation forces should be

withdrawn from Eritrea within three months of the day on which this decision is adopted by the General Assembly :

3. That Ethiopia should be ceded that part of the territory of Eritrea which is necessary to secure Ethiopia's access to the sea through the port of Assab.

DOCUMENT A/AC.38/L.32/Rev.1

Iraq : revised draft resolution

Revisions in italic[Original text : English]
[23 November 1950]

Whereas by paragraph 3 of annex XI to the Treaty of Peace with Italy, 1947, the Powers concerned have agreed to accept the recommendation of the General Assembly on the disposal of the former Italian Colonies in Africa and to take appropriate measures for giving effect to it,

Whereas by paragraph 2 of the aforesaid annex XI such disposal is to be made in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of interested Governments,

Having taken note of the fact that according to the report of the United Nations Commission for Eritrea there is serious cleavage of opinion among the members of the Commission as well as the inhabitants of Eritrea as to the future of that country,

Whereas under the circumstances it would be inadvisable for the United Nations, pledged to the principle of self-determination, to impose any decision as to the future of Eritrea on the people of that country;

The General Assembly,

1. *Recommends* that the question whether Eritrea shall enter into some form of federation with Ethiopia under the crown of His Majesty, the Emperor of Ethiopia, or become an independent sovereign State granting Ethiopia suitable access to the sea, shall be determined by a National Assembly duly representative of the people of Eritrea not later than 1 July 1951;

2. *Appoints* a United Nations Commissioner in Eritrea

and a Council to aid and guide him, to assist the people of Eritrea to decide the above question *and to effect its implementation*; the Council shall consist of representatives of (seven) countries and three representatives of the people of Eritrea;

3. *Recommends*, further,

(a) That the representatives of the people of Eritrea be appointed by the Commissioner after consultation with the representatives of the above named countries on the Council and the representatives of the leading political parties and organizations in Eritrea;

(b) That the United Nations Commissioner, in consultation with the Council, convene a duly representative National Assembly as early as possible and in any case not later than 1 June 1951;

(c) That the administering Power co-operate with the United Nations Commissioner in the attainment of the above objectives and so administer the Territory that all power may be transferred to a duly constituted government for Eritrea not later than 1 January 1953;

(d) That the United Nations Commissioner, in consultation with the Council, submit to the Secretary-General an annual report on the progress of the implementation of the above recommendations and such other special reports as he may consider necessary. To these reports shall be added any memorandum or document that the United Nations Commissioner or a member of the Council may wish to bring to the attention of the United Nations.

DOCUMENT A/AC.38/L.46

Statement by the Chairman of the delegation of the Moslem League of Eritrea at the 49th meeting of the *Ad Hoc* Political Committee on 21 November 1950[Original text : English-Italian]
[21 November 1950]

1. Perhaps the war in Korea and the danger of its spreading to the rest of the world deserve most of the Committee's time and attention. Nevertheless, is it not a fact that in Eritrea there are one million people eagerly awaiting your just decision concerning their ultimate fate and that of their future generations? Hence I crave your attention and your permission, with a minimum of your valuable time, to explain the case of my country, which is now before the Committee.

2. Recently a United Nations investigating Commission composed of five members visited our country with the object of ascertaining the political wishes of the people. But the Committee will remember that in our letter dated 26 October 1949 we clearly indicated our fears and sounded a warning when we requested the United Nations not to appoint as a member of the Commission anyone representing a country which had interests in our territory or one attached to another country which has such

interests. Yet despite these expressed fears, the Commission was formed otherwise and visited our country for the supposed investigation, only to reach the biased results which we anticipated and feared.

3. The Commission, furthermore, was deliberately hindered from effecting any reasonable investigation to ascertain the true wishes of the people. The activities of the terrorists who undermined public security and prevented many people from appearing before the Commission at the various points it visited largely contributed to these hindrances. We duly informed the Commission of all these acts of intrigue and lawlessness which were deliberately calculated to prevent the true voice of the people from being heard.

4. We have no desire to dwell here on what happened to the United Nations Commission during its visit to Eritrea and on the sufferings of our people during that period. Nor do we wish to dwell on the work of the Commission, whether based on the principles of equity and justice or otherwise. We merely wish to place before the Committee the great sufferings of the people following those unfortunate developments.

5. It is a fact that the Eritrean hinterland is today at the mercy of the terrorist bandits who are shamelessly active on behalf of foreign elements. Acts of robbery and arson have become quite common and are reminiscent of the dark ages, so much so that communications between principal towns have been seriously interrupted except for caravans under police guard.

6. Yet the present Administration in Eritrea has taken no serious step to crush these bandits and to rid the country of their terror, whereas this action would be within its power had it cared to fulfil its obligations to the Eritrean people.

7. While many Eritreans were debarred from presenting themselves before the five-Power Commission as a result of the activities of the terrorists, many of the latter coming over from behind the Eritrean-Ethiopian border were made to wear Moslem dress and to appear before the Commission as genuine Eritrean Moslems. This scandal, however, was discovered by the Commission itself on investigation as a consequence of our report. After seeing these masquerading agents in the Islamic towns, such as Mussawah, we duly informed the British authorities, but to no avail.

8. We mention these terrorist bandits in order to draw the Committee's attention to the very serious situation in our country, inasmuch as these bandits are continuously infiltrating from behind the Ethiopian border where the authorities grant them all forms of support and encouragement. It is befitting, in this connexion, to quote here the message dated 4 April 1950 sent to the five-Power Commission during its visit to our country by the Eritrean Christian Progressive Party :

"Confirming our previous letter of the same date concerning the terrorist bandits (*shijta*) and their agreement with Ethiopian officials, we beg to state :

"On March 24th 1950, the well known terrorist bandit Uolde-gehriegel Mosasghi and his brother,

Berhe Mosasghi, offered and enacted to the Ethiopian authorities at Axum in their name and on behalf of their followers, their allegiance.

"On March 27th 1950, a similar allegiance by another terrorist bandit, Hanneta Gheremariam Cohain, was made to the Ethiopian authorities.

"On March 30th 1950, the well known terrorist bandit, Asressehei Embaie, accompanied by all his armed followers, went to Rama (Tigrai) where exists the Court of the Governor for the district bordering on Eritrea (Ahsea and Aderbate). This terrorist bandit indulged in many talks with the chiefs and notables of the district and he spent the night at the house of the district Governor !

"All these bandit terrorists, after declaring their allegiance to the Ethiopian authorities, continue to visit by day and night Ethiopian territories.

"Their allegiance to the Ethiopian authorities makes us suspect that it is for no purpose other than harming the Eritreans who are demanding the independence of their country. Their direct contact with the Ethiopian authorities is for the purpose of imparting to them personally the necessary instructions instead of doing so through their spies and agents, as used to be the case in the past.

"It is our hope in your Honourable Commission that it will pay these incidents its serious attention, as befits its human duty, in order to find a means of safety and security for the Eritreans who are standing for their independence.

(Signed) Degiat Subhatu JUHANNIS "

9. The Committee will note from this letter just quoted, and which was duly submitted to the Principal Secretary of the five-Power Commission for Eritrea, to what extent the relations of the terrorist bandits with the Ethiopian authorities have developed. In brief, Ethiopia is the one which is encouraging the terrorist bandits and is strengthening them with all means whenever they weaken.

10. Amongst the proofs of this intimate association between the terrorists and the Ethiopian Government is their escape into Ethiopian territory whenever the police try to combat their terrorism; but this is only for a time, as they continue endlessly with their activities. All protests made by the parties of the Independence Bloc or by the people at large have been of no avail. On the contrary, the situation has further deteriorated, and we have the terrorists not only preventing the peaceful citizens from presenting themselves before the Commission, but also hastening to take their place as the rightful representatives of the people. This explains why many Eritreans who should have appeared before the Commission in various parts of the country were forced to remain away.

11. This state of terrorism is continuing to the present day, threatening the safety of all peace-loving citizens, who feel no security for themselves or their families even in their homes. Among the victims of these barbarous practices were notable personalities such as Azmac Berhe, one of the leaders of the Liberal and Christian

Progressive Party, who was assassinated together with his cousin and daughter. Furthermore, attempts have been made repeatedly in the town of Adi Quala on the lives of Degiac Uoldegherghis and his son Asmeron, who is the Secretary of the Liberal and Christian Party. Similarly, repeated attempts were made with fire-arms or poison on the life of Ato Uoldeab Uoldemariam, President of the Independence Party. Such are but a few examples of the wide-scale terrorism committed by this hired clique, which are to be considered when the fate of our country is to be settled.

12. We leave aside now the question of public security in our country in order to talk to the Committee about our just demands which prompted our people to send us here for the third time in order to place them before you again, just as they were expressed before the five-Power Commission and earlier before the Four-Power Commission, both of which visited Eritrea for the purpose of ascertaining the wishes of the people and collecting the necessary information concerning the Eritrean question. These may be summarized as follows :

- (1) Effective independence for Eritrea.
- (2) Forming of a democratic government.
- (3) Maintaining the territorial unity of Eritrea within its present geographical borders.
- (4) Refusing any project for the partition of Eritrea or for the annexation of any part of Eritrea to Ethiopia or to the Sudan, as well as any scheme of annexation or subordination to any other country.
- (5) Declining any project for union or federalization with Ethiopia.
- (6) Opposing any postponement in solving the Eritrean question.

13. Now I will discuss the point of opposition to annexation to Ethiopia. This opposition is not limited to the Moslems. Whether the annexation takes the form of union or federation with Ethiopia, it extends to the majority of their Christian brethren who belong to the Liberal and Christian Progressive Party, the party of independent Eritrea, the party of New Eritrea, the Organization of War Veterans as well as the Italian Eritreans, all of whom have lost a number of their prominent men during the prevailing strife, apart from the harm and injury that have been inflicted on many of them for their staunch defence of their principles.

14. This is enough practical proof for refuting such a charge as to the narrow scope of our independence movement. Furthermore, we have no common economic interests with Ethiopia, inasmuch as our country is self-sufficient, depending on its own produce, which it exchanges commercially with neighbouring countries such as those of the Arabian Peninsula, the Sudan and the East Coast of Africa.

15. Hence our emphatic demand to the United Nations that it refuse annexation to Ethiopia since no economic, ethnological, linguistic or historical ties whatsoever between Eritrea and Ethiopia have ever existed. Similarly, we strongly oppose our country becoming an integral part of Ethiopia. Our aim is solely limited to

securing independence and establishing a democratic constitutional government for it.

16. Our country has never been subject to Ethiopia, even in ancient times. On the contrary, the Eritreans were forced on many occasions to hurl back attempted invasions by the Ethiopians, who invaded the country for the sake of robbery and plunder.

17. As to our modern history, it is a well known fact that our country consisted of small principalities until it was occupied by the Abbasides and later by the Ottoman Turks, then by the Egyptians and later by the Italians, who seized our country from the Egyptians and not from the Ethiopians, as claimed by the Ethiopian Foreign Minister and by those whom he inspires and who support him.

18. For what reason then is an attempt being made to annex our country, which is predominantly Moslem, to Ethiopia ? We reiterate our emphasis that we have never been ruled by Ethiopia and we challenge the Ethiopian Government to give us the names of its rulers over Eritrea, if such rulers ever existed, and to give the years of their tenure of office and to tell us when their authority passed over to the Italians, who finally handed it over to the British.

19. What we are sure of is that the Ethiopians never entered our country except as brigands attacking men, women and children, as well as property, and playing havoc and destruction all around. Despite their barbaric deeds, they never succeeded in subjugating Eritrea and they found that the Christians among the population were those who offered the greatest opposition as witnessed in the fight (the last of its kind) that was fought between the Christian leader Uoldinchiel from the Christian tribe of Hazzega in the district of Hamusien, who is well known by the name of Gourida, and the Ethiopian Chief Ras Bairu.

20. Of similar significance were the wars between the Christians of the tribes of Acchele Guzai headed by the House of Asberom to which is related Ras Tesemma, President of the Liberal and Christian Party, and between the tribes of Serae, and Ethiopia.

21. As to the wars between Ethiopia and the Moslems, these were numerous. As an example, we need but mention the wars of the tribes, particularly the famous battles of Robrabia, also the wars that followed between these tribes and the tribes of Balau, Naeb, Samhar, and equally the wars between the tribes of Baria, Cunama, Beni Amer, Bilen, Maria, Meusa, Algheden and all the coastal tribes.

22. Was not this armed opposition exclusively for the sake of preventing them from occupying the country ? If you realize all these facts, do you still wish to hand Eritrea over to its historic enemy under the pretext of union or federalization ? And why should division be considered when the country unanimously refuses such an idea ? Is it because we are weak and because we are a peace-loving nation ?

23. To take such a decision against the wishes of the country would be incompatible with the lofty principles

for which the Allies fought the Second World War and the principles for which this great international Organization has been founded, and the founding of which was hailed by weak and strong alike.

24. I shall now deal with our demand for independence, which is put forward in the name of the overwhelming majority of the population, whether they are Moslems or Christians, who with us regard independence as an honourable and sacred right which belongs to all nations.

25. No doubt the representatives of this Committee have been convinced, in the light of the reliable information which we have submitted, of the justice of our cause. Your scrutiny and study should make it even clearer and more convincing. It is the cause of the independence of a people who refuse and reject any form of annexation, dismemberment or a return to the hated status of colonization, no matter what type it would be, whatever form it might take, of from which direction it might come.

26. We believe that after all the authentic data which we have submitted, you are in no further need of proof concerning the justice of our cause, which is backed by logic and by our natural right. Indeed, our problem does not require further proof but only good faith and the examination of the problem with human understanding and with full respect for the right of people to decide their own destiny for themselves and by themselves. This course alone befits the principles of the United Nations.

27. This indisputable right to independence to which our country is devoted cannot be ignored without creating a new area of strife in East Africa, since the Eritrean people will never accept Ethiopian domination. Vivid in their memories are the traditional wars and barbaric acts of aggression in which the Ethiopians have indulged throughout the decades. Their nature has not changed, which can be seen from the acts of terrorism which they still perpetrate, which they support wholeheartedly, and among the victims of which we find such prominent Eritrean leaders as Abdelkader Kebiri, Nasreddin Azmac Perhe, Abdalla Taha, Mahmud Shek Osman Hassalalha.

28. Furthermore, the incidents of 21 February 1950 which—criminally planned and perpetrated—took place during the meeting of the United Nations Commission for Eritrea at Asmara, can never be forgotten as convincing proof of the ill faith of Ethiopia and its criminal agents towards the Eritrean people.

29. Our people do not propose to attack or to rob anyone. They merely want their independence, which is justified by their national entity, by their economic resources, by their common feelings and by the harmony that prevails between the various elements of the population. These are realities—not fancies—in Eritrea: hence our demand for independence has a sound background that merits full appreciation and respect. Our people are no less entitled to independence than are neighbouring nations, particularly the Ethiopians: they

are rather more advanced and more entitled to independence than the latter in many respects.

30. Again, we are no less entitled to independence than the people of Libya or Somaliland who formerly belonged to the Italian protectorates and who have secured recognition of their independence through the far-sighted justice of the United Nations. Why should we be denied this natural right?

31. Our aspirations for independence are clear, and we are not prepared to consider any alternative whatever, as we have already explained and reiterated. We do not express the desire of a mere party or clique, but of the overwhelming section of the population who do not want to have anything to do with Ethiopia.

32. As to Ethiopian fear of Eritrea becoming "once more" a springboard for the invasion of Ethiopia, we need scarcely point out that, so far as the Eritrean people are concerned, this fear is groundless. Furthermore, we—and not the Ethiopians—are exposed to aggression from our neighbour, who is inventing such absurd excuses as a disguise for its colonial plans, and to prevent us from determining our own destiny.

33. I shall now deal with the problem of Eritrean unity versus dismemberment.

34. The Eritrean people, who have lived for centuries in peace and harmony within their own natural and historic borders, cannot logically be accused now of requiring dismemberment in order to create a new, artificial "harmony". This is nothing, in the eyes of Eritrea, but a shameful excuse to conceal the Ethiopian policy of aggrandizement. Even in troubled times such a remedy has never before been thought of, and the preservation of peace and order in Eritrea has never constituted a great problem for the British authorities. All such troubles have been the outcome of the Ethiopian terrorists alone; and this fact is fully known to the British authorities.

35. Our people are living in harmony, Moslems and Christians alike. They have no need for and will never tolerate any notion of dismemberment. They uphold their national unity and the integrity of their country as a sacred trust and a sacred ideal.

36. We should like to know at what period in our history there was any manifestation of national differences and friction between Moslems and Christians. Failing this knowledge, and in the absence of discord between the religious elements of the Eritrean nation, we obviously cannot approve of any scheme for partition. Such an idea has been opposed and fought by all Eritrean parties, and we cannot believe that this Committee would consent to the employment of such a coercive measure to achieve an artificial condition.

37. The partition of Eritrea is not only against the wishes of the Moslem population but is, to a large extent, against the interests of the Christian population as well, since the tribes of Logoo Cina, Carana Cudo, Deda Habela, Mulezzanai, Scibatte Anseba, Liban, Decch, Danscim and others cannot do without the wester

pastures which belong entirely to the Moslem section of the population. According to the scheme for partition, this portion of the country would be annexed to the Sudan, regardless of the national status and the legitimate aspirations of the people.

38. It is a fact that the discussions which have been carried out concerning the partition of the country on an ethnological basis—which is supposed to be associated with religious differentiation—has no justification whatsoever.

39. All scholars of Eritrean history know only too well—as we do now—that religion in our country is merely a surface covering which has been spread by the ages, and has nothing to do with the real composite elements of our nation. For example, a number of Christian communities, from time to time, have adopted Islam without losing the national characteristics shared by their compatriots who remained Christians. Furthermore, that section of the country—which some propose to annex to Ethiopia against the wishes of the Eritreans, and which has been called the “Eastern District”—is not entirely Christian, its Moslem population being over 50 per cent of the total figure, and, in addition, it is closely and vitally associated economically with the “Western District”, to an extent which would make them absolutely inseparable.

40. I now come to the federation issue. We refuse to accept such an ambiguous scheme. We would like to know the difference between independence—which it promises in glowing terms—and what we are asking for. Furthermore, a federal union, as we understand it, can only arise willingly between two independent States of equal sovereign rights, and not between an independent State and one which is being denied independence. Such a compulsory federation, which we are being ordered to accept against our wishes, does not signify any respect for liberty or for the democratic principles of self-determination.

41. We demand, first, complete independence. Later, when his independence will have ensured the proper functioning of a constitutional democratic government, it would be feasible to submit to our independent nation the proposal of federation. The people will then decide for themselves, and with full liberty, whether to accept or reject it in the light of their own true interests.

42. As to the suggestion that the status of federation is called for because of economic reasons, this suggestion carries in itself its own contradictions, since the very countries which formerly talked of Eritrea's economic failures are now pleading for a federal State in which Eritrea has to share expenses with Ethiopia. Otherwise, what would be the meaning of a federal State?

43. My final point bears on the economic situation. Eritrea has never been the poor country that could not subsist alone, which it is portrayed to be in order to justify the colonial aspirations of some parties. As a matter of fact, Eritrea is an agricultural country with real possibilities; it merely requires technical assistance, as provided for by the Point Four Programme, for example.

44. Yet, despite the lack of such high technical assistance and organization, Eritrea has been producing—thanks to its two rainy seasons and fertile soil—large quantities of cereals, sesame, cotton, cotton oil, tobacco, coffee, peanuts, potatoes, beans, karkadi, senna, as well as various gums, milk and milk products. In addition, Eritrea is one of the great reservoirs for cattle-breeding and for the preparation and tanning of hides. There are also other economic resources such as dom trees, salt, fish powder, fish oil, platinum alcohol, ivory, ostrich feathers and natural pearls. Furthermore, Eritrea has vast undeveloped mineral wealth such as gold, silver, potassium, mica and sulphur. Even petroleum has been discovered by scientific research, as well as manganese. Yet, this wonderful wealth—agricultural, mineral and human—is left unexploited for the benefit of the people and awaits a national independent government which might do so and which might do justice to the potentialities of the country.

45. Ethiopia's demand to annex Eritrea is not only unethical and illogical, but is also entirely contrary to paragraph 2 of Article 77 of the Charter of the United Nations, to which Ethiopia itself has acceded. As to the federalization project, this is incompatible with Article 76 of the Charter as well.

46. To strike the name of Eritrea off the map of the world is something which would not be tolerated by our people, who are fully and bitterly conscious of the great discrepancy between their standards of civilization and the state of backwardness rampant in Ethiopia which, in addition, is torn by endless internal strife.

47. The Independence Bloc parties, which we represent, undoubtedly comprise 80 per cent of the Eritrean people, whether Moslem or Christian. By way of explanation, I wish to submit the following analysis of the composition of the Independence Bloc:

- (1) The Moslem League with all its Moslem members.
- (2) The Liberal Progressive Party, with all its members.
- (3) The Christian Independent Eritrea Party, with 90 per cent of its Christian members.
- (4) The New Eritrea Party with 50 per cent of its members Christians.
- (5) The Nationalist Party with all its Moslem members.
- (6) The Association of War Veterans of Eritrea with a mixed membership of Moslems and Christians.
- (7) The Eritrean-born Italians, all of whom are Christians.
- (8) The Association of Eritrean Intellectuals, whose members readily expressed, before the five-Power Commission, their staunch support of the principles of independence.

48. All these parties—which represent 80 per cent of the population—demand insistently that independence be granted, because they all realize that it is the only solution which would guarantee the happiness of the

Eritrean nation and they will not accept any alternative. They would continue to fight steadfastly, by all legal means, for the rights and aspirations of their people.

49. Consequently, we rely upon the Committee's decision, which should be based on these facts, and which should be in full accord with the principles of the United Nations Charter.

50. In all countries, and in Eritrea as well—for Eritrea is not an exception—there has always been and there will always be defeatists and fifth-columnists. Such is human nature. However, we are fortunate to have only a very significant minority of traitors in Eritrea who are in the service of the Ethiopian Government, which is lavish in supplying them with bribes.

51. The so-called "Union with Ethiopia Party" represents these traitorous elements. They receive their large financial support from the Ethiopian authorities, and their activities have brought nothing but disorder and misfortunes to Eritrea. After failing in their propaganda for union with Ethiopia, they tried to serve their masters by supporting the partition scheme and wrote, in that vein, to the five-Power Commission. But this manoeuvre also has failed, and now they have no further principles to serve. In fact, were it not for Ethiopian funds, these phantoms would have disappeared long ago.

52. We have not the least doubt that, with its lofty principles and openmindedness, the Committee cannot help but stand in favour of complete and immediate independence for Eritrea, after a thorough examination of all the facts which we have had the honour to present to the Committee. This is the only solution acceptable to 80 per cent of the people.

53. The Eritrean nation, though conscious of its worthiness of independence, is still very anxious to show the civilized world in every practical way that it deserves this independence, and that it believes in the principles of the United Nations. It is ready to live in peace with every peace-loving nation and to extend its hand even to Ethiopia, if the latter is prepared to drop its colonial aggrandizement policy and is willing to regard Eritrea as its friendly neighbour.

54. As a civilized nation with a history behind it, we readily respect and are prepared to safeguard the rights of all the minorities in our country, once we are granted independence, and we look forward to becoming—after that—a Member of the United Nations. We cannot tolerate colonization or dependency in any form, veiled or open, covert or overt, and we have but one aim besides our independence: to build up a real modern State along democratic lines, and to become an honourable member of the community of nations.

From this point the Chairman of the delegation of the Moslem League of Eritrea spoke in Italian.

55. Before concluding, may I say that certain of these statements that I have heard from representatives, since my arrival, do not correspond to the truth, and are directly opposed to the actual facts.

It is not true that the majority of the population of the eastern provinces consists of Coptic Christians who desire to be annexed to Ethiopia. There are five eastern provinces: (1) the Province of Samhat, the capital of which is Massawa, and which is entirely Moslem; (2) the Province of Danakil, the capital of which is Assab and Thio, and which is entirely Moslem and has been hostile to the Ethiopians from time immemorial (both these provinces are absolutely loyal to the Moslem League and the Watan Party, which are both affiliated to the Eritrean Independence Bloc); (3) the Province of Hamasien, with 75,000 members of the Moslem League and about as many Coptic Christians belonging to other parties in the Independence Bloc; (4) the Province of Serae, with 60,000 Moslems, all League members, in addition to the large numbers of their Christian brothers who belong to other parties in the Independence Bloc, particularly the Liberal Party and the Independent Eritrea Party; (5) the Province of Acchele Guzai, with its eighty-six Moslem tribes, the Saho, League supporters to a man. As Brigadier Longridge, the former United Kingdom Administrator, pointed out, these tribes are well known for their ancient hostility to Ethiopia. The Saho tribes, with other minor groups, amount to a total of 171,000 souls—excluding, of course, their Coptic Christian brothers of the Liberal Progressive Party and other parties affiliated to the Bloc.

56. Where, then, is the alleged majority of Christian Unionists in the eastern provinces? Let me give you the following figures, which will make the position even clearer:

Province	Christians	Moslems
Hamasien	164,500	75,000
Serae	119,000	60,000
Acchele Guzai	132,000	171,000
	415,500	306,000

If we add to the 306,000 Moslems of the above three provinces the 200,000 of the provinces of Massawa and Danakil, we obtain a total of more than 500,000 Moslems alone. The number of Moslems thus exceeds the number of all Christians, even including those who support the Independence movement, in these provinces. Where, then, is the alleged majority, and what is the explanation of these false reports which are heard from time to time here in the United Nations?

57. In 1949, in fact, it was alleged that the majority of the population of the Eritrean coast consisted of Coptic Christians who were in favour of annexation. None of you is ignorant of the purpose of this pretence; and at the time we energetically denied it and proved its falsity. Then it was claimed that Eritrea did not possess the necessary degree of economic self-sufficiency for independence. Then, again, it was declared that there was a danger that Eritrea might become the springboard for a third aggression against Ethiopia, and so on and so forth. For example, it was said that the demand for independence was merely a camouflage for indirect colonization, and that Eritrea was nothing but an artificial creation of Italy (as though Eritrea had not been created by God when he created all the other

lands of the earth). And now it is falsely alleged that the majority of the people of the eastern provinces are Christians (a claim which the Eritreans themselves, who know well that the overwhelming majority of the population of Eritrea consists of Moslems, have never made). And finally, the fear is expressed in some quarters that if Eritrea obtains its independence it may be attacked by Ethiopia—which is exactly the contrary of the fear of aggression through Eritrea voiced here last year. And no one can say which of these two fears is the more justified.

58. These are strange contradictions; but in reality they merely expose the true nature of the underhand intrigues designed only to satisfy Ethiopia at all costs, for reasons of which we are ignorant, by the direct or indirect annexation of Eritrea, if necessary under the camouflage of "federation", which our people energetically oppose and have instructed us to urge you to reject out of hand.

59. May I make one more brief comment, which must not be construed as a sign of acceptance, but is intended solely to bring to your attention a claim which we have heard made, and to prove to you that it is groundless.

60. You have been told that the majority of the

Eritrean people are Unionists. If this fantastic and fictitious claim is true, why are its sponsors afraid to face the consequences? Why do Ethiopia and her powerful supporters refuse to support the resolution submitted by Iraq, if they are certain that the Unionists are in the majority, and would thus be in the majority in the desired constituent assembly of Eritrea? Why do they wish at the very outset to impose federation on Eritrea, against its will, instead of leaving the Eritrean people free to choose their own destinies, for better or worse? Dictation is not a democratic method of procedure. I leave it to you, therefore, to decide according to your conscience; but I must remind you that not a single Eritrean who has come before the Commission has been in favour of federation, and that even the so-called Unionists do not desire or accept the idea. Yet here we are faced first with a plan of partition, and then with a plan of federation.

61. I do not wish to take up any more of your valuable time, and shall therefore refrain from speaking to you of the false statements made before the Commission, the infiltration of Ethiopians in order to lengthen the lists of Unionists, and the bands of terrorists and *shijta* who came in from Ethiopia in order to intimidate the people or impede the plebiscite. I thank you all sincerely.

DOCUMENT A/AC.38/L.47

Poland : draft resolution

[Original text : Russian]
[22 November 1950]

The General Assembly,

Recommends :

1. That Eritrea should be granted independence after three years.

2. That during that period Eritrea should be governed by a Council of six members : one from Ethiopia, two from the Arab countries and three from Eritrea, the latter comprising two from the indigenous population and one from the European. The Council to report

annually to the General Assembly of the United Nations. The Council to appoint an Administrator with executive authority and responsible to itself.

3. That the British occupation forces should be withdrawn from Eritrea within three months of the day on which this resolution is adopted by the General Assembly.

4. That Ethiopia should be ceded that part of the territory of Eritrea which is necessary to secure Ethiopia's access to the sea through the port of Assab.

DOCUMENT A/AC.38/L.48

Pakistan : draft resolution

[Original text : English]
[24 November 1950]

Whereas by paragraph 3 of annex XI to the Treaty of Peace with Italy, 1947, the Powers concerned have agreed to accept the recommendation of the General Assembly on the disposal of the former Italian Colonies in Africa and to take appropriate measures for giving effect to it,

Whereas by paragraph 2 of the aforesaid annex XI such disposal is to be made in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of interested Governments,

Having taken note of the fact that according to the

report of the United Nations Commission for Eritrea there is a serious difference of opinion among the members of the Commission as well as the inhabitants of Eritrea as to the future of that country,

Whereas under the circumstances it would be inadvisable for the United Nations, pledged to the principle of self-determination, to impose any decision as to the future of Eritrea, other than that of self-government, on the people of that country;

The General Assembly

1 *Recommends*

(a) That Eritrea shall be constituted an independent and sovereign State as soon as possible and in any case not later than 1 January 1953;

(b) That a constitution for Eritrea shall be framed by a National Assembly duly representative of the people of Eritrea;

(c) That in framing the constitution the National Assembly shall ensure to all residents of Eritrea without distinction of nationality, race, sex, language or religion, the equal enjoyment of human rights and fundamental liberties;

(d) That the National Assembly shall be convened as early as possible and not later than 1 October 1951;

(e) That the National Assembly shall set up a provisional Government of Eritrea at as early a date as practicable, bearing in mind 1 April 1952 as the target date, to which shall be progressively transferred all powers now exercised by the administering Power, such transfer to be completed by 1 January 1953;

(f) That the provisional Government shall as soon as possible enter into negotiations with Ethiopia in order to provide it with a suitable access to the sea;

2. *Appoints* a United Nations Commissioner for Eritrea for the purpose of assisting the people of Eritrea in the setting up of the National Assembly and the formulation of the constitution, and in the establishment

of and the transfer of power to an independent Eritrean government;

3. *Sets up* a Council for Eritrea to advise and guide the Commissioner in the discharge of his functions;

4. *Recommends,*

(a) That the Council consist of representatives of (five) countries, namely,... and three representatives of the people of Eritrea to be appointed by the Commissioner after consultation with the representatives of these countries on the Council and the representatives of the leading political parties and organizations in Eritrea;

(b) That the administering Power co-operate with the United Nations Commissioner in the attainment of the above objectives, and in particular, in consultation with him, organize as rapidly as possible an Eritrean administration, induct Eritreans into it at all levels and so administer the Territory as to ensure the smooth transfer of power envisaged in sub-paragraph 1 (e);

(c) That the United Nations Commissioner, in consultation with the Council, submit to the Secretary-General an annual report on the progress of the implementation of the above recommendations and such other reports as he may consider necessary. To these reports shall be added any memorandum or document that the United Nations Commissioner or a member of the Council may wish to bring to the attention of the United Nations;

(d) That Eritrea receive such technical assistance as it may request to develop its economy, and that the United Nations Commissioner, in consultation with the United Nations Council and the administering Power, immediately investigate and communicate as soon as possible to the Secretary-General the requirements of Eritrea in this behalf;

(e) That upon its establishment as an independent State, Eritrea be admitted to the United Nations in accordance with Article 4 of the Charter.

DOCUMENT A/AC.38/L.51

Statement by the Chairman of the delegation of the Moslem League of Eritrea made at the 55th meeting of the *Ad Hoc* Political Committee on 24 November 1950 in reply to questions which had been asked by members of the Committee

[Original text: English-Arabic]
[27 November 1950]

1. We thank the Chairman for having allowed us to speak once again on the question of our country in accordance with what has been agreed upon by the Committee, which decided to let us participate in the debate as in the past, and to make a statement. We do not presume to be linguistic geniuses but the whole point was obvious to us while the Committee was discussing it. The phrase "to participate in the debate and make a statement" means that to participate in the debate is one thing and to make a statement is

another. Otherwise the phrases would not have been separated with the conjunction "and". The phrase, as in the past, refers only to having issued permission to take part in the debate, and does not mean to limit the statement or the times of making statements.

2. Before I start to answer the two questions addressed to me, I would like to remind the representatives of this Committee that I am not only the representative of the Moslem League but also the representative

of the seven different parties which make up the Independence Bloc. Therefore, it is to be assumed that I represent the point of view of the Independence Bloc which consists of Christians, as well as Moslems, and that the cause which I defend and about which I am making a statement is a cause which deals with an entire nation—not exclusively one sect or group in our country.

3. I have spoken before the First Committee, in the past, as the representative of the Independence Bloc and, also, before the United Nations Commission for Eritrea. Nothing has occurred to change the situation since. I am also the Secretary-General of the Independence Bloc, as well as being the Chairman of the Moslem League; I request, therefore, that this misconception be rectified.

4. The answer to the question regarding the proportions of the Independence Bloc is that we can emphatically claim to represent 80 per cent of the Eritrean people. The Four-Power Commission³³ has submitted the following percentages: the Eritrean Moslem League, 50 per cent; the Party of Liberation and Progress, 5 per cent; the party which, in the past, advocated Italian trusteeship and which is now in the Independence Bloc, 10 per cent; the Watan, or Fatherland Party, which used to advocate United Kingdom trusteeship and which is now in the Independence Bloc, 5 per cent; making a total of 70 per cent. From this, it would appear that the proportion of the membership of the Unionists—that is to say, before dissensions took place in its ranks and before a great proportion dissented from its ranks and joined the Independence Bloc—was 30 per cent at that time. Therefore, where is this alleged majority? If all of these parties are opposed to the Unionist idea and its numbers were actually as reported by the Four Power Commission, as we have mentioned above, and if all these parties have now rallied around the flag of the Independence Bloc, how are we then to explain that it is being said that the majority in Eritrea favours unionism?

5. In addition to that, those who have split from the Unionist Party—the representative of which Party himself acknowledged this fact before the First Committee last year when the representative of Liberia questioned him in this regard—subsequently formed their party which they call the Independent Eritrean Party, and also joined the Independence Bloc, and they number at least 10 per cent, if not more.

6. All this composes the total of the Independence Bloc, making it 80 per cent. From this, it will appear to the Committee that our statement was not sheer fabrication but was based on solid facts, and the figures were not questioned, except those of the Moslem League which did, in the past, and still does claim that it has the majority. As for the listing of the numbers of the Moslem League by the defection of certain members who are all employees under the Administration and who call themselves the League of the Western Province

—as one representative mentioned—we answer to that question with the fact that that representative did not seem to remember the number of those people who left the Unionists and did not remember the number of the parties of which the Independence Bloc is composed: these are the Liberal Progressive Party, the Moslem League Party, the New Eritrea Party, the Independent Eritrea Party, the Fatherland Party, the Veterans Association Party, the Italo-Eritrean Association Party, and the Intellectual Association of Eritreans Party. It seems that this representative only wished to remember that clique of employees who left the League for some well-planned purpose—that purpose being only to throw dust into people's eyes and to fabricate facts. In spite of all that, this group still favours the idea of independence and, in any case, it used to oppose unionism completely and used to turn away from any suggestion of union with Ethiopia, no matter how thin that link might be.

7. Consequently, this group should be considered as on the side of the Independence Bloc, rather than on the side of the Unionists. If we were to add the number of the Independence Bloc Parties to the membership of the Moslem League itself—which exceeds the membership of the Unionists—we would then find that the proportion of the people advocating independence was a great majority, and not as is supposed.

8. If we were to assume that the proportion of the Moslem League is only as that representative alleged, 40 per cent, and were to add the proportion of the other parties which are among the Independence Bloc as well as those who have recently split from the Unionists and joined the Independence Bloc, then the proportion of those advocating independence would be 70 per cent and would only be 10 per cent less. Where therefore is that majority which is being claimed for the Unionists?

9. The answer to the second question dealing with our economic relations with Ethiopia is this. In our statements we have never denied the existence of certain economic ties between us and Ethiopia. All we say is that there are no large strong ties between us which should cause us to be subservient to Ethiopia in spite of ourselves or against our wishes. Our economic relations with Ethiopia are not to the extent which would warrant making or forcing us to accept the Ethiopian occupational yoke. Economic relations today are inter-linked throughout the world; therefore, the extent to which Ethiopia needs us economically or we need Ethiopia economically, is comparable to our economic relation with the Arab East, the Middle East, India and the Sudan, which revolves around export and import.

10. As to the allegation that Eritrea is poor and that it is supplied from Ethiopia, we say that that is sheer nonsense, because Eritrea has never completely depended upon Ethiopia for its food products or consumption. Ethiopia has its own agricultural products which are sufficient for its essential needs. That scanty amount which is being imported into Eritrea—and which certainly does not exceed the amount contracted between

³³ See *Four Power Commission of Investigation for the former Italian Colonies*, Report on Eritrea, Vol. I.

neighbours—such as the taff cereal from the Tigrai district, which is a part of Ethiopia on the border of Eritrea and which is the poorest part of it, is not required by Eritrea except in very exceptional circumstances which might then force Eritrea to import not only from Ethiopia but also from the Sudan, Yemen and India. That is so because most of the people of Eritrea do not use the taff cereal as a staple food for themselves, but depend more on maize which is abundant in their country.

11. With regard to the observation that economic self-sufficiency is not at all possible so far as we are concerned and that Eritrea can never live an independent life or that it is almost completely dependent upon Ethiopia, we say that a large proportion of this allegation is based on the question of imports and exports which pass through Eritrea in transit either to the outside or from the outside to Ethiopia.

12. That has nothing to do with food for consumption. In spite of all that, we should mention that, whereas most of our exports to Ethiopia are normally consumed by the Ethiopians, most of our imports from Ethiopia are exported to European countries. This is especially so in connexion with cereals, leather, and coffee beans, because most of the Ethiopian products which represent the Ethiopian economy are suitable for sale in European markets.

13. The Eritrean economy proved sufficient during the Second World War and if Eritrea had, in actual fact, been a desert or an arid territory as was described to the representatives, Eritrea could not in our opinion, have overcome safely and economically, that very difficult period of trial. What actually did take place during those very difficult circumstances was the increase of imports and of our economic potentialities.

14. Thus arose several aspects of economic and trade activities which make our country look forward to the future. As soon as the present difficulties are removed, we will be very confident of our economic prosperity and of its contribution to the prosperity and well-being of our country as a whole. If it is wished to have any further explanatory details with regard to the economic situation of our country we could readily refer to the memorandum of the Eritrean Chamber of Commerce which has been distributed among the representatives.

15. Consequently, and basing ourselves on these conditions which are supported by actuality, we adhere to our demands for complete independence for Eritrea and we maintain that that independence cannot be counteracted or argued against by alleging that we are not able to provide for our own needs. The actual fact is that Eritrea is an agricultural country and that it enjoys two rainy seasons a year, which commence in the highlands from the month of July through November and in the coastal districts of the east and the west from January through April. This renders our plateaux and plains very fertile continuously.

16. The existence of a chain of mountains in Eritrea, which are very seldom without rain, is enough indication that Eritrea is properly cared for in the inte-

rests of the people with respect to their agricultural projects and with respect to the storage of water which flows abundantly to the Red Sea, along no less than twenty valleys. All this could convert Eritrea into a first-class agricultural and arable land.

17. We repeat that Eritrea lacks nothing but care, technical guidance and capital for executing large-scale projects. This can be gained only through independence and by handing over the administrative reins to the people themselves. The country itself, with its various nationalities, is a clear indication and proof that it is not poor. In Eritrea there are merchants and workers of all nationalities, including some Ethiopian subjects such as the Agami, Amhara and Galla, who came over to us because of unfavourable economic circumstances in their own country. They number tens of thousands, especially in Asmara and Adi-Caieh, and they are extremists with regard to calling for annexation with Ethiopia. They have joined the ranks of the Unionists in order to increase its numerical proportions beyond those which infiltrated into Eritrea for this specific purpose during the presence of the United Nations Commission. The net result is that their means of livelihood are more abundant in Eritrea than in Ethiopia, and that Eritrea is not as poor as it has been represented by certain representatives.

18. As to the actions of the first Four Power Commission which visited Eritrea, that Commission was made up of the representatives of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and France, and since each representative was influenced by the general trend of his own Government's policy, the report was more in accord with their particular interests than with the wishes of the people of Eritrea. This in itself is enough indication that the wishes of the Eritrean people were not adequately taken into consideration.

19. If we were to examine the actions of the five-Power Commission, we would find that all their activities took place in a very difficult atmosphere, an atmosphere which was not conducive to the interests of the nationalists there, for there were mercenary bandits who came across the border from Ethiopia and raised havoc among the peace-loving populations. They even managed to prevent representatives of the populations from appearing before the Commission in order to express their views.

20. Added to this situation is the fact that we are the neighbour of Ethiopia, which is still striving to annex our country against our will, and is using for this purpose all sorts of means to demoralize the population. And added to that is the presence in our country of an administering Power which, as is known, advocates division of our country. All these factors are enough to confuse the expression of the wishes of the Eritrean people.

21. Yet, in spite of all that, we did our best and, through legal means, we managed to gather one thousand people to go before the Commission and to the places where the plebiscites were to be held. And God alone

knows the suffering we went through and the calamities which befell us in our attempt to preserve peace in our country.

22. As to what has been said about the Moslem League and the Independence Party in the Western Province, suffice it to say that it has no supporters; it is just one of those intrigues which was engineered in order to subjugate the wishes of the people. Numbers which were mentioned by the head of this League in reference to his supporters are really more fiction than truth, and so much so that the Commission itself realized from the statements made by the head of that body that they were untrue. He claimed to have many supporters in Assab, but when the Commission visited there it did not find one single person to support this claim. The people of Assab unanimously refused annexation to Ethiopia. That person also declared before the Commission that he was promised, by the Emperor of Ethiopia, an important position. Similarly, that body, in what is known as the Western Province, was formed only after the arrival of the five-Power Commission in Eritrea. It is enough to say that it consists of a group of insurgents who were on a monthly salary.

23. If you bear in mind all that we have mentioned so far, you will realize that the aim of the setting up of these two bodies is to cause confusion among the representatives, and create the false impression that the Moslems, who represent the great majority of the population, have split into two parties: one favouring union and the other favouring the United Kingdom proposal to divide Eritrea between Ethiopia and the Sudan. But all these attempts have failed as soon as the people realized what was taking place. Therefore those two alleged Leagues are actually the tools of special interests and motives which are contrary to the wishes of the people and without supporters.

24. We would like to ask the members of this Committee how many of them have in the past had their countries subjugated to colonialism and only earned their independence after shedding the precious blood of their sons and sacrificing the flower of their youth, after grave sacrifices. Why are we, therefore, being deprived of this independence which is the natural right of all nations of the world? Is it because of the existence and presence here of a little group which calls for union with a foreign country? The existence of this group should not really earn much consideration, but we should rather consider the circumstances in which this group was created.

25. Our country is the neighbour of a large country which wants to annex ours to it, in spite of the wishes of its people. We have an Administration governing our country which wants to divide our country and to annex part of it at least to Ethiopia. Both parties object to our idea of independence. This is how this group mushroomed up, and it is in fact a minority.

26. According to the democratic system, it should be incumbent upon the minority to abide by and put up with the wish of the majority and adhere to that

wish, so as to earn for itself good, equitable treatment from which no harm will come to it.

27. I ask the members of this Committee: Why is European colonialism being fought and opposed? Is it in order to replace it by an African form of colonialism? Ethiopia asked for Somaliland to be annexed to it in spite of the very substantial differences and discrepancies between them—historical, religious, linguistic and racial. During the fourth session of the General Assembly we heard what the Somaliland delegation said about its objections to annexation by Ethiopia, and the same claims which Ethiopia advances now in order to justify the annexation of our country to itself were advanced in support of its claim to Somaliland.

28. But we are glad to see that Somaliland has had its right to independence recognized. Why, therefore, are we being deprived of this natural right which has been given to Libya and Somaliland?

29. The members of this Committee are responsible for what may take place in this part of East Africa in the way of skirmishes and uprisings in case a mistaken decision is made which will force us to resist it in order to earn and maintain our independence and preserve our being. Up to now we have suffered difficulties and tolerated hardships only in order to maintain peace and order in our country and in the hope that we shall get from this Committee justice and an unbiased attitude towards our natural rights.

30. As to the question about the Moslems in Ethiopia which was referred to by the representative of Ethiopia, who said that in Ethiopia there was no Islamic minority problem but that the Moslems, Yemenites and Saudi Arabians are living amicably and peacefully in Ethiopia, we say that this is not the fact. About half of the population of Ethiopia is Moslem, deprived of their rights. The Moslems have no right to any representation in the Government or to have the education and upbringing of their children well looked after.

31. One evidence of this is what happened in the Harrar revolutions during which fire and steel were used, and in other places when people were killed and their homes and villages burnt down. As to the proportion of the population in Eritrea, we say that the Moslems comprise three-quarters of the population, and they are all represented by the Moslem League. This majority has always been substantiated by official statistics and even historic references have mentioned this fact of the Moslem majority. It is also certain that in Eritrea there are 293 tribes, of which 197 are Moslem and 96 are a mixture of Moslem and Christian. If we were to assume that the 96 tribes were all Christian exclusively, would this be more than the 197 purely Moslem tribes? We assure this Committee that the Moslems form an overwhelming majority of the total population of the Eritrean people.

32. There is also quite a large number of their Christian brethren in Eritrea who belong to the parties of the Independence Bloc and who also object to annexation by or union with Ethiopia, their historic enemy, in

spite of the fact that they are, like the Ethiopians, Coptic Christians. If we add to these Christians who object to the idea of union the number of the Moslems, who form the overwhelming majority, those who advocate union of Eritrea with Ethiopia are only a weak minority. And this minority is partly made up of Ethiopian elements, including the Agamis who came to Eritrea to find work and a livelihood or to join military units and subsequently settled down because they liked it. These people are known for their extreme attitude towards union.

33. In any case, those who do advocate union with Ethiopia, are, in proportion to the Moslems and Christians who belong to the Independence Bloc, only a minority; it is not at all true that they are the majority, as was mistakenly mentioned by the representatives of certain nations.

34. In spite of the fact that we requested the Commission to inform us of the dates of its impending visits to various places where it wished to carry on its work, so that we could then be able to inform the inhabitants of those various places and districts and enable them to appear before that Commission to express their wishes, and in spite of the fact that we objected to having such a confirmation conveyed to us through the local administration, our requests were not answered.

35. The leadership of the Independence Party therefore remained ignorant of the precise dates of those visits by the Commission to the various plebiscite places, and was therefore unable to inform its supporters when to appear and express their wishes. This is one aspect of the matter. Another is the difficulties which were caused by the terrorists. All this collectively made up the various powerful factors which prevented the majority cross-section of the people from appearing before the Commission.

36. As to our political maturity, we shall confine ourselves to mentioning that the Ethiopian representative could not help but recognize at the last meeting that great numbers of the Ethiopian officials are Eritrean by origin, also that certain members of the Ethiopian diplomatic corps abroad are also Eritreans; some of them are, in fact, members of the Ethiopian delegation now here present. This all goes to show simply that there is an able administrative Eritrean group. And when we know that part of this group might be able to return from Ethiopia to Eritrea, once Eritrea obtains its independence, we fail to appreciate why these able Eritreans can be used in a foreign country and cannot be used in their own. We cannot, in fact, accede to the opinion which was advanced by the Four Power Commission, namely, that at the most only 10 per cent of the population have what is known as political maturity and the necessary culture to enable them to express their wishes concerning the future of their country.

37. This opinion is mistaken and does not conform to the actual facts. It will be remembered that the Eritrean people left no stone unturned in order to express their wishes, upon which depended the future of their country. And what re-enforces this argument is the fact of the assurances which have been received in the past and are still being received by our Independence Bloc—which, as we say, includes six different political parties and two political groups derived from various walks of life and parts of Eritrea, consisting of Moslems and Christians.

38. Can it therefore be said that this is an indication of the absence of political maturity and political consciousness among the Eritrean people?

39. We regret that this Committee apparently has not been fully enlightened as to the real circumstances in our country and the composition of its population and its distribution in the various provinces. We truly regret that very much, because we have noticed, in certain speeches and in the explanations advanced by certain representatives, that the Committee's information about our country is very scanty, so scanty that, in fact, it has not enabled you to make clear suggestions which will fulfil the responsibility which has been bestowed upon you. The fault is not the Committee's. It is the fault of the two Commissions which visited Eritrea, because the information with which they provided you is so inaccurate that it does not enable the Committee to form a clear picture of the situation, especially where the advocates of independence are concerned. For whereas we see some of you describe our country as being very poor and therefore undeserving of independence, we see, on the other hand, some others belittling the importance of the advocates of independence as compared with the Unionists only in order to justify the annexation of Eritrea to Ethiopia, even though that be under the guise of federalism.

40. In reply to the question by the representative of Pakistan, what I mentioned applied only to the eastern province proper. But if he meant by his question that that so-called eastern province includes these districts which we in Eritrea call the southern provinces, which are Hamasien, Achele Guzai and Serae, which comprise the highlands, I shall answer that by saying that a religious pressure did take place there, and that in actual fact many of the ecclesiastical personalities who belong to the Independence Bloc went to Asmara and Adi-Quala to complain to the Commission about that pressure.

41. Finally, we leave it to the Committee to decide our case. We leave the whole decision to the member's unbiased consciences, having full confidence that they will champion the principles of justice and right, in realization of the aims of the United Nations, which is devoted to the maintenance of peace and security in the world as a whole.

DOCUMENT A/C.5/420

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1561) : Report of the Secretary-General

[Original text : English]
[29 November 1950]

1. At its 56th meeting held on 25 November 1950, the *Ad Hoc* Political Committee adopted a resolution (A/AC.38/L.37, A/AC.38/L.37/Corr.1) which recommended that Eritrea shall constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown, after a transition period which shall not extend beyond 15 September 1952, during which the Eritrean Government will be organized and the Eritrean constitution prepared and put into effect. The resolution also provided that there shall be a United Nations Commissioner in Eritrea who shall, in consultation with the administering Power, the Government of Ethiopia, and the inhabitants of Eritrea, prepare a draft of the Eritrean constitution to be submitted to the Eritrean Assembly and shall advise and assist the Eritrean Assembly in its consideration of the constitution. The Commissioner shall maintain his headquarters in Eritrea until the transfer of power from the administering Power to the appropriate authorities has been completed, and shall make appropriate reports to the General Assembly of the United Nations concerning the discharge of his functions. The Commissioner may also consult with the Interim Committee of the General Assembly with respect to the discharge of his functions in the light of developments and within the terms of the resolution. When the transfer of authority has been completed, he shall so report to the General Assembly and submit to it the text of the Eritrean constitution.

2. Section B of the resolution authorizes the Secretary-General, in accordance with established practice, to arrange for the payment of an appropriate remuneration to the United Nations Commissioner, and to provide him with such experts, staff, and facilities as may be considered necessary to carry out the terms of the resolution.

3. On the above basis, the funds required for the United Nations Commissioner in Eritrea for 1951 will be as follows :

	<i>US dollars</i>
Consultants	25,000
Temporary assistance	110,000
Travel and subsistence of staff	84,600
Communication services	6,000
Rental and maintenance of premises	3,000
Stationery and office supplies	1,500
Local transportation	5,000
Freight, cartage and express	6,000
Miscellaneous supplies and contractual services .	4,000
Furniture, fixtures and office equipment	5,000
Purchase of motor vehicles	7,600
Insurance	500
Miscellaneous equipment	2,000
Contractual printing	6,000
TOTAL	266,200

4. Under consultants, provision is made for travel, fees and subsistence of three experts in such fields as taxation, police and internal security, for periods ranging from 90 to 180 days during the year 1951.

5. Under temporary assistance, provision is made for four internationally recruited staff as shown in the annex (\$42,900), for local recruits, including two interpreters, four messengers and cleaners, three drivers, and one mimeograph operator (\$11,500), and for temporary replacement at Headquarters of 50 per cent of professional staff and all general service staff (\$55,600).

6. The sum of \$73,600 requested under travel and subsistence of staff covers (a) the cost of twenty-four round-trips between New York and Eritrea, including two trips by the Commissioner and the principal secretary for consultations and report at headquarters during the sixth session of the General Assembly at \$1,400 per round-trip (\$33,600); (b) subsistence allowance for the Commissioner at \$20 per day, and for twenty-one staff members at an estimated average rate of \$8 for staff members with dependents and \$5 for staff members without dependents, less 10 per cent for periods of absence (\$51,000).

7. A sum of \$6,000 is requested to cover the cost of cables, telephones, postage and other communication expenses. Provision is made for the purchase of one sedan and two station wagons to meet the requirements for transportation in Eritrea, as suitable cars are not available for hire in the area. The estimate for local transportation includes travel in the area by commercial aircraft (\$2,000), and maintenance and operation of motor vehicles (\$3,000).

8. Other items of expenditure are based on experience gained in connexion with the 1950 Commission, adjusted to cover the requirements of the Commissioner and his staff for the whole year of 1951.

9. The Secretary-General requests that \$266,200 be appropriated for the Office of the United Nations Commissioner in Eritrea, of which \$260,200 should be allocated to section 5, chapter XI of the 1951 budget and \$6,000, requested for contractual printing under section 25, chapter V.

10. These expenses will be partly compensated by an estimated income of \$20,000 from the assessments to be levied on the salaries of the internationally-recruited and temporary-replacement staff.

ANNEX

<i>Staff members Detailed from headquarters</i>	<i>Internationally recruited staff members</i>		<i>Gross salary of internationally recruited staff members US dollars</i>
	1	Commissioner	28,250
1		Principal secretary	
2		Political officers	
1		Legal officer	
1		Economic affairs officer	
1		Administrative officer	
1		Information officer	
	1	Interpreter	7,600
1		Precis writer	
5	2	Secretarial and clerical staff	7,050
5		Field service personnel	
<hr/> 18	<hr/> 4		<hr/> 42,900

DOCUMENT A/1575

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1561) : twenty-fifth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

*[Original text : English]
[1 December 1950]*

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/420) on the financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee in document A/1561.

2. Paragraph 10 of the draft resolution provides that there shall be a United Nations Commissioner in Eritrea, assisted by experts to be appointed by the Secretary-General, while paragraph 15 provides that the Commissioner shall maintain his headquarters in Eritrea until the transfer of power from the administering Power has been completed, at latest by 15 September 1952.

3. The estimated expenditure for the Office of the United Nations Commissioner during 1951 amounts to \$266,200, against an actual expenditure of \$146,000 during the first half of 1950 for the Commission for Eritrea. In view, however, of differences in the composition and functions of the two bodies, the above figures are not readily comparable.

4. The Advisory Committee considers that, while some savings should accrue on the items for temporary assistance, consultants and subsistence of staff, no precise estimates are possible at the present stage. The following appropriations are accordingly recommended :

	<i>US dollars</i>
Section 25, chapter IX.....	250,000
Section 5, chapter V (Official Records)	5,000

In making this recommendation, the Advisory Committee stipulates that the administrative and financial arrangements of this Office, as well as those of other commissions, should be the subject of careful scrutiny.

5. The salaries of the internationally-recruited staff members of the Office of the Commissioner and of the temporary-replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$20,000.

DOCUMENT A/1561

Report of the *Ad Hoc* Political Committee

*[Original text : English]
[29 November 1950]*

1. The General Assembly, at its 250th plenary meeting on 12 November 1949, adopted resolution 289 A (IV) on the question of the disposal of the former Italian colonies. Section C of that resolution provided, *inter alia*, that a Commission should be established to

ascertain more fully the wishes and the best means of promoting the welfare of the inhabitants of Eritrea, to examine the question of the disposal of Eritrea, and to prepare a report for the General Assembly, together with such proposal or proposals as it might deem appro-

priate for the solution of the problem of Eritrea. The resolution further provided that the report of the Commission should be communicated to the Secretary-General not later than 15 June 1950 for distribution to Member States, and that the Interim Committee of the General Assembly should consider the report and proposal or proposals of the Commission and report, with conclusions, to the fifth regular session of the General Assembly.

2. Pursuant to the resolution, the following reports were submitted :

(a) The report of the United Nations Commission for Eritrea (A/1285);³⁴

(b) The report of the Interim Committee of the General Assembly (A/1388, chapter II A).³⁵

3. The General Assembly, at its 284th and 285th meetings on 26 September 1950, decided to include the item " Former Italian colonies " in the agenda of the fifth session and to refer sub-items (a), (b), (d) and (e) to the *Ad Hoc* Political Committee.

4. The *Ad Hoc* Political Committee considered sub-items (d) and (e) relating to Eritrea at its 37th to 40th meetings, and again at its 48th to 56th meetings, inclusive. The sub-items were considered jointly.

5. The following draft resolutions were submitted :

(a) A draft resolution (A/AC.38/L.31), submitted by the Union of Soviet Socialist Republics at the 37th meeting on 8 November, recommending that Eritrea should be granted independence immediately; that the British occupation forces should be withdrawn from Eritrea within three months of the day on which this decision would be adopted by the General Assembly; and that Ethiopia should be ceded that part of the territory of Eritrea which was necessary to secure Ethiopia's access to the sea through the port of Assab.

(b) A draft resolution (A/AC.38/L.32/Rev.1), submitted by Iraq at the 39th meeting on 10 November, and revised at the 53rd meeting on 23 November, recommending that the question whether Eritrea should enter into some form of federation with Ethiopia under the crown of Ethiopia, or become an independent sovereign State, granting Ethiopia suitable access to the sea, be determined by a national assembly duly representative of the people of Eritrea, not later than 1 July 1951. It also provided for the appointment of a United Nations Commissioner in Eritrea and a Council to aid and guide him and to assist the people of Eritrea to decide the above question and to effect its implementation. The Council would be composed of representatives of (seven) countries and three representatives of the people of Eritrea. The draft resolution further recommended (1) that the representatives of the people of Eritrea be appointed by the Commissioner after consultation with the representatives of the States on the Council and the representatives of the leading political parties and organizations in Eritrea; (2) that the Commissioner, in

consultation with the Council, convene a duly representative national assembly not later than 1 June 1951; (3) that the administering Power co-operate with the Commissioner and so administer the Territory that all power might be transferred to a duly constituted government for Eritrea not later than 1 January 1953; and (4) that the Commissioner, in consultation with the Council, submit to the Secretary-General an annual report on the progress of the implementation of these recommendations.

(c) A joint draft resolution (A/AC.38/L.37, A/AC.38/L.37/Corr.1), submitted by Bolivia, Brazil, Burma, Canada, Denmark, Ecuador, Greece, Liberia, Mexico, Panama, Paraguay, Peru, Turkey and the United States of America, at the 48th meeting on 20 November, recommending a detailed plan whereby Eritrea would constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown. The joint draft resolution provided for a transition period which should not extend beyond 15 September 1952, during which the Eritrean government would be organized and the Eritrean constitution prepared and put into effect. It also provided for the appointment by the General Assembly of a United Nations Commissioner in Eritrea who would be assisted by experts appointed by the Secretary-General of the United Nations.

(d) A draft resolution (A/AC.38/L.47) submitted by Poland at the 51st meeting on 22 November, recommending that Eritrea be granted independence after three years and that during that period it be governed by a Council of six members : one from Ethiopia, two from the Arab countries, and three from Eritrea, the latter comprising two from the indigenous population and one from the European. The Council would report annually to the General Assembly and it would appoint an Administrator with executive authority and responsible to itself. The resolution further recommended that the British occupation forces be withdrawn within three months of the adoption of the resolution, and that Ethiopia be ceded that part of Eritrea necessary to secure Ethiopia's access to the sea through the port of Assab.

(e) A draft resolution (A/AC.38/L.48) submitted by Pakistan at the 54th meeting on 24 November, recommending that Eritrea be constituted an independent and sovereign State not later than 1 January 1953, and that a national assembly, to be convened not later than 1 October 1951, should frame a constitution for Eritrea and should set up a provisional government, bearing in mind 1 April 1952 as the target date. It further recommended that all powers now exercised by the administering Power be progressively transferred to this provisional government, the transfer to be completed by 1 January 1953. The draft resolution further provided for the appointment of a United Nations Commissioner to assist the people of Eritrea in setting up a national assembly, formulating a constitution, and establishing an independent Eritrean government. A Council consisting of representatives of five countries and three representatives of the people of Eritrea would be established to advise and guide the Commissioner in the discharge of his functions. After making further proposals concerning procedures in the interim period, the

³⁴ See *Official Records of the General Assembly, Fifth session, Supplement No. 8*.

³⁵ *Ibid.*, Supplement No. 14.

draft resolution recommended that Eritrea, upon its establishment as an independent State, be admitted to the United Nations, in accordance with Article 4 of the Charter.

6. At the 48th meeting on 20 November, the Committee considered a letter dated 17 November 1950 from the Chairman of the delegation of the Moslem League of Eritrea (A/AC.38/L.43). It adopted the following proposals :

(a) A proposal by Guatemala to invite the Chairman of the delegation of the Moslem League of Eritrea to participate, as on previous occasions, in the debate in the Committee relating to the question of Eritrea. A vote was taken by roll call, and the proposal was adopted by 31 votes to 16, with 9 abstentions, as follows :

In favour: Afghanistan, Argentina, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Mexico, New Zealand, Pakistan, Poland, Saudi Arabia, Syria, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Against: Australia, Belgium, Bolivia, Brazil, Burma, Denmark, Ethiopia, France, Greece, Netherlands, Nicaragua, Norway, Paraguay, Peru, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Canada, Colombia, Liberia, Philippines, Sweden, United States of America, Uruguay, Venezuela, Yugoslavia.

(b) A proposal by Ethiopia to the effect that all political parties in Eritrea which might ask to be heard and to participate in the debate on the question of Eritrea, should have the same privileges as those accorded to the Moslem League delegation. The proposal was adopted by 53 votes in favour, with one abstention.

7. At the 49th and 55th meetings of the Committee, the Chairman of the Moslem League delegation made statements (A/AC.38/L.46, A/AC.38/L.52) and replied to questions.

8. At the 55th meeting on 24 November, the Committee began voting on the draft resolutions before it. The vote on the draft resolution of the Union of Soviet Socialist Republics (A/AC.38/L.31) was as follows :

(a) Paragraph 1, recommending immediate independence, was rejected by 32 votes to 8, with 15 abstentions.

(b) Paragraph 2, referring to the withdrawal of British occupation forces, was rejected by 36 votes to 8, with 12 abstentions.

(c) Paragraph 3, referring to Ethiopia's access to the sea through the port of Assab, was rejected by 29 votes to 12, with 17 abstentions.

9. At the same meeting a proposal by Cuba that priority in voting should be given to the draft resolutions of Poland and Pakistan, in that order, was adopted by 32 votes to 9, with 13 abstentions. Accordingly,

the draft resolution of Poland (A/AC.38/L.47) was put to the vote, with the following results :

(a) Paragraph 1, recommending independence after three years, was rejected by 32 votes to 11, with 13 abstentions.

(b) Paragraph 2, referring to the appointment of a Council of six members, was rejected by 33 votes to 8, with 18 abstentions.

(c) Paragraph 3, referring to the withdrawal of British occupation forces, was rejected by 36 votes to 8, with 14 abstentions.

(d) Paragraph 4, referring to Ethiopia's access to the sea through the port of Assab, was rejected by 27 votes to 10, with 17 abstentions.

10. At the 56th meeting on 25 November, the Committee continued voting on the draft resolutions before it. The vote on the draft resolution of Pakistan (A/AC.38/L.48) was as follows :

(a) The first two paragraphs of the preamble, referring to parts of the Treaty of Peace with Italy, were rejected by 22 votes to 22, with 10 abstentions.

(b) The third paragraph of the preamble, referring to difference of opinion among the members of the United Nations Commission, as well as among the inhabitants, was rejected by 27 votes to 16, with 11 abstentions.

(c) The fourth paragraph of the preamble, referring to the principle of self-determination, was rejected by a roll-call vote of 29 to 17, with 13 abstentions, as follows :

In favour: Afghanistan, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, India, Indonesia, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

Against: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Costa Rica, Denmark, Ecuador, Ethiopia, France, Greece, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Abstaining: Argentina, Colombia, Dominican Republic, Egypt, El Salvador, Haiti, Iran, Israel, Lebanon, Mexico, Philippines, Sweden, Thailand.

(d) The first part of paragraph 1 (a) of the operative part of the draft resolution, recommending that Eritrea be constituted an independent and sovereign State as soon as possible, was rejected by a roll-call vote of 29 to 16, with 14 abstentions, as follows :

In favour: Afghanistan, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, El Salvador, Indonesia, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

Against: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Costa Rica, Denmark, Ecuador, Ethiopia, France, Greece, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama,

Paraguay, Peru, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Abstaining: Argentina, China, Colombia, Dominican Republic, Egypt, Haiti, India, Israel, Lebanon, Mexico, Philippines, Sweden, Thailand.

(e) The last part of sub paragraph 1(a), referring to the date of 1 January 1953, was rejected by 22 votes to 13, with 10 abstentions.

(f) The remainder of the draft resolution was then voted upon and rejected by a roll-call vote of 30 to 18, with 12 abstentions, as follows :

In favour: Afghanistan, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, El Salvador, Guatemala, Indonesia, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

Against: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Costa Rica, Denmark, Ecuador, Ethiopia, France, Greece, Honduras, Iceland, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Abstaining: Argentina, Colombia, Dominican Republic, Egypt, Haiti, India, Iran, Israel, Lebanon, Philippines, Sweden, Thailand.

11. At the same meeting, the Committee voted on the revised draft resolution of Iraq (A/AC.38/L.32/Rev.1), as follows :

(a) The preamble, referring to parts of the Treaty of Peace with Italy, to difference of opinion among the members of the United Nations Commission as well as among the inhabitants of Eritrea, and to the principle of self-determination, was rejected by a roll-call vote of 27 to 22, with 11 abstentions, as follows :

In favour: Afghanistan, Argentina, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Egypt, El Salvador, Guatemala, Haiti, Indonesia, Iran, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

Against: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Costa Rica, Denmark, Ecuador, Ethiopia, France, Greece, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining: Colombia, Dominican Republic, India, Israel, Lebanon, Mexico, Philippines, Sweden, Thailand, Turkey, Yugoslavia.

(b) The first part of paragraph 1, recommending that the question of federation or independence be determined by a national assembly of the people of Eritrea, was rejected by a roll-call vote of 28 to 21, with 11 abstentions, as follows :

In favour: Afghanistan, Argentina, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Guatemala, Haiti, Indonesia, Iran, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

Against: Australia, Belgium, Bolivia, Brazil, Burma, Canada, Costa Rica, Denmark, Ecuador, Ethiopia, France, Greece, Honduras, Iceland, Liberia, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

Abstaining: China, Colombia, Egypt, India, Israel, Lebanon, Mexico, Philippines, Sweden, Thailand, Turkey.

(c) The last part of paragraph 1 and the remainder of the draft resolution, referring to the appointment of a United Nations Commissioner and a Council, and the transfer of power to a duly constituted government for Eritrea, was rejected by 28 votes to 21, with 8 abstentions.

12. At the same meeting, after a proposal by Saudi Arabia for adjournment had been rejected by 27 votes to 14, with 13 abstentions, the Committee proceeded to vote on the joint draft resolution submitted by Bolivia, Brazil, Burma, Canada, Denmark, Ecuador, Greece, Liberia, Mexico, Panama, Paraguay, Peru, Turkey and the United States of America (A/AC.38/L.37, A/AC.38/L.37/Corr.1). The vote was taken by roll-call on the draft resolution as a whole, and it was adopted by 38 votes to 14, with 8 abstentions, as follows :

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, China, Costa Rica, Denmark, Ecuador, Egypt, Ethiopia, France, Greece, Haiti, Honduras, Iceland, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Guatemala, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay.

Abstaining: Afghanistan, Chile, Colombia, India, Indonesia, Iran, Israel, Sweden.

13. The *Ad Hoc* Political Committee therefore recommends to the General Assembly the adoption of the following resolution :

ERITREA

Report of the United Nations Commission for Eritrea
Report of the Interim Committee of the General Assembly on the report of the United Nations Commission for Eritrea

Whereas by paragraph 3 of annex XI to the Treaty of Peace with Italy, 1947, the Powers concerned have agreed to accept the recommendation of the General

Assembly on the disposal of the former Italian colonies in Africa and to take appropriate measures for giving effect to it,

Whereas by paragraph 2 of the aforesaid annex XI such disposal is to be made in the light of the wishes and welfare of the inhabitants and the interests of peace and security, taking into consideration the views of interested Governments,

Now therefore

The General Assembly, in the light of the reports of the United Nations Commission for Eritrea and of the Interim Committee, and

Taking into consideration

(a) The wishes and welfare of the inhabitants of Eritrea, including the views of the various racial, religious and political groups of the provinces of the territory and the capacity of the people for self-government,

(b) The interests of peace and security in East Africa,

(c) The rights and claims of Ethiopia based on geographical, historical, ethnic or economic reasons, including in particular Ethiopia's legitimate need for adequate access to the sea,

Taking into account the importance of assuring the continuing collaboration of the foreign communities in the economic development of Eritrea.

Recognizing that the disposal of Eritrea should be based on its close political and economic association with Ethiopia, and

Desiring that this association assure to the inhabitants of Eritrea the fullest respect and safeguards for their institutions, traditions, religions and languages, as well as the widest possible measure of self-government, while at the same time respecting the Constitution, institutions, traditions and the international status and identity of the Empire of Ethiopia,

A. *Recommends that:*

1. Eritrea shall constitute an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown.

2. The Eritrean government shall possess legislative, executive and judicial powers in the field of domestic affairs.

3. The jurisdiction of the Federal Government shall extend to the following matters: defence, foreign affairs, currency and finance, foreign and interstate commerce and external and interstate communications including ports. The Federal Government shall have the power to maintain the integrity of the federation, and shall have the right to impose uniform taxes throughout the Federation to meet the expenses of federal functions and services, it being understood that the assessment and the collection of such taxes in Eritrea are to be delegated to the Eritrean Government, and provided that Eritrea shall bear only its just and equitable share of these expenses. The jurisdiction of the Eritrean Government shall extend to all matters not vested in the Federal

Government, including the power to maintain the internal police, to levy taxes to meet the expense of domestic functions and services, and to adopt its own budget.

4. The area of the Federation shall constitute a single area for customs purposes, and there shall be no barriers to the free movement of goods and persons within the area. Customs duties on goods entering or leaving the Federation which have their final destination or origin in Eritrea shall be assigned to Eritrea.

5. An Imperial Federal Council composed of equal numbers of Ethiopian and Eritrean representatives shall meet at least once a year and shall advise upon the common affairs of the Federation referred to in paragraph 3 above. The citizens of Eritrea shall participate in the executive and judicial branches, and shall be represented in the legislative branch of the Federal Government in accordance with law and in the proportion that the population of Eritrea bears to the population of the Federation.

6. A single nationality shall prevail throughout the Federation.

(a) All inhabitants of Eritrea, except persons possessing foreign nationality, shall be nationals of the Federation;

(b) All inhabitants born in Eritrea and having at least one indigenous parent or grandparent shall also be nationals of the Federation. Such persons, if in possession of a foreign nationality, shall, within six months of the coming into force of the Eritrean constitution, be free to opt to renounce the nationality of the Federation and retain such foreign nationality. In the event they do not so opt, they shall thereupon lose such foreign nationality;

(c) The qualifications of persons acquiring the nationality of the Federation under sub-paragraphs (a) and (b) above for exercising their rights as citizens of Eritrea shall be determined by the Constitution and laws of Eritrea;

(d) All persons possessing foreign nationality who have resided in Eritrea for ten years prior to the date of the adoption of the present resolution shall have the right, without further requirements of residence, to apply for the nationality of the Federation in accordance with federal laws. Such persons who do not thus acquire the nationality of the Federation shall be permitted to reside in and engage in peaceful and lawful pursuits in Eritrea. The rights and interests of foreign nationals resident in Eritrea shall be guaranteed in accordance with the provisions of paragraph 7.

7. The Federal Government, as well as Eritrea, shall ensure to residents in Eritrea without distinction of nationality, race, sex, language or religion, the enjoyment of human rights and fundamental liberties, including the following:

(a) The right to equality before the law. No discrimination shall be made against foreign enterprises in existence in Eritrea, engaged in industrial, commercial, agricultural, artisan, educational or charitable activities,

nor against banking institutions and insurance companies operating in Eritrea;

(b) The right to life, liberty and security of person;

(c) The right to own and dispose of property. No one shall be deprived of property, including contractual rights, without due process of law and without payment of just and effective compensation;

(d) The right to freedom of opinion and expression and the right of adopting and practising any creed or religion;

(e) The right to education;

(f) The right to freedom of peaceful assembly and association;

(g) The right to inviolability of correspondence and domicile, subject to the requirements of the law;

(h) The right to exercise any profession subject to the requirements of the law;

(i) No one shall be subject to arrest or detention without an order of a competent authority, except in case of flagrant and serious violation of the law in force. No one shall be deported except in accordance with the law;

(j) The right to a fair and equitable trial, the rights of petition to the Emperor and the right of appeal to the Emperor for commutation of death sentences;

(k) Retroactivity of penal law shall be excluded.

The respect for the rights and freedoms of others and the requirements of public order and the general welfare alone will justify any limitations to the above rights.

8. Paragraphs 1 to 7 inclusive of the present resolution shall constitute the Federal Act which shall be submitted to the Emperor of Ethiopia for ratification.

9. There shall be a transition period which shall not extend beyond 15 September 1952, during which the Eritrean government will be organized and the Eritrean Constitution prepared and put into effect.

10. There shall be a United Nations Commissioner in Eritrea appointed by the General Assembly. The Commissioner will be assisted by experts appointed by the Secretary-General of the United Nations.

11. During the transition period, the present administering Power shall continue to conduct the affairs of Eritrea. It shall, in consultation with the United Nations Commissioner, prepare as rapidly as possible the organization of an Eritrean administration, induct Eritreans into all levels of the administration, and make arrangements for and convoke a representative assembly

of Eritreans chosen by the people. It may, in agreement with the Commissioner, negotiate on behalf of the Eritreans a temporary customs union with Ethiopia to be put into effect as soon as practicable.

12. The United Nations Commissioner shall, in consultation with the Administering Power, the Government of Ethiopia, and the inhabitants of Eritrea, prepare a draft of the Eritrean Constitution to be submitted to the Eritrean Assembly and shall advise and assist the Eritrean Assembly in its consideration of the Constitution. The Constitution of Eritrea shall be based on the principles of democratic government, shall include the guarantees contained in paragraph 7 of the Federal Act, shall be consistent with the provisions of the Federal Act and shall contain provisions adopting and ratifying the Federal Act on behalf of the people of Eritrea.

13. The Federal Act and the Constitution of Eritrea shall enter into effect following ratification of the Federal Act by the Emperor of Ethiopia, and following approval by the Commissioner, adoption by the Eritrean Assembly and ratification by the Emperor of Ethiopia of the Eritrean Constitution.

14. Arrangements shall be made by the Government of the United Kingdom of Great Britain and Northern Ireland as the administering Power for the transfer of power to the appropriate authorities. The transfer of power shall take place as soon as the Eritrean Constitution and the Federal Act enter into effect in accordance with the provisions of paragraph 13 above.

15. The United Nations Commissioner shall maintain his headquarters in Eritrea until the transfer of power has been completed, and shall make appropriate reports to the General Assembly of the United Nations concerning the discharge of his functions. The Commissioner may consult with the Interim Committee of the General Assembly with respect to the discharge of his functions in the light of developments and within the terms of the present resolution. When the transfer of authority has been completed, he shall so report to the General Assembly and submit to it the text of the Eritrean constitution;

B. *Authorizes* the Secretary-General, in accordance with established practice :

1. To arrange for the payment of an appropriate remuneration to the United Nations Commissioner;

2. To provide the United Nations Commissioner with such experts, staff and facilities as the Secretary-General may consider necessary to carry out the terms of the present resolution.

DOCUMENT A/1561/Add.1

Additional report of the *Ad Hoc* Political Committee

[Original text: English]
[30 November 1950]

1. At the 64th meeting of the *Ad Hoc* Political Committee on 30 November 1950, the delegations of Brazil, Canada, Mexico, Turkey and the United States of America jointly submitted a draft resolution (A/AC.38/L.59) relating to the appointment of the United Nations Commissioner for Eritrea.

2. The joint draft resolution was adopted at the same meeting by 28 votes to 4, with 4 abstentions.

3. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution :

APPOINTMENT OF THE UNITED NATIONS COMMISSIONER FOR ERITREA

The General Assembly, to assist it in making the appointment of the United Nations Commissioner for Eritrea,

Decides that a Committee composed of the President of the General Assembly, two of the Vice-Presidents (Australia and Venezuela), the Chairman of the Fourth Committee and the Chairman of the *Ad Hoc* Political Committee shall nominate a candidate or, if no agreement can be reached, three candidates³⁶ for the post of United Nations Commissioner for Eritrea.

³⁶ The resolution as adopted by the General Assembly (A/1605) provided for "two or three candidates."

DOCUMENT A/1574

Financial implications of the draft resolution proposed by the *Ad Hoc* Political Committee (A/1561) report of the Fifth Committee

[Original text: English]
[30 November 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 27 November 1950 (A/C.5/418), the Fifth Committee, at its 274th meeting held on 30 November 1950, considered the effect on the budget estimates for 1951 of the draft resolution concerning the question of Eritrea adopted by the *Ad Hoc* Political Committee (A/AC.38/L.37, A/AC.38/L.37/Corr.1).

2. The Fifth Committee had before it a report by the Secretary-General (A/C.5/420) giving estimates of the funds which will be required for 1951 for the purpose of carrying out the terms of the draft resolution of the *Ad Hoc* Political Committee. The Fifth Committee also had as a basis for its consideration of this matter the observations and recommendations of the Advisory Committee on Administrative and Budgetary Questions as contained in its twenty-fifth report of 1950 (A/1575).

3. The Secretary-General estimated that, on the basis of section B of the draft resolution under which the Secretary-General is authorized, in accordance with established practice, to arrange for the payment of appropriate remuneration to the United Nations Commissioner and to provide him with such experts, staff and facilities as may be considered necessary, provision would need to be made for total expenditure during 1951 of \$266,200. Of this amount, \$260,200 would need to be appropriated under chapter IX of section 5 of the 1951 budget and \$6,000 for contractual printing

under chapter V of section 25. Against this expenditure there would be offsetting revenue under the staff assessment plan amounting to \$20,000.

4. The Advisory Committee, in its report, noted that the estimate of \$266,200 for 1951 exceeded the actual expenditure of \$146,000 incurred during the first part of 1950 for the Commission for Eritrea. It observed, however, that, in view of the difference in the composition and functions of the two bodies, these figures are not readily comparable. Nevertheless, the opinion was expressed that certain savings should be possible with respect to such items as temporary assistance, consultants and subsistence of staff, and accordingly the Advisory Committee recommended that the estimates as submitted by the Secretary-General be reduced by a total of \$11,200. The Secretary-General did not contest this reduction.

5. In making the above recommendation, the Advisory Committee stipulated that the administrative and financial arrangements of the Office of the United Nations Commissioner, as well as those of other commissions, should be the subject of careful scrutiny.

6. The representative of the Union of Soviet Socialist Republics stated that the position of his delegation had been explained in the *Ad Hoc* Political Committee, where it proposed the independence of Eritrea. He would therefore vote against the estimates which were before the Committee.

7. The Fifth Committee thereupon approved by 26 votes to 5 with 2 abstentions the estimates as recommended by the Advisory Committee.

8. The Fifth Committee therefore decided to inform the General Assembly that adoption of the draft reso-

lution recommended by the *Ad Hoc* Political Committee with reference to Eritrea (A/1561) will require budgetary provision in 1951 in the amount of \$250,000 under chapter IX of section 5 and \$5,000 under chapter V of section 25.

DOCUMENT A/1715

Appointment of the United Nations Commissioner in Eritrea : report of the Committee established by the General Assembly on 2 December 1950

[Original text : English]
[13 December 1950]

In accordance with the terms of part B of the resolution adopted by the General Assembly on 2 December 1950 (A/1605), the Committee composed of Mr. Nasrollah Entezam, President of the General Assembly, Sir Keith Officer, Vice-President, Mr. Cesar Gonzalez, Vice-President, Prince Wan Waithayakon, Chairman of the Fourth Committee, and Mr. Victor A. Belaúnde, Chairman of the *Ad Hoc* Political Committee, met on 12 December to consider the nomination of candidates

for the Office of the United Nations Commissioner in Eritrea.

The Committee has pleasure in stating that it has agreed to nominate for this office the following candidates :

- Mr. Victor Hoo (Assistant Secretary-General);
- Justice U. Aung Khine (Burma);
- Mr. Eduardo Anze Matienzo (Bolivia).

DOCUMENT A/1723

Report of the *Ad Hoc* Political Committee

[Original text : English]
[14 December 1950]

1. In accordance with resolution 289 C (IV) adopted by the General Assembly on 21 November 1949, the Interim Committee reported to the fifth session of the Assembly (A/1388)³⁷ on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.

2. The General Assembly, at its 285th meeting held on 26 September 1950, decided to include the item on its agenda and referred it to the *Ad Hoc* Political Committee for consideration and report.

3. The *Ad Hoc* Political Committee considered the question at its 81st meeting on 13 December 1950. At the same meeting, the representative of the United States of America introduced a draft resolution (A/AC.38/L.78) proposing (a) with respect to Libya, that the portion of its boundary with French territory not yet delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted, upon the request of either party, by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General; (b) with respect to the Trust Territory of Somaliland, that the portion of its boundaries with British Somaliland and

Ethiopia not yet delimited by international agreement be delimited by bilateral negotiations. If either party to a bilateral negotiation were so to request, a United Nations Mediator would be appointed by the Secretary-General and, if his recommendations were not accepted, the parties should agree to a procedure of arbitration; and

(c) with respect to any other boundaries not delimited by international agreement, that the parties concerned seek to reach agreement by negotiation or by arbitration.

4. The United States draft resolution was adopted by 35 votes to 5, with one abstention.

5. The *Ad Hoc* Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

PROCEDURE TO BE ADOPTED TO DELIMIT THE BOUNDARIES OF THE FORMER ITALIAN COLONIES IN SO FAR AS THEY ARE NOT ALREADY FIXED BY INTERNATIONAL AGREEMENT

The General Assembly,

In accordance with General Assembly resolution 289 C (IV) adopted on 21 November 1949, in which the General Assembly called upon the Interim Committee " to

³⁷ See *Official Records of the General Assembly, Fifth Session, Supplement No. 14.*

study the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement, and report with conclusions to the fifth regular session of the General Assembly ”,

Having taken note of the memorandum, prepared at the Interim Committee's request by the Secretariat (A/AC.18/103), giving information relating to the boundaries of the former Italian colonies not already fixed by international agreement, and having taken into consideration the view of the interested governments,

1. *Recommends* :

(a) *With respect to Libya,*

That the portion of its boundary with French territory not already delimited by international agreement be delimited, upon Libya's achievement of independence, by negotiation between the Libyan and French Governments, assisted upon the request of either party by a third person to be selected by them or, failing their agreement, to be appointed by the Secretary-General;

(b) *With respect to the Trust Territory of Somaliland,*

That the portion of its boundaries with British Somaliland, as well as with Ethiopia, not already delimited by international agreement be delimited by bilateral negotiations between the United Kingdom Government and the Administering Authority, in respect of the boundaries with British Somaliland, and between the Ethiopian Government and the Administering Authority in respect of the boundaries with Ethiopia;

In order to resolve any and all differences arising in the course of such negotiations, the respective parties to each bilateral negotiation agree, upon the request of either party, to a procedure of mediation by a United Nations Mediator to be appointed by the Secretary-General and, further, in the event of the inability of the parties to accept the recommendations of the Mediator, to a procedure of arbitration;

2. *Recommends, further,* that, with respect to any other boundaries not delimited by international agreement, the parties concerned seek to reach agreement by negotiation or by arbitration.

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DOCUMENT A/1284

Communication, dated 29 May 1950, from the United States Mission to the United Nations addressed to the Secretary-General

[Original text : English]
[9 June 1950]

New York, 29 May 1950

The Acting Representative of the United States to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to transmit the following message from the Secretary of State of the United States concerning the problem of repatriation of Greek children :

“ The United States Government has followed with close and sympathetic attention the laudable efforts of the United Nations Secretariat and of the International Red Cross agencies, in accordance with the unanimous General Assembly resolutions of 27 November 1948 and 18 November 1949¹, to bring about the repatriation to Greece of the thousands of children removed over two years ago from that country to eastern Europe by the guerrillas during the Greek guerrilla warfare. My Government has accordingly noted with special concern and disappointment the resolution on this subject addressed to the United Nations and adopted at Geneva on 13 May by the Executive Committee of the League of Red Cross Societies.² It is recalled that the Executive Committee :

“ Reports with deep regret that despite these efforts no Greek child has so far been returned to Greece and that even elementary indications indispensable for solution of the problem have not been furnished by the Governments concerned;

“ Affirms, nevertheless, the determination of the League of Red Cross Societies to proceed, in full accord

with the International Committee of the Red Cross, with the task which they accepted and worked on in common;

“ Believes it to be its duty to draw the attention of the United Nations to the fact that without a greater sense of social responsibility on the part of the Governments concerned, the Red Cross cannot fulfil the task entrusted to it;

“ Reports to the United Nations that unless the obstacles over which the Red Cross has not control are removed, the mission of the Red Cross cannot be accomplished. ’

“ It is public knowledge that these thousands of Greek children are presently being detained in Bulgaria, Czechoslovakia, Hungary, Romania, Poland, the Soviet zone of Germany and Yugoslavia. Only the last-named country has permitted a few of the children to rejoin their families in countries other than Greece and has affirmed its intention to expedite the return of the other Greek children in its territory to their parents. The recalcitrant attitude so far demonstrated by the other listed countries, despite two unanimous votes of the General Assembly and the full restoration of peaceful conditions in Greece, must give rise to the deepest anxiety on the part of all Governments and peoples who hold, with the Universal Declaration of Human Rights, that ‘ the family is the natural and fundamental group unit of society and is entitled to protection by society and the State ’.

“ As you are doubtless aware, a number of international, non-governmental organizations, which generally reflect the ideology dominant in the Soviet Union and eastern Europe, have designated Thursday, 1 June 1950, as ‘ International Children’s Day ’ to

¹ Resolutions 193 C (III) and 288 B (IV).

² Document A/1257.

mark the launching of a campaign purportedly in defense of the rights of children'. The appeal issued by the Preparatory Committee for 'International Children's Day' states that this occasion will be one 'of happy Soviet childhood and, in the new democracies, a festival of new successes'. Among its ostensible objectives will be 'to give to the children 'the joy of living' and 'to bring home to every mother, to every woman, the responsibility she bears for defending the life of our children and for ensuring their proper education'. It is to be hoped that the countries of eastern Europe, in proclaiming their concern for the rights of children, will be reminded of the right of the Greek children involuntarily in their midst to return to the joy of living in their own country, as well as the right of Greek mothers to exercise their responsibilities for the welfare and upbringing of the children they laboured to bring into the world.

"The Government of the United States considers it appropriate on this occasion to reiterate its appreciation of the efforts of the United Nations Secretariat and of the Red Cross in this matter and to reaffirm the determination of the American people, expressed in formal resolutions by the House of Representatives and other public bodies, and in thousands of spontaneous, individual messages, to support these efforts until the Greek children are back in their homes.

"It is requested that Your Excellency kindly transmit this communication to all Members of the United Nations and to the Governments of Bulgaria, Hungary and Romania for their information and in anticipation of the forthcoming session of the General Assembly, which will again be confronted by this grave humanitarian problem if by that time substantial progress has not been made towards its solution".

DOCUMENT A/1423

Letter, dated 8 September 1950 from the Chairman of the United Nations Special Committee on the Balkans to the Secretary-General

[Original text : English]
[9 October 1950]

Athens, 8 September 1950

On behalf of the Special Committee, I have the honour to draw your attention to the attached report which was adopted at the 213th meeting of the Special Committee held on 8 September 1950.

You will note that the information contained in this report amplifies statements made in paragraph 62 of chapter III and paragraph 208 of chapter V of the Committee's report to the General Assembly³ and should be read in conjunction with a previous observation report (A/AC.16/OG.1/43/S-1).⁴ In view of this, the Committee felt that it would be appropriate if you would circulate this report to Member States of the United Nations.

(Signed) P. C. VISSER
Chairman
United Nations Special Committee
on the Balkans

³ See *Official Records of the General Assembly, Fifth Session, Supplement No. II*.

⁴ See C below.

LIST OF APPENDED DOCUMENTS

- A. Conclusions of the Special Committee on the special report from Observation Base No. 1 concerning the testimony of a Greek guerrilla who had surrendered to the Greek National Army on 30 August 1950 (adopted at the 213th meeting of the Special Committee, held on 8 September 1950).
- B. Special report from Observation Base No. 1 concerning the testimony of a Greek guerilla who had surrendered to the Greek National Army on 30 August 1950.
- C. First special report of Observation Group No. 1 for the period 1-31 December 1949.
- D. Conclusions of the Special Committee on the first special report of Observation Group No. 1 for the period 1-31 December 1949 (adopted at the 184th meeting of the Special Committee on 3 March 1950).

A. CONCLUSIONS OF THE SPECIAL COMMITTEE ON THE SPECIAL REPORT FROM OBSERVATION BASE No. 1 CONCERNING THE TESTIMONY OF A GREEK GUERRILLA WHO HAD SURRENDERED TO THE GREEK NATIONAL ARMY ON 30 AUGUST 1950⁵

(adopted at the 213th meeting of the Special Committee, held on 8 September 1950)

I. INTRODUCTION

1. This report is entirely concerned with the testimony of a Greek guerrilla who surrendered to the Greek Army

on 30 August 1950 and was interrogated by the United Nations observers on the same day. As has been explained to the rapporteur by the Chief Observer, this testimony was given not in the form of a statement but as usual in reply to a series of questions put to the witness by the United Nations observers. This interrogation took place

⁵ Previously issued in Athens as document A/AC.16/OG-A/21/Concl.

before the witness had been interrogated by the Greek authorities.

II. BODY OF THE REPORT

2. The United Nations observers report that, according to his statement,⁶ the witness entered Greece from Albania on 26 August 1950 as a member of a band of twenty guerrillas. On 30 August, after killing for personal reasons a high-ranking guerrilla leader who was also a member of the band, he surrendered to the Greek Army. The body of the guerrilla leader was later identified by villagers as that of "Lefteris", formerly the chief of a band of saboteurs who had fled into Albania at the end of 1949.

III. ANNEX A

3. Annex A gives a summary of the testimony of the witness.

4. The witness was abducted by Greek guerrillas in 1947. In December 1949, he, with fifteen other guerrillas, crossed into Albania and contacted Albanian frontier guards who disarmed them. He was then sent to a camp at Boureli in Albania, containing approximately 2,000 unarmed Greek guerrillas guarded by 15 armed Greek guerrillas. After one month, the 2,000 guerrillas embarked at Durazzo on a Polish steamer named *Kolsivinsko*(?) and sailed to Gdynia, Poland. Thence they proceeded to Zgonzelnitz (?), formerly a German town but now in Poland.

5. Here those above the age of twenty-one were given military training by Russian officers using tanks and aeroplanes. Those under twenty-one (by implication, including himself) were put to work on collective farms.

6. In the same area there were up to 1,500 Greek children (up to the age of approximately ten years) living in three large mansions. The witness gathered from correspondence that other camps for Greek children existed in Eastern Germany.

7. On 15 July 1950, having responded to calls for volunteers to return to Greece, he was told by the guerrilla leader "Vlandas" that he was to return to Greece to carry out a programme of political agitation and to help to reorganize the party in Greece. On 15 July he was sent with nineteen others to Warsaw for instruction on the situation in Greece.

8. On 1 August 1950, the party left for Gdynia whence they sailed by Polish freighter to Durazzo, carrying cases containing uniforms and Russian weapons. In Tirana they were given arms, ammunition and uniforms, the Russian arms having already been changed for German and Italian weapons. After eight days at Tirana they moved to Argyrocastro and then to Psiloteri. There, two of their leaders put on Albanian uniforms and went to the frontier for reconnaissance.

9. On 26 August, guided by two Albanian officers,

they entered Greece by the 11th pyramid and proceeded to Ayios Jannis (R 764910) where they remained until 28 August. The leaders carried three okes (nearly four kilos) of gold sovereigns. The party also had two wireless sets with which they contacted the guerrilla headquarters each day.

10. They had very strict orders not to become involved with the Greek National Army but to carry out political agitation and reorganization of the party in the villages.

11. On 30 August, they started out from Kalivia Elafo-topo (R 9177) and at 4 a. m. the witness shot and killed the leader "Lefteris" and then escaped. He surrendered to the Greek National Army at Kalpaki (R 8576) on 30 August, and on the same day guided the Greek National Army to the body of "Lefteris".

12. The group of twenty were to operate in the area of Epirus and four were detailed to enter Ioannina in civilian clothes.

13. The name of the witness and the names of the other guerrillas who entered Greece with him are given in Annexes B and C, which are in the safekeeping of the Secretariat and have not been published.

IV. REMARKS

14. In the light of the information regarding the transfer of 500 Greek children from Yugoslavia to Poland (based on evidence obtained by the mission of the International Red Cross in Yugoslavia) and contained in the International Red Cross report issued on 20 October 1949, the Secretary General wrote to the Polish Government on 8 September 1949 suggesting that, if these reports were true, the Polish Government would no doubt wish to comply with the General Assembly's recommendation. The Polish Red Cross orally informed the International Red Cross on 12 October 1949 that there were no Greek children in Poland and, furthermore, in a letter of 18 November 1949 to the International Red Cross, stated that the information supplied by the Yugoslav Red Cross was false.

15. The Secretary-General attempted to obtain official confirmation from the Polish Government of these statements but there is no record of any communication having been received. It is impossible to reconcile the statement of the Polish Red Cross with that of the Yugoslav Red Cross or with the testimony of the witness with which this report is concerned.

16. The details supplied by the witness agree in many respects with the statements recorded in December 1949 by the United Nations observers (report A/AC.16/OG.1/43/S.1 of 19 December 1949)⁷ and are confirmed thereby. It had in fact been reported at the time that a unit under the command of Lefteris (who was the victim concerned on 30 August 1950) had sojourned, between August and October 1949, in the immediate neighbourhood of the Greek-Albanian frontier (10 km. north-west

⁶ See B below.

⁷ See C below.

of Delvinakion). That report, recording the statement of witness 1/W/445, contains the following passages :

" Part of the time the fifty-five men in the unit were stationed on the frontier itself, and part of the time a short distance inside Albania. Food and ammunition were supplied by Albanian soldiers, always at night.

...

" On arriving at the camp (Elbasan), the witness was informed by drivers that several thousand guerrillas had left for Durazzo, apparently taking ship for Poland... On 15 and 16 October the 103rd, 102nd and 18th Brigades, together with a training group, left the camp and were said to have embarked at Durazzo on large, white Polish ships for a thirteen-day journey, presumably to Poland".

17. With regard to the duration of the voyage mentioned by that witness, it might be remarked that witness T/64 stated that his outward voyage from Albania to Poland took 11 days and the return voyage 12 days.

V. CONCLUSIONS

18. As is suggested in the group's remarks and opinions :

B. SPECIAL REPORT FROM OBSERVATION BASE No. 1 CONCERNING THE TESTIMONY OF A GREEK GUERRILLA WHO HAD SURRENDERED TO THE GREEK NATIONAL ARMY ON 30 AUGUST 1950⁸

I. BODY OF THE REPORT

20. This report deals only with the testimony of a Greek guerrilla who had surrendered to the Greek Army on 30 August (the day of interrogation). He states that he crossed, with a band of twenty, into Greece from Albania on 26 August 1950. After killing a notorious and high-ranking guerrilla leader (who had entered Greece at the same time) at 4 a. m. on 30 August, he surrendered to the Greek Army and later led them to the body of the guerrilla leader he had killed.

21. Villagers have identified the body of the guerrilla leader as that of "Lefteris", formerly the chief of a band of saboteurs, who had operated in the Ioannina-Konitsa area and who had fled into Albania at the end of 1949 after the defeat of the guerrillas in the Grammos area by the Greek Army.

II. GROUP'S REMARKS AND OPINIONS

22. (a) It would appear from the testimony of the witness that the Greek guerrillas have begun infiltrating back into Greece to carry out a programme of political agitation.

(b) The witness confirms the presence of Greek guerrillas and abducted Greek children in Poland.

(c) The witness also confirms the presence of training camps for Greek guerrillas in Poland.

(1) It would appear from the testimony of the witness that the Greek guerrillas are infiltrating back into Greece to carry out a programme of subversive agitation.

(2) The witness confirms the presence of Greek guerrillas and Greek children in Poland.

(3) The witness also confirms the presence of training camps for Greek guerrillas in Poland.

(4) The evidence is to the effect that Albania and Poland are actively helping Greek guerrillas to re-enter Greece and carry out subversive activities against the Greek Government.

VI. RECOMMENDATIONS

19. The Special Committee recommends that, in view of the interest and importance presented by this report and the conclusions to be drawn therefrom concerning the aid afforded to the Greek guerrillas by Polish authorities contrary to the recommendations of the General Assembly, the said report and conclusions be particularly brought to the attention of the Secretary-General for transmission to the States Members of the United Nations.

(d) The evidence appears to show that Albania gives definite aid to Greek guerrillas re-entering Greece to carry out subversive activities against the Greek Government.

ANNEX A

TO SPECIAL REPORT FROM OBSERVATION BASE No. 1 CONCERNING THE TESTIMONY OF A GREEK GUERRILLA WHO HAD SURRENDERED TO THE GREEK NATIONAL ARMY ON 30 AUGUST 1950.

Testimony of witness T/64

This witness, a young Greek citizen, was presented by the Greek Liaison Service, but was interrogated by the team before he had been interrogated by the Greek National Army. He appeared to the group to be reliable and intelligent. Before being enrolled in the ranks of the guerrillas he had been at an elementary school in the region of Pogoni (R 8088)—the area in which he states he entered Greece from Albania on 26 August 1950. He is now a prisoner of the Greek National Army.

In August 1947, the witness was living in Salonika but paid a visit to his village in the Pogoni area (R 8088). Whilst on the road outside the village he was abducted by Greek guerrillas.

He states that in December 1949 he, with a group of fifteen others, crossed into Albania after the defeat of the Greek guerrillas by the Greek National Army. They crossed from Greece into Albania via Bosova (Ht. 1472) (R 6792) and contacted Albanian frontier guards who took away their arms. He was then sent to a camp at Boureli in Albania where there were approximately 2,000 Greek guerrillas collected. They were all unarmed and the camp was enclosed by barbed wire, but it was guarded by fifteen armed Greek guerrillas.

⁸ Previously issued in Athens as document A/AC.16/O/G-A/21. Maps used: Greece 1: 100,000 - Sheets E 3 - Leskovik; F 3 - Delvinakion.

He alleges that he stayed in this camp for one month, during which time the guerrillas were given courses in physical training. The guerrilla commissars also gave political lectures and told them they must be ready to return to Greece.

After one month the 2,000 guerrillas, who were all from the fighting ranks, were loaded into a convoy of military trucks driven by Greeks and taken to Durazzo about 28 December 1949. They were all embarked in a Polish steamer named *Kolsivinsko* (?). The party included many guerrilla leaders such as "Vlandas", "Lefteris", "Vassiliaris" and "Ghoussias". The ship then sailed to Gdynia in Poland via the straits of Gibraltar, the journey taking eleven days.

From Gdynia they were all embarked in a train and taken to Zgonzelitz (?) (an ex-German town now in Poland). Here those guerrillas above the age of twenty-one were segregated and dressed in uniforms, and, he states, were taken off and given military training in the forests nearby by Russian officers using tanks and even aeroplanes. He states that he is sure of this fact because he spoke to many of them who were his friends in hospital afterwards. Those guerrillas under twenty-one were put to work on collective farms in groups of from thirty to forty under one Pole and one Greek. For this work they received 350 zlotys each month. They were free to circulate, and he was thus able to visit the hospital at Zgonzelitz. The Greeks under twenty-one here were given no military training, but received political indoctrination and were given the daily bulletin of the "Greek Democratic Army".

He states that in the same area there were up to 1,500 Greek children living in three large mansions. These children (up to the age of approximately 10 years) were well looked after and attended schools where they were taught in Greek, Russian and Polish, but all the teaching was tainted with political propaganda. One of the teachers was "Lefteris", the guerrilla leader, whom the witness later killed in Greece on 30 August 1950.

Although he saw no other children he gathered from correspondence that there were other camps for Greek children in the Russian-occupied zone of Germany.

On 15 July 1950, volunteers were called for to return to Greece and the witness volunteered as he wished to escape. He was interviewed in an office by the guerrilla leader Vlandas, who told him he was to return to Greece to carry out a programme of political agitation and help reorganize the party in Greece.

He stated that although he did not know how many volunteered to return the majority of Greeks were unhappy in Poland.

On 15 July 1950 he was sent with nineteen others to Warsaw where they were all given instruction on the present situation in Greece—they were told that the time was

ripe to reorganize owing to the number of strikes in Greece.

On 1 August the party left by covered lorry for Gdynia where they were embarked in a Polish freighter. They sailed in this ship and reached Durazzo twelve days later. They carried with them cases containing uniforms and Russian weapons. The main cargo consisted of wood for Egypt and two locomotives for Durazzo. They remained hidden whilst passing through the straits of Gibraltar. On disembarkation they were taken to a house in Tirana where they were issued arms, ammunition and uniforms. The Russian arms had already been changed for German and Italian weapons.

The party stayed eight days at Tirana and then moved to Argyrocastro where they remained hidden in a wood where they stayed five days before moving to the area of Psiloteri (R 8299). There two of the leaders of the party dressed up in Albanian uniforms and went to the frontier to make reconnaissance—he watched this.

On 26 August, guided by two Albanian officers, they entered Greece by the 11th pyramid. The two Albanian officers entered a few metres into Greece. After entering Greece they passed between the villages of Meropi (R 745930) and Kato Meropi (R 778915) and reached Ayios Jannis (R 764910) where they remained until 28 August. Each member of the party carried a pack of 25 okes of food and the leaders also carried three okes of gold sovereigns. The party also had two wireless sets with which they contacted the guerrilla headquarters every day.

The group had very strict orders not to become involved with the Greek National Army but to carry out political agitation and reorganization of the party in the villages. Should a member be wounded whilst defending himself, he was to be killed rather than fall into the hands of the Greek National Army.

On 28 August the party moved to Rroupsia (R 828860) and on the night of the 29/30 August they started out for Kalivia Elafotopo (R 9177).

At 4 a. m. the witness shot and killed the guerrilla leader "Lefteris" and then escaped. Whilst escaping he was fired upon by the other members of the group. He stated that he killed "Lefteris" for personal reasons.

The group of twenty, he alleges, were to operate in the area of Epirus, and four were detailed to enter Ioannina in civilian clothes.

The witness surrendered to the Greek National Army at Kalpaki (R 8576) on 30 August 1950 and the same day guided the Greek National Army to the body of Lefteris.

All the members of this party were supplied with wristed watches and compasses.

He did not see any other guerrillas in Albania, but understands that there are *yavki* (secret gatherings) of Greeks in civilian clothes in all towns. Witness had received no education since being abducted.

C FIRST SPECIAL REPORT OF OBSERVATION GROUP No. 1 FOR THE PERIOD 1-31 DECEMBER 1949 *

(Jannina)

I. BODY OF THE REPORT

23. A team belonging to the Group proceeded to Corfu on 12 December 1949 in order to interrogate three guerrillas who had been captured by the Greek Army some days before. Statements made by the three witnesses revealed :

* Previously issued in Athens as document A/AC.16/SC.1/OG.1/43/S-1. Maps consulted : Greece : Scale 1:100,000. Sheets H2 - PAXIO; Z2 - KERKIRA.

(1) The presence in Albania, at the Boureli and Elbasan camps, of several thousands of Greek guerrillas. Witness 1/W/447 assessed their number as being, at the beginning of October, about 20,000. It would appear that transfers to a foreign country had taken place but this had not been confirmed.

(2) The despatch to Greece, with the knowledge and assistance of the Albanian authorities, of small groups of selected personnel equipped with weapons and means

of transport. The alleged mission of those groups was to gather military, political and economic information and also to organize communist propaganda and social agitation centres.

II. GROUP'S OPINION

24. The group considers that interrogation of witness 1/W/447 by the members of Sub-Committee 1 might well be of genuine importance.

ANNEX A

TO THE FIRST SPECIAL REPORT OF OBSERVATION GROUP NO.1
FOR THE PERIOD 1-31 DECEMBER 1949

Statements of witnesses

1/W/445

(1) Aged 30; business employee; bachelor; elementary school education. At present in prison awaiting court-martial. Presented by the Greek Liaison Service, the witness answered questions willingly and without hesitation.

(2) The witness left Corfu by sea on 15 September 1947 to join the guerrillas in Albania. He returned to Greece on 10 January 1948 to be enrolled in the Ypsilanti Brigade as a wireless operator.

(3) In August 1949, he belonged to the unit commanded by "Lefteris", which remained from August to October 1949 in the immediate vicinity of the Greek-Albanian frontier, north-west of Bosovo (ten kilometres north-west of Delvinakion). Part of the time the fifty-five men in the unit were stationed on the frontier itself, and part of the time a short distance inside Albania. Food and ammunition were supplied by Albanian soldiers, always at night.

(4) The witness was present at an incident on the Greek-Albanian frontier during September (incident referred to in report OG.1/40).

(5) On 7 October, he was sent with six companions into the interior of Albania, arriving on 11 October at Elbasan, where there were 4,000 Greek guerrillas including 1,500 women and 400 children between the ages of thirteen and seventeen, guarded by Albanian soldiers and housed in tents. Only some forty guerrillas were armed and policed the camp. In addition to the 4,000 guerrillas, 400 Greek Army prisoners were held at Elbasan.

(6) On arriving at the camp, the witness was informed by drivers that several thousand guerrillas had left for Durazzo, apparently taking ship for Poland. On 14 October, 100 guerrilla lorries and 100 Albanian lorries arrived at the camp with some 7,000 persons. The witness was present at the unloading of 75 of these lorries. On 15 and 16 October the 103rd, 102nd and 18th Brigades, together with a training group, left the camp and were said to have embarked at Durazzo on large, white Polish ships for a thirteen day journey, presumably to Poland.

(7) The witness left the camp at the end of October, at which time some 1,200 persons remained. He was taken with two other guerrillas by an Albanian major to Tirana, where they stayed a week and were given civilian clothing for a special mission which was explained to them by the Albanian major. The three were to leave for Corfu under the command of one of them, a former non-commissioned officer in the Greek Air Force who was now a lieutenant in the "Democratic Army". They were to establish an espionage network in the island and to contact certain

persons. They were supplied with a wireless set, a rubber boat and arms, the latter comprising three sub-machine guns, two revolvers, one bazooka and some Italian grenades.

(8) Leaving Tirana by lorry on 24 November, the group embarked on a caique at Ayios Saranda (R 3280) on 27 November en route to the Albanian post of Voufrotou (R302656) opposite Corfu. Crossing the roadstead in a small boat, the three men disembarked at Benitsa (R 210445) and left on foot for Levkimmi (R 3329). When passing through a village the group aroused the suspicions of the inhabitants. The witness escaped alone and went to his native village of Kinopiastais (R 1947), leaving it when he knew he was pursued and finally surrendering to the Greek Army on 5 December.

1/W/446

(1) Age 28; bachelor; tailor; elementary education. The witness, second lieutenant in the guerrilla army, had been wounded in an engagement during which he had killed a gendarme. He was receiving treatment in a military hospital pending his court-martial. Presented by the Greek Liaison Service, he was interrogated by the observers alone but nevertheless appeared reticent and only replied very briefly.

(2) The witness joined the guerrillas in Albania on 6 September 1947. At the end of August 1949 he was sent from Argyrocastro, where he was receiving treatment, to the Boureli camp, where there were some 2,500 partisans.

(3) At the beginning of October he was transferred to another camp near Elbasan, where he stayed for fifteen days. There were 2,000 to 3,000 guerrillas in the camp but most of them left a few days later to embark for a foreign country. The camp was guarded on the outside by Albanian soldiers and policed on the inside by from ten to fifteen armed guerrillas.

(4) On 15 October, the witness went to Tirana with two other guerrillas, staying a week in a house where they were visited by an Albanian major. The three men were commissioned to obtain military, political and economic information for the partisan army and went to Ayios Saranda (R 3280) and thence to Corfu. The witness only knew of this mission through his companion, witness 1/W/447, who was the leader of the group. He did not know whether the latter had received more detailed instructions from the Albanian major.

(5) The witness was captured on 3 December in the course of an engagement with the Greek Army.

1/W/447

(1) Aged 30. Non-commissioned officer in the air force, and then a lieutenant in the guerrilla army. Divorced. Elementary school education. As a former member of ELAS he must also have received advanced political instruction in the Communist Party. This witness, who was presented by the Greek Liaison Service, is now in prison pending his appearance before a military tribunal. He seems intelligent and understands French but pretends not to. He expresses himself easily and calmly, but with a shade of contempt for his environment which throws some doubt on his good faith.

(2) The witness joined the guerrillas in Albania on 13 October 1947. On 14 July 1949 the witness, using a rubber dinghy of German type, landed at Corfu. He was instructed by the "democratic government" to obtain information on the economic and military situation in the island, and remained there until the end of August.

(3) On 20 September, he was sent to a camp at Elbasan.

There were 6,000 guerrillas there, men and women. Three or four hundred children between 12 and 16 years of age came later from Skodra. The camp was guarded by Albanian soldiers. The guerrillas had no weapons.

(4) Throughout October lorries kept leaving the camp for what was said to be a destination abroad. By the end of the month three-quarters of the guerrillas had left. Besides the guerrillas there were in the camp some 200 soldiers of the Greek Army who had been taken prisoner.

(5) Before the departures there were in Albania, according to the witness, 20,000 guerrillas, 7,000 of whom were women. He had heard it said that most of them had now left the country. Their leaders declared that they would resume combat one day with more powerful means. Before that could happen, however, they would have to wait until the Yugoslav guerrillas from neighbouring States had overthrown the Tito régime.

(6) At the beginning of November the witness was taken in a jeep with two comrades to Tirana by an Albanian major. At Tirana they learned how to handle radio

equipment and use a code. Accompanied by another Albanian officer, of Greek origin, they left at the end of November for Ayios Saranda (R 3280) and from there proceeded by boat to Corfu with radio apparatus, a rubber dinghy and weapons.

(7) Their task was to collect military, political and economic information; to observe Anglo-American activities, and particularly to ascertain whether there was a naval base in the island; and to establish communist cells which would be used as an information network and for the purpose of fomenting social unrest.

(8) He had been assured that his mission was on behalf only of the guerrillas, but in his opinion its main purpose was to assist the Albanians. He knew that other groups had been assigned similar tasks in other areas of Greece.

(9) Some days after they had landed, one of the members of the group, fearing capture, opened fire and killed a gendarme. The witness was pursued and captured two days later.

D. CONCLUSIONS OF THE SPECIAL COMMITTEE ON THE FIRST SPECIAL REPORT OF OBSERVATION GROUP No. 1 FOR THE PERIOD 1 TO 31 DECEMBER 1949¹⁰

(adopted at the 184th meeting of the Special Committee on 3 March 1950)

I. INTRODUCTION

25. This report contains statements of three Greek guerrillas captured on the island of Corfu at the beginning of December 1949 (1/W/445-447).¹¹

II. CONTENTS OF THE REPORT

26. Statements of three witnesses.

(a) The three witnesses, all of Greek origin, were selected to carry out a special mission from Albania to Corfu, where they were to collect information on military, political and economic matters and to ascertain whether there was a naval base on the island. They were to establish contact with certain persons and were to organize communist centres of propaganda and agitation. Before leaving Tirana on 24 November, they were given small arms, codes and a wireless set. Their mission was explained to them by an Albanian major, who assured them that their mission was only in the interests of the Greek partisans. The leader of the mission (W/447), however, believed that the mission was also in the interests of the Albanians. The same witness knew that other groups had received similar missions in other regions of Greece. The witnesses sailed from Ayios Saranda (R 3280) on 27 November and landed at Benitsa (R 2144) on the island of Corfu.

(b) According to the witnesses, the following movements of Greek guerrillas in Albania recently took place:

(i) On 20 September 1949, there were 6,000 guerrillas, both men and women, in a camp at Elbasan. 200 to

400 children, aged from twelve to seventeen, arrived from Skodra shortly after this date. 200 to 400 of the Greek National Army soldiers were also imprisoned at Elbasan. Witness W/447 believed that at about this time there were 20,000 Greek guerrillas in Albania.

(ii) On 14 October, 200 Greek guerrilla and Albanian trucks brought about 7,000 persons to Elbasan. On 15-16 October, three Greek guerrilla brigades (103rd, 102nd and 18th) departed in trucks for Durazzo.

(iii) One witness (W/445) stated that at the end of October, because of mass departures during that month, only 1,200 persons remained at Elbasan. According to statements of drivers, most of the Greek guerrillas had left for Durazzo, where it was believed they embarked for Poland. In the case of the three brigades mentioned, the above witness stated that these had embarked at Durazzo on "large, white Polish ships". It was said that the voyage was to be of thirteen days' duration and the destination Poland.

III. REMARKS

27. None.

IV. CONCLUSIONS

28. By equipping and dispatching missions such as the one which is the subject of this report, Albania is continuing to give aid to the Greek guerrillas and is engaging in acts dangerous to peace in the Balkans and calculated to retard the restoration of normal and good-neighbourly relations with Greece.

V. RECOMMENDATIONS

29. It is recommended that a reply be awaited to the letter sent by the Chairman of Sub-Committee 1

¹⁰ Previously issued in Athens as document A/AC.16/SC.1/OG.1/43/S-1/SC.Concl.

¹¹ See annex to C above.

on 6 January 1950 to the Greek Liaison Service, in which a request was made for information as to what action had been taken by the Greek authorities regarding these

three guerrillas. The question of interrogation by an *ad hoc* Committee of not more than three representatives should then be taken up.

DOCUMENT A/1423/Add.1

Letter, dated 19 October 1950, from the Acting Principal Secretary of the United Nations Special Committee on the Balkans to the Secretary-General

[Original text : English]
[31 October 1950]

Athens, 19 October 1950 *Item 2.*

I have been instructed by the Special Committee to ask whether you would be good enough to have the attached annex and photographs (A/AC.16/O/G-A/21/Annex D) reproduced and circulated to all Member States of the United Nations.

You will recall that the original report (A/AC.16/O/G-A/21)¹² to which this Annex pertains, was sent to you by the Chairman of the Special Committee on 9 September 1950 for distribution as a General Assembly document.

(Signed) J. F. ENGERS
Acting Principal Secretary

ANNEX D¹³

TO REPORT FROM OBSERVATION BASE NO. 1, JANNINA

On 2 September 1950, the Greek authorities reported that a certain number of articles had been found in the knapsack of "Lefteris". An observation team went on the same day to examine those articles and took photographs of them.¹⁴

The articles contained the following inscriptions, most of them in Polish.

Item 1.

A (see photograph 1-A) Overcoat

B (see photograph 1-B) Overcoat tab bearing the following inscription :

Lukas, J 9073 DN, 52, 137, 010, 9352.

¹² See document A/1423.

¹³ Previously issued in Athens as document A/AC.16/O/G-A/21/Annex D.

¹⁴ Photographs received from the Special Committee are available in the Secretariat for consultation by delegations.

(See photograph 2-A) *A toothpaste tube* bearing the following inscription :

AMAZONKA PASTA DO ZEBOW LABORATORIUM CHEM-KOSMET. A. ZAJNOWSKI WROCLAW REJIANA 6 (Translation : *Amazonka* Tooth-Paste Cosmetic Chemical Laboratory A. Zajnowski Wroclaw (City) Rejlana 6 (Address))

Item 3.

(See photograph 2-B) *Razor blade and cover*

(a) The blade bears the English inscription : " Made in Poland "

(b) The cover bears the inscription :

TOLEDO KRAKOW KONGRESOWE O. IOMM

Item 4.

(See photograph 2-C) *Battery for hand lamp*

Item 5.

(See photograph 2-D) *A label* bearing the following inscription :

SPECYFIKI KRAJOWE I ZAGRANICZNE (Translation : Polish and foreign specialities)

TLEN (Oxygen)

WODY MINERALNE NATURALNE I SZTUCZNE (Mineral waters, natural and artificial)

SUROWICE I SZCZEPIONKI (Serum and vaccine)

SRODKI OPARTRUNKOWE (Dressings)

MAG. FARM : ALEKSANDER HUBNER (Aleksander Hubner Dispensing Chemist)

APTEKI I LABORATORIUM (Pharmacies and Laboratory)

WARSZAWA (Warsaw)

MARSZAKLOWSKA 72 (Marszalkowska 72)

ANALIZY LEKARSKIE (Medical Analyses)

Item 6.

(See photograph 3-A) *Hand grenade* of dark metal bearing on the brass cap the following letters : H J C Q.

DOCUMENT A/1438 (incorporating A/1438/Corr.1)

Telegram, dated 12 October 1950, from the Chairman of the United Nations Special Committee on the Balkans to the President of the General Assembly

[Original text : English]
[12 October 1950]

Athens, 12 October 1950

1. New and serious incidents following on those referred to in paragraphs 52 to 54 of the Special Com-

mittee's report (A/1307) to the Assembly have just occurred on the island of Gornia-Ostrov at the Bulgarian frontier where, under protection of Bulgarian armed forces, work is in progress which according to

the findings of UNSCOB observers would appear intended to divert the course of the River Evros (Maritza).

2. It would be deplorable that a dispute of such an everyday nature between States separated by a riparian frontier should give rise to further incidents out of all proportion to the relatively minor importance of the material interest involved.

3. This situation, as described in document A/AC.16/O/G-B/31/Concl., serves to illustrate and stress the need for compliance on the part of Bulgaria and Greece with the third recommendation occurring in paragraph 217 of the Special Committee's report regarding peaceful settlement of frontier incidents.

4. The Special Committee would be grateful if, as a matter of urgency, you would be good enough to bring the foregoing information to the attention of the General Assembly.

5. It will doubtless appear most desirable that pending the conclusion of a frontier convention the Greek and Bulgarian Governments should be invited to consider the immediate meeting of a mixed Greek-Bulgarian commission, and should be called upon to refrain forthwith from any action likely to provoke further incidents in the area under dispute.

W. L. C. KNIGHT
Chairman, United Nations
Special Committee on the Balkans

DOCUMENT A/1438/Add.1

Letter, dated 13 October 1950, from the Acting Principal Secretary of the United Nations Special Committee on the Balkans to the President of the General Assembly

[Original text : English and French]
[28 October 1950]

Athens, 13 October 1950

Under instructions of the Special Committee I have the honour to present to you herewith a copy of the special report on the Evros River incident on 18 September together with the Committee's conclusions thereon (documents A/AC.16/O/G-B/31 and A/AC.16/O/G-B/31/Concl.). These documents should be read in con-

junction with the Chairman's telegraphic letter to you of 12 October 1950 (A/1438).

It is the wish of the Committee that these documents should be brought to the attention of the General Assembly.

(Signed) J. F. ENGERS
Acting Principal Secretary

CONCLUSIONS ON THE SPECIAL REPORT OF EVROS RIVER INCIDENT, 18 SEPTEMBER 1950¹⁵ (adopted at the 216th meeting of the Special Committee held on 11 October 1950)

I. INTRODUCTION

1. The present special report relates to incidents occurring at the Greek-Bulgarian frontier since 14 September 1950 and concerns the island of Alpha — Gornia-Ostrov¹⁶ in the Evros¹⁷ which is the subject of a dispute between the Bulgarian and Greek Governments.

2. This island or the vicinity has already been the site of five previous incidents, viz :

- 4 April 1948, 8 August 1948; cf. A/AC.16/OG/6/14
- 14 April 1949, 6 May 1950; cf. A/AC.16/O/G-B/12/Concl./Rev.1, II B and Remarks
- 16 August 1950; A/AC.16/1084—O/G-B/28/Rev.1

3. The Special Committee's reports to the General

Assembly in 1948 (paragraphs 166, 167, 168, 169)¹⁸ and in 1950 (paragraphs 52, 53, 54)¹⁹ made reference to the two main incidents of 4 April 1948 and 14 April 1949 and to the dispute involved.

II. BODY OF THE REPORT

Night of 14-15 September 1950.

(A/AC.16/O/G-B/31, I, 1)

4. The Bulgarians started to construct a dam in the Evros between the Bulgarian bank and the island of Alfa—Gornia-Ostrov.

(O/G-B/31, Annex B, item I, para. 1 and sections 2 and 3 of para. 2)

5. Armed Bulgarian soldiers penetrated Greek territory to a depth of fifty metres to protect the workers,

¹⁵ Previously issued in Athens as document A/AC.16/O/G-B/31/Concl.

¹⁶ Alpha is the name given this island by the Greek authorities; the Bulgarians call it Gornia-Ostrov.

¹⁷ Evros in English and Greek, Hèbre in French and Maritza in Bulgarian.

¹⁸ See *Official Records of the General Assembly, Third Session, Supplement No. 8.*

¹⁹ *Ibid.*, Fifth Session, Supplement No. 11.

according to the document cited in the margin of this paragraph.

15 September

(O/G-B/31, III, 7)

6. This information, which is of Greek origin, was reported to the Greek authorities on the morning of the 15th. They sent out a reconnaissance patrol of nine men under the command of a second lieutenant assisted by a non-commissioned officer, with orders to investigate the information. They also informed the UNSCOB observation team at Alexandroupolis (O/G-B/31, 1).

16 September

(O/G-B/31, II and III, 7 and 8)

7. The Greek reconnaissance patrol arriving in the neighbourhood of the island saw that piles had been set up at the place indicated but that nobody was working in the vicinity.

8. Reinforced by five armed civilians from Ormenion, the patrol remained at the spot to continue its observation. It was stationed at point G 705-505 and concealed by the trees.

(O/G-B/31, Annex A, witnesses T/63, T/64, T/65, T/66)

9. At about 9 p.m. the patrol heard orders announced over a loud-speaker.

10. From the sound of movements occurring after the orders were issued the witness concluded that a large number of people were present.

Night of 16-17 September

(O/G-B/31, III, 7 and 8)

11. The patrol heard the sound of activity.

17 September

(O/G-B/31, III, 8)

12. The patrol did not notice any activity at the site during the day-time.

Night of 17-18 September

(O/G-B/31, III, 8)

13. At nightfall the patrol heard the sound of a shot which it construed as being the signal to resume work.

14. It also heard the sound of intense activity.

(O/G-B/31, Annex A, witnesses, T/63, 64, 65, 66)

15. It saw a patrol of three Bulgarians near the dam on the Bulgarian bank.

18 September

(O/G-B/31, Annex B, item I)

16. A letter bearing this date was sent by the Commander of the Greek Frontier Guard to the Bulgarian Commander of the Svilengrad Covering Unit.

17. This letter reported the above-mentioned events which occurred during the night of 14-15 September and requested the immediate demolition of the dam and a meeting at the site for 23 September at 11 a.m.

Night of 18-19 September

(O/G-B/31, III, 8)

18. The reconnaissance patrol heard noise and saw shadows moving around the dam, and estimated the number of workers at from 150 to 200 men.

(O/G-B/31, III, 8, Annex A, witnesses T/63, 64, 65, 66)

19. At about 11 p.m., when the sky was overcast, the leader of the patrol saw a small party of Bulgarian soldiers leave the island at a point situated some seventy metres from their observation post and cross the dried bed of the southern branch of the river towards the Greek bank. The patrol distinctly saw three armed soldiers walking carefully in Indian file at a distance of a few metres from one another. The three soldiers stopped and lay on the ground for some minutes, after which they moved forward again.

(O/G-B/31, III, 8, Annex A)

20. The leader, armed with an automatic weapon, stopped within a few metres of the Greek non-commissioned officer, and then moved towards him. The non-commissioned officer asked permission of his superior to open fire. That permission was granted and the entire patrol opened fire. The Bulgarians returned the fire from automatic weapons and rifle grenades, which came mainly from the island and from two points on the Bulgarian bank.

21. The exchange lasted for some twenty minutes. The Greek patrol then withdrew without losses as its ammunition was exhausted.

(O/G-B/31, III, 10)

22. When everything became quiet again the patrol noted that work on the dam had stopped. In the course of the skirmish, a Bulgarian officer was killed and three Bulgarian soldiers were wounded, according to the Bulgarian protest referred to below (*cf.* 24 September).

Note: The Greek letter of protest of 19 September referred to below states the time at which the Bulgarian patrol crossed the river as being 1.30 a.m.

19 September

(O/G-B/31, III, 8)

23. The Greek patrol noticed that considerable progress had been made in the dam construction which seemed to confirm the estimate of the number of workers it had made during the night.

(O/G-B/31, Annex B, item II)

24. A letter from the commander of the Greek frontier guard, dated 19 September, and addressed to the commander of the Bulgarian covering unit of Svilengrad protested against the violation of Greek territory that had been committed the previous night and requested a meeting at the site of the incident on the same day, i.e., 19 September at 2 p.m. The letter was delivered to a Bulgarian officer, who accepted it.²⁰

²⁰ Apparently a frontier meeting, that had not been fixed beforehand, took place on 14 September to settle another incident, perhaps the incident of 16 August referred to in documents A/AC.16/1084 or O/G-B/28/Rev.1.

25. At 2 p.m. the Greek representatives appeared at the place of meeting, and noted the absence of any Bulgarian representatives.

26. At 3 p.m. a Bulgarian on horseback appeared on the Bulgarian bank and shouted: "We cannot hold the meeting today, but we will let you know when it is possible".

(O/G-B/31, 1, 2)

27. The UNSCOB observation team at Alexandroupolis had been informed that morning that the situation had deteriorated, and started off for Ormenion where it arrived in the late afternoon.

(O/G-B/31, 1, 4)

28. It proceeded to the site, on the Greek bank of the river, twenty metres south of the row of willow trees lining that bank; it was at this point that the Greek patrol had opened fire on the previous night.

(O/G-B/31, II, 6)

29. *The observers noted:*

(1) That the southern branch of the Evros between the island and the Greek bank was then dry;

(2) That the dry river-bed was approximately one metre above the existing level of the water, and the island approximately two metres higher than the dry river-bed;

(3) That a dam consisting of two lines of piles about one metre apart, filled in with large stones, blocked the northern branch of the river between the upstream tip of the island and the Bulgarian bank;

(4) That a pool was forming seventy metres upstream from the upstream tip of the island;

(5) That the island vegetation formed a screen concealing part of the Bulgarian bank;

(6) That upstream beyond the screen of vegetation heaps of materials, especially stones, were clearly visible;

(7) That traces of bullets were left on the trees inside Greek territory, at a distance of twenty metres to the south of the Greek bank, the direction of the trajectory of those bullets being towards the interior of Greek territory.

20 September

(O/G-B/31, Annex B, item III)

30. The Bulgarian authorities proposed that a meeting take place on that day, 20 September, at 4 p.m.

31. This request was received by the Greeks at 7 p.m. i.e., three hours after the time proposed for the meeting.

21 September

(O/G-B/31, Annex B, item III)

32. The local Greek commander despatched to the Commander of the Bulgarian Covering Unit at Svilengrad a further letter referring to the Bulgarian request for a meeting on 20 September at 4 p.m. and pointing out the delay in arrival at its destination. He proposed

that the meeting should take place on 24 September at 11 a.m., at the site concerned.

24 September

(O/G-B/31, III, 10 and 11)

33. A frontier meeting took place at boundary marker 340, G 643-530.

34. The Bulgarian representative stated

(a) Regarding the dam:

(1) That the work was being done on the initiative of the civilian authorities of the village of Generalovo, without the knowledge of the military or political authorities;

(2) That the work had been carried out by night to avoid incidents;

(3) That a dam had existed in 1941 but had since been washed away;

(4) That the Secretary-General of the United Nations Mr. Trygve Lie, had confirmed in a letter that he considered the island to be Bulgarian;

(b) Regarding the exchange of shots:

(O/G-B/31, III, 10)

(1) That the Bulgarians had not crossed the river;

(2) That to their regret they had been obliged to open fire to protect their men in recovering the body of the officer killed and the three men wounded by the Greek fire.

35. The Bulgarian representative refused to sign the protocol as he was not empowered to do so.

36. The observation team was not present at the meeting. The foregoing account was supplied to them by the Greek Liaison Service.

Note: A report of a date subsequent to O/G-B/31 and reporting the further progress of events is being awaited. All that is known about further developments is what has been reported in the press and in a telegram from Observation Base No. 6 of 6 October, referred to below (*cf.* III, C below).

III. REMARKS

37. As regards the nature and development of the incidents, the UNSCOB observers have had no source of information other than the statement from Greek sources referred to above.

38. The personal observations made by them at the site and reported above under section II, 19 September, should however be taken into account.

39. It accordingly appears both from those observations and from the photographs submitted by them that the main channel of the Evros River in this area follows the northern branch of the river between the island in question and the Bulgarian bank. The construction, the existence of which has been noted by the observers, should normally result in a change in the main course of the Evros which would then be diverted to the southern channel, at present dry.

40. Furthermore, at a meeting which took place on 6 October in the presence of the observers but without their participation, and of which the Committee has so far been informed only by the telegram received on the same date from observation Base No. 6, the Bulgarian colonel who was present confirmed that the island had been claimed by the Bulgarian authorities, stated that defence works had been carried out and declared the intention of the Bulgarians to resist by armed force any Greek occupation of the island.

41. The observers themselves maintained that the Bulgarian colonel was in error when he asserted that United Nations L-5 aircraft had flown over Bulgarian territory, since the observers at no time were north of the railway which parallels the Evros near the Greek bank of the river. This statement of the observers is supported by the photographs they took.

IV. CONCLUSIONS

42. The subject of the dispute is of little account, *per se*; it relates to the course of the frontier and, between neighbouring States enjoying normal diplomatic relations, it should be capable of amicable settlement.

43. It is quite disproportionate to the serious incidents that a prolongation of the present strained situation, which has already caused loss of human life, might well involve.

44. The Committee is induced to take cognizance of the fact that the recommendations contained in documents A/AC.16/950 and A/AC.16/951, which were made direct to the Greek Government (which consented to comply with them) and which, moreover, it requested the Secretary-General's office to transmit to the Bulgarian Government on 28 March 1950 and 19 June 1950, have not been heeded or acted upon by the latter in any way.

45. The Committee considers that those recommendations are eminently appropriate under present conditions, inasmuch as the establishment of a Mixed Commission would render it possible to ascertain at the site the course to be followed by the Bulgarian-Greek frontier line between point No. 320 A and point No. 321 according to the "Description of the Greek-Bulgarian frontier" of 1923.

V. RECOMMENDATION

46. The Sub-Committee recommends that a telegram²¹ should be transmitted to the President of the General Assembly with a view to informing him both of the incident itself and of the necessity for putting an end to it without delay.

²¹ For the text of the telegram, see document A/1438.

SPECIAL REPORT OF EVROS RIVER INCIDENT OF 18 SEPTEMBER 1950²²

From Observation Base No. 6 - Alexandroupolis

Annexes

- A. Statements of witnesses
- B. Three letters from the Greek National Army to the Bulgarian Military Authorities concerning the Evros River incident
- C. Sketch map of scene of incident
- D. Three photographs of scene of incident (in safekeeping of the Secretariat)²³

I. INTRODUCTION

1. On the morning of 15 September 1950, the Team was informed by the Greek Liaison Officer that the Greek authorities had discovered that during the night of 14/15 September the Bulgarians had built a dam in the River Evros from the Bulgarian side of the river to an island, in the centre of the river, called in Greek Alfa (G 706-508) and Gornia Ostrov in Bulgarian. During the winter when the river is in flood the stream runs both sides of the island, but during the summer months the river bed on the Greek side is completely dry. The Greeks alleged that the Bulgarians have violated the boundary agreement by trying to annex the

island, which has an area of approximately 3,000 stremma. In addition, the Greeks say that the change in the course of the stream will cause extensive flooding in the winter.

2. In the early hours of 19 September the Team was informed that the situation had been aggravated by the action of a party of Bulgarian soldiers, who had crossed the dry river bed from the island to Greek territory, had been seen by a Greek patrol, and that fire had been exchanged. The Team left for the scene of the incident the same morning.

3. On arrival at the village of Ormenion (40.682.497) in the late afternoon of 19 September, the Team met a lieutenant colonel of the Greek National Army who said that he had unsuccessfully tried to contact a Bulgarian official to discuss the incident. A letter had been accepted by a Bulgarian officer who had met a Greek officer earlier in the day to discuss a different matter.²⁴ The Bulgarians did not arrive for the meeting, but about one hour after the time arranged for the meeting, a horseman arrived on the Bulgarian side of the river, and shouted across saying: "We can't hold the meeting today, but will let you know when we can".

4. The Team visited the scene of the incident, and was shown by the Greek second lieutenant in charge

²² Previously issued in Athens as document A/AC.16/O/G-B/31 Map used: Bulgaria 1: 100,000, Sheet 41.

²³ Photographs received from the Special Committee are available in the Secretariat for consultation by delegations.

²⁴ See annex A.

of the patrol the position from which his men had opened fire. The position was about twenty metres inside Greece from the willow trees which line the bank of the dry river bed on the Greek side of the river. The marks of the return fire from the Bulgarians was plainly shown on the trees.²⁵

5. According to the Greek version of the frontier convention signed by both countries, no alteration to any natural features may take place without an agreement on both sides.

II. SCENE OF THE INCIDENT

6. The river runs in an east to west direction between two well-defined banks lined by willow trees. At this time of the year the flow of water is very small and at the west end of the island the stream turns approximately 7° and runs in a north-easterly direction, leaving the river bed on the Greek side completely dry. The island is approximately two metres above the level of the dry river bed. The island near the point of the incident is covered with bushes and it is not possible to see across the island from the Greek bank to the Bulgarian bank. The dam the Bulgarians have built consists of two lines of wooden pickets about one metre apart and filled with large stones. It appears complete, but from the large amount of stores plainly visible on the Bulgarian bank, it is the Bulgarians' intention to reinforce or build a fresh dam, as water is still running through the barrage. The dry river bed on the Greek side of the island is about one metre above the level of the flow of water on the Bulgarian side. At the time the Team visited the scene of the incident a pool was already forming on the Greek side of the stream about seventy metres upstream from the island. Except in the winter, when the river is in flood, the disputed territory is not an island but the southern bank of the river.

III. THE INCIDENT

7. When word reached the Greek authorities that a dam across the River Evros (Maritsa) was being built by the Bulgarians, a patrol consisting of a second lieutenant and ten soldiers were dispatched to Ormenion to investigate that information. Although the dam in construction was clearly visible, no work was being done during daylight. So this patrol, reinforced by five armed civilians collected at Ormenion, spent the nights of 16 and 17 September on the point G 705-505, watching the construction of the dam from a hiding-place among the trees on the Greek bank.

8. During those two nights the patrol heard the sound of activity. Before any activity started on the second night (17 September) a shot was heard by the Greeks and was interpreted by them as a signal among the Bulgarians for starting work. On the third night of watching (18 September), there was intense activity on the dam. From the great noise and moving shadows along the dam, the Greeks estimated the number of workers as

something around 150 to 200 men. This impression was confirmed the following morning by the great progress made on the dam during the few hours' work done before the exchange of fire. At approximately 11 p.m. the patrol saw a small party of Bulgarian soldiers leave the island, which is about seventy metres from their hiding-place, and advance over the dried bed of the southern branch of the river towards the Greek bank. The Greeks could see distinctly three armed soldiers walking carefully one behind the other with a few metres' interval between them. The dark vegetation on the island did not allow the Greeks to distinguish whether there were more men coming behind these Bulgarians or not. The three Bulgarians stopped for a moment and lay on the sand. A few minutes later the Bulgarians continued to advance. The leading Bulgarian, armed with an automatic weapon, reached a point a few metres from the sergeant of the Greek patrol. The Greek lieutenant gave the order to open fire. Immediately the fire was returned from the Bulgarian bank and from the island, with machine-guns, small arms and rifle grenades. The exchange of fire lasted for approximately twenty minutes. The Greeks started to retreat when their ammunition was expended. They had no casualties.

9. On the day following the shooting (19 September), the Greek authorities asked for a meeting at the scene of the incident and a letter was handed to the Bulgarian authorities the same morning asking for a meeting at 2 p.m. The Bulgarians did not arrive for the meeting, but at 3 p.m. a messenger arrived on the Bulgarian side of the river and said that the Bulgarians would arrange a meeting at a later date.

10. A meeting took place on Sunday, 24 September, at pyramid 340 (G 643.530). The Bulgarians were represented by a lieutenant colonel, a major, a captain and a lieutenant; the Greeks by a lieutenant colonel. The incident of the shooting was first discussed. The Bulgarians claimed that they had not crossed the river and their only reason for opening fire was to protect their men who were recovering the bodies of one lieutenant who had been killed and three soldiers who had been wounded by the first firing of the Greeks. The Bulgarian officers regretted that it had been necessary for the Bulgarians to open fire, but said it was unavoidable.

11. The building of the dam was then discussed. The Bulgarians claimed that it was on the initiative of the civilian authorities of the village of Generalovo (G 735-495) that the dam was built and it was without the knowledge of the military or political authorities. The Bulgarians said that a previous dam had existed in 1941 but was washed away by the river. The dam was built by night to avoid any incidents with the Greeks and in any case the territory was Bulgarian, a fact which was confirmed in a letter from the United Nations Secretary-General, Mr. Trygve Lie. The senior officer of the Bulgarians refused to sign the protocol as he was not empowered to do so.

12. The Team was not present at the frontier meeting and this information was obtained from the Greek Liaison Service.

²⁵ See statement by witness No. T/63, Annex A.

IV. OBSERVERS' OPINION

13. It is the opinion of the Team that at this particular spot nature has changed the course of the river and that, except for a short time when the river is in flood, no island does in fact exist. The action of the Bulgarians in building the dam without first consulting the Greeks and the fact that work only took place by night was responsible for the shooting incident.

ANNEX A

STATEMENTS OF WITNESSES

Witness No. T/63

The witness, a second lieutenant in the Greek National Army, stated :

" On the night of 16 September I was instructed to lay an ambush opposite the island which is in the river Evros, and about 100 metres from the dam which the Bulgarians had built. During the night of 16 September I heard, at approximately 9 p. m., a loud-speaker giving instructions to what, from the sound of movement, I think was a large number of people.

" On the night of 17 September I saw a patrol of three Bulgarians near the dam on the Bulgarian side. On the night of 18 September at approximately 11 p. m. when the weather was overcast, I saw a small party of Bulgarian soldiers cross the dry river bed from the island and enter Greek territory. The leading man stopped a few metres from my sergeant and lay on the ground; he was armed with an automatic weapon. I had given orders to my men that they were not to fire unless I gave the order. After a short time the leading Bulgarian rose and began to advance directly on the place where my sergeant was in hiding. I then gave the order to fire. I did this because I was uncertain of the strength of the Bulgarians and my strength was only ten soldiers and five MEA.

" At once the Bulgarians replied with small arms fire, machine-guns and rifle grenades. This fire came from the island and from two positions on the Bulgarian side of the river, and lasted for approximately twelve to fifteen minutes. After the exchange of fire all work on the dam stopped. I estimate that between 150 and 200 men were working on the dam "

Witnesses Nos. T/64, T/65 and T/66

These three witnesses, a sergeant and two soldiers in the Greek National Army confirmed the statement of their officer. In addition the sergeant said that he had asked his officer for permission to fire, as the leading Bulgarian was advancing right on to him. His officer gave him permission.

ANNEX B

I. LETTER DATED 18 SEPTEMBER 1950 FROM THE GREEK NATIONAL ARMY TO THE BULGARIAN MILITARY AUTHORITIES ON THE CONSTRUCTION OF A DAM

[Translation]

From : The Commander of the Greek Frontier Guard
To : The Commander of the Svilengrad Covering Unit

We have the honour to bring to your knowledge that during the night of 14/15 September 1950, Bulgarians built a dam in the river Maritsa from the Bulgarian shore up to the north-east edge of the island Alfa and that Greek

territory was also violated at another point, to a depth of fifty metres, by armed Bulgarian soldiers who entered Greek territory in order to cover the activity of the workers.

The building of the dam began without notice and without our approval. We strongly protest for the following reasons :

(1) The construction of this dam is designed to change the existing frontier situation by diverting the course of the river;

(2) Through the construction of this dam, Greek territory has been violated up to half of the river bed;

(3) The second half of the river bed has been penetrated by Bulgarian soldiers to protect the workers.

We demand the instant demolition of the dam.

We request that a meeting be held at the site of the dam on 23 September 1950, at 11 a.m.

An officer with the rank of captain will attend this meeting. Please inform us if there is any objection to the time and place of the meeting.

II. FIRST LETTER, DATED 19 SEPTEMBER 1950, FROM THE GREEK NATIONAL ARMY TO THE BULGARIAN MILITARY AUTHORITIES ON A FRONTIER MEETING

[Translation]

From : The Commander of the Greek Frontier Guard
To : The Commander of the Svilengrad Covering Unit

We have the honour to inform you that today at 1.30 a. m. an armed detachment belonging to you crossed the river Maritsa about 1,000 metres north-east of Ormenion and entered Greek territory, where it met one of our patrols and fired upon it.

We strongly protest against this armed violation of Greek territory.

Please attend a meeting today at 2 p. m. at the same point at which the incident took place. A lieutenant-colonel from our side will be there.

III. SECOND LETTER, DATED 21 SEPTEMBER 1950, FROM THE GREEK NATIONAL ARMY TO THE BULGARIAN MILITARY AUTHORITIES ON A FRONTIER MEETING

[Translation]

From : The Commander of the Greek Frontier Guard
To : The Commander of the Svilengrad Covering Unit

Further to our letter dated 19 September 1950, wherein we asked for a meeting at 2 p. m. on the same day and at the exact place of the incident (Violation of our territory by one of your armed patrols and attack upon our soldiers), we have the honour to inform you that we received your reply on the subject too late. We wish to bring to your knowledge :

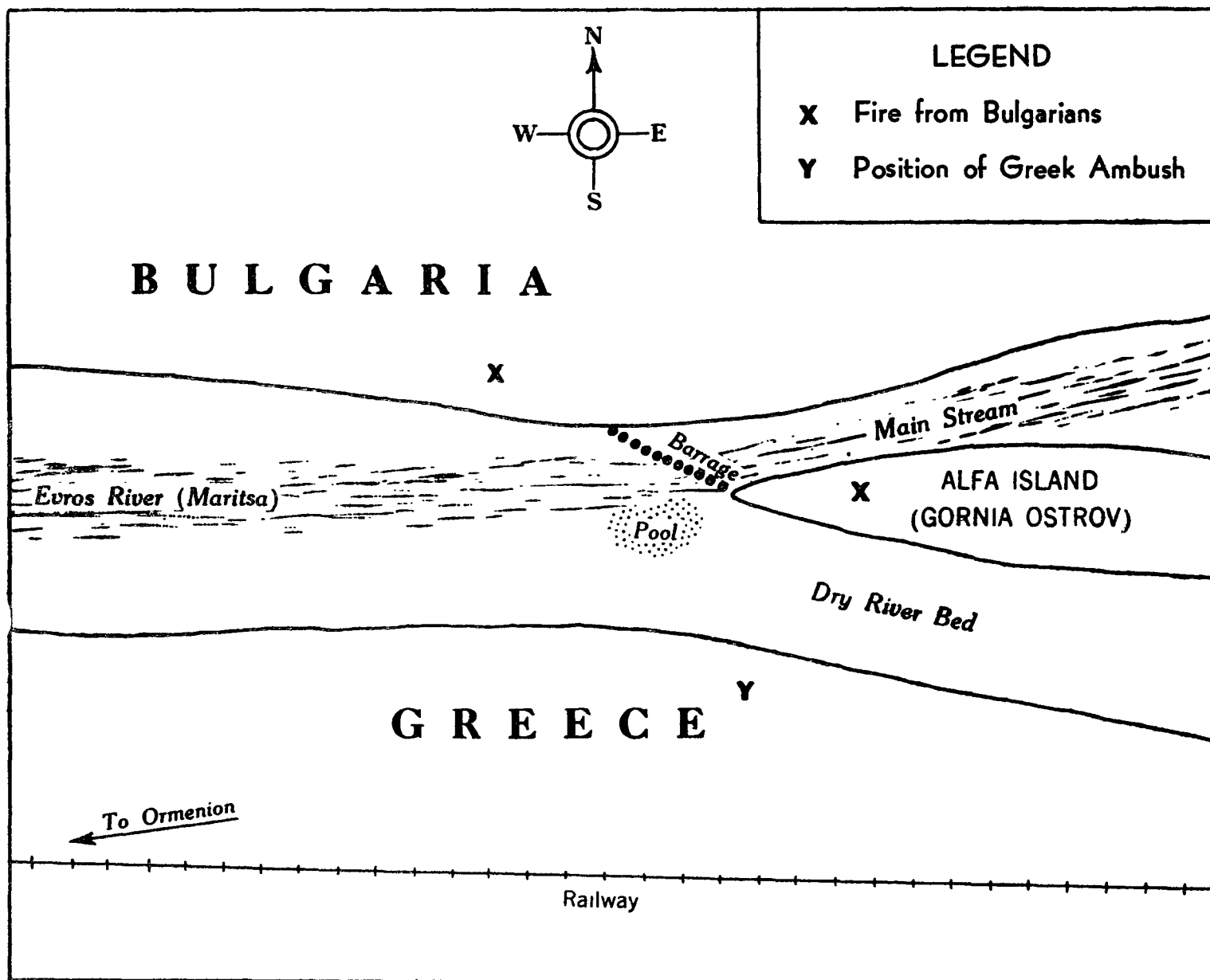
(1) That your letter fixing a meeting at 4 p. m. on 20 September 1950 was received by the competent person at the frontier post only at 7 p. m. that day;

(2) That, in order to give you sufficient time to notify the competent person at our frontier post, we propose and request that the meeting take place on the 24th of this month at 11 a.m.

(3) That the place of the meeting is to be where the incident occurred, in order that an investigation may be held on the spot, in accordance with the covering regulations.

If you have any objection to the place suggested for the meeting, please inform us in time in order to avoid any further delay.

For the meeting we have detailed a lieutenant-colonel.



LEGEND

X Fire from Bulgarians

Y Position of Greek Ambush

B U L G A R I A

G R E E C E

ANNEX C
SKETCH MAP OF SCENE OF EVROS RIVER INCIDENT
(Not to Scale)

DOCUMENT A/1480

Report of the Secretary-General : letter dated 18 September 1950, addressed to the Secretary-General by the International Committee of the Red Cross and the League of Red Cross Societies

[Original text : English and French]
[3 November 1950]

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I. REPORT OF THE SECRETARY-GENERAL

1. The General Assembly, on 18 November 1949, adopted resolution 288 B (IV) which, *inter alia*, (a) instructed the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts for the repatriation of Greek children and to lend them all appropriate assistance in carrying out their task; (b) invited the international Red Cross organizations to report to the Secretary-General, for the information of the Members of the United Nations, on the progress being made in the implementation of the Assembly resolution.

2. The International Committee of the Red Cross and the League of Red Cross Societies duly reported to the Secretary-General in their letter of 18 September 1950, which forms part II of the present document. In transmitting this report, the Secretary-General takes the opportunity of submitting a summary of the action taken by him in support of their efforts and of communications on the subject from other sources. He wishes also to refer briefly to certain developments that have occurred since the Red Cross report was prepared.

3. Before the close of the fourth session of the General Assembly, the Secretary-General brought the terms of resolution 288 B (IV) officially to the attention of the Governments of Albania, Bulgaria, Czechoslovakia, Greece, Hungary, Poland, Romania and Yugoslavia. Having received a communication from the Greek Government to the effect that a number of Greek children would seem to have been transferred to Eastern Germany, he also forwarded a copy of the resolution to the Chairman of the Soviet Control Commission in Berlin.

4. By a letter dated 14 December 1949, the Hungarian Red Cross informed the Secretary-General that, until the situation of refugees in Greece improved, it could not see its way to repatriating the Greek children. The International Red Cross, in reply to a similar letter addressed to it by the Hungarian Red Cross on the same date, called attention to its report to the General Assem-

bly,²⁶ in which it was definitely stated that the joint Red Cross mission to Greece was satisfied with the arrangements made in Greece for the reception of the children on their return. The great improvement in the refugee situation in Greece had been reported to the General Assembly at its fourth session by the United Nations Special Committee on the Balkans. A letter dated 19 December 1949 from the Czechoslovak Red Cross was forwarded to the Secretary-General by the International Red Cross indicating that, before it would be possible to repatriate the 138 Greek children identified in Czechoslovakia on the first list furnished by the Greek Red Cross, an agreement between the Greek and Czechoslovak Governments should be concluded.

5. In January 1950, the Secretary-General held conversations, at the request of the International Red Cross, with the representatives of Czechoslovakia, Poland and Yugoslavia at the seat of the United Nations. The purpose of his conversations with the Polish representative was to ascertain officially whether or not there were still Greek children in Poland and, if not, where the children formerly in Poland had been sent. The conversations with the representatives of Czechoslovakia and Yugoslavia were aimed at advancing the objective of the International Red Cross of getting even a small group of children across the frontier, as a first step. After a further meeting in February with the Czechoslovak representative, a visa to visit Prague was granted to a representative of the International Red Cross, with whose assistance, early in March, the conditions were formulated under which the 138 children in Czechoslovakia would be returned to Greece. These conditions having been accepted by the Greek Red Cross, the International Red Cross, as described in its report of 18 September 1950, proceeded with the task of authenticating the requests for the children concerned. In April, at the suggestion of the International Red Cross, the Secretary-General sent to the authorities in Eastern Germany the complete lists of the Greek children whose return is requested.

²⁶ See document A/1014.

6. As stated in the report of the International Red Cross organizations, a meeting, held in March in Geneva, of the national Red Cross societies of the countries directly concerned proved abortive, no representatives of the societies of countries harbouring Greek children having attended the meeting. When in Geneva at the beginning of May, the Secretary-General consulted with officials of the International Red Cross as to further steps that might be taken; he made personal representations to certain governments to the effect that millions all over the world felt deeply about this issue and could not understand or condone further delay in its solution. At its meeting on 10 May 1950, the Executive Committee of the League of Red Cross Societies adopted a resolution calling the attention of the United Nations to the fact that "without a greater sense of social responsibility on the part of the Governments concerned, the Red Cross cannot fulfil the task entrusted to it" and reporting that "unless the obstacles over which the Red Cross has no control are removed, the mission of the Red Cross cannot be accomplished".²⁷ Thereafter, the Secretary-General held personal consultations with the Presidents of the two international Red Cross organizations and received from them on 9 June a joint telegram (reproduced in part II below) in which, *inter alia*, they expressed the opinion that only the Governments concerned could bring about a prompt solution of the whole problem and urged that whatever action the Secretary-General considered most appropriate to bring about the desired result should be now taken by him with the Governments concerned.

7. Acting upon this request, the Secretary-General, on 15 June 1950, communicated to the Governments of Bulgaria, Czechoslovakia, Hungary, Romania and Yugoslavia the full text of the Red Cross telegram and an invitation that they should designate a representative to meet with him in Geneva on 6 July. A similar communication was later sent to the President of the German Democratic Republic in Berlin. The Government of

Yugoslavia accepted this invitation. The Czechoslovak Government advised the Secretary-General that "due to the absence of Czechoslovakia at the eleventh session of the Economic and Social Council the Czechoslovak Government is not in a position to nominate a representative" to the proposed meeting. No other replies were received. On 3 July, owing to the emergence of the Korean crisis, the Secretary-General informed all the Governments concerned that he was obliged to postpone the proposed meeting. Several consultations between representatives of the Secretary-General and of the International Red Cross took place in July and August.

8. In the meantime, the Commission on the Status of Women had adopted, on 17 May 1950, a resolution on the "Problem of Greek mothers whose children have not yet been repatriated" which has been formally transmitted by the Economic and Social Council to the General Assembly.²⁸ On 29 May 1950, the Government of the United States of America transmitted a message to the Secretary-General reiterating "its appreciation of the efforts of the United Nations Secretariat and of the Red Cross in this matter" and reaffirming "the determination of the American people, expressed in formal resolutions by the House of Representatives and other public bodies, and in thousands of spontaneous, individual messages, to support these efforts until the Greek children are back in their homes".²⁹

9. The telegram of 9 June from the Presidents of the international Red Cross organizations cited certain facts which seemed to give promise of some progress. In the first place, a joint mission of the International Red Cross had, during the preceding four weeks, been able to establish personal contact in Greece with practically all the parents of the 138 Greek children identified in Czechoslovakia. Since the action requested of the International Red Cross by the Czechoslovak Government had been completed, this development, it was felt, might "justify the hope that the repatriation of those Greek children which the Czechoslovak Government had declared itself willing to repatriate can take place without further undue

²⁷ The text of the resolution follows (A/1257):

"The Executive Committee of the League of Red Cross Societies,

"Taking into consideration the resolution of the International Red Cross conference of Stockholm concerning the repatriation of Greek children at the earliest possible moment, as well as those passed by the United Nations General Assembly in 1948 and 1949, urging the States where these Greek children now are to make all necessary arrangements, in consultation and co-operation with the international Red Cross organizations, for their early return to Greece,

"Considering that, irrespective of the circumstances that attend our times, the Red Cross earnestly hopes that all the children will be returned to their parents, in accordance with accepted principles of child welfare,

"Considering, moreover, the continuous efforts made for this purpose by the International Committee of the Red Cross and the League of Red Cross Societies, including:

"(a) Verification of satisfactory conditions under which the children would be received upon their return to Greece;

"(b) Preparation of lists in Latin and Greek characters of the names of children claimed by their parents or nearest surviving relations and dispatch of these lists to the national Societies of the countries concerned, to be used by them in identifying the children;

"(c) Requests to national Societies of the receiving countries to prepare lists of Greek children in their respective countries, for comparison with the requests from parents;

"(d) Offers of assistance to the national Societies of the receiving countries in preparing and comparing lists of Greek children in their respective countries;

"(e) Missions to Czechoslovakia, Yugoslavia and Bulgaria to discuss with national Societies and the Governments concerned the speedy repatriation of Greek children on their respective territories and offers to send similar missions to Hungary and Romania;

"(f) Invitations to the national Societies of all countries concerned to meet in Geneva on 9 and 10 March 1950 to discuss means for repatriation, to which only the Greek Red Cross responded by sending delegates,

"Reports with deep regret that, despite these efforts, no Greek child has so far been returned to Greece and that even elementary indications indispensable for solution of the problem have not been furnished by the Governments concerned;

"Affirms, nevertheless, the determination of the League of Red Cross Societies to proceed, in full accord with the International Committee of the Red Cross, with the task which they accepted and worked on in common;

"Believes it to be its duty to draw the attention of the United Nations to the fact that without a greater sense of social responsibility on the part of the Governments concerned, the Red Cross cannot fulfil the task entrusted to it;

"Reports to the United Nations that, unless the obstacles over which the Red Cross has no control are removed, the mission of the Red Cross cannot be accomplished".

²⁸ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3* (A/1345), paragraph 269.

²⁹ See document A/1284.

delay". Secondly, sixteen children whose parents were residing in Australia were being sent from Yugoslavia to that country;³⁰ and, finally, the Bulgarian Red Cross had declared its willingness to co-operate in the repatriation of Greek children and delegates representing the International Committee and the League were consequently awaiting visas to proceed to Bulgaria. Except in regard to Yugoslavia, the hopes of progress have, as the International Red Cross report reveals, remained entirely unfulfilled. Nor has any other country harbouring Greek children since reported any action towards carrying out the General Assembly resolutions.

10. On 23 June, the Permanent Representative of Yugoslavia informed the Secretary-General of the proposals of the Yugoslav Red Cross regarding the methods to be adopted in the repatriation of Greek children from Yugoslavia and stated that the Yugoslav Government, "desirous of seeing the Greek children whose return to Greece is freely demanded by their parents repatriated", fully approved of these proposals. The Yugoslav proposals have been summarized in the last section of the annex to the international Red Cross organizations' report below. The International Red Cross, in its report of 18 September, indicated that while the Greek Red Cross accepted most of the conditions proposed by the Yugoslav Red Cross, there were others which the Greek Red Cross could not submit to the Greek authorities. The Greek Government has now agreed to the remaining conditions, and the Secretary-General is glad to report that practical arrangements are being made by the Red Cross Societies of the two countries, with the assistance of the International Red Cross, to repatriate a first group of sixty-three children in the very near future.

11. The Greek Government has at the same time called attention to the discrepancies in the numbers of Greek children in Yugoslavia given from time to time by the Yugoslav authorities as well as by representatives of the Yugoslav Red Cross, and has asked that representatives of the League of Red Cross Societies should be sent to Yugoslavia to ascertain on the spot the correct numbers. This request has been communicated by the Secretary-General to the Yugoslav Government.

12. By a cable to the Secretary-General dated 31 October, the International Red Cross supplemented its report by the following information concerning Yugoslavia: In a letter dated 7 September the Yugoslav Red Cross informed the International Red Cross that, up to that date, it had identified from the International Red Cross lists 174 Greek children in Yugoslavia, including the 63 referred to above whose names had already been communicated to the International Red Cross. As soon as the additional names are received by the International Red Cross, they will be transmitted to the Greek Red Cross for compilation of the necessary civil registration documents. The Yugoslav Red Cross has sent the International Red Cross seven lists containing names of 2,512 Greek children resident in other countries of Eastern and South-Eastern Europe who are claimed by their parents

resident in Yugoslavia. At the request of the Yugoslav Red Cross, the International Red Cross has communicated this list to the Red Cross Societies of the countries concerned.

13. By the same communication of 31 October, the international Red Cross organizations gave the following supplementary information regarding Czechoslovakia: On 20 October the Red Cross organizations despatched to the Czechoslovak Red Cross 20 birth certificates missing from the 138 individual files already sent to Prague. At the same time, they asked the Czechoslovak Red Cross for official information on the result of its examination of the files so as to enable repatriation to be effected. They are still awaiting two birth certificates from Greece for final completion of these files. The representative of the Czechoslovak Red Cross at the Council of Governors of the League of Red Cross Societies made a statement at Monte Carlo on 18 October disputing the validity of several of the documents relating to the 138 children collected by the International Red Cross Special Mission to Greece in May 1950. The Czechoslovak Red Cross considers a number of these documents to be neither reliable nor adequate. The international Red Cross organizations consider it all the more necessary to send representatives to Czechoslovakia as soon as possible to make oral statements regarding those files. They recall that they have not yet received the visas requested from the Czechoslovak authorities for their representatives on 26 June last.

14. The international Red Cross organizations state that the situation in respect of the other reception countries has not changed since their report of 18 September was prepared.

15. The Secretary-General has been in frequent contact with the Greek Government throughout the year. In the past few weeks, he has received from the Permanent Representative of Greece to the United Nations communications intimating that considerable numbers of Greek children are or were recently in Eastern Germany and Poland. An earlier communication referred to information suggesting that Greek children were in the territory of the Soviet Union. The Secretary-General has kept informed, and has been kept informed by, the United Nations Special Committee on the Balkans about the various phases of their respective efforts to advance the prospects of obtaining the return of the children: and he has received throughout the year innumerable communications on the subject from private organizations and individuals in different parts of the world.

16. The League of Red Cross Societies transmitted to the Secretary-General on 19 October 1950 the following resolution on the repatriation of Greek children which had been adopted by the Board of Governors of the League at its 21st session:

"The Board of Governors of the League of Red Cross Societies

"1. Notes with regret that not a single Greek child has so far been repatriated, notwithstanding the efforts made by the International Committee of the Red Cross and the League of Red Cross Societies;

³⁰ The safe arrival of these children was later confirmed to the Secretary-General by the Australian Government.

“ 2. Actuated by the humanitarian principles which form the basis of the institution of the Red Cross, wishes to make a final effort to achieve a task of such great moral significance as that of restoring children to their families;

“ 3. Notes that the means at the disposal of the Red Cross are not such that it can fulfil the task entrusted to it by the United Nations unless the latter takes the necessary decisions;

“ Requests the General Assembly of the United Nations, in a spirit of humanitarianism detached from all political or ideological considerations, to make every possible effort to find a means of repatriating Greek children ”.

17. The Commission on the Status of Women, in the resolution referred to above, expressed “ its confidence that the Secretary-General will submit to the General Assembly the urgent necessity of finding new ways for the solution of this very important question, in case the countries detaining the children have not returned them ”. At the moment of writing, not a single Greek child has yet been returned to his native land and, except for Yugoslavia, no country harbouring Greek children has taken definite action to comply with the resolutions unanimously adopted in two successive years by the General Assembly. The Secretary-General cannot but feel that the General Assembly must take a most serious view of this situation and will wish to urge once again, in the name of common humanity, that the children be returned without further procrastination and delay. The General Assembly will not fail to note the final statement in the report of the international Red Cross organizations “ that they will be obliged to consider relinquishing the mission they accepted from the United Nations if the latter, and the countries concerned in the problem of the displaced Greek children, do not afford them their assistance without which the task cannot be accomplished ”. The task cannot be accomplished without the genuine co-operation of the Governments concerned; but with such co-operation the problem could be quickly and easily solved, and it is the Secretary-General’s earnest hope that this co-operation may yet be forthcoming.

II. LETTER DATED 18 SEPTEMBER 1950 ADDRESSED TO THE SECRETARY-GENERAL BY THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND THE LEAGUE OF RED CROSS SOCIETIES

Geneva, 18 September 1950

18. On 11 January 1949, you requested the International Committee of the Red Cross and the League of Red Cross Societies to establish the necessary contacts, on the one hand with the Greek Government and the Red Cross organization, and on the other hand with the Governments and Red Cross organizations in the countries sheltering Greek children, with a view to seeing how the resolution adopted on 27 November 1948 by the United Nations General Assembly³¹ recommending the return of these children to Greece could be implemented.

³¹ Resolution 193 C (III).

19. The terms of the resolution were, it may be recalled, as follows :

“ *The General Assembly*

“ *Recommends* the return to Greece of Greek children at present away from their homes when the children, their father or mother or, in his or her absence, their closest relative, express a wish to that effect;

“ *Invites* all the Members of the United Nations and other States on whose territory these children are to be found to take the necessary measures for implementation of the present recommendation;

“ *Instructs* the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies to organize and ensure liaison with the national Red Cross organizations of the States concerned with a view to empowering the national Red Cross organizations to adopt measures in the respective countries for implementing the present recommendation ”.

20. We accepted the mission and immediately took the steps which were described in a first general report transmitted to you, after a number of preliminary communications, on 5 October 1949.³²

21. On 18 November 1949, the United Nations General Assembly, having regard among other things, to the facts described in that report, adopted a new resolution on the repatriation of displaced Greek children, reading as follows³³ :

“ *The General Assembly,*

“ *Noting* the report submitted by the International Committee of the Red Cross and the League of Red Cross Societies on the question of the repatriation of Greek children, and expressing warm appreciation of the efforts made by the two international Red Cross organizations to facilitate the implementation of General Assembly resolution 193 C (III),

“ *Noting* that the Greek children have not as yet been returned to their homes in accordance with the resolution of the General Assembly, and recognizing the necessity of further efforts for the full implementation of this resolution,

“ 1. *Instructs* the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in this humanitarian cause and to lend them all appropriate assistance in carrying out their task;

“ 2. *Urges* all the Members of the United Nations and other States harbouring the Greek children to make all necessary arrangements, in consultation and co-operation with the international Red Cross organizations, for the early return to their homes of the children in accordance with the aforementioned resolution;

“ 3. *Invites* the international Red Cross organizations to report to the Secretary-General, for the infor-

³² See *Official Records of the General Assembly, Fourth Session, First Committee, Annex, document A/1014.*

³³ Resolution 288 B (IV).

mation of the Members of the United Nations, on the progress being made in the implementation of the present resolution ”.

22. In concluding our first general report, we expressed our regret that despite the repeated efforts of our two organizations it had not been possible, up to that date, 5 October 1949, to obtain greater practical results.

23. At that time no Greek child had been repatriated

24. We had been able to send joint missions to Bulgaria, Czechoslovakia, Greece and Yugoslavia but, in spite of repeated requests, had not succeeded in obtaining permission for our representatives to visit Hungary and Romania.

25. In spite of our efforts, no reception country had furnished us with the list of Greek children in its territory which we wished to compare with the list of children claimed by their families in Greece.

26. The Czechoslovak Red Cross had transmitted to us the names of 138 children in Czechoslovakia whom it had been able to identify in the first list of claimed children we had transmitted to it in August. The Bulgarian, Hungarian, Romanian and Yugoslav Red Cross Societies had not yet, however, found it possible to inform us of the result of the examination of our first list which we had requested them to undertake. The Albanian Red Cross had informed us that there were no longer any Greek children in Albania. No reply had been received from the Polish Red Cross which we had recently approached with regard to Greek children alleged to have been transferred to Poland.

27. In the conclusion of our first general report, we stated : “ Our two institutions hold themselves at your disposal to give every assistance wherever it may be thought necessary, to settle this problem as soon as possible ”. The report continued : “ All the Red Cross organs concerned, both national and international, declare themselves convinced of the importance of finding a solution in conformity with humanitarian principles. For this reason the International Committee and the League cherish the hope that, in accordance with the resolution of 27 November 1948 and any other resolutions which may be adopted on this matter by the General Assembly of the United Nations, the Greek children at present away from their homes who express a wish to that effect, and those who are claimed by their parents, may return to their countries in the near future. ”

28. At the beginning of the present year, in view of the fact that no appreciable progress had been made since 5 October, we invited the Greek Red Cross and the Red Cross Societies of the reception countries to send representatives to Geneva to a meeting in which every aspect of the problem of the Greek children could be considered again from the humanitarian point of view, in which each of the interested parties would have the opportunity to state their views freely and from which we hoped a solution would emerge permitting the speedy repatriation of the children claimed.

29. Only the Greek Red Cross arranged to be repre-

mented at this meeting which it was planned to hold on 9 and 10 March 1950.

30. The Hungarian and Polish Red Cross Societies did not reply to our invitation. The Bulgarian, Romanian and Czechoslovak Red Cross Societies refused the invitation the first named for reasons concerning the Greek and Yugoslav Red Cross Societies, the second on the grounds that it had not yet completed its examination of our lists and the third because it said it had been able to state its point of view to the delegate whom we had sent to Prague in February 1949. In the end, the Yugoslav Red Cross did not send a representative to the proposed meeting although it had accepted the invitation in principle.

31. Determined nevertheless to continue our efforts, we approached the Red Cross Societies of the reception countries at the end of March to enquire what conditions they and the authorities of their countries considered should be satisfied in order to carry out the repatriation as speedily as possible. The Czechoslovak Red Cross to which we had appointed a representative in February 1950 to organize the repatriation of the 138 children identified had requested our two organizations to furnish certain preliminary safeguards (civil registration certificate for each child, proof of relationship, etc.) (see under Annex, Part Two, Czechoslovakia).

32. We were also anxious not to exclude the possibility of adapting our procedures to the individual wishes of each of the other reception countries.

33. We are compelled to state that, in spite of these steps, the practical results obtained to date are negligible.

34. At the last meeting of the Executive Committee of the League of Red Cross Societies in May 1950, the delegate of the Yugoslav Red Cross stated that her society would conform to the resolutions of the United Nations General Assembly regarding the repatriation of displaced Greek children. On that occasion she reported the number of Greek children in Yugoslavia and, of these, the number then living in Yugoslavia with their families, who therefore did not require repatriation.

35. At that time, the Greek Minister in Berne, during an interview with the representative of the Yugoslav Red Cross, informed her of a proposal from the Greek Government that the International Red Cross should be requested to send a special mission to Yugoslavia to check the figures given to the Executive Committee of the League of Red Cross Societies. The proposal was noted by the delegate of the Yugoslav Red Cross and, we are informed by the Greek Government, was reviewed by the latter in the course of conversations in Athens with the *Chargé d'affaires* of Yugoslavia in Greece. The Greek authorities have informed us that, as yet, no reply has been made to this suggestion.

36. In June, the Yugoslav Red Cross informed us of the names of sixty-three children in Yugoslavia whom it had been able to identify in our lists. At the same time it transmitted its proposals regarding the practical organization of repatriation. However, it also laid down certain preliminary conditions regarding repatriation and

requested guarantees regarding the identity of the children and their relationship with the persons making the applications we had transmitted (see under Annex, Part Two, Yugoslavia). This communication was brought to the attention of the Greek Red Cross and we are now waiting for the latter to forward to us the documents requested by the Yugoslav Red Cross.

37. In addition, following approaches made through the diplomatic channel by the Australian Government to the Yugoslav authorities, a group of seventeen children left Yugoslavia in June for Australia where their parents are living.

38. As yet none of the children identified in Czechoslovakia has been repatriated. To satisfy the requests of the Czechoslovak Red Cross, we sent two delegates to Greece in May of this year. During a visit of several weeks, they made contact with the signatories of the requests for the repatriation of the 138 children identified in Czechoslovakia and collected the proofs of identity and relationship required by the Czechoslovak Red Cross. It was our intention to instruct the representatives of our two organizations to take the documents to Prague and to furnish the Czechoslovak Red Cross with such explanations regarding them as might be desirable in the light of the conditions in which they had been collected. We twice proposed this procedure to the Czechoslovak Red Cross which did not find it acceptable. Finally, on its express request and because it felt that examination of the documents by its own staff before our delegates made their visit would enable the children identified to be repatriated more quickly, we forwarded the documents to it by post early in August. The Czechoslovak Red Cross has not yet informed us of the result of its examination.

39. Nor have we received any reply to our application submitted on 26 June to the Czechoslovak authorities for visas for the delegates we intended to send to furnish the Czechoslovak Red Cross with any explanations that might be required regarding the documents and to organize the repatriation of the children identified, in conjunction with the Czechoslovak Red Cross.

40. The Bulgarian Red Cross has not yet informed us of the result of its examination of our lists. We have not received any communication from it since its cable of 30 June, following which we again proposed that we should send a delegate to Bulgaria to examine, in conjunction with the Bulgarian Red Cross, the difficulties it reported and to assist it in its work of identification. We have also received no reply to the application for a visa which we made for this representative in April and renewed in July last.

41. On 29 June, the Romanian Red Cross informed us that in its opinion, before any consideration was given to the practical details of organizing the repatriation of the displaced Greek children, it was essential that a solution should be found for the problem of refugees and homeless children in Greece. As the Society appeared not to have completed its examination of our lists and seemed to be encountering difficulties, we proposed on 14 July that we should send a delegate from our two organizations. We have received no reply to this proposal.

42. We have received no reply from the Hungarian Red Cross to any of our communications since 21 September 1949.

43. In November 1949, the Polish Red Cross denied a report to the effect that Greek children had been transferred to Poland. We were nevertheless informed in May that a number of Greek children were then in Polish territory.

44. Our attention has also been directed to a number of Greek children who are living in the territory of the German Democratic Republic. We have received no information in this connexion either from the responsible authorities in Germany or from the country or countries from which the children were transferred.

45. The foregoing is a very brief account of the situation as it appears to us at present.

46. We annex a complete chronological summary of the action we have taken since 11 January 1949 and the results achieved.

47. On 9 June, the Presidents of our two organizations sent you a telegram on the problem of displaced Greek children, from which we take the liberty of quoting the following passage :

“ ... The International Committee of the Red Cross and the League of Red Cross Societies feel that their endeavours must be assisted by the United Nations. This is especially true since the efforts of the Committee and the League to obtain the co-operation of the Red Cross societies of the countries harbouring the children, for the conference convened in Geneva for 9 March, were not successful.

“ We are of the opinion that only the Governments concerned can bring about a prompt solution of this whole problem. We therefore urge that whatever action you consider most appropriate to bring about the desired result be now taken by you with the Governments concerned. We urge this because the Red Cross firmly believes it to be a principle of natural law endorsed by all the peoples of the world that children belong with their parents, and the Red Cross will therefore continue to act in the spirit of the Assembly resolution.

“ We sincerely deplore that, unless progress can be speeded up, the report to the United Nations Assembly in September will have to show that the task entrusted by unanimous vote of the Assembly to the International Red Cross could not be accomplished despite all the efforts of the Committee and the League.

“ (Signed) Paul RUEGGER, *President,*
International Committee of the Red Cross

“ Basil O'CONNOR, *President,*
League of Red Cross Societies ”

48. Since 9 June, as the present report shows, the situation has remained practically unchanged. There has in fact been little or no improvement since 5 October 1949.

49. The International Committee of the Red Cross and the League of Red Cross Societies are compelled once more to report that none of the displaced Greek children claimed by their parents in Greece has yet been repatriated. Only seventeen children have been able to join their families in Australia.

50. The Committee and the League feel that they have done everything within their power and used every resource open to them to ensure that the two resolutions adopted by the United Nations General Assembly on the repatriation of the displaced Greek children should be implemented as completely and rapidly as possible.

51. The principal action taken by the two international Red Cross organizations can be summarized as follows :

52. At the outset of their activities, the International Committee of the Red Cross and the League of Red Cross Societies were anxious to make a preliminary general survey of the problem by establishing contact, through joint missions, with the Greek Government and Red Cross and with the Governments and Red Cross societies of the reception countries. Missions were able to visit Greece, Bulgaria, Czechoslovakia and Yugoslavia. The Hungarian Red Cross reported that it would be glad to receive representatives of the International Committee and the League, but no reply was received to the applications for visas submitted to the Hungarian authorities, or to those submitted to the Romanian and Albanian authorities.

53. The International Committee of the Red Cross and the League of Red Cross Societies subsequently made repeated requests to the Red Cross Societies of the reception countries to send them reports on the situation, and would have welcomed an expression in the reports of the views of the societies as well as their practical suggestions. This request was not complied with although, in March 1949, the Hungarian Red Cross had stated that it would send a documentary report.

54. In order to establish the whereabouts of each of the children claimed, the International Committee of the Red Cross and the League of Red Cross Societies requested each of the reception countries to furnish them with a list of displaced Greek children living in their territory for comparison with the applications for repatriation submitted by the parents. None of the reception countries has forwarded such a list to Geneva although the Bulgarian and Czechoslovak Red Cross Societies assured the delegates of the International Committee and the League in March 1949 that the documents would be sent as soon as possible.

55. Since August 1949, the International Committee of the Red Cross and the League of Red Cross Societies have transmitted to the Red Cross societies of the reception countries four lists of claimed children, comprising approximately 9,300 names in all, a figure which is substantially lower than the 28,000 which had been quoted as the total number of displaced children. They requested the societies to inform them which of the children mentioned in the lists were in their respective countries.

56. The Bulgarian, Hungarian and Romanian Red Cross societies have not transmitted the final results of their examination to Geneva, although the Bulgarian and Hungarian societies had assured the Committee and the League that they would do so as soon as possible. The two international Red Cross organizations, in order to assist the three societies in their technical work, proposed to send them representatives who were thoroughly conversant with the problem. No reply to this proposal was received.

57. The Czechoslovak Red Cross identified 138 names in the first of the four lists. It has not reported whether it has examined the three other lists. The names of the 138 children identified were communicated in September 1949. None of the children has yet been repatriated although the Czechoslovak Red Cross has received from the International Committee and the League all the additional guarantees for which, in February 1950, it asked the delegate sent to organize the repatriation of the children.

58. The Yugoslav Red Cross has identified sixty-three children from the lists. In this case also, repatriation has not yet taken place as the Yugoslav Red Cross also has laid down a number of conditions.

59. Finally, the International Committee of the Red Cross and the League of Red Cross Societies, hoping that a general discussion might lead to a solution which it had been impossible to obtain by individual negotiations, endeavoured to convene a conference of the representatives of all the Red Cross societies concerned; the latter would have had an opportunity freely to express their views on the problem, any objections they might have to the procedure adopted, and their practical suggestions. As reported, none of the Red Cross Societies of the reception countries sent representatives to the meeting convened at Geneva on 9 and 10 March 1950.

60. The Committee and the League deeply regret that, in spite of their repeated attempts, more substantial practical results have not been obtained and feel that it is now impossible for them to proceed further with the general execution of their mission through the channels open to them.

61. Without wishing to judge the causes of a situation that is beyond their control, the International Committee of the Red Cross and the League of Red Cross Societies are compelled to state that they will have to consider relinquishing the mandate they accepted from the United Nations unless the latter and the countries concerned in the problem of the displaced Greek children afford them the co-operation necessary for the completion of their task; such co-operation is called for in paragraph 2 of the operational part of the resolution adopted by the General Assembly of the United Nations on 18 November 1949 to which, unfortunately, effect has not yet been given.

(Signed) G. MILSOM
Assistant Secretary-General

(Signed) Martin BODMER
Vice-President

ANNEX

CHRONOLOGICAL SUMMARY

There follows a chronological summary by countries of the steps we have taken since 11 January 1949 and the results obtained.

The summary is in two parts : the first part covers the period extending to 30 November 1949, on which date we communicated to the national Red Cross societies of the countries concerned the resolution adopted by the General Assembly of the United Nations on 18 November 1949; the second part covers the subsequent period to date.

PART ONE

I. GREECE

(1) A joint mission of the International Committee of the Red Cross and the League of Red Cross Societies visited Greece from 10 February to 11 March 1949 to make a preliminary survey of the problem of the repatriation of displaced Greek children. The Greek Red Cross had begun to draw up lists of claimed children on the basis of the applications for repatriation which numbers of relatives had already made to it.

(2) In view of the language difficulty and the age of the displaced children, it seemed probable that difficulties of identification would arise when it came to comparing the lists submitted by the Greek Red Cross and those drawn up in the reception countries. In their reports, our delegates were careful to emphasize the desirability of allowing missions of investigation of the International Red Cross to visit the reception countries in order to examine doubtful cases on the spot.

(3) Our joint mission received formal assurances from the Greek Red Cross and the Greek Government that no discriminatory measure of any kind would be applied against repatriated children and that the minority among the latter who could not be sent directly to their families on returning to Greece would be housed and maintained either by the Greek Red Cross or by other Greek charitable organizations. Our delegates were able to visit several homes already in operation and assure themselves that the living conditions of the children housed there were satisfactory.

(4) The Greek Red Cross and the Greek Government also formally declared already at that time that they were ready to give any International Red Cross mission the widest possible facilities to investigate the material and moral conditions in which the repatriated children would be living.

(5) In concluding their report, our delegates laid particular emphasis on the fact that strictly from the material point of view they felt able to recommend that the displaced Greek children should return to their own country. They also thought it their duty to draw attention to the moral and emotional effects which prolonged absence was having on those children and on their near relatives.

(6) Following upon the mission, we maintained close contact with the Greek Red Cross and authorities, chiefly in order to study certain technical problems. In particular, we requested the Greek Red Cross to transmit to us, in addition to its lists, the original applications of the relatives and in each case an index card with the information that was most essential for the identification of the children (name, first name, year of birth, last place of residence in Greece, etc.). Our technical service at Geneva then prepared an alphabetical card index. On the basis of the index, it was our intention to draw up lists of the claimed children

by countries of reception. This was based on the assumption that we would receive from each of those countries a list of all the children resident there. However, it will be seen later that, so far, the information which we requested from the reception countries has not been sent to us, with the exception of one list of 138 claimed children at present in Czechoslovakia and another of sixty-three children living in Yugoslavia.

(7) We were thus obliged to use another method simultaneously. In June and July 1949, we began drawing up lists on the basis of the applications which had reached us from Greece and sending them to each country in which the children were living. So far, we have drawn up and distributed four lists totalling 9,276 names. These lists in Latin characters have been duplicated by lists in Greek characters in consequence of the technical reservations made by certain Red Cross societies in the host countries.

(8) Unfortunately, it seems that the applications have not always been checked on the spot with the desired accuracy. Thus, distant relatives have sometimes claimed the repatriation of a child whose father or mother was no longer living in Greece.

(9) Similarly, in drawing up our first list of claimed children, we noted that a number of applications concerned persons who could no longer normally be considered as children. (After getting in touch with the Greek Red Cross, we agreed with the latter that the maximum age of the children on our lists would in future be twenty-one years at the time of their departure from Greece, which corresponds to the age of majority as laid down in the Greek Civil Code.)

(10) On 28 January 1949, we informed the Red Cross societies of all the reception countries of the request that had just been made to us by the Secretary-General of the United Nations, and announced to them our intention of appointing for each country a joint mission of our two organizations which would be responsible for making a preliminary survey of the problem of repatriating the Greek children. We asked them to use their good offices with the authorities of their countries to see that our representatives were granted the necessary visas. The visas were also requested directly from the Governments concerned through diplomatic channels.

II. ALBANIA

(11) On 18 March 1949, not having received a reply to our letter of 28 January or to our application for visas, we requested the Albanian Red Cross to communicate to us any information it might have regarding the question of the displaced Greek children and its opinion regarding their repatriation, in order to assist us in drawing up a first preliminary report for the Secretary-General of the United Nations. On 22 April, we reminded the Albanian

Red Cross of our request regarding the dispatch of a joint mission of our two organizations. We requested it to send us the list of Greek children present in Albania; we wished in fact to compare it with the list of claimed children which we had drawn up on the basis of the applications we had received from Greece.

(12) In a letter of 19 April, which arrived at Geneva on 29 April, the Albanian Red Cross informed us that there were no longer any Greek children in Albania, since those who had been living there had been transferred to other countries in Central and South-Eastern Europe.

(13) On 25 August, we requested the Albanian Red Cross to give us all the information it could regarding the Greek children who had been in Albania, in particular their number and their allocation among the countries to which they had been transferred. This was in order to enable us to make as complete a report as possible to the Secretary-General of the United Nations for the General Assembly meeting in September 1949.

(14) The Albanian Red Cross made no reply to this request, which we repeated on 20 October without result.

III. BULGARIA

(15) The necessary permits having been granted, a representative of the International Committee and the League visited Bulgaria from 18 to 25 March 1949.

(16) All the Greek children received by Bulgaria had been placed in the care of the Bulgarian Red Cross. Our delegate was able to visit the two largest reception centres and found the children living there to be enjoying satisfactory conditions.

(17) The Bulgarian authorities told our representative that the Bulgarian Red Cross had been instructed to take the necessary action to implement the resolution adopted by the General Assembly of the United Nations. All steps would be taken to ensure accurate identification of the Greek children living in Bulgaria and the list would be sent to Geneva as soon as possible.

(18) On 10 June 1949, since we had not yet received the list, we wrote to the Bulgarian Red Cross to ask whether it was in a position to indicate when it would be able to send the list. In July, in the course of a visit to Bulgaria, the Secretary-General of the League received confirmation from the Bulgarian Red Cross that we would receive the list but that, in view of certain technical difficulties, it could not be sent to us before 15 September.

(19) On 9 August 1949, we sent to the Bulgarian Red Cross the first list of claimed children, comprising 5,060 names. At the same time, we asked it to be good enough to give us any information it might have regarding the problem of the Greek children which might be likely to assist us in drawing up the report we were to make to the Secretary-General of the United Nations.

(20) On 26 August 1949, we asked the Bulgarian Red Cross whether it was in a position to inform us of the results of its study of our first list. At the same time, we suggested that we should send to Bulgaria a representative who would be able to consult with the Bulgarian Red Cross regarding the steps to be taken in organizing the repatriation of the children who had been identified.

(21) On 30 August, the Bulgarian Red Cross informed us that it had begun a study of our list; it would inform us of the results at a later date. We approached it again on 20 October and subsequently on 30 November, bringing to its attention, on the latter date, the text of the second

resolution adopted unanimously by the General Assembly of the United Nations regarding the repatriation of displaced Greek children.

IV. HUNGARY

(22) On 10 February 1949, in a letter which reached us on 23 February, the Hungarian Red Cross told us that it would be glad to receive the mission we had mentioned and that it had taken the necessary steps with its Government to see that visas would be granted.

(23) On 18 March 1949, we requested the Hungarian Red Cross to communicate to us any information it might have and its opinion regarding the problem of the repatriation of Greek children in order to enable us to draw up our report for the Secretary-General of the United Nations. In reply, the Hungarian Red Cross informed us, on 29 March, that it had begun to prepare documentation on the problem on the instructions of the Hungarian Government, and that it would not fail to send us the report as soon as it was finished.

(24) On 25 April, we requested the Hungarian Red Cross to send us the list of Greek children living in Hungary, which we wished to compare with the requests for repatriation which had reached us from Greece.

(25) On 10 June 1949, in confirmation of our letter of 25 April, we requested the Hungarian Red Cross to intercede once more with the Hungarian Government for permission for our joint mission to visit Hungary as soon as possible and establish the contacts necessary for an examination of the repatriation of the Greek children living in Hungary.

(26) On 9 August, we sent the Hungarian Red Cross our first list of Greek children claimed by their parents. We again requested it to send us its report on the question of the Greek children, since this might assist us in preparing the report which we were to submit to the Secretary-General of the United Nations.

(27) On 26 August, we requested it to inform us whether it had examined our first list, and we recalled that we were ready to send a representative to Hungary to study, with the Hungarian society, the organization of the repatriation of the children who had been identified.

(28) On 21 September 1949, the Hungarian Red Cross told us that it had begun the comparison of our list with the list of Greek children living in Hungary. It was encountering some difficulty in its task because of the transcription of the children's names into Latin characters. It would communicate the results of its investigation as soon as it was completed. It also told us that it was sceptical of the authenticity of the applications which we had transmitted. In its opinion the children had left Greece because their relatives wished to place them in safety. (It would be contrary to the humanitarian spirit of the Red Cross to repatriate them when their homes had been for the most part destroyed and their relatives were fighting or in prison.)

(29) On 18 November, we asked the Hungarian Red Cross whether it had been able to complete its work of identification and we notified it that we would soon be sending lists in the Greek alphabet, suggesting that a representative should be sent to Geneva with full freedom to consult the original applications which had been transmitted to us.

(30) On 30 November, we brought to the knowledge of the Hungarian Red Cross the text of the resolution regarding the repatriation of displaced Greek children adopted

unanimously by the General Assembly of the United Nations on 18 November.

V. POLAND

(31) On 8 September 1949, the Secretary-General of the United Nations informed us that he had approached the Polish Government regarding the Greek children who were alleged to be in Poland as a result of the transfers reported to our delegate by the Yugoslav Red Cross. We immediately sent the Polish Red Cross our first list of Greek children, in the hope that the document would assist it in drawing up its own list of claimed children who might be living in Poland. We also told it that we would be glad to appoint a joint mission of the International Committee and the League to study with it the practical problem of repatriating these children.

(32) The Polish Red Cross replied, on 18 November, with a denial of the report of the Yugoslav Red Cross regarding the alleged presence of Greek children on Polish territory.

(33) A representative of the Polish Red Cross had also made a verbal statement to the Executive Committee of the League, which had met at Geneva on 12 October 1949, that there were no Greek children in Poland.

VI. ROMANIA

(34) We learned indirectly, on 17 February 1949, that the Romanian authorities thought they would be unable to issue the visas required, since no communication concerning the repatriation of the Greek children had yet reached them from the Secretary-General of the United Nations.

(35) In spite of this, wishing to draw up our preliminary report, we asked the Romanian Red Cross, on 18 March 1949, to communicate to us its views and any information it might have on the subject.

(36) Meanwhile, a reply had apparently been given to our request of 28 January. As we had not received it, the Romanian Red Cross communicated the contents to us by cable, at our request, on 8 April. The Society wished us to send as soon as possible the lists of parents who desired the repatriation of their children from Romania. On 22 April, we pointed out to the Society that it was not possible for us to determine which of the applications received concerned Romania. We informed the Society of the procedure of comparing information that we intended to use, and then asked it to send us a list of the children in Romania. On that date, and on 10 June 1949, we stressed the importance we attached to sending a joint mission of our two organizations to Romania.

(37) On 9 August, we sent our first list to the Romanian Red Cross, assuring it on that occasion that we were prepared to assist it in repatriating any children whom it might be able to identify. At the same time, we asked it to communicate to us any information which might help us to draw up our general report to the Secretary-General of the United Nations.

(38) On 26 August, we asked the Romanian Red Cross to inform us of the result of its examination of our first list. We also reiterated our wish to send a representative to Romania.

(39) We confirmed that letter on 20 October by telegram and, on 30 November, by communicating to the Romanian Red Cross the text of the new resolution adopted on 18 November by the General Assembly of the United Nations on the repatriation of displaced Greek children.

VII. CZECHOSLOVAKIA

(40) After having obtained the necessary visas, a joint mission of the International Committee and the League visited Czechoslovakia from 20 to 29 March 1949. It returned with a formal assurance that the Czechoslovak Red Cross, in so far as it was concerned, would comply with the United Nations resolution. Although not empowered to make an official declaration on this matter, the Society felt that it was in a position to say that the Czechoslovak Government would also comply with the resolution, in favour of which it had voted. The Czechoslovak Red Cross undertook to draw up lists of Greek children in Czechoslovakia, but would be unable to do so very rapidly, since its services were not concerned with these children.

(41) Our delegates also received an assurance from the Czechoslovak Red Cross that the Society would take all steps necessary to enable the children, on being asked their opinion and if they were solely responsible for the decision, freely to express their desire for repatriation. The Czechoslovak Red Cross stated that it would assume full responsibility for the accuracy of the lists and stated that these documents would be drawn up without distinction as to creed or political opinion. The representatives had informed the Czechoslovak Red Cross of the methods of comparing information that were to be used and had assured it that the repatriated Greek children would remain under the control of the International Red Cross until they were returned to their families or to near relatives.

(42) On 10 June 1949, we asked the Czechoslovak Red Cross to let us know when it would be able to send us the above-mentioned list, which we had not yet received. On 9 August, we sent our first list of children who were claimed, reiterating our assurance that we would be prepared to give the Society our full co-operation in the repatriation of any children who might be identified in Czechoslovakia. We also asked the Czechoslovak Red Cross to provide us with any information that might help us to draw up the report which we had to submit to the Secretary-General of the United Nations for the forthcoming General Assembly.

(43) On 26 August, we asked the Czechoslovak Red Cross to inform us of the result of its examination of our first list; we recalled at the same time that we were prepared to send a representative to discuss the practical measures to be taken for the repatriation of any children who might be identified.

(44) On 12 September, the Czechoslovak Red Cross sent us a list of 138 children in Czechoslovakia whose names it had been able to find in our first list. We communicated these 138 names immediately to the Greek Red Cross.

(45) We pointed out to the Czechoslovak Red Cross by telegram, on 13 October, that we should be very glad if it would receive a special representative from our two organizations to study jointly with it the technical aspect of the repatriation of the children who had been identified. At the same time, we submitted a request for visas through the diplomatic channel and asked the Czechoslovak Red Cross to support this request.

(46) On 30 November, we repeated the above request and stressed the necessity of repatriating the 138 identified children as soon as possible. At the same time, we communicated to the Czechoslovak Red Cross the text of the resolution adopted by the General Assembly of the United Nations on 18 November.

VIII. YUGOSLAVIA

(47) As a result of the steps we had taken, the Yugoslav Red Cross informed us, on 15 April 1949, that the Yugoslav authorities were ready to receive our joint mission. This mission visited Yugoslavia from 2 to 12 May. At that time, according to the information given by the Central Committee of the Yugoslav Red Cross, there were still in that country 1,845 Greek children boarded out in the Society's homes and 3,347 living either with their parents or with other Greek refugee families. Since April 1948, approximately 13,500 Greek children had passed in transit through Yugoslavia, 3,550 to Czechoslovakia, 3,050 to Hungary, 6,400 to Romania and 500 to Poland. Our delegates were able to visit three of the largest homes set up by the Yugoslav Red Cross. They reported that the children lived there under satisfactory conditions.

(48) The chief official in charge of Greek children in Yugoslavia had transmitted all the lists of children to the Greek Committee "Help the Children" at Budapest. Nevertheless, he agreed to have registration cards that had been drawn up by the Yugoslav Red Cross completed for the purposes of that Society. The Yugoslav Red Cross, for its part, told our representative that it was not able to comply with the request that it should furnish us, as soon as they were within its possession, these lists of Greek children in Yugoslavia. Furthermore, owing to the fact that the Yugoslav Red Cross could enter into direct contact with the Greek Red Cross, the former organization expressed the view that our action for the repatriation of the Greek children was not absolutely necessary. It would therefore call for our services only if, for technical reasons, it was unable to act alone. It stated however, that it was prepared to meet the requests for repatriation already received from us, provided that originals or photostats of such requests were transmitted to it. The Yugoslav Red Cross also informed our representatives that it would make itself responsible for the expenses of the maintenance and transport of the children.

(49) The Yugoslav authorities confirmed the point of view of the Red Cross regarding the lists of children. The communication of these lists to our services would lead to complications of all kinds. We should have to be informed of the movement of children to other countries, and that might give rise to misunderstandings; furthermore, if we were to divulge the names contained in those lists, distant relatives might be encouraged to claim children whose fathers and mothers were opposed to the existing Greek Government. The Yugoslav authorities also informed our representative that they saw no reason why this first contact should be pursued, since our two organizations had been able to convince themselves during their visit of the welfare of the children, and would be well able to reassure the parents. In reply, our representatives stressed the fact that in January the Yugoslav Government had been requested by the Secretary-General of the United Nations to communicate the lists and that these documents

would enable us to draw up a list of the claimed children in Yugoslavia, by comparing them with the requests we had received from Greece.

(50) The force of these arguments was acknowledged. The problem would be reconsidered so that a further report might be submitted to the Yugoslav Government. Nevertheless, our representatives did not secure any undertaking or definite assurance with regard to further communications on this subject.

(51) On 10 June, we reminded the Yugoslav Red Cross of the method of comparing information which we intended to use and asked it whether, in accordance with the statements made to our representatives, the problem of comparing the lists had been reconsidered in the meantime. At the end of June, we informed the Greek authorities and the Greek Red Cross of the views expressed in Yugoslavia to the effect that our intervention was unnecessary between that country and Greece, since the problem of the repatriation of Greek children in Yugoslavia could be dealt with directly between the Greek Red Cross and the Yugoslav Red Cross.

(52) On 3 August, the Greek authorities suggested that a meeting should be held at Geneva between the representatives of those two Societies. On 30 August, the Yugoslav Red Cross, to which we had transmitted that proposal informed us that such a meeting did not seem to be necessary, since it had agreed to return the children claimed by their parents. The Greek Red Cross could transmit the requests it had received to the Yugoslav Red Cross. We communicated the contents of that reply to the Greek authorities and to the Greek Red Cross.

(53) On 9 August, we sent the Yugoslav Red Cross our first list of children who were claimed. On 29 August, we asked the Society to inform us of the results of the study of that document. We also stated that we were prepared to send a representative to discuss with it the necessary measures for the organization of the repatriation of Greek children in Yugoslavia, if the proposed meetings with the Greek Red Cross were not to take place in the near future. We also requested it to provide us with any information which might help us in drawing up our first general report to the Secretary-General of the United Nations.

(54) On 9 September, the Yugoslav Red Cross informed us that none of the names entered in the lists drawn up by the homes appeared in the list that we had sent; some of the names seemed to be similar, but that could not be held to constitute definite identification.

(55) On 18 November, we informed the Yugoslav Red Cross that we would send a duplicate in Greek characters of our lists in Latin characters, and expressed the hope that these new documents would enable it to resume its work of identification on a more solid basis.

(56) On 7 December, the Yugoslav Red Cross informed us that it would willingly proceed to verify its initial work as soon as it received the necessary lists.

PART TWO

(57) At the end of 1949, more than a year after the United Nations General Assembly had adopted its first resolution on the repatriation of the displaced Greek children, none of the children had yet been returned to their families, in spite of all our efforts.

(58) In view of this situation, we decided in January 1950

to invite representatives of the Greek Red Cross and the Red Cross Societies of the receiving countries to a meeting at Geneva to re-examine the whole problem. The invitations were sent out on 20 January for meetings to be held on 9 and 10 March. In view of its previous statements, the Albanian Red Cross was not invited. We did, however, ask the Polish Red Cross to participate, thinking

that it might provide useful assistance in settling the matter.

(59) None of the Red Cross Societies of the receiving countries sent representatives to the proposed conference.

(60) The only Society to attend was therefore the Greek Red Cross, and the occasion thus assumed the nature of a meeting for exchange of information between that Society and the international Red Cross organizations.

(61) Resolved, in spite of that failure, to continue our efforts for the repatriation of the displaced Greek children, we again approached the Red Cross Societies of the receiving countries at the end of March. Two questions might be asked :

(a) Were those Red Cross Societies and the authorities of their countries still in favour of the principle of repatriation itself ?

(b) If so, what conditions would they like to see fulfilled to enable repatriation to take place as rapidly as possible ?

(62) We did not wish to exclude the possibility of adapting our methods of work to the individual desires of each of the receiving countries, and we informed the Red Cross Societies concerned to that effect. We should say immediately that we addressed question (a) only to the Hungarian Red Cross, convinced that we were justified in doing so by the persistent silence it had maintained in face of all our requests. On the other hand, the replies received from other Red Cross Societies, and our relations with some of them, led us to the conclusion that they did not contest the principle of repatriation itself.

(63) In practice, our appeals differed slightly according to the Red Cross Society to which they were addressed.

A. ALBANIA

(64) The previous statements of the Albanian Red Cross and the silence it had maintained since having made them induced us to refrain from inviting it to the March meeting and from sending it the letter which, after that meeting, we sent to the other Red Cross Societies.

B. BULGARIA

(65) The Bulgarian Red Cross had declined our invitation on grounds which involved the Greek and Yugoslav Red Cross Societies. It had stated, however, that it was prepared to enter into direct negotiations with the League and the Committee.

(66) In replying to the Bulgarian Red Cross, we said how much we regretted that it had considered itself bound to refrain from sending representatives to the conference of 9 and 10 March.

(67) We noted its desire for direct collaboration and, on 26 April, we informed it of our intention to send a representative to Sofia to work together with it and the Bulgarian authorities in seeking a practical solution to the problem of the displaced Greek children in Bulgaria. We did not therefore address question (b) to the Bulgarian Red Cross, leaving it to our representative to do so in the course of conversations.

(68) By cablegram of 30 June, the Bulgarian Red Cross informed us that our lists contained " innumerable errors and inaccuracies ", that the work of checking the lists which it had begun would therefore take considerable time, and that consequently a visit from our representative would be premature.

(69) In reply we said, also by cablegram, that we were extremely desirous of assisting the Bulgarian Red Cross in its work, and that it seemed to us that an early visit by our representative would be useful for that purpose.

(70) At the same time we repeated our request for a Bulgarian visa already submitted in April.

C. HUNGARY

(71) The Hungarian Red Cross had not replied to our invitation.

(72) We sent both questions, (a) and (b), but received no reply.

D. POLAND

(73) The Polish Red Cross had not replied to our invitation.

(74) It seemed to us that, in view of its previous statements, there was no point in writing to it after the meeting.

E. ROMANIA

(75) The Romanian Red Cross had pointed out that the inspection of the lists we had transmitted to it, which was being conducted by its officers, was not yet completed.

(76) In the letter we addressed to it on 30 March we asked question (b) and at the same time offered to assist in the technical work of identification by sending a representative.

(77) On 29 June, the Romanian Red Cross informed us that it had so far not found on our lists the name of any Greek child in Romania. On the other hand, it had observed that several of the requests for repatriation were not formulated in accordance with the decisions of the United Nations General Assembly : in many cases, the closest relatives resided in the territory of one of the Eastern European people's republics and could not be the authors of the requests concerned.

(78) Replying to our question (b), the Romanian Red Cross stated that, before any consideration of the problem of the repatriation of the displaced Greek children, it was in its opinion necessary to settle the future of the Greek refugees on whose behalf the International Committee had launched an appeal in September 1949, and that of the tens of thousands of children living in Greece without homes and without attention.

(79) In our reply to this letter on 14 July, we recalled the formal assurances as to the conditions of reception of the repatriated children which had been received by the special mission we sent to Greece in February 1949. We also pointed out how we regarded the continuance of our efforts to secure early repatriation as justified by the hope and impatience displayed by most of the parents with whom the two members of our last special mission to Greece had been able to get in touch in May.

(80) Noting with regret the difficulties encountered by the Romanian Red Cross in its work of identification, we repeated our offer of technical assistance by proposing to send a representative.

F. CZECHOSLOVAKIA

(81) It will be remembered that, after having received from the Czechoslovak Red Cross a list of 138 Greek children identified in Czechoslovakia, the International Red Cross had requested authorization for one of its representa-

tives to go to Prague to study the means of repatriation together with the Czechoslovak Red Cross.

(82) During our representative's conversations with the Czechoslovak Red Cross at the end of February and the beginning of March, the Czechoslovak Red Cross pointed out that the requests for repatriation had not been received directly by the two international Red Cross organizations, but merely transmitted by them, and that, consequently, before agreeing to consider the technical problem of repatriation, it had requested certain guarantees. It wished to receive :

- (i) For each child, an authentic document fully establishing identity;
- (ii) For relatives who signed a request for repatriation :
 - (a) An authentic or duly legalized document establishing their identity, their degree of relationship to the child or children claimed and, in the case of relatives not parents, giving the reasons for their action;
 - (b) A declaration by them certifying that they made their request freely and not under pressure of any threat or compulsion;
- (iii) The assurance on our part that the repatriated Greek children and their relatives would not be subject of any proceedings whatsoever.

(83) When we invited it to the meeting of 9 and 10 March, the Czechoslovak Red Cross replied that, so far as it was concerned, it did not consider it necessary to send a representative to the meeting, since it had had the opportunity of expressing its point of view to our representative. Anxious to do everything to secure the repatriation of the identified children as rapidly as possible, we communicated the conditions laid down by the Czechoslovak Red Cross to the Greek Red Cross, and came to an agreement with the latter that a special mission should be sent to Greece to obtain the documents requested. At the beginning of May, two representatives left Geneva for Athens. During several weeks' travelling in Greece they got in touch with the signatories of the requests for repatriation, and talked to most of them personally without the presence of any third party other than a Swiss interpreter. With the assistance of the local registration authorities they were able to obtain the certificates of identity and relationship requested by the Czechoslovak Red Cross.

(84) As soon as our special mission returned, our staff worked at compiling individual dossiers based on the documents brought back from Greece.

(85) On 26 June, we asked the Czechoslovak authorities for entry visas for two representatives whom we wished to send to Prague to examine these 138 dossiers with the Czechoslovak Red Cross and then to study the technical aspects of the repatriation of those children—the great majority—in connexion with whom no objection could in future be raised.

(86) The visas have so far not been granted. The Czechoslovak authorities have not even replied to our request.

(87) We informed the Czechoslovak Red Cross of our application for visas, and requested it to approach the Czechoslovak authorities in support.

(88) By a letter of 17 July, that Society informed us that it had taken the necessary steps. At the same time, it asked us to send it the 138 dossiers we had compiled so that it could examine them before our representatives arrived, considering that such previous study " would facilitate the proposed negotiations and at the same time simplify the work as a whole ".

(89) On 22 July, we replied by cablegram to the Czechoslovak Red Cross, saying in particular : " We thank you for your action. We consider that the oral commentaries of our representatives are absolutely necessary to facilitate and expedite the work of your staff in examining the documents collected relating to the 138 children ". We also begged the Czechoslovak Red Cross again to support our applications for visas.

(90) On 24 July, the Society replied to us as follows : " ... we refer you once more to our letter No. 23998 of 17 July 1950, in which we asked you to send us the material relating to identification, the previous study of which would, we presume, facilitate the personal negotiations. We also draw your attention to the fact that all the responsible officials are at present on holiday, and the representatives of the League and the International Committee would have no opportunity of submitting their comments to the competent authorities ".

(91) On 1 August, we sent the following cablegram : " ... since you assure us that would hasten the settlement of the problem, we have decided to send you, through the Czechoslovak Legation in Bern, the documents relating to the 138 Greek children for preliminary study by the Czechoslovak Red Cross, on which henceforth a positive and rapid solution of the case of these children will depend. We still regard the comments of our representatives as extremely desirable. We confirm that these representatives are prepared to go to Prague as soon as the visas we have requested are obtained ".

(92) On 5 August, therefore, we sent these documents to the Czechoslovak Red Cross through the Czechoslovak Legation at Bern.

(93) The Czechoslovak Red Cross has not yet acknowledged the receipt of these 138 dossiers.

G. YUGOSLAVIA

(94) By cablegram of 28 February, the Yugoslav Red Cross, while accepting our invitation in principle, had expressed the wish that the conference should also include in its study the problem of reuniting children in other East European countries with their parents who were refugees in Yugoslavia and *vice versa*. We replied that the agenda could be extended to cover that problem.

(95) Since, in the end, the Yugoslav Red Cross did not send a representative on 9 and 10 March, we wrote to it on 30 March expressing our regret and addressing to it question (b). At the same time, we enquired what results had so far been obtained from the direct liaison it had desired to form with the Greek Red Cross. We subsequently learnt from the latter that no progress had been made in that direction.

(96) On 23 June, referring to the statements made by its representative at the meeting of the Executive Committee of the League last May on the restoration to their parents of children who were parted from them, the Yugoslav Red Cross communicated to the League the conditions it wished to see fulfilled before proceeding to repatriate the sixty-three children whom it had identified, together with its suggestions with regard to the practical means of such repatriation.

(97) According to resolution 288 B (IV) of 18 November 1949 of the United Nations General Assembly, the repatriation of Greek refugee children should be effected through the League of Red Cross Societies and the Red Crescent.

(98) As a first condition the Yugoslav Red Cross requested that the League of Red Cross Societies should obtain the guarantee of the Greek Government that the children would be immediately and directly restored to their parents without being kept in camps, homes or other assembly centres.

(99) The Greek Red Cross should transmit the following documents through the League of Red Cross Societies to the Yugoslav Red Cross :

(a) The written request of the parents, confirmed by the competent authorities, for restoration of the child to them through the Greek Red Cross.

(b) The certificate of relationship, confirmed by the competent authorities.

(100) The reception and restitution of the children would be carried out at the Yugoslav-Greek frontier in the presence of representatives of the League, the Greek Red Cross and the Yugoslav Red Cross, and of a Greek doctor and a Yugoslav doctor.

(101) The record of reception and restitution would be signed on the spot by the members of the Commission.

(102) The statements by the parents that the children had been restored to them, duly corroborated by the competent Greek authorities, would be transmitted to the Yugoslav Red Cross through the League of Red Cross Societies as early as possible.

(103) The Yugoslav Red Cross attached to its letter a list of the 63 identified children.

(104) After reaching agreement on the matter with the

International Committee, the League acknowledged the receipt of this letter to the Yugoslav Red Cross. It also informed the Greek Red Cross of the contents, pointing out that it had forwarded the proposals to the International Committee and requesting the Greek Red Cross to let us know as soon as possible what it thought of them.

(105) On 19 August, the Greek Red Cross informed us that it accepted the conditions imposed by the Yugoslav Red Cross except the first (guarantee of the Greek Government that the children would be restored immediately to their parents) and the last (statement by parents that their children had been restored), which it said it could not submit to the Greek authorities.

(106) By a cablegram of 25 August, we requested the Greek Red Cross to send us as soon as possible the certificates of relationship requested by the Yugoslav Red Cross.

(107) Some months ago, the Australian Government got into touch with the Yugoslav Government on the subject of certain displaced Greek children in Yugoslavia claimed by their parents who had been living for a long time in Australia. In February, we were asked to assist in organizing the journey of these children from Yugoslavia to Australia. After fairly lengthy negotiations, we succeeded, in collaboration with the Yugoslav, Swiss and Italian Red Cross Societies, in arranging for the transport by air of seventeen children and one mother from Belgrade to Rome *via* Zurich. At the end of May and the beginning of June, four convoys had thus been organized under our auspices. Arrangements for the voyage from Italy to Australia were left to the Australian Government.

DOCUMENT A/1480/Add.1

Supplement to the report of the Secretary-General

[Original text: English]
[13 November 1950]

1. The Greek Government has on numerous occasions urged that the exact number of Greek children eligible, under the General Assembly resolutions, for repatriation to Greece from the various countries concerned should be determined on the spot with the assistance of the International Red Cross or other impartial authority. The Secretary-General has held a number of consultations on this matter and the Swedish Red Cross has now been invited by the Greek and Yugoslav Red Cross Societies to lend its assistance. Acting on this invitation, the Swedish Red Cross has agreed to assist the Yugoslav Red Cross in its task of identifying the Greek children in Yugoslavia and of returning them

to their parents, and it proposes to send representatives to Belgrade for this purpose at an early date. This arrangement has been made in full agreement with the League of Red Cross Societies and the International Committee of the Red Cross, and is welcomed by the Greek and Yugoslav Governments.

2. The Secretary-General has been informed by the Yugoslav and Australian delegations that the transfer from Yugoslavia to parents in Australia of two parties of Greek children, in addition to those moved during the summer, has begun and should be completed very shortly.

DOCUMENT A/C.1/622

Australia, France, Pakistan, the United Kingdom and the United States of America : joint draft resolution

[Original text: English]
[10 November 1950]

The General Assembly,

Having considered the report of the United Nations

Special Committee on the Balkans and noted that, although a certain improvement has taken place in the situation on the northern frontiers of Greece, neverthe-

less there remains a threat to the political independence and territorial integrity of Greece,

Approves the report of the Special Committee;

Continues the Special Committee in being until the sixth session of the General Assembly, in accordance

with the terms of reference contained in General Assembly resolutions 109 (II), 193 (III) and 288 (IV), unless meanwhile the Special Committee recommends to the Interim Committee its own dissolution; and

Authorizes the Interim Committee to act on such recommendation as it thinks proper.

DOCUMENT A/C.1/622/Rev.1

Australia, France, Pakistan, the United Kingdom and the United States of America : revised joint draft resolution

[Original text : English]
[13 November 1950]

Text identical with document A/C.1/622 with the exception of the words " and administrative arrangements " inserted in the third paragraph after the words " terms of reference ".

DOCUMENT A/C.1/623

Union of Soviet Socialist Republics : draft resolution

[Original text : Russian]
[11 November 1950]

The General Assembly,

With a view to normalizing the situation in Greece,

Recommends that the following measures be taken :

(a) The declaration of a general amnesty in Greece and the abolition of the concentration camps for Greek democrats;

(b) The holding of universal and free parliamentary elections on the basis of proportional representation;

(c) The cessation of military and political intervention in Greek affairs by the United States of America and the United Kingdom;

(d) The establishment of diplomatic relations between Greece and Albania, and also between Greece and Bulgaria;

(e) The dissolution of the United Nations Special Committee on the Balkans.

DOCUMENT A/C.1/561

Letter, dated 28 September 1950, from the Deputy Representative of the Union of Soviet Socialist Republics addressed to the President of the General Assembly

[Original text : Russian]
[30 September 1950]

I have the honour to transmit to you the "Appeal from the mothers of eleven Greek patriots to the Head of the Soviet Government, J. V. Stalin" and the "Memorandum by the relatives of eight Greek trade union officials condemned to death by the Court Martial of Athens". Both these documents contain facts and bear witness to the incessant terror and mass executions in Greece.

I would ask you, Mr. President, to issue these documents, the text of which is attached, in the form of a General Assembly document and to distribute it to the delegations to the fifth session of the General Assembly.

(Signed) Y. MALIK
Deputy Head of the Union of Soviet Socialist Republics delegation to the fifth session of the General Assembly

APPEAL FROM THE MOTHERS OF ELEVEN GREEK PATRIOTS TO THE HEAD OF THE SOVIET GOVERNMENT, J. V. STALIN

Athens, 18 September 1950

To Mr. J. Stalin,

We are the mothers of eleven persons condemned to death on 10 August 1950 by the Court Martial of Athens.

Since the day when we heard of the death sentence passed on our children, we have scarcely been alive.

We can hardly breathe, we are so afraid that the wind will bring to us the fearful sound of the last deadly shot which will fell the bodies of our children to the ground.

Agony, sobs and tears have become our bread and water.

The political opinions of our children served as the criterion of their condemnation.

They believed that in a free country, at a time when all clear minds proclaim the freedom of thought and conscience, they also, as human beings and free citizens, might be entitled to their own thoughts and convictions.

For their convictions and their faith they have been sentenced and will be killed. Together with them, after this beginning, 3,000 other condemned persons, whose death sentences have been passed, but have recently been postponed, will also be killed.

All this is taking place at a time when we thought that peace and order had become a reality in our unfortunate country.

This is a time when all Greeks need this belief in order to live and in order to rehabilitate our ruined country.

We therefore appeal to you and beg you, in the name of justice and Christian charity, not to allow Greek land to be stained with the blood of our innocent children. Do not allow us to drink this bitter cup in our old age and to see our blood-stained children lying convulsed on the ground.

We beg you to intervene in obtaining their pardon, so that we and all other Greeks should be able to feel in our hearts faith in the future and in those who govern us.

Save our children, and the mothers of the whole world and of all humanity will be grateful to you with us.

Respectfully and hopefully yours :

P. Kiurtzis, I. Boyatzidis, H. Sotirakos, T. Metaxotos, H. Marinos, Konstantineas, V. Papayanopoulos, I. Isaris, S. Sotirakou.

MEMORANDUM BY THE RELATIVES OF EIGHT GREEK
TRADE UNION OFFICIALS CONDEMNED TO DEATH BY
THE COURT MARTIAL OF ATHENS

Athens, 16 September 1950

We the undersigned, wives, sisters and relatives of the eight trade union officials sentenced to death by the Court Martial of Athens under decision No. 283/9/50, have the honour to inform you of the following facts :

The Court Martial at Athens judged 118 trade union officials of communal economic institutions, who were accused of the alleged violation of law No. 509 against the perpetration of anti-national activities.

The trial showed that the accused had committed none of the offences referred to in the indictment and that no proof was submitted to the Court, in spite of the fact that a special department in Athens had sent police witnesses to the trial whose statements before the Court were absolutely contradictory to the information they gave in their written statements.

It should be noted that the written statements were made over three months after the arrest of the accused.

During the trial, it was proved by the prosecution witnesses themselves that the accused had carried on no illegal activities, but had merely been concerned with trade union work and that exclusively within the framework of their trade unions and their statutes.

Thus, they have been prosecuted only for their trade union activities.

It is possible that the prosecution was used by a group of persons who had a grudge against them personally or against their trade unions, and who attempted, by means of slanderous accusations, to destroy them in the manner in which this can be done today.

Be that as it may, any one who attended the trial can testify that the Court had no proof of any illegal activities perpetrated by the accused; even the King's prosecutor of the Court Martial himself, having no evidence or proof to persuade the members of the court to pass the sentence, appealed to the military heroism of the judges and stated at the same time that there was insufficient proof of the guilt of the accused, owing to the fact that they had left no trace, let alone proof, of their activities.

In spite of all this, the Court, after a short consultation, unanimously sentenced to death the following accused persons : Evangelos Bairamoglu, Glyceria Pagulatou, Nicolaida Bairamoglu, Evangelos Kalaidzis, Panayotis Vorgias, Niki Bazigou, Anagnosti Venedikoglu, George Dalezios.

In view of the fact that the prosecution of the accused was organized solely on account of their trade union activities, we informed in advance Mr. Cooper and Mr. Knight, the trade union representatives of the United States of America and the United Kingdom and also the representative of the Netherlands in Greece, asked them to be present at the trial and to give their views on the fact that, under the tragic conditions prevailing in our country, attempts are being made to destroy trade union officials who have devoted their whole lives to the sacred cause of trade union organizations through the agency of a military court and under the pretext of anti-national activities. When we informed these persons of our fear that repressive measures would be taken, they told us that this would be impossible without circumstantial evidence.

Nevertheless, our fears have been tragically realized : the sentenced persons are to be shot; many of the accused have been sentenced to terms of imprisonment varying between three years and life imprisonment.

Unfortunately, owing to international events, a clash of ideas and actions is taking place in Greece. Hatred and slander, in the guise of nationalism, can destroy anybody; it is enough for a few anonymous slanderers to give information to the police.

In the name of the sacred ideal of trade unionism, and being fully convinced that the accused are not guilty and have not been involved in any illegal activities, we implore you to intervene and to save our unjustly-condemned relatives.

We are certain that a retrial by unbiased judges who are not pursuing certain definite purposes will fully prove the justice and truth of our assertions and we would ask you to co-operate with us and to make representation to the Greek Government, since the accused are deprived even of the right to demand a retrial.

(Signed)

DALEZIOU, KALAIKZI, PAGULATOU,
VENEDIKOGLU, BAIRAMOGLU,
BAZIGOU

DOCUMENT A/C.1/606

Letter, dated 27 October 1950, from the Representative of the Union of Soviet Socialist Republics to the Secretary-General transmitting a Memorandum dated 17 September 1950, from the civilian exiles on the Island of Ayios Evstratios to the Secretary-General

[Original text : Russian and English]
[30 October 1950]

New York, 27 October 1950

I have the honour to transmit to you the following "Memorandum addressed by the civilian exiles on the island of Ayios Evstratios to the Secretary-General of the United Nations".

I request you, Mr. Secretary-General, to publish this letter as a General Assembly document and distribute it to the delegations attending the fifth session of the General Assembly.

I attach the text of the memorandum in English.

(Signed) Y. MALIK

TEXT OF THE MEMORANDUM

Ayios Evstratios, 17 September 1950

1. There are 2,840 of us, Greek citizens, deported to Ayios Evstratios, a small, isolated islet in the North Aegean with a population of about 1,000 destitute inhabitants. On Trikeri, a completely uninhabited islet, there are approximately 600 women similarly deported.

2. Our general composition is as follows : 3 generals including the commander-in-chief of ELAS, 24 senior and 70 junior officers, all of whom took part in our National Resistance and have been exiled since 1946; 3 former members of Parliament, of different political parties; 2 university professors; 40 writers, artists and journalists; 2 judges, one of whom is a former Appeal Court Prosecutor; 97 lawyers, 29 doctors; 101 teachers; 29 agriculturalists; 15 civil engineers and architects; 141 students; 246 civil servants and employees of semi-official organizations; 296 bank employees and employees of private businesses; 271 merchants; landowners, professional men and industrialists; 302 trade union officials; 401 peasants; 700 workers. That is : 38 per cent workers, 27 per cent intellectuals, 15 per cent peasants, 11 per cent private employees, 9 per cent professional and business men. In other words, we come from all classes and all levels of the Greek people.

3. The persecution we are suffering springs from purely political motives. In us the Government is chastising, not the transgressors of any particular law, but its political opponents. The reason why we have been exiled, each of us for an average of three and some of us for four years, is that, when called upon to do so, we have refused to sign the so-called "declarations of repentance", i. e., written statements renouncing certain views and convictions of a political character and expressing conversion to other views and convictions. The aim with which our exile is prolonged indefinitely is to force us to sign such declarations. No single concrete charge has been brought against us; our cases have not been subjected to preliminary legal examination, nor has the judiciary authority concerned itself with them. Some of the exiles have, indeed, been sent for trial, each on different counts, and were exiled after their acquittal by the Special Courts Martial or by other tribunals.

But most were never individually prosecuted for any action, but were arrested during mass round-ups in the streets or public transport vehicles of the larger towns for purposes of checking identity; after which they were detained solely because they refused to sign declarations. From that moment dates the formation of their so-called Security dossiers. Throughout the whole of our long exile, in all its various stages (simple exile, confinement in a camp of "disciplinary residence", then in the so-called Makronisos Reformatory, and now in the disciplinary residence camp of Ayios Evstratios), nothing has been demanded of us but that we sign declarations of repentance. All who have signed have been released. No one who has not signed has been released.

4. However, we believe that interference with the intimate conscience of its citizens is not the business of the State administration nor should it force them to make statements of their convictions. The peoples of the world have for centuries struggled to obtain and maintain liberty of conscience and toleration of opinion. Finally, this freedom has been proclaimed as one of the fundamentals of every modern political constitution and is safeguarded by the Constitution of our own country from the gaining of its independence to the present day. Moreover, it has been acknowledged by international conventions, especially by the Charter of the United Nations which the Greek Government has undertaken the obligation to observe. This, despite the fact that its treatment of us constitutes a flagrant violation of such international obligations. A sense of high patriotic duty obliges us, in spite of sufferings and privations, to reject the demand that we should sign the so-called declarations of repentance since, by subjecting conscience to police control, these declarations subvert every human right and constitutional liberty and order, whilst establishing the Police State in its most hideous form. Likewise, it is evident and well-known to the Government and its officials that the diagnosis of consciences is in effect impossible, and that the so-called declaration of repentance, extorted by the methods of privation, pressure and savage torture alternately used against us, does not express in any normal way the convictions of the signatory. However, it suffices for the administrative

authority because the declared purpose is not sincere. The changing of views is not what is intended. All that really intended is our humiliation, our self-degradation, and our moral suicide through the publishing of declarations at variance with our intellectual and ideological background. Thus, whilst every State has the obligation to foster, or at least not to obstruct, the moral conduct and development of its citizens, in our country the citizen can only obtain his freedom and be released from police pressure and physical torture if he allows himself to be morally crushed, to lose his dignity, to be humiliated. Under these conditions it becomes obvious that, after the long and savage ill-usage to which the political opponents of the Government have been subjected, those still in exile and deprived of their freedom are those Greek citizens who have the most highly-developed moral resistance, for which, instead of being rewarded, they are now punished.

5. The sentences of the administrative committees announcing or prolonging our deportation have been prepared by the thousand in duplicated form, according to the method of mass-production adopted in modern industry. They contain a stereotype preamble without trace of application to the individual case. In the respective section a line is left blank which is filled in with the handwritten name of the victim. The preambles are generalized and indefinite without any mention of concrete evidence, time or place. They contain the decision that we are dangerous to the security of the country as unrepentant ideologists. As evidence against us are listed: participation in the national resistance to the conqueror; suggested offences against Criminal Law which have never entailed any criminal prosecution or even a preliminary examination; in other cases, legitimate acts concerned with the exercise of the victim's civil rights or of his profession, e. g., the reading of newspapers which are in legal circulation; membership or participation in the leadership of legally recognised bodies (actually, all the trade union officials have been exiled because they were elected by their fellow-workers to the executives of their organizations, Trades Councils, Federations or the General Confederation of Labour, and with the object of making vacant their positions so that other persons, pleasing to the Government but not enjoying the confidence of the workers, could be appointed in their place); also participation in assemblies taking place by permission of the authorities; and, in the case of lawyers, rendering of professional services in trials of the Government's political opponents.

6. The sentence of deportation is passed by administrative committee in secret session in which it accepts without discussion the Security Service report. An officer from this service is an obligatory member of each committee where he acts as rapporteur. Usually, the Security Committee's sentences are passed to legalise an illegal arrest already long ago enacted. In other cases, the victim is taken from his home after the publication of the sentence and sent to his place of exile. Arrests in execution of these sentences are normally carried out at night. The victim is not summoned and has no right to defend himself or prove the baselessness of the charge. Moreover, the evidence against him which constitutes the

so-called police dossier is without any value as proof. It is collected, without any legal guarantee, by subordinate police officials and private informers, usually biased, fanatical, inspired by intolerance, narrow-mindedness and excessive zeal. The informant takes no responsibility for the evidence he supplies as he does not sign under affidavit. Nor does the victim ever know the charge against him or the evidence which in general constitutes his dossier. He can submit an appeal to another likewise administrative committee, which also sits secretly and in his absence and never (with one single exception) modifies the sentence of the committee of first instance. He can only submit generalized and indefinite complaints and can only produce witnesses to his good conduct and repute: the possibility of really refuting the evidence of the dossiers is excluded because the victim never obtains knowledge of it, passing long years in exile without knowing what is alleged against him. For this reason, appeal to the administrative committee of second instance lacks every element of a "legal means". Finally, even those oppressive laws which sanction the deporting of citizens by the administrative authority are not applied as regards any of their more benign provisions. Thus, the law categorically forbids the prolongation of exile for more than three years. However, most of us have completed the three years, and some four, and still we are notified of sentences prolonging our exile. In many other cases the term of exile has long since ended, without its being prolonged, but those who have served their sentence are not released. There are some exiles in whose cases no sentence was ever passed by Security Committee. Finally, in one single case, that of Kleovoulos Dendrinis, the administrative committee of the second instance abrogated the sentence of exile passed by the committee of the first instance and decided for his release. Nevertheless he is still detained, five months after the verdict releasing him, in order to force him to sign a declaration of repentance.

7. In the first stage of our exile to small inhabited islands, the main means of pressure used to extort declarations of repentance were the deprivation of freedom resulting from deportation, the financial ruin of ourselves and our families resulting from our compulsory abandonment of our professions and from the cessation of pay and pensions, bad housing, wretched food, unhygienic conditions, various police restrictions and insults and ill-treatment at the hands of subordinate officials. Because this did not give the desired results, from the end of 1948, we were transferred to Makronisos where there had been established the so-called camp of "disciplinary residence". There we lived under much worse conditions, housed in tents on the bare ground, exposed to the seasonal vicissitudes of cold, scorching heat, rain and wind, whilst to our other privations was added the torment of thirst. Confined within a barbed-wire enclosure, we led the life of prisoners subjected to the severest privations and restrictions and obliged to perform forced labour. In October 1949, when the civil war, which certainly did not justify but gave a pretext for our treatment, had ceased, and when everywhere our release was expected, a mass crime, without precedent in history, was planned and perpetrated against us. It was just at

the time when last year's regular meeting of the United Nations General Assembly had begun. The Greek Government, under pressure to relax the regime of terror from which it drew its support, pretended that it was taking measures of clemency by establishing an organization with the pompous title of "Organization of Makronisos Reformatories". To this organization we were handed over. It was simply an institute of torture and there, on the basis of a plan of operations drawn up in cold blood, each one of us was individually tortured. The means of reformation (i.e., of extorting signatures to declarations of repentance) were flogging to death with clubs, a special method of flogging on the bare soles of the feet, the so-called "column", dislocation of bones, twisting of genital organs, and other analogous tortures. The result of this mass crime has been several dozens of dead, over a hundred insane and a far greater number of injured with dislocations of the spine, ribs, hands and feet, many of whom are now disabled for life. In the Makronisos Reformatory, we were subjected continuously, for six months, to forced labour. Thousands, of all ages and irrespective of state of health or physical strength, were obliged to carry enormous stones weighing 60 kilos uphill and at the run, whilst our torturers beat us with clubs. This crime could not be concealed and raised world disapproval and the indignation of the Greek people. Our rulers and the higher officials of the state administration, who were responsible for the crime, were surprised by the vehement popular reaction and pretended that they disapproved of what had occurred and would release all the exiles. Four ministers of the first post-election Venizelos Government, having formed an investigating commission, expressed their unanimous opinion in favour of our immediate release since there existed no reason for our detention. Gradually, as the element of surprise diminished, the promises were whittled down. As we receded from the elections, so too the issue of justice for us receded into the background.

8. Eventually it was decided that we were to remain in exile for the future, for an indefinite period of time, and in reality for life so long as we do not sign declarations of repentance. We were transferred to Ayios Evstratios and crowded together in tents in two narrow ravines. Despite the public denunciation by the Government of the concentration camp system, the new unit where we live bears the name of "camp of disciplinary residence of Ayios Evstratios". Every day there are new restrictions imposed on the space where we may move about and on the conditions under which we may move. A severe censorship restricts communication with our families and the outside world, and there are other police restrictions. Every day the conditions of our life here resemble more and more closely those of the Makronisos camp, at least as regards restrictions. The climate is more severe than on Makronisos; our tents are rotten, letting in the rain and torn to ribbons by the wind. We are given an allowance of 2,700 drachmas (i.e., 14 cents) for food per day—quite inadequate to keep anyone alive. Long and systematic under-nourishment constitutes not only a means of pressure on us to sign declarations of repentance, but also a method of exterminating political opponents of the Government.

The number of persons whose health has been undermined and wrecked during the period of exile speaks for itself. The following is our medical list: 512 with tuberculosis of the lungs and other forms of tuberculosis; 159 with heart and vascular diseases; 122 with stomach and duodenal ulcers; 76 with nervous and psychological disorders; 85 war disabled; 80 with dislocations; 437 with miscellaneous diseases (liver, kidney, etc.); that is, a total of 1,471 or 53 per cent of our total number. Whilst the cost of living has doubled in Greece during the recent months, and the allowance remains at the level of 1947, hunger and under-nourishment threaten our very existence. Finally, not only do we receive no medical, hospital or pharmaceutical treatment, but 100 consumptives, with open tuberculosis, and others who are seriously ill, all of whom had been taken to sanatoria or were receiving treatment at home, have in the last weeks been rounded up and sent back here to die in tents. Our financial situation prevents us from providing ourselves with clothes and footgear, but the State which has exiled us takes no measures to meet this need. Therefore, most of us go about in rags, half-naked and unshod.

9. Not only the appalling conditions under which we are living, but the simple fact of our exile is in obvious opposition to all human rights and to the international obligations of our country entailed upon it by its membership of the United Nations Organization. Our immediate release, without condition or restriction, constitutes an urgent necessity. It is required from the legal, moral and international point of view and for the honour of humanity.

Signed:

Kostas Gavrielidis, leader of the Agrarian Party of Greece, former member of Parliament

Stefanos Sarafis, Major-General, Commander-in-Chief of ELAS

Michalis Hajimichalis, Major-General, member of ELAS Central Committee

Gerasimos Avgeropoulos, Major-General, Commander of ELAS in Epirus and Western Central Greece

Dionysios Menykhtas, former member of Parliament and Mayor of Serres

Emmanouil Proimakis, lawyer, General-Secretary of the Democratic Union Party

Angelos Agapitos, former member of Parliament, Honorary member of the Order of the British Empire

Ioannis Imvriotis, Professor of Philosophy at the University of Salonica

Konstantinos Despotopoulos, Reader in Philosophy of Law at Athens University

Konstantinos Sarlis, former Prosecutor at the Court of Appeal

Georgios Panagopoulos, President of the National Panhellenic League of War Disabled of the 1940-41 campaign

Konstantinos Nasis, member of the elected executive of the Panhellenic Federation of Agricultural Co-operatives

Nikolaos Kharagionis, General Secretary of the

Panhellenic Federation of Electrical Workers and Public Utility Employees

Nikolaos Matsakas, Director of Customs, General Secretary of the Confederation of Civil Servants of Greece

Theodoros Yiannopoulos, Technical Inspector to the Agrarian Bank of Greece and to UNRRA, executive member of the Panhellenic Federation of Agriculturists and of the Scientific Society "EPAN"

Dimitrios Fotiadis, writer, Director of the journal "Elefthera Grammata"

T. Karousos, actor at the National Theatre of Greece

Ioannis Ritsos, poet

Themis Kornaros, author

Menelaos Loudemis, author

Manos Katrakis, actor at the National Theatre of Greece

Orestis Skhoinas, High School Headmaster, author
Ilias Iliou, lawyer, barrister at the Areiomagos Court.

Georgios Niavis, lawyer, barrister at the Court of Appeal, former President of the Jannina Lawyers' Club

Konstantinos Zografos, former regular army doctor

DOCUMENT A/C.1/626

Memorandum, dated 8 February 1950, on Makronisos concentration camp

[Original text: English]
[11 November 1950]

*Note by the Secretariat*³⁴. At the 392nd meeting of the First Committee on 10 November 1950, the representative of Poland requested that certain non-governmental communications submitted by various Greek organizations be circulated as General Assembly documents.

In accordance with this request, a memorandum dated 8 February 1950, transmitted by the League for Democracy in Greece, is circulated for the information of the Members. Additional communications referred to by the representative of Poland will be circulated subsequently as addenda.

LETTER OF TRANSMITTAL

League for Democracy in Greece
89, Chancery Lane, London, W.C.2

8 February 1950

Further to our letter of 13 January, we are enclosing a more complete memorandum on the same subject which we have sent to the Secretary-General of the United Nations and to the Division of Human Rights.

(Signed) Diana Pym
Marion Pascoe

Joint Hon. Secretaries

TEXT OF THE MEMORANDUM

Makronisos island has since 1947 been used as a "reformatory camp" for Greek military and naval conscripts considered by the Greek Government to be "politically unreliable".

Some idea of the methods used to bring about "reformation" may be gathered from the story of the so-called "mutiny"—otherwise massacre of unarmed men and of the "trial" that followed.

THE MUTINY ON MAKRONISOS

On May 31st 1948, in answer to a question by D. N. Pritt, K.C., M.P., in the House of Commons, Mr. Mayhew said:

³⁴ Corresponding notes by the Secretariat introduced documents A/C.1/626/Add.1, Add.2, Add.3 and Add.4, which are reproduced herewith.

"My information is that there were two incidents at the Makronisi military detention camp; one at a church parade on February 29th and the second on the 14th of March; that in both cases groups of inmates attempted to disarm their guards; that the latter used their arms in defence on both occasions, killing in all sixteen and wounding twenty-two and that twenty-nine guards were wounded in the two incidents. His Majesty's Ambassador now informs my Right Honourable Friend that the mutineers were tried by Court Martial at Lavrion between the 10th and 22nd May. The Court passed five death sentences all with a recommendation for mercy. Five of the accused received life sentences and thirty-two were sentenced to terms of from six to ten years. The remainder, some eighty in number, were acquitted".

What is the story behind this question and answer?

Unarmed men butchered

On February 29th at church parade of the 2nd battalion, the guards suddenly started brutally beating up one of the soldiers who was out of line. His comrades shouted and protested and some did a sit-down strike. The atmosphere was already tense because of the threatened transfer to the dreaded 3rd battalion which was met with mass refusal. The guards opened fire and five soldiers were killed, the rest retiring to their tents. Either later that day or on 1 March the soldiers were given 15 minutes to come out of their tents. They still refused even when the island commander, Col. Bairaktaris, spoke to them through a megaphone from a boat just off the shore. Thereupon a heavy machine-gun from the boat and the guards round the tents opened indiscriminate fire.

Late on the night of 1 March the Ministry of War issued a statement reported in *The Times* of 2 March, admitting that 17 soldiers had been killed and 61 injured in a mutiny and adding the significant point "four guards were wounded by stones"—some mutiny!

How does this square with Mr. Mayhew's statement?

First, the incident on March 14th (of which nothing had previously been heard) seems to have resuscitated one soldier, cured 39 others of their wounds and injured 25 more guards.

Second, the excuse that the shooting took place because the soldiers tried to disarm the guards hardly tallies with the firing from the boat and by the guards on men who merely refused to come out of their tents. We have had accounts of this from three different sources.

Third, no mention is made of the fact that the man in charge of investigating the incident, Col. Bairaktaris, was himself responsible for the order to open fire. There has been no report of any guard or officer being asked to account for their part in the shooting.

Fourth, the conduct of the court martial "trial" to which 114 of the survivors of the massacre were subjected, called forth no protest from either the British Military Mission or the British Foreign Office, in sharp contrast to the protests made about other trials in Eastern European countries.

A mockery of justice

From 10th to 22nd, 114 soldiers were tried for their lives by court martial at Lavrion. The most inhuman methods were employed against them during the preliminary questioning with the object of forcing them to sign "repentance statements" renouncing their principles and denouncing the Democratic Army. So brutal were the beatings that only five refused to "repent" when their turn came to plead, and even they ultimately signed when the tortures were renewed after their appearance in court. It was these heroic five who were sentenced to death—not because of their part in the so-called mutiny, but because they had withstood torture the longest. Evidence by guards that they were seen "moving in the crowd and shouting" or "moving, shouting and throwing stones and cooking utensils" formed the sole basis of the case against the 42 soldiers who were ultimately sentenced.

There is also evidence of 55 former inmates of Makronisos who subsequently got to Free Greece, contained in the pamphlet "Makronisos—the American Dachau in Greece".

Categories at present in the camps

There are, as far as we have been able to ascertain, the following categories detained on the island at the present time:

- (1) Civilian exiles (men, women and children) sent by Security Committees.
- (2) Sentenced prisoners and prisoners awaiting trial.
- (3) Children's prison.
- (4) "Unreliable" conscripts.
- (5) "Unreliable" regular officers.

1. *Exiles*, that is men, women, and children exiled from their homes to specific islands nominally for a year but in practice indefinitely or until they have signed a humiliating "repentance statement" renouncing their political principles.

None of these people have been tried or even charged with any illegal act. It is enough for a gendarme or business rival to denounce them as "dangerous to public order" for them to be sentenced to exile.

Security Committees were introduced directly after the March 1946 elections. They consist of the provincial prefect, the public prosecutor and either a judge or a "nationally minded" citizen, with the Gendarmerie commander as adviser. Sitting in secret, they can sentence anyone to exile on an island as "dangerous to public order"; the accused is not usually present, no witnesses are called, and there is no right of legal defence. There is a right of appeal to a Committee of Second Instance, or direct to the Governor-General of the region—who appointed the Committee. These Committees have deported women whose menfolk had taken to the mountains, and even children, a girl of 11 having been sentenced as "quite dangerous".

To begin with the exiles were allowed to live in comparative freedom on various islands, subject to frequent reports to the police station, but the laws of December 1947 and January 1948 gave the Government even wider powers of arbitrary deportation and the concentration camp became legalized under the euphemism "disciplinary living conditions". Now all the exiles are under military control (even the women and children) and are subject to the "reformatory" system hitherto only practised on the unfortunate "unreliable" conscripts (see above).

2. *Sentenced prisoners and prisoners awaiting trial* both by the ordinary courts and by special court martial. These are also to be subject to the "Makronisos system". Up to now, those awaiting sentence were often subject to extreme pressure to "repent" and were told that either their sentences would be light or charges against them would be dropped altogether if they would repent. Here is a specimen "Recantation" (published in the Athens newspaper "Eleftheria" on January 3rd 1950).

" The undersigned, Nicholas Selimos, son of John and Magdalena Selimos, born in 1914 in Agios Nicholas of Kinuria and a resident of Astros in Kinuria, now detained in Corfu prison, states 'I dissociate myself from the Communist Party and its creations, EAM, ELAS, EPON, etc., because by their anti-national policy they have let loose upon the country eternal strife, catastrophe and annihilation and are trying to exterminate our glorious and heroic nation, with the aim of making possible the realization of the age-long aspirations of the Slavs for the conquest of our country. I also dissociate myself from the so-called Democratic Army, this hoard of hatred and oppression, because it constitutes the most ugly manifestation of Communist tactics and aims, as was disclosed by the decisions of the 5th Plenum of the Communist Party, at the detachment and autonomy of Macedonia and our Thrace. Pseudo-governments, democratic armies, destruction of towns and villages, abduction of children, forced conscription, all this mingled in an orgy of the blood of innocents, political corruption, treachery, betrayal of the Fatherland and bestial criminality constitute the macabre credentials of Communism!

" Because of all this, I put myself unreservedly under the banner of Greece and under the aegis of His Majesty King Paul I, at the side of my brothers fighting for our homes and I take as my life's compass the ideals: faith, fatherland, family.' Corfu Prison, 9.IV.49."

Note that ELAS (the People's Liberation Army, which fought under the command of Allied Middle East Headquarters and was often praised by them) is among the organizations "denounced".

3. *Children's prison.* Little information is available about this except that relief was distributed there on 20.6.49 by the International Red Cross. It is probably similar to the boys "reformatory camp" on Leros which is run by a former Gendarmerie officer with no educational experience. The Leros camp in November 1949 housed 1,200 boys between 14 and 20, 80 per cent of whom had been captured while fighting with the guerrillas, but, according to *The Times* correspondent (17.11.49) "about 20 per cent of them never served in the rebel ranks, they were rounded up, chiefly in the Peloponnese and Roumeli before the military operations in those areas last winter, because they were *suspected* (our italics) of giving information or assistance to the rebels".

4. "Unreliable" *Conscripts.* These at one time numbered 17,000 but there are probably fewer today after the mass pressure to induce them to sign "repentance statements". The pressure took many forms and has certainly resulted in a number of suicides, attempted suicides and men being driven insane.

The most usual methods of pressure (reported from many different sources) are said to be:

- (a) Continual beating;
- (b) Carrying heavy stones up and down hills from dawn to dusk with beatings when the victims collapse from exhaustion;
- (c) Tying in sacks and throwing into the sea. The

victim is then pulled out when on the point of drowning, revived and thrown in again.

A list of individual cases reported from various sources is appended.

5. "Unreliable" *Regular Army officers.* These were treated in the same way as the "unreliable" conscripts—if anything, worse.

Extension of "reformatory" system to all internees by Act of 6 October

An act entitled "The Organization for Re-education on Makronisos" was submitted to the Greek Parliament on 1 October 1949 and was passed on 6 October. This Act provided for the setting-up of an autonomous organisation called "Organisation of Makronisos Re-education" under the supervision of a five-member council, consisting of the Ministers of Justice, War, Education, Public Order and Press.

Article 2 of the Act states that "the aim of the organisation is the re-education of those persons who are sent there (to Makronisos) by the State because of their illegal activities and who are undermining, or have undermined, the political regime of the country".

Article 6 lists the categories of people who can be sent to Makronisos:

(a) Military personnel who "because of their activities or participation in anti-national activities are considered dangerous to the security of the armed forces".

(b) Those citizens "who are exiled by the Security Committees as being considered dangerous to public order. Their deportation to Makronisos is to be considered as exile".

(c) Those persons who are "arrested by the military authorities as having committed suspicious actions threatening the security of the armed forces, provided that the Security Committees of the area where they were arrested decide to exile them to Makronisos".

(d) Those who "give themselves up voluntarily to the authorities of those bandits who are caught, if they are not at once set free by the military authorities".

(e) Those "who have been condemned or whose trial is pending. All those who, at the time of the publication of the present Act, are in exile because they have participated in anti-national activities, or because they are dangerous to public security, and also those who have been preventatively arrested by the Ministry of Public Order and/or the military authorities, are now put under the authority of the above organisation".

Article 7 determines the competence of the organization. It says "The Director-General of the Organization for Re-education on Makronisos creates a five-member Committee, consisting of the most competent of the officers or civilian employees under his command. They decide whether the detainee under consideration has regained his moral health. In the cases of civilian detainees these decisions, together with the opinion of the Director-General, are to be submitted to the Minister of Public Order. In the cases of other detainees they are to be submitted to the General Staff. On the basis of

these decisions, the Minister of War and the Minister of Public Order respectively issue their orders for release".

Articles 11 and 12 specify under what conditions the detainees can be provisionally released and *Article 13* stresses that provisional release "can be revoked by decision of the competent Committee issued within five years of the release if, upon a suggestion from the local Security Committee, it has been ascertained that the released has in any way continued his anti-national activities.

Article 17 provides that "those whose trials are pending or who are in prison for crimes connected with the bandit struggle or with the illegal activities of the Communist Party can be sent to Makronisos by decision of the Committee. Should the examining magistrate issue an order for the immediate release of the accused, he can be released from prison if he is not regarded as dangerous, otherwise he will be sent for re-education to Makronisos".

ELD-Socialists' Comment.

On 16 October 1949, the ELD-Socialist weekly newspaper *Mahi* published an article by I. Tsirimokos, making the following criticisms of the Act:

"According to a statement by the Minister for War, the Bill is to remain in force beyond the period of the 'Emergency Measures Act'...

"The categories subject to 're-education' on Makronisos include everyone—except those whom the 'Reaction' does not want out of the way...

"Everyone is covered because it is the police who will, in fact, decide, since it is the police files which are behind the Security Committees.

"Only three categories of people are exempt—cattle thieves, right wing bandits and collaborators. These are the categories which the Government considers do not need re-education. And what indeed could be done to enlighten a collaborator since he knows it all; and in any case, if you were to include collaborators for re-education, what would happen to Parliament?

"Now it is the local police chiefs who decide on the freedom of the citizen for it is they who characterise him as 'suspect'; and then it is they also who in practice judge whether he is released or not. And this is the game which is being played from the lowest party agent to the five ministers on the eve of elections to get rid of opponents."

Mahi also draws attention to the fact that nothing in the Act makes reference to the "rebellion" but that the Act goes beyond the rebellion and term "anti-national" is no longer used in the sense of treachery to the nation as it is usually understood.

The Act in force.

According to Athens Radio (7-10 November), corroborated by the complete militarization of Makronisos addressed from the beginning of December, the Act began to be enforced on that island on 1 December 1949.

On 19 January 1950, the International Red Cross in Geneva confirmed orally that 30,000 detainees were already concentrated on Makronisos.

Position of women under the new Act.

Previous to the Act of 6 October 1949, women detainees had been concentrated, first in an old army barracks on Chios, and later in a tent encampment on Trikeri island in the Gulf of Volos. They numbered about 1,600, some having their children with them.

On 14 December, the newspaper *Kathimerini* reported that a mixed commission of high-ranking Army and Gendarmerie officers had left for Trikeri where it would examine the cases of the women. Evidence from correspondence received in this country suggests that the function of this commission was to sort out the women and, after obtaining as many recantations as possible, to transfer the "irreconcilables" to Makronisos.

Oral information from the International Red Cross confirms that the transfer of the latter from Trikeri to Makronisos was complete by the middle of January. There are now apparently between 940 and 1,400 women there and they are organized, like the men, in military companies and platoons. Whether those who had their children with them on Trikeri still have them is not certain but seems probable. Tass reported on 2 February that on arrival the women had been given three days in which to recant after which the "re-education" system would be applied to them.

How the "reformatory" system is applied

The World Today for January 1950, a Chatham House publication known to be very close to the British Foreign Office, in an article which is one hundred per cent hostile to the Greek Communists, contains some very revealing and sinister comments on the state of affairs on Makronisos. After reviewing the work on the island during the civil war the article turns to the present plan to turn Makronisos into a "National Reformatory School".

"The first several thousand political prisoners have already been shipped there from their prisons", it goes on. "It is unfortunate that the first days of the new school seem to have been marked by a number of incidents involving some excesses on the part of over-zealous guards faced with more intractable material than the middle-headed Army conscripts they have been used to in the past. Though there is no official information on these incidents, there seems little doubt about their authenticity". The incidents are described as "most regrettable" and as confirming "some fears about the Makronisos experiment that are circulating, unvoiced, amongst liberal and even conservative-minded Greek circles".

Many of the new inmates of Makronisos, the article says, may have to stay there for "anything from six months to six years". The length of their stay will depend upon the Makronisos authorities and on the local authorities and gendarmerie. It points out that the local authorities have the power to send back to Makronisos even those released by the Makronisos authorities themselves.

The writer then goes on to ask whether the petty official and small gendarmerie officer is equal to or sufficiently educated to make such decisions.

“ There are many in Greece ”, he continues, “ who fear that the National Reformatory School may be exploited for the oft-recurrent interests of personal vendetta, profit, or political advantage ”. He adds this warning : “ Makronisos presents a serious danger if misused, and could become at the same time a National Reformation School and a Communist University for the spreading of revolutionary ideas amongst the aggrieved inmates. They start with the initial grievance of not being allowed to return to their homes ”.

These, he says, are the doubts with which Makronisos is regarded by “ many voiceless critics in Greece ”. “ They are voiceless because the third Decree of the Emergency Legislation still gives the power of censorship and of committal for trial by a Military Court, which can be exercised in cases of publication of any such criticism or fears in the Greek press ”.

Information from Athens

From Athens direct we have received information which elaborates on the state of affairs so mildly described in *The World Today*. Just before Christmas it became widely known in Athens that some 60 detainees on Makronisos had been literally driven insane by torture, while others are suffering from broken limbs and haemorrhages. Relatives have been without letters now for many months. There are even grave fears that if any of those condemned to death are granted a “ reprieve ” by the Council of Grace, they may then be sent to Makronisos to a fate worse than death.

The “ irreconcilables ” who are most subjected to torture are those who stubbornly refuse to sign “ denunciations of Communism ” which are then sent to the priest, the police and the mayor of their town or village to influence the population against the Democrats.

Tass report

Broadcast by Moscow Radio on 2 January 1950. This report is so detailed—despite the fact that anybody giving such information to a foreign correspondent risks imprisonment and even perhaps death—that we do not hesitate to reproduce it at considerable length :

“ Makronisos Island represents an entire system of concentration camps. Located there are three military camps called the First, Second and Third Sapper Battalions where in the past were confined many fighters of ELAS, regular officers who took part in the Resistance Movement as well as politically unreliable soldiers and recruits.

“ At the beginning of October, 14,000 political prisoners who until then had been kept on islands in the Aegean Sea, were transferred to Makronisos to a temporary camp of the Fourth Battalion. The Island also has a camp ‘ ESAI ’ (special camp for ‘ re-educating ’ civilians) and a military prison. A special camp for juvenile ‘ political criminals ’ is being set up on the island. Lastly a concentration camp for women is projected. Altogether there are, not counting guards, more than 29,000 military and civilian prisoners on the island, shipped there without any trial solely for their political convictions.

“ At the head of this system of camps stands Brigadier Bairaktaris, who organised the wholesale shooting of prisoners on the island in April, 1948. He is subordinated directly to the High Command of the Army. ” (Actually February/March.)

“ As reported earlier, the transfer of civilian prisoners to military camps, to the First and Second Battalion, in groups of from 200 to 700 people, began on October 12. This transfer was accompanied by wholesale beatings, as a result of which some prisoners were killed, many went insane, were crippled or are in hospitals to this day.

“ Fifteen thousand imprisoned soldiers were lined up as spectators every time a new group of civilians were brought in. Right in front of them the new arrivals were beaten for hours with rifle butts, clubs and iron rods. Officers and privates—executioners from the ranks of the military police—trampled upon those who lost consciousness and kicked the prisoners in the face with their hob-nailed boots. This manhandling was so savage that five soldiers from among the involuntary spectators went insane.

“ At present almost all of the 14,000 political prisoners have undergone this ‘ preliminary treatment ’ and are in military camps and the ‘ ESAI ’ camp.

“ According to available information, since the adoption of the law on ‘ schools ’ of so-called national re-education, the terror and atrocities on Makronisos have taken on a scale unprecedented even on this ill-famed island. Fiendish tortures, murder and suicide have become common. People unable to withstand the torments, but not wishing to become traitors, cut their veins or jump into the sea. Others die under torture, and then it is announced that they committed suicide or died of some disease.

“ According to available information, in recent days Panaiotis Adams, Anastasi Photiadis, Minas Anagnostopoulos, Michalis Kolaris and Liberis were killed in the First Battalion.

“ Most frequently ‘ re-education ’ is accompanied by maiming. The executioners gouged out the right eye of Anastasi Tselos of Agrinion; they broke seven ribs of Nondos of Trihonia. As a result of concussion of the brain Antoni Brilakis, former head of EPON (Greek Organisation of Democratic Youth) on Crete, lost the power of speech. Dozens of others whose names are unknown have their bones broken.

“ Still worse is the situation in the special ‘ ESAI ’ camp where 3,000 former political prisoners are confined. During the first few days there were ten killed, and about 70 people went insane as a result of preliminary treatment. Part of the latter have been brought to Athens while 45 people, who also have wounds and traces of beating, are still kept in hospitals on Makronisos.

“ The Second Battalion has now, besides military prisoners, 7,500 political exiles. The tortures are directed by the chief of this camp, Drametatos, the chief of the national ‘ education ’ department, Rondos and the officer Xikuhakis.

“ Most horrible are the conditions in the so-called

Seventh Company, which is separated from the general camp by barbed wire entanglements. Five hundred 'convicts who do not yield to re-education' are confined there. They are made to haul rocks from five in the morning to seven in the evening. They are given water and food once in two days and are beaten daily. Lieutenant Tsakmakis knocked out the eye of one prisoner with his belt buckle. The writer Yianikolopoulos was beaten within an inch of his life and is still in a grave condition.

"All the other battalions have isolated groups like the Seventh Company, and the regime in them is similar. In one of these isolated groups is the former Commander of Troops of the National Resistance, General Sarafis.

"Among those isolated in the Third Battalion is the teacher Tsirojannis, whose staunchness is renowned throughout the camp. For more than two years he has been tortured, then treated in hospital, and again tormented. The last time the executioners of the military police put him up as a target and threw stones at him. They continued this 'amusement' even after Tsirojannis had lost consciousness. Then he was sent to hospital where for more than a month he was unable to rise to his feet.

"The chief of the Third Battalion, Major Sguros, former officer of the hitlerite security detachments, for many months personally tortured the journalist Dima Tasos, who was employed by the newspaper *Rizospastis*.

"However, the most horrible place on the island is the prison, where the cruellest tortures are used. Screams of the tormented people are heard in the grounds of the Third Battalion day and night. During the recent change of administration it was discovered that many convicts who were on the prison lists were no longer alive. The new chief Miliadis outdid his predecessors, introducing torture by means of electric current".

British journalist's visit

Writing in *The New Statesman and Nation* of 7th January, Basil Davidson describes a visit to Makronisos, where he was told: "there are no prisoners on this island, remember, and no prisons either". But he saw both. He points out that the "political camps" include men like Sarafis, Despotopoulos and Gavrielides (see below), who were already in prison when the rebellion erupted in 1947. "They badly need shoes, blankets, and warm clothing", Davidson reports.

Today, practically anyone who did not vote right wing in 1946 can be sent to Makronisos, says Mr. Davidson. "Anyone else—moderate, Socialist, Communist, pacifist, or other non-conformist—is undoubtedly liable to arrest without trial and detainment without limit. It is in this atmosphere that a General Election is being prepared for next April".

Voting under terror

Under these conditions of terror, the Greek Government apparently intends that polling should be carried

out on Makronisos at the General Election on 5th March. *The Times* (London) of 26th January reports: "The Government... has decreed that all civilians and soldiers who were interned on Makronisos (sic) island or elsewhere when the Communist rebellion was at its height, on suspicion or evidence of fifth column activities or doubtful loyalty shall be allowed to vote in the same way as members of the armed forces". *The Times* report goes on to speak of voting by secret ballot. But it has been repeatedly announced by the Greek Government that the system for the armed forces will be one of mass voting on parade.

Specific allegations of ill-treatment in individual cases

The following specific allegations of ill-treatment have been reported since the establishment of the Makronisos concentration camps. It should be noted that the *first three only* apply to the period prior to the Act of 6 October 1949.

1. *C. Despotopoulos*, Reader in Philosophy of Law at Athens University. Reported to have been severely beaten and to have had an arm broken in an attempt to make him sign a recantation, in the first half of 1948. (From private correspondence). Despotopoulos was seen "behind the wire" by C. L. Sulzberger who described his visit to Makronisos in *The New York Times* of 22 August 1949.

2. *Major Th. Makridis*, who signed the January 1945 armistice on behalf of ELAS, reported to have become insane as a result of torture and to have been removed to an asylum (*Deuxième Livre Bleu. Gouvernement Démocratique Provisoire de Grèce*, August 1949, p. 59).

3. *Venetsanopoulos*, a young lawyer called up for military service in 1948, lost the use of his left hand through ill-treatment received within three days of his arrival on Makronisos where he still is. (From private correspondence.)

4. *Mrs. Helen Zaglanaki*, former interpreter with the UN Enquiry Commission in Greece, 1947, a cripple with an artificial leg, and a dual (British and Greek) national. Reported to have been subjected to torture during the sorting out of the women on Trikeri for transfer to Makronisos and now on the latter island. (From private correspondence.)

5. *General Stefanos Sarafis*, former Commander in Chief of ELAS (Greek People's Liberation Army). Reported to have been set to the task of carrying heavy stones all day, despite the fact that he is aged 59. He is in the isolated 8th Company of the ESAI camp on Makronisos (Free Greece Radio, 31 December 1949, 1 January 1950, 1 February 1950, substantiated by references in private correspondence).

6. *Dimitris Fotiadis*, author and editor of a literary journal *Elefthera Grammata*, reported to be seriously ill as a result of torture. (Free Greece Radio, 31 December 1949, 1 January 1950.)

7. *Dimitris Tatakis*, official of the Federation of Greek Maritime Unions, reported to have been tortured on

Makronisos. (Report from Piraeus to Greek News Agency.)

8. *Zisis Theos*, young son of C. Theos the elected Secretary of the Greek T. U. C., suffering from a weak heart and reported to be in grave danger in the 1st Battalion on Makronisos. (From private correspondence.)

9. *K. Gavrielides*, Secretary of the Agrarian Party within EAM, reported seriously ill as a result of mal-treatment. (Free Greece Radio, 1 January 1950.)

10. *Dr. Dalianos*, a physician said to have been repeatedly tortured. (Free Greece Radio, 31 January, 1950.)

Others reported by Free Greece Radio to have been tortured on Makronisos are : Brilakis (who has become dumb), Dimitratos, Mylonas, the brothers Frangiskakis, Yiannoulis, Tsirojannis (a teacher), P. Kyriazis (a journalist), Menyhtas (former Communist M.P.), Tselios, Daskalakis.

Evidence of torture on Makronisos was given at the court martial trials of V. Markezinis, Pandelis Simos, T. Hainoglou, M. Ligeros, N. Moutessidis and others in summer 1949 and at the present court martial trial of 118 trade-unionists in Athens, where the former president of the Greek Woodworkers' Union, Venidikoglou, admitted in court that he had signed a recantation under torture on that island.

Request for investigation by UN

In view of the above alarming reports on the treatment of civilians and military prisoners and internees on Makronisos and especially since the great majority of those concerned have never been tried or even charged with any crimes or offences, we urgently request the Secretary-General of the United Nations to place this memorandum before the appropriate body or bodies with a request that the allegations contained therein be fully investigated.

DOCUMENT A/C.1/626/Add.1

Communication dated 8 April 1950 from the Greek Committee for the Abolition of Makronisos³⁵

[Original text: English]
[13 November 1950]

APPEAL FOR THE ABOLITION OF MAKRONISOS AND FOR A GENERAL AMNESTY IN GREECE

In the name of trade union, social and other organizations in Greece of which we are the representatives, expressing the unanimous wishes of our people, we make this appeal to you and ask you to help our people in their efforts to end their present tragedy and to return to a peaceful, normal life. The first step toward this end is the suppression of Makronisos and the proclamation of a general amnesty, freeing all political prisoners.

We do not wish in this appeal to cite details of the horrible drama being suffered by the prisoners. It would take many volumes to tell about the hundreds who have lost their minds as a result of the tortures, of the thousands of paralysed and mutilated men and women who, their bodies broken, are dying slow deaths at Makronisos and the other concentration camps, of the unheard-of tortures which are submitted to by high army officers and heads of political parties, directors of trade unions and intellectuals, children and old people, mothers with children at their breast who, in the midst of this hell, remain faithful to their belief in Liberty, Democracy and Peace.

In reading our appeal, imagine for a moment our feelings about this Aeschylus tragedy which is being enacted in Greece. Hear the anguished cry of the thousands of people who have dreamed and fought for a world in which there would be no more Auschwitzes, Buchen-

walds, Dachaus or Maideneks and they have been persecuted for just this reason.

Above the drama of the tens of thousands of martyrs and heroes who face death each day ... above the drama of the hundreds of thousands of their parents ... above the drama of the entire Greek people, all political differences disappear. No democrat of any consequence can remain indifferent before this cynical trampling on all notions of justice and human dignity. The position taken in the face of this Greek tragedy can only be from the criteria of democracy and of the rights of man.

Our people struggle for peace under the most difficult conditions. By their vote during the recent elections, they have condemned the bloody régime of Makronisos, the terror and they have demanded the proclamation of a general, unconditional amnesty.

Help our people in this struggle. It is the sacred duty of all free and honest men. The Greek people wait for effective help from their friends.

Demand the abolition of Makronisos, the freeing of political prisoners, the proclamation of a general amnesty in Greece.

Demand that an international commission be sent to Greece to observe on the spot (at Makronisos, in the prisons of Corfu, Akronafplia, Youra and other concentration camps) the crimes perpetrated against the imprisoned patriots.

Each day that goes by hastens the fall of these heroic victims. If each in his place and together with

³⁵ See document A/C.1/626 (note by the Secretariat).

others does his duty towards the Greek people, we can win the sacred cause of humanity and justice.

(This appeal has been signed by the following representatives of Greek trade unions, women's and youth organ-

izations, relief agencies, and professional groups: Petros Kokkalis, Kostas Theos, Toula Koukoulou, Nikos Akritidis, Apostolos Grosos, Takis Dimitriadis, Stefanos Savidis, Miltiadis Porphyrogenis, Stavros Kotsopoulos, Zissis Zografos, Apostolos Spiliotis, Elli Alexiou, Kostas Karayorghis.)

DOCUMENT A/C.1/626/Add.2

Communication dated 24 January 1950 from Mr. Manolis Proimakis, former member of the Greek Parliament ³⁶

[Original text: English]

[13 November 1950]

" I ACCUSE "

(THE 2ND BATTALION (B.E.T.O.))

(METHODS OF MURDER ON MAKRONISOS)

The 2nd Special Armed Battalion has been charged with the " re-education " of approximately 7,000 political deportees, Greek citizens of democratic views. There is also a 1st Special Armed Battalion charged with the " re-education " of 3,000. The latter are suffering the same martyrdom as we, only for them it is still worse.

2. I shall, however, confine myself to a description of the sufferings inflicted on us by the 2nd Battalion during the time we have been, and while we continue to be, under its orders.

3. 500-600 at a time are taken to the place of assembly. There the ceremony invariably begins with a discourse by Lieutenant Xerouhakis or Lieutenant Ranlos. This discourse contains all the elements of what in Criminal Law constitutes incitement to a breach of the peace and to violence, with the use of threats. The speaker openly declares that the 2nd Battalion has the right and is resolved to take every possible measure to bend our wills, to " break " us as they call it. Should we refuse to sign a declaration of repentance, we will be in danger of physical annihilation.

4. After this we are dispersed among 4,000 others who, having been subjected to all kinds of torture and having experienced the educational technique of these gangsters, have signed a declaration of repentance. These men, who have been forced to sign and who, according to our tormentors, are " cured ", since they have denounced their most sacred beliefs and their long-standing struggle for democracy and freedom, must serve as an example to us.

5. This mixing with the detainees who have repented is intended to have a weakening effect on us to terrify us and persuade us to agree to the demands of our tormentors.

6. At nightfall they take us to a deserted place behind the tents of No. 8 Company. There, the process known as " fishing " begins among the new arrivals. Soldiers

who have been well rewarded for the part they are to play are sent among us, seeking out men from their own locality, acquaintances, and old men who do not look as if they would have great powers of resistance. A special reward is given to soldiers who do this job.

7. Those " fished out " are separated from the crowd and the soldiers describe to them the tortures to which they will be subjected; the beatings they will receive which are beyond human endurance; the breaking of limbs; the loss of sanity; things that will happen to them at the end of their martyrdom, things that have already happened to many of their victims. They urge these old men to sign a declaration denouncing their past beliefs at the same time as bullying those who refuse.

8. In a state of extreme terror this mass of human misery waits, and, as soon as the soldiers' bugles have given the signal, the next phase of operations begins. It continues until 5 a.m. the following day.

9. It is dark; the soldiers advance on the ranks of detainees, they shine their torches on men shivering with cold and sleeplessness, choose from five to ten and lead them to the " confession room " one at a time.

10. Outside the entrance to these rooms stand armed soldiers with clubs in their hands. Inside one or more officers are surrounded by five or six soldiers.

11. The officers begin their work by bringing intense psychological pressure to bear on the prisoners. Promises and threats are characteristic of this stage, while the victim hears the cries and screams of suffering which shatter the stillness of the night.

12. The cries of pain come from those who have preceded them in these rooms and refused to sign the " repentance statement " and to yield to their tormentors.

13. The man subjected to this psychological pressure is alone and at the mercy of his armed jailers. While he awaits his fate he sees some of his comrades carried away on stretchers, others dragged along the ground by two or three men, others with whom he has lived for

³⁶ See document A/C.1/626 (note by the Secretariat).

many months, with whom he has discussed a thousand things and whose sanity he could not doubt, he sees mad, driven completely out of their minds and capable only of inarticulate cries. A tragic delirium has completed the night's work of "re-education" and has deranged, perhaps for ever, the minds of these poor men.

14. All these pictures pass before the eyes of the man, while the pressure mounts. It continues for hours.

15. During the questioning a few violent and well-aimed blows at the face and kicks over the body are added to the psychological pressure in the "confession room". Often these blows are so violent that the victim faints (I will only mention the cases of the lawyer Zenon Iafakis and of Professor K. Nicolacopoulos).

16. A considerable number of these victims, unable to endure this martyrdom to the end, have resigned themselves to signing the famous "declaration" so much desired by the "National" Government. Often they are more dead than alive when they sign.

17. Those detainees who still refuse to sign are taken by bands of A. M. (Military Police) into ravines where they are subjected to an even more inhuman beating. The soldiers armed with truncheons and knobby wooden clubs, beat them until a number fall to the ground with broken limbs and try to crawl away moaning with pain. These are then thrown into nearby tents with other detainees.

18. *Is it necessary to add that after such treatment a large number of political prisoners sign in order to end their sufferings?*

19. The treatment described above was meted out to those who arrived on Makronisos on December 2, 3 and 5, 1949. The majority of them were elderly, sick, sufferers from T. B. and ex-officers of the Greek army. Out of 1,900, 600 were able to stand up to this torture and refused to sign the "declaration".

20. These 600 men are isolated in the 8th Company. There they spent the terrible night of December 8-9, a night of blood and horror.

21. At 10 o'clock at night, when all the prisoners were lying down, worn out by the sufferings of the past days, they were awakened by wild shouts and a crowd of savages burst upon the recumbent men, pulling them and beating them unmercifully to force them out of their tents. The shrill voice of Lieut. Xerouhakis ordered: "Pull them out! Beat them! Kill them! Throw them all out!".

22. As soon as we were all gathered outside, they divided us into groups of 100 and led us to different parts of the camp. There a new questioning took place, even more cruel than the first, at the end of which we were again delivered to our tormentors who, after making us undress completely, beat us savagely all night long. At 5.30 a.m. the groans of hundreds of men rose to heaven.

23. At this stage 106 more signatures were obtained.

24. The groups that preceded us included younger and stronger men, with greater powers of resistance, who had suffered the same treatment for two or three nights continuously. For us, the two stages of "re-education" described above ended the first period of our sufferings.

25. The ex-officers and a few civilians (Professor Imvriotis, for example) were shut up in the isolation cells of the 8th Company with the sick, the wounded and the tubercular. Others were sent to a separate camp for incorrigibles at St. George's. Most of our group were taken to the dreaded "wire"—the so-called 7th Company.

26. Let us now see the treatment meted out in this 7th Company.

27. Three large tents and others belonging to the Battalion shelter the men who were not the most seriously wounded. They number more than 200. Several of them have broken limbs or ribs. Of these we mention the doctors Arapis and Panopoulos with fractured ribs, the lawyer, Mr. Makris, with a severe eye injury. Professor Nicolacopoulos, who is in a deep coma and has lost control of his sphincter, two or three men who are completely paralysed owing to injuries to the vertebrae, and about 30 men with various fractured limbs. I will mention a few more names. Thanos Souvaliotis, nephew of General Argyropoulos, with a fractured spine; John Gavrielides, who has been in a comatose state for a month. Many men have been moved to the Makronisos hospital because of severe fractures, but a large number of severely wounded men are unable to stand upright and can still only crawl about. Among these are the police officer G. Contoghiorgos and the seaman N. Galatis and others.

28. Finally, a large number of the detainees have lost their reason as a result of torture and above all because of the cries and groans which are heard every night and which human nerves find beyond endurance.

29. These moans and cries of suffering can be heard every night in every corner, in every ravine and in every building. It must be noted, too, that among those who have gone mad are six soldiers, who after undergoing the above-mentioned "treatment" and having signed "declarations", were forced to take an active part in torturing others in order to prove their devotion to what is known as "saving the country for democracy".

30. We have agreed to keep secret the names of those driven mad in the hope that one day, if they are given proper treatment, they may recover and that the knowledge of their period of insanity may not prejudice their future careers. It is impossible, however, to pass over in silence the cases of Theophilos Gatseas, K. Mavrofidis and C. Paxinos. There are 15 similar cases.

31. Besides the sick, the wounded and the insane, there are the dead. We mention two men who were killed: Nikitakis and Charalambopoulos. We know also of men who tried to kill themselves to end their sufferings. The lawyer Papadimas cut his veins so as to escape further tortures. After treatment in the Makro-

nisos hospital he is now back in the camp of the 7th Company. In the same way Triantaphyllos Avgerinos, after suffering a whole series of tortures, threw himself into the sea one night to make an end of it. He was seen by the guards by the light of their searchlights, fished out and sent back to the camp.

32. There are at present about 750 men in the camp of the 7th Company. Among these are 100 scientists, doctors, lawyers, engineers, agriculturalists; there are also several men of letters, writers, some of our best actors, civil servants—several from the highest ranks of the administration and judiciary—journalists, school teachers, bank employees, industrial workers and peasants.

33. A quarter of these 750 men are physical wrecks. Two or three are limbless. There is a whole group of invalids as well as 150 sufferers from tuberculosis and old men like Mr. Cacoudakis, who is 70 years of age. There are also many suffering from serious heart trouble and other grave maladies.

34. We live in forty tents, twenty at least in each tent. These tents are rotten; the rain pours through. There is no room for beds, we sleep on the bare ground and each day which passes brings nearer the approach of death.

35. Neither tent pegs nor guy ropes are provided and we are exposed to the smallest puff of wind. There is no room to pass between the tents and we can only move around by jumping and crawling.

36. We receive two gallons of water per tent each day, that is two glasses for each man, an insufficient quantity even to quench one's thirst. Therefore our hands and faces are not washed even once a week and there is no question of washing our clothes.

37. The medicines that some of us brought with us when we were arrested have been confiscated and remain unused in cupboards of the "National Re-education H. Q."

38. Apart from the ordinary tortures, we are not allowed to have anything needed to cure or relieve our condition and we are fed on dried beans and peas. A civil servant Polyvios Kotsilos, suffering from acute dysentery and running a high temperature, was not even allowed to buy sulphaguanadine.

39. Because of the continual forced labour we have to perform, our boots are worn to shreds and not only has no attention been paid to this problem, but a shoemaker was refused permission to patch them. Already some of us have to do forced labour with bare feet, in the damp and cold. In ending this paragraph I would add that on the flimsiest excuse we are violently beaten, the captain himself setting the example.

40. As a means of exterminating us they use long and very hard forced labour from 7.30 in the morning to 5 in the evening with an interval at noon. This work goes on every day, including Sundays. We are forced to break and carry blocks of stones under military supervision.

41. "Faster, faster" order the strident voices of our tormentors, among whom are Voglis, Pyrgos and Karafotis. The truncheons whistle through the air as they belabour the backs of their victims. All our bodies are striped with the marks of these blows. Sometimes while they run, men fall down with heart failure beneath their burden of stones. Jouvelas, one of the detainees, while carrying out this daily work, had a nervous breakdown and for hours the surrounding hills echoed with his moans. He is now in hospital. In an effort to force Mr. Denakos to work—he was a bank clerk who could not carry heavy weights—they broke his arm.

42. If this state of affairs continues for another month, none of us will retain our sanity. Even if conditions change they have told us that we will all have contracted tuberculosis.

43. At the extreme edge of the camp there is a solitary tent surrounded by barbed wire—it is the tent of living death. In it are confined 12 men, including Menyhtas and Lykouris. They are forbidden to leave the tent either by day or by night. The entrance is closed and a sentry stands outside. The other detainees are not allowed to come near, or even to look towards the tent where 12 men eat, sleep, satisfy the calls of nature—and die.

44. The 7th Company of the 2nd Battalion (BETO) is the instrument for systematically exterminating 750 Greek citizens, who are not accused of any crime, who have never been brought before a court even for the most trifling peccadillo, but who are tortured in order to make them renounce their convictions, to act against their conscience and to humiliate themselves by signing the notorious "repentance statement".

45. This horrible concentration camp will remain an indelible stain on Greek history, a stain on our moral principles and on the traditions of freedom and democracy of our country.

46. Our army should not continue to be organized under foreign direction and according to foreign orders and plans.

47. We appeal to the conscience of all civilized men to throw themselves into the struggle to save us, with the conviction that in so doing they will be helping to save the honour of a small but heroic country, which was the cradle of democracy and civilization—the honour of Greece.

48. Our problem is not one of politics or parties; it is a question of common humanity, of world solidarity, of Human Rights and of fundamental liberty. It involves a principle so important that it occupies a prominent place in the Charter of the United Nations.

49. No one has the right to plead ignorance of this question. No one who, by his position, is able to show a practical interest can fail to lend a hand in abolishing this shameful camp.

50. In taking entire responsibility for what we say, we stake our lives before world public opinion.

51. We ask :

52. What is the attitude of the Greek Church, of the Holy Synod, of the Archbishop of Athens towards our martyrdom ?

53. What is the attitude of intellectual and philanthropic organizations, of the Academy, of the University, of the associations of doctors, lawyers and writers, of the International and Greek Red Cross ?

54. What is the opinion of the political parties ?

55. What do you say, you five Ministers who are responsible for administering the Makronisos " Reformatory Organisation ", who have among you the professors of Law, Messrs. Kanellopoulos and Tsatsos ?

56. And you the Prosecutors-General of the Supreme Court of Appeal in Athens, in whose district these criminal acts are taking place ?

57. What do you say, Messrs. Tsaldaris, Theotokis, Venizelos, Papandreou, Zervas, Tsouderos and Plastiras ?

58. The picture we have drawn for you above is true and accurate. What do you say ? Are these things to be allowed to continue ? If not, what are you going to do to stop them ?

59. Above all, what do General Papagos and the General Staff say ? Because our tormentors quote their orders and shelter behind them as an excuse for their conduct.

Because of the things I have seen with my own eyes, because of what I have myself suffered and will continue to suffer, I raise my voice in accusation:

I accuse :

Before world democratic opinion and before the democratic citizens of Greece :

The Government of Mr. Diomedes,
The leaders of the political parties,
The present government,

Of having created, under the title of " The National School of Education and Reformation ", laboratories for innumerable tortures, utterly alien to the Greek reputation for nobility and culture, and contrary to the historic traditions of Greece.

I accuse :

Before the Greek people :

The Greek army and the present military leaders, under whose protection these crimes are being committed.

I accuse :

Before the Christian Greek people and before World Christianity :

The leaders of the Greek Church, not only because they have failed to raise their voices in protest against atrocities unparalleled even in the darkest Middle Ages, but because they encourage and cover up these crimes through their representatives on Makronisos.

I accuse :

Before the Greek people and before the whole civilized world :

The judicial authorities who are entrusted with the duty of carrying out the law and administering justice for remaining indifferent and insensitive in face of the violation of every canon of justice and moral law.

I accuse :

Before the Greek people and the intellectuals of the whole world :

The leading Greek intellectuals because they remained indifferent and did not raise their voices against an unprecedented denial of moral principles.

I accuse :

The commanders of the 1st and 2nd Battalions of Makronisos, as well as their unscrupulous underlings, of carrying out such crimes because they were ordered to do so. (The Allied tribunals which tried the major war criminals in Nuremberg and Tokio formally condemned such conduct.)

And I demand :

If we have committed any crime whatever against our country,

If we are guilty of any treason against it,

If we have plotted against its honour, its freedom and independence,

Let us be brought before competent courts,

And let us be tried according to the laws now in force, laws which cannot be called lenient.

(Signed) MANOLIS PROIMAKIS,
Ex-Member of the Greek Parliament

DOCUMENT A/C.1/626/Add.3

Memorandum from the Greek-American Committee for the Abolition of Makronisos ³⁷

[Original text : English]
[13 November 1950]

TEXT OF THE MEMORANDUM

1. Many are the stories of horror that reached the

world from the Nazi concentration camps. The world was shocked and indignant and fought until these camps were ground into the dust.

³⁷ See document A/C.1/626 (note by the Secretariat).

2. Yet today, only five years later, there are over 70,000 prisoners rotting in concentration camps that for bestiality, degradation and viciousness surpass the camps which Allied strength and will banished, they thought, forever.

3. And though they imprison the same kind of victims, these pits of hell are not in Germany, Italy, or Japan, the Axis nations. They exist in Greece, whose partisans during the last war won universal acclaim for courage, determination and their contribution to winning World War II.

4. Who has not heard of the infamous Makronisos, where at one time upwards of 30,000 men, women and children fought to stay alive under a reign of terror.

5. Certain it is that the widespread protests and publicity given to the tortures of the prisoners were not welcomed by the Greek Government. They were somewhat effective, though, for the Greek Government, this year, felt compelled to declare that Makronisos was being "closed down". It failed to mention, however, that the prisoners were not being released but merely transferred to other equally brutal camps.

6. Almost 600 of the women on Makronisos have been sent back to Trikeri, their former prison. Back to the horror described in the following account of incidents during the month preceding their transfer to Makronisos :³⁸

" December of 1949 on Trikeri was really a hellish month. There was cold, hail and mud, and from the ocean the salty breath of the sea came raging into the torn and ragged tents housing the exiled women.

" On the 15th of the month, ten days before Christmas, rumours circulate that General Pentzopoulos is momentarily expected to visit the camp.

" The soldiers of the garrison blow whistles, curse, threaten, and rush the suffering women to the Monastery—the governor's house.

" For two hours they stand in the front yard, but the visitor doesn't appear. The cold bites sharply and the rain falls heavily. With the third hour come the visitors. They were the General, a bishop and the prefect. The General spoke first: 'Starting today you are under the jurisdiction of the Army. You will remain outdoors, in the ravines. You will eat snakes and jackasses'. Then spoke the bishop, God's representative on earth, and the prefect, representative of the State. They spoke in a similar vein and finished with the characteristic refrain: 'You will all die'.

" That very afternoon the threats started to become a reality. A group of women scientists, teachers and workers, were isolated in a detention house which lacked shutters or floors, under strict guard, without blankets, water or food. The rest of the women were sent by the guards that day to the outer field of the monastery, and again the following day. Although it was raining heavily and terribly cold, they were kept

there from 8 to 12 noon, standing in groups of three. In this wretched crowd were included the very sick who were brought on stretchers. Those whose lungs were worn away by tuberculosis spat blood on the upward-winding road and under their sodden blankets.

" At 12 noon the gathering was dissolved with the order to reappear at 3 in the afternoon. The stretchers began their downward journey away from the scene of suffering; legs trembled under the weight of the shattered bodies.

" Food was not permitted the following morning. At 1 p. m. the cooking utensils were put on the fire. Before the cooking was done, however, the whistle began to shriek: Make ready for assembly. The food must wait for the evening, and the tragic column began again its upward journey, while from behind, the women were beaten by George Staurianaudakis. The stretcher led the column like sad coffins.

" This gathering lasted two hours, with many speeches and announcements. 'Tomorrow at 8:15 a. m. all must be present here. All of you, sick and healthy alike, will bring your hammocks to the storehouses'. And Major Magniotis adds: 'Letters and packages, forbidden'. A young girl began spitting blood. The Major interrupted himself to say: 'Spitting blood; you'll die!' and the young girl responded: 'Thank you.'

" On Christmas Eve soldiers pitched tents on a wind-beaten hill. The ground was soaked from the rains, the grass was almost a foot high, and the rocks were jagged. There was the new home for the women.

" In vain did they request a delay until the ground dried. The order was sharp: 'Go immediately!' Every piece of wood that may have served as a flooring had been confiscated. They must sleep in the mud...

" Thirty-five women were squeezed into each tent. And the snow covered everything with its white shroud. And on a January day, one of the coldest and most terrible days, the Sub-lieutenant, Filosofo, 'punished' thirty women by having them kept outdoors for ten hours. All of them turned blue with the cold. Two of them developed high temperatures.

" On January 20th, Major Anagnostopoulos arrived at Trikeri with an order to transfer the women to Makronisos... But first, he demanded they sign 'Statements of political immunity'.

" The tortures increased and the women weren't allowed a moment's peace. Calls to assembly, whistles, and marches, endless marches. And in the end, the torture of moving not only their belongings, but also two enormous iron ovens from the opposite end of the island. Iron ovens, dead-weight, and impossibly heavy. 'Let them die but they must carry the ovens', read the order. And so the torture was carried out and women struggled with the ovens. Twice the ovens toppled and almost crushed the women under their weight.

" At long last they reached the harbour. It was the most horrible column that ever journeyed through the pages of history, a tragic exodus reminiscent of biblical scenes: Old women, young girls, mothers with

³⁸ Reprinted from the Athens daily newspaper *Demokratikos* of 31 August 1950.

suckling babies and young children in their arms. One thousand one hundred and sixty three women and children...”

7. Such is Trikeri to which hundreds of women have been transferred from Makronisos !

8. The men who were on Makronisos have been transferred to a remote little island in the Aegean, called Ai-Stratos, where conditions are so horrible that, as their guards have said, they will “wish they were back on Makronisos”.

9. We refer the honourable delegates to a memorandum sent to the United Nations last month from the civilian exiles on Ai-Stratos, which details the appalling conditions which these men are forced to endure.

10. Similar memoranda, letters and cables have been submitted both last year and this. We will not concern ourselves here with a repetition of the material contained in those documents. We will confine this memorandum to reference to a document that has only recently been made available. We believe it contains more explicit information and graphic description than any document of its kind.

11. It is a letter from an inmate of the concentration camp on the island of Youra. His name shall not be disclosed, but in his own words, he is “one of the thousands of peoples resistance fighters who for the last ten years have been fighting under the hardest conditions for the liberty and independence of my country. I participated in the Greek-Italian war of 1941. And when General Tsolakoglou (who became the first quisling premier) signed the surrender to the Nazis, I twice led my company against the invaders in Vlachoklisoura and Naopoli of Kazani. I was among the first to join the liberation movement and fought at the head of ELAS, the regiment of Pireaus...”

12. During his years of exile on Youra, the author recorded detailed, dated accounts of four deaths through torture; 21 instances of mass torture, 19 instances of group tortures and 37 cases of individual tortures. In each case, the writer not only describes the forms of the tortures, but identified the guards who participated in the atrocities and lists either the names or numbers of prisoners involved, as well as the physical effects of the ferocious attacks.

13. This is his description of the four deaths through torture :

Pericles Koukounis—(teacher from Mousinitsa, Lamia) beaten mercilessly by Guard Halkadiaki, August, 1947. Suffered internal stomach injuries. Was abandoned in a tent without medical attention where he died.

Kyriakas Kikis—died as a result of barbaric beatings and tortures administered by Guard Straton Kagambalidi, September, 1947.

Easilios Karamantsos—(farmer from Katakalan, Larissa) collapsed and died while carrying and unloading sacks of flour from the dock to warehouses, over a distance of 300 metres.

Xygales Epaminandas—died as a result of beatings and tortures by Straton Kozambalidi.

14. The writer describes the island in the following words :

“So that you may understand the significance of our demand for amnesty, you should know certain things about the history of this island... This waterless and barren island has been uninhabited for centuries. It was used only by the Romans as a place of exile and extermination of its political adversaries. The post-war Greek State has used this island since 1947, following the Truman Doctrine... as a place of isolation and extermination of the resistance fighters.

“The main role of the Youra guards is our ideological transformation and our physical extermination... Under the Aesopean terms of ‘reformation’ ‘readjustment’ etc., the greatest post-war shame is hidden”.

15. The letter’s description of the twenty-one cases of mass beatings and tortures would be sufficient in themselves to justify the demand for general amnesty now. We cite only two of the twenty-one cases listed, as examples :

1948 : During the year 1948, the head torturer and Warden Stratos Kouzombalidi often had the prisoners stripped naked and forced to clean toilets with bare hands. While bent over their work, their backs were mercilessly beaten with wire whips which tore off sections of their skin and flesh.

When this same warden desired entertainment, he ordered prisoners, young and old alike, to jump over obstacles, and would then beat them savagely, saying that “if they were able to jump, they must be captains to know how to jump so well” or... “if they didn’t jump they were being spiteful”.

The prison guards often indulged in night raids on the sleeping quarters of the prisoners and clubbed them while they were only half awake.

February 16, 1950 : The guards in Section 4, with Koutra and Papagianiki as their leaders, attacked the prisoners of Section 4 en masse, while they were working in the area of Section 5. The attacks were so brutal that large numbers were wounded seriously. Among them were : (here follows a list of 16 prisoners, their home cities and the name of the guards who injured each prisoner).

16. In another section of the letter is a list of 43 prisoners who were seriously injured by the beatings : 13 vomited blood as a result of the tortures; 2 had their ribs broken by guards; 2 developed aphasia; 3 had their skulls fractured; 4 became totally or partially deaf; 2 had one eye gouged out; 2 had one leg broken; 3 had one arm broken; 3 became paralysed; 2 had their spines broken; 2 became psychopathic; 1 had the skin torn off his entire back.

17. Does this sound incredible ? Yet the author is able to list not only the time of the torture, but the incident which provoked the attack : “...because he could not make a cane which the guard demanded...” or “... because he didn’t work quickly enough...” Each

of the forty-three men are named; and the name of the guard in each case is carefully listed.

18. In the portion of the missile describing the hair-raising scenes that take place in the "Disciplinary Section", there are listed more names of guards than of prisoners, for here groups of guards are assigned the task of beating each prisoner.

19. Who are these prisoners? Are they criminals who have committed crimes so incredible that they deserve punishment? And, can anyone merit such punishment as this? Here are the words of the prisoner:

"Workers, peasants, intellectuals, scientists, army officers, high government officials. All of us have been in the vanguard of the heroic struggle during the last ten years for the liberation of our country..."

"Human logic cannot understand how those who fight for the liberty of their country, instead of being free to enjoy its goods, are being so tortured.

"It is incomprehensible that someone should be tried, sentenced and even executed for having destroyed Nazis, or Italian and Bulgarian fascists... The British radio station, the Middle East Allied Headquarters, the United States radio stations and other Allies were urging us to commit these acts".

20. Seven individuals are named as having been sentenced for murdering "an unknown person, at an unknown place and time". In some cases, the "murdered" is known to be alive!

21. How do the prisoners live?

"For three whole years we have been living twenty and thirty in tents whose capacity cannot exceed ten to fifteen. We will not mention here the self-evident consequences of this crowding and of the temporary, inadequate, shelters, which expose us to the dangers of heat and cold. Yet there is no prospect of any permanent housing.

"The situation is desperate from the point of view of the water supply. Youra does not have the necessary quantity or quality of water to cover the various needs of ten thousand people. Every day we have to organize caravans from one of the gulfs to transport water, and we have to cover many kilometres to provide ourselves with it. The amount which everyone of us can get is a few drops".

22. How are the prisoners fed?

"...many a time, because of a lack of elementary decency on the part of those responsible, we have been without food. We note here that for a whole week, we remained completely without any food at all...Add to all this, the bad quality of the food, especially of the vegetables, together with the bad conditions under which the food is prepared, and you will have some idea about the quantity and quality of the hunger rations meted out to us.

"Since the prison of Youra was first opened, the bread for the prisoners was brought to camp every four or five days and often once a week. Almost always it was muddy, wet and mouldy".

23. There follows a month by month account since September 1947, of the quantity, kind and quality of food doled out, including such descriptions as this: "September, 1947: a distribution of 26 days' portions of black-eyed beans took place. They were rotted and full of worms. These were served till the beginning of 1948. The army doctor ordered their distribution although during the boiling the worms had covered the whole surface of the water. Despite their hunger, the prisoners often threw away the beans..."

24. Yet, as the prisoner points out, there are no provisions made to care for the sick, the injured, the poisoned. There are no drugs available.

25. We have given only small sections of a 35-page chronicle of unbelievable suffering. The original letter is available for inspection, should these excerpts seem too incredible.

26. We have limited ourselves here to an exposé of only one of the many camps and prisons in Greece. Our purpose is not to press for the relief of the inmates of this camp or that. Youra is not unique. It is merely typical.

27. That this story can be told in the year of Our Lord 1950 indicates that: (a) civilization has not progressed as far as we would like to believe, and (b) the danger of a resurgence of fascism is again imminent.

28. The peoples of the world can not believe that the United Nations strivings for peace are more than mere shadow boxing if no effort is made by that organization to wipe out this fascist holdover.

29. Honourable Delegates: The conditions and the very existence of these concentration camps is in violation of the first twelve articles of the Universal Declaration of Human Rights.

30. Further, these camps and prisons are used by the Greek employer as a weapon against the Greek working class who are striving to achieve a decent life. This is in violation of articles 23, 24, and 25 of the Universal Declaration of Human Rights, which assure the right of trade unions to function freely. We lay particular stress on this point: for one of the primary services rendered by the concentration camps is that of terrorizing and demoralizing workers to prevent them from demanding their rights as workers, citizens, trade unionists, and human beings.

31. We are proud to join with the millions who have raised their voices in protest against the danger to our civilization inherent in the continued existence of the concentration camps.

32. We once again call upon the United Nations, the body that represents man's hope for freedom, equality and peace, to take specific and concrete steps—in the true interests of the Greek nation—to secure:

- (1) Immediate abolition of the concentration camps;
- (2) An end to the imposition of the death sentence against men and women who have committed no crime;

(3) Immediate reprieve for the almost 3,000 men and women now under sentence of death;

(4) Restoration of trade union rights and freedoms;

(5) A declaration of General Amnesty now for all political prisoners.

Greek-American Committee for the Abolition of Makronisos

(Signed) John DEMELIS
George KYRIAGIS
Co-Chairmen

DOCUMENT A/C.1/626/Add.4

Cablegram, dated 6 November 1950, from the Federation of Greek Maritime Unions and the Greek American Committee for the Abolition of Makronisos³⁹

[Original text: English]
[14 November 1950]

Greek crew of *SS Omeros*, under Honduran flag in Kiel, Germany, being transferred from ship to Greece to imprisonment or execution. Signed on in U. S. A., discharge in Germany illegal. Urge immediate U. N. intervention for application of resolution of last session

that no Greek national be forcibly repatriated to Greece. U. N. should press British Occupation Command in Germany to intervene and grant crew right of asylum as political refugees in country of choice.

FEDERATION OF GREEK MARITIME UNIONS
GREEK-AMERICAN COMMITTEE FOR THE ABOLITION
OF MAKRONISOS

³⁹ See document A/C.1/626 (note by the Secretariat).

DOCUMENT A/C.5/413

Financial implications of draft resolution B proposed by the First Committee (A/1536) : report by the Secretary-General

[Original text: English]
[20 November 1950]

1. At its 396th meeting held on 14 November 1950, the First Committee recommended that the General Assembly approve a resolution (A/C.1/622/Rev.1) concerning threats to the political independence and territorial integrity of Greece, which calls for the continuation of the Special Committee on the Balkans previously established by General Assembly resolution 109 (II) and continued by General Assembly resolutions 193 (III) and 288 (IV) with the functions conferred upon it by the above-mentioned resolutions.

2. On the basis of the above draft resolution, it is estimated that the extension of the Special Committee on the Balkans throughout 1951 will entail the following expenses :

	<i>US dollars</i>
Temporary assistance	170,000
Travel and subsistence of members	107,000
Travel and subsistence of observers	94,600
Travel and subsistence of staff	105,000
Communications	6,000
Rental and maintenance of premises and equipment	20,000
Stationery and office supplies	3,500
Contractual printing	5,000
Local transportation	21,000
Freight, cartage and express	3,500
Insurance	3,000

	<i>US dollars</i>
Maintenance and operation of transportation equipment	20,000
Miscellaneous expenses	3,000
Purchase of motor vehicles (replacement) ..	10,000
Miscellaneous equipment	2,000
TOTAL	573,600

3. Under Temporary Assistance provision is made for 8 persons internationally recruited to serve the Mission, as shown in Annex I (\$61,000), 42 local recruits, comprising 11 drivers, 11 mechanics, 2 clerks, 2 storemen, 6 interpreters, 2 mimeograph operators, 8 cleaners and messengers (\$59,000), and 10 persons to be temporarily employed at Headquarters as replacement of staff assigned to the Mission (\$50,000).

4. Under Travel and Subsistence of Members provision for round trip costs (\$13,500) and subsistence allowance at \$20 per day for an average of 16 delegates and alternates serving the Mission, less a deduction of 20 per cent for periods of absence from the Mission area (\$93,500).

5. For Travel and Subsistence of Observers, provision is made for (a) subsistence of 27 observers and

ancillary personnel at the rate of \$9.50 per day applicable to Secretariat members, less 10 per cent for periods of absence (\$84,200), and (b) round trip expenses (\$10,400).

6. The sum of \$105,000 requested for travel and subsistence of staff will cover (a) cost of 12 round trips for replacement of staff and 2 round trips of Principal Secretary and an officer to the 1951 General Assembly (\$14,000); (b) subsistence allowance at \$20 per day for the Principal Secretary, at \$9.50 for 12 staff members with dependants and at \$6.50 for 22 staff members without dependants, less 10 per cent deduction for periods of absence from the Mission area (\$91,000).

7. Under all other items, the estimates are based on

the experience of the 1950 Mission. However, the total \$573,600 requested for 1951 is \$206,600 less than the amount of \$780,200 appropriated for UNSCOB for 1950 under section 6, chapter I.

8. Should the resolution be adopted by the General Assembly, the appropriation of \$573,600 would be required, of which \$568,600 under section 5, chapter I, and the balance (\$5,000 requested for contractual printing) under section 25, chapter V, of the 1951 budget estimates.

9. It is noted that these expenses will be partly compensated by assessments to be levied on the salaries of the staff of the Mission, estimated at \$36,000.

ANNEX I

<i>Personnel detailed from Headquarters</i>	<i>Internationally recruited staff</i>	<i>Post</i>
—	1	Principal Secretary
1	—	Deputy Principal Secretary
—	1	Professional Post (Administrative)
2	—	Professional Post
—	1	Administrative Officer
1	—	Finance Officer
1	—	Press Officer
—	1	Political Officer
—	1	Interpreter
2	—	Translator
—	1	Precis Writer Verbatim
1	—	Documents Clerk
5	—	Secretary
—	2	Secretary
14	—	Field Service Personnel
<hr style="width: 50px; margin-left: 0;"/> 27	<hr style="width: 50px; margin-left: 0;"/> 8	TOTAL

DOCUMENT A/C.5/414

Financial implications of draft resolution C proposed by the First Committee (A/1536) : report by the Secretary-General

[Original text : English]
[21 November 1950]

1. At its 398th meeting held on 15 November 1950, the First Committee recommended that the General Assembly approve a draft resolution (A/C.1/627) on repatriation of Greek children. This resolution requested the Secretary-General, the International Committee of the Red Cross and the League of the Red Cross Societies to continue their efforts in accordance with General Assembly resolution 193 C (III) and 288 B (IV), and urged all States harbouring Greek children to make all the necessary arrangements, in co-operation with the Secretary-General and the International Red Cross organization, for the early return of the Greek children to their parents. A standing committee composed of the representatives of Peru, Philippines, and Sweden would be established to act in consultation with the Secretary-General and to

consult with the representatives of the States concerned with a view to the early repatriation of the children. The Red Cross organization would be requested to co-operate with this committee. The draft resolution also requested the Secretary-General to report from time to time to Member States on the progress made in the implementation of the resolution, and to submit a report to the sixth session of the General Assembly.

2. Against an appropriation of \$50,000, expenditure in 1950 for the purpose of meeting out-of-pocket expenses of the Red Cross organizations assisting in preparations for the repatriation of Greek children is likely to amount to about \$30,000. It is anticipated that for the purpose of implementing the General Assem-

bly resolution the same amount appropriated in 1950 would be required in 1951 for the following expenditure :

	<i>US dollars</i>
Temporary Assistance	20,000
Travel and Subsistence of Staff	16,000
Communication Services	3,000
Local Transportation	3,000
Miscellaneous Supplies and Contractual Services	8,000
	50,000

3. The Secretary-General consequently requests that the sum of \$50,000 be appropriated under section 5, chapter IV, of the 1951 budget. Should this amount prove to be insufficient, additional requirements would be met by advances from the Working Capital Fund as relating to the maintenance of peace and security.

4. During the discussion of this resolution it was stated that the standing committee composed of representatives of delegations with permanent missions to the United Nations was intended to meet in New York, and that there should therefore be no additional expenditure in this connexion for travel, subsistence and staff.

DOCUMENT A/C.5/416

Letter, dated 21 November 1950, from the President of the General Assembly to the Chairman of the Fifth Committee

[Original text : English]
[21 November 1950]

I am informed by the Chairman of the First Committee that his Committee has approved two draft resolutions under the item "Threats to the political independence and territorial integrity of Greece", one relating to the continuation of the United Nations Special Committee on the Balkans and the other relating to the repatriation of Greek children, both of which would have financial implications.

Would you kindly bring these two matters to the attention of your Committee in accordance with rule 152 of the rules of procedure.

(Signed) N. ENTEZAM
President of the General Assembly

DOCUMENT A/1536

Report of the First Committee

[Original text : English]
[21 November 1950]

Rapporteur : Mr. THOR THORS (Iceland).

1. In accordance with the terms of the General Assembly resolutions 109 (II), 193 A(III) and 288 A (IV), the United Nations Special Committee on the Balkans, on 31 July 1950, submitted a report (A/1307)⁴⁰ to the General Assembly. On 8 September and 12 October, the Special Committee submitted supplementary reports (A/1423 and Add.1; A/1438 and Corr. 1, A/1438/Add.1). Pursuant to General Assembly resolution 288 B (IV) concerning the repatriation of Greek children, a resolution adopted by the Executive Committee of the League of Red Cross Societies (A/1257) and a report by the Secretary-General (A/1480) were also circulated.

2. The General Assembly, at its 285th plenary meeting held on 26 September 1950, referred the Greek question to the First Committee for consideration and report.

3. The First Committee considered the question at its 346th and 392nd to 398th meetings.

4. The following draft resolutions were submitted :

(a) A draft resolution submitted at the 346th meeting by the Union of Soviet Socialist Republics (A/C.1/559) which proposed that the Committee should request the President of the General Assembly to enter into negotiations with the representatives of the Greek Government concerning the repeal of death sentences passed by the military courts in Athens on Greek patriots, including the eleven patriots named in a letter dated 18 September 1950 from their mothers and the eight trade union officials named in a memorandum dated 16 September 1950 from various relatives of those officials (A/C.1/564).

(b) A draft resolution submitted at the 392nd meeting by Greece (A/C.1/620), which (i) recommended the repatriation of all those members of the Greek Armed Forces, captured by the Greek guerrillas and taken into

⁴⁰ See *Official Records of the General Assembly, Fifth Session, Supplement No. 11*.

countries north of Greece, who expressed the wish to be repatriated; (ii) called upon the States concerned to take the necessary measures for the speedy implementation of the resolution; and (iii) instructed the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned, with a view to implementing the resolution.

(c) A draft resolution by Australia, France, Pakistan, the United Kingdom and the United States of America (A/C.1/622/Rev.1) submitted at the 392nd meeting and revised at the 395th meeting, which (i) approved the report of the Special Committee on the Balkans; (ii) continued the Special Committee in being until the sixth session of the General Assembly, in accordance with the terms of reference and administrative arrangements contained in General Assembly resolutions 109 (II), 193 (III) and 288 (IV), unless meanwhile the Special Committee should recommend to the Interim Committee its own dissolution; and (iii) authorized the Interim Committee to act on such a recommendation as it might think proper.

(d) A draft resolution submitted at the 393rd meeting by the Soviet Union (A/C.1/623) which recommended (i) the declaration of a general amnesty in Greece and the abolition of the concentration camps for Greek democrats; (ii) the holding of universal and free parliamentary elections on the basis of proportional representation; (iii) the cessation of military and political intervention in Greek affairs by the United States of America and the United Kingdom; (iv) the establishment of diplomatic relations between Greece and Albania and between Greece and Bulgaria; and (v) the dissolution of the United Nations Special Committee on the Balkans.

(e) A draft resolution submitted at the 395th meeting by Australia, Denmark, France and the Netherlands (A/C.1/627), which (i) requested the Secretary-General and the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in accordance with the General Assembly resolutions 193 C (III) and 288 B (IV) concerning the repatriation of Greek children; (ii) urged all States harbouring the Greek children to make all the necessary arrangements, in co-operation with the Secretary-General and the international Red Cross organizations, for the early return of the Greek children to their parents and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose; (iii) established a standing committee to act in consultation with the Secretary-General, and to consult with the representatives of the States concerned, with a view to the early repatriation of the children; (iv) requested the International Red Cross and the League of Red Cross Societies to co-operate with this standing committee; and (v) requested the Secretary-General to report from time to time to Member States on the progress made in the implementation of the resolution, and also requested the international Red Cross organizations and the Secretary-General to submit reports to the sixth session of the General Assembly.

5. At the 398th meeting, the representative of the

Union of Soviet Socialist Republics submitted amendments (A/C.1/628) to the four-Power draft resolution mentioned above (A/C.1/627). These amendments (i) deleted the first paragraph of the preamble; (ii) deleted the words " and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose " from the second operative paragraph, and substituted the words " in conformity with the resolutions referred to above "; and (iii) deleted the third and fourth operative paragraphs relating to the establishment of a standing committee.

6. At the same meeting, the representative of Australia proposed, on behalf of the sponsors of the four-Power draft resolution (A/C.1/627), that the standing committee should be composed of the representatives of Peru, the Philippines and Sweden.

7. On the proposal of the representative of Greece, at the 393rd meeting, the Committee decided, by 28 votes to 6, with 16 abstentions, to close the debate on the U.S.S.R. draft resolution (A/C.1/559) concerning death sentences imposed by military courts in Athens.

The first draft resolution proposed by the Soviet Union (A/C.1/559) was rejected by 31 votes to 6, with 12 abstentions.

8. At the 396th meeting, the draft resolution proposed by Greece (A/C.1/620) was approved by 53 votes to 5, with one abstention.

9. At the same meeting, the revised joint draft resolution of Australia, France, Pakistan, United Kingdom and United States of America (A/C.1/622/Rev.1) was approved by 52 votes to 6, with no abstentions.

10. Also at the same meeting, the second draft resolution proposed by the Soviet Union (A/C.1/623) was rejected by 51 votes to 5, with 2 abstentions.

11. At the 398th meeting, the Committee voted on the joint draft resolution submitted by Australia, Denmark, France and the Netherlands (A/C.1/627) and the Soviet Union amendments thereto (A/C.1/628), with the following results :

The Soviet Union amendment deleting the first paragraph of the preamble was rejected by 43 votes to 5, with 5 abstentions.

The preamble of the four-Power draft resolution was approved by 52 votes to none, with 5 abstentions.

The first operative paragraph was approved unanimously by 57 votes.

The Soviet Union amendment to the second operative paragraph was rejected by 46 votes to 5, with 7 abstentions.

The second operative paragraph was approved with 53 votes to 5, with no abstentions.

The Soviet Union amendment deleting the third and fourth operative paragraphs was rejected by 44 votes to 5, with 8 abstentions.

The third and fourth operative paragraphs (revised to provide that the standing committee should be composed of the representatives of Peru, the Philippines and Sweden) were approved by 53 votes to 5, with no abstentions.

The fifth operative paragraph was approved unanimously, by 58 votes.

The four-Power draft resolution as a whole was approved by 53 votes to none, with 5 abstentions.

12. The First Committee recommends to the General Assembly the adoption of the following three resolutions :

THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF GREECE

A

The General Assembly,

Having considered the unanimous conclusions of the United Nations Special Committee on the Balkans concerning those members of the Greek armed forces who were captured by the Greek guerrillas and taken into countries north of Greece,

Having noted that, with the sole exception of Yugoslavia, the other States concerned are still detaining these members of the Greek armed forces without justification under commonly accepted international practice,

1. *Recommends* the repatriation of all those among them who express the wish to be repatriated;

2. *Calls upon* the States concerned to take the necessary measures for the speedy implementation of the present resolution;

3. *Instructs* the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned, with a view to implementing the present resolution.

B

The General Assembly,

Having considered the report of the United Nations Special Committee on the Balkans and having noted that, although a certain improvement has taken place in the situation on the northern frontiers of Greece, there nevertheless remains a threat to the political independence and territorial integrity of Greece,

1. *Approves* the report of the United Nations Special Committee on the Balkans;

2. *Continues* the Special Committee in being until the sixth session of the General Assembly, in accordance with the terms of reference and administrative arrangements contained in General Assembly resolutions 109 (II), 193 (III) and 288 (IV), unless meanwhile the Special Committee recommends to the Interim Committee its own dissolution;

3. *Authorizes* the Interim Committee to act on such recommendation as it thinks proper.

C

The General Assembly,

Noting with grave concern the reports of the International Committee of the Red Cross and the League of Red Cross Societies and of the Secretary-General, and particularly the statement that " not a single Greek child has yet been returned to his native land and, except for Yugoslavia, no country harbouring Greek children has taken definite action to comply with the resolutions unanimously adopted in two successive years by the General Assembly ",

Recognizing that every possible effort should be made to restore the children to their homes, in a humanitarian spirit detached from political or ideological considerations,

Expressing its full appreciation of the efforts made by the International Committee of the Red Cross and the League of Red Cross Societies and by the Secretary-General to implement resolutions 193 C (III) and 288 B (IV) of the General Assembly,

1. *Requests* the Secretary-General and the International Committee of the Red Cross and the League of Red Cross Societies to continue their efforts in accordance with the aforementioned resolutions;

2. *Urges* all States harbouring the Greek children, to make all the necessary arrangements, in co-operation with the Secretary-General and the international Red Cross organizations, for the early return of the Greek children to their parents and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose;

3. *Establishes* a Standing Committee, to be composed of the representatives of Peru, the Philippines and Sweden, to act in consultation with the Secretary-General, and to consult with the representatives of the States concerned, with a view to the early repatriation of the children;

4. *Requests* the International Committee of the Red Cross and the League of Red Cross Societies to co-operate with the Standing Committee;

5. *Requests* the Secretary-General to report from time to time to Member States on the progress made in the implementation of the present resolution, and requests the international Red Cross organizations and the Secretary-General to submit reports to the General Assembly at its sixth session.

DOCUMENT A/1555

**Financial implications of the draft resolutions proposed by the First Committee (A/1536, resolution B and C) :
twenty-third report of 1950 of the Advisory Committee on Administrative and Budgetary Questions**

[Original text : English]
[25 November 1950]

**I. UNITED NATIONS SPECIAL COMMITTEE ON THE
BALKANS**

1. The advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/413) on the financial implications of the draft resolution proposed by the First Committee (A/1536, resolution B), which provides that the United Nations Special Committee on the Balkans shall continue in being until the sixth session of the General Assembly, "in accordance with the terms of reference and administrative arrangements contained in General Assembly resolutions 109 (II), 193 (III) and 288 (IV), unless meanwhile the Special Committee recommends to the Interim Committee its own dissolution".

2. The estimated expenditure for 1951 amounts to \$573,600, against an appropriation for the current year of \$780,200.

3. Under the item for temporary assistance, provision is made for the replacement of a part of the staff detailed from Headquarters; the direct gross salary costs of the remaining staff members in this category amount to approximately \$30,000.

4. The estimate of \$107,000 for travel and subsistence of members includes provision for an average of 16 representatives and alternate representatives, although only five members of the Special Committee are still availing themselves of the assistance of alternates. In view of the improvement in the situation referred to in the draft resolution (A/1536, B), the Advisory Committee doubts whether there is a continuing need for alternate representatives, and it recommends that the provision under this head should be limited to a period of three months.

5. The staffing of the Special Committee comprises, in addition to a Principal Secretary, one Deputy Principal Secretary and four professional posts, together with three posts of Administrative Officer, Finance Officer and Press Officer. The Advisory Committee considers that a reduction could be effected without detriment to the work of the Special Committee; in particular, it recom-

mends that the post of Deputy Principal Secretary should not be continued beyond the first three months of 1951. The item of travel and subsistence of staff includes the cost of twelve round trips for replacement of staff. This number appears excessive, and a reduction of 50 per cent is recommended.

6. It appears also to the Advisory Committee that, in view of the terms of draft resolution B, which envisages a decrease in the activities of the Special Committee, the number of observers and auxiliary personnel might be further reduced below the figure of 27. While not submitting a firm recommendation, the Advisory Committee suggests that the matter should be kept under consideration during 1951, with a view to further economy in the budget.

7. On the basis of the recommendations contained in paragraphs 4 and 5 above, the Advisory Committee recommends the following appropriations :

	<i>US dollars</i>
Section 5, chapter I	520,000
Section 25, chapter V (Official Records) ...	5,000

The total recommended for appropriation represents a reduction of \$48,600 on the figure submitted (\$573,600).

8. The salaries of the internationally recruited staff members of the Special Committee and of the temporary replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$36,000.

II. REPATRIATION OF GREEK CHILDREN

9. The Advisory Committee has also considered a report by the Secretary-General (A/C.5/414) on the financial implications of the draft resolution proposed by the First Committee (A/1536, resolution C) concerning the repatriation of Greek children.

10. The Advisory Committee recommends that the estimate for section 5, chapter IV, should be approved as submitted, at the figure of \$50,000.

DOCUMENT A/1569

Union of Soviet Socialist Republics : draft resolution

[Original text : Russian]
[30 November 1950]

The General Assembly,

Taking notice of the fact that the military courts in Greece are at the present time continuing to pass death

sentences on members of the Greek trade unions and people's liberation movement,

Requests the President of the General Assembly to enter into negotiations with the Greek Government

concerning the repeal of the death sentences passed by the military courts on Greek patriots, including the eleven Greek patriots named in their mothers' letter of 18 September last,⁴¹ and on the eight trade union officials named

in the memorandum of their relatives of 16 September⁴¹ last.

⁴¹ See document A/C.1/561.

DOCUMENT A/1572

Financial implications of draft resolutions B and C proposed by the First Committee (A/1536) : report of the Fifth Committee

[Original text : English]
[30 November 1950]

Rapporteur : Mr. B. G. FOURIE (Union of South Africa).

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 21 November 1950 (A/C.5/416), the Fifth Committee, at its 270th meeting held on 28 November 1950, considered the effect on the budget estimates for 1951 of the draft resolution adopted by the First Committee (A/1536, resolution B) which provides that the United Nations Special Committee on the Balkans shall continue until the sixth session of the General Assembly "in accordance with the terms of reference and administrative arrangements contained in General Assembly resolutions 109 (II), 193 (III) and 288 (IV), unless meanwhile the Special Committee recommends to the Interim Committee its own dissolution".

2. The Committee had before it a report by the Secretary-General (A/C.5/413) giving estimates of the costs of the Special Committee in 1951 and the twenty-third report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1555), which had considered these estimates following reference to it of the Secretary-General's report by the Fifth Committee.

3. The Secretary-General estimated that the expenses of the Special Committee throughout 1951 would amount to a total of \$573,600, which expenditure would be partly compensated by assessments to be levied on the salaries of the staff of the mission, estimated at \$36,000. The Advisory Committee observed that the estimate for travel and subsistence of members included provision for an average of sixteen representatives and alternate representatives, although only five members of the Special Committee are still availing themselves of the assistance of alternates. In view of the improvement in the situation referred to in the draft resolution of the First Committee, the Advisory Committee expressed doubt whether there was a continuing need for alternate representatives, and accordingly recommended that the budgetary provision under this head should be limited to a period of three months. The Advisory Committee further proposed certain economies in connexion with staffing requirements of the Special Committee and travel and subsistence of staff. On the basis of these recommendations it considered that the estimates as submitted by the Secretary-General should be reduced by \$48,600 to a

total of \$525,000, of which sum \$520,000 should be appropriated under chapter I of section 5 of the budget estimates, and \$5,000 under chapter V of section 25 (Official Records). The Advisory Committee also observed that, in view of the terms of the First Committee's draft resolution, which envisages a decrease in the activities of the Special Committee, the number of observers and auxiliary personnel might be further reduced below the proposed figure of 27. While not submitting any firm recommendation in this respect, it suggested that the matter should be kept under consideration during 1951 with a view to further economy in the budget.

4. In the course of the Fifth Committee's discussion a number of delegations stated that they attached considerable importance to the observations and suggestions which the Advisory Committee had made and urged that the position, particularly as regards the number of observers and auxiliary personnel required, should be closely watched, it being understood that the final decision with respect to alternates would depend on the members of the Special Committee themselves. For reasons which had been fully stated in the course of discussion of the matter in the First Committee, the representatives of the Union of Soviet Socialist Republics, Czechoslovakia and the Ukrainian Soviet Socialist Republic voiced the objection of their delegations to the appropriation of any funds for the purposes of the draft resolution. The estimates recommended by the Advisory Committee, on being put to the vote, were approved by 27 to 6, with no abstentions.

5. The Fifth Committee therefore decided to inform the General Assembly that adoption of the draft resolution of the First Committee would involve budgetary provision in 1951 in the amount of \$525,000.

6. The Fifth Committee also considered the financial implications of the further draft resolution adopted by the First Committee relating to the repatriation of Greek children (A/1536, resolution C). The Committee had before it a report by the Secretary-General (A/C.5/414) and the views thereon of the Advisory Committee as contained in part II of their twenty-third report of 1950 (A/1555). The Secretary-General estimated that the

implementation of the draft resolution through the continuing activities of the Red Cross organizations concerned would involve expenditure in 1951 of the same amount as was appropriated for this purpose in 1950, namely \$50,000. The Secretary-General suggested that, should this sum prove to be insufficient, additional requirements could be met by advances from the Working Capital Fund as relating to the maintenance of peace and security. The Advisory Committee recommended

that the Secretary-General's estimate should be approved as submitted.

7. By a unanimous vote, the Fifth Committee therefore decided to inform the General Assembly that adoption of the draft resolution of the First Committee concerning the repatriation of Greek children would involve budgetary provision in 1951 of approximately \$50,000.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/1307	Report of the United Nations Special Committee on the Balkans		See <i>Official Records of the General Assembly, fifth session, Supplement No. 11</i>
A/1284	Communication, dated 29 May 1950, from the United States Mission to the United Nations addressed to the Secretary-General	2	
A/1423	Letter, dated 8 September 1950, from the Chairman of the United Nations Special Committee on the Balkans to the Secretary-General	3	
A/1423/Add.1	Letter, dated 19 October 1950, from the Acting Principal Secretary of the United Nations Special Committee on the Balkans to the Secretary-General	9	
A/1438 (incorporating A/1438/Corr.1)	Telegram, dated 12 October 1950, from the Chairman of the United Nations Special Committee on the Balkans to the President of the General Assembly	9	
A/1438/Add.1	Letter, dated 13 October 1950, from the Acting Principal Secretary of the United Nations Special Committee on the Balkans to the President of the General Assembly	10	
A/1480	Report of the Secretary-General. Letter, dated 18 September 1950, addressed to the Secretary-General by the International Committee of the Red Cross and the League of Red Cross Societies	17	
A/1480/Add.1	Supplement to the Report of the Secretary-General	30	
A/C.1/620	Greece : draft resolution		Same text as resolution A, document A/1536
A/C.1/622	Australia, France, Pakistan, United Kingdom, United States of America : joint draft resolution	30	
A/C.1/622/Rev.1	Australia, France, Pakistan, United Kingdom, United States of America : revised joint draft resolution	31	
A/C.1/623	Union of Soviet Socialist Republics : draft resolution	31	
A/C.1/559	Union of Soviet Socialist Republics : draft resolution		Incorporated in 346th meeting of the First Committee
A/C.1/561	Letter, dated 28 September 1950, from the Deputy Representative of the Union of Soviet Socialist Republics addressed to the President of the General Assembly	31	
A/C.1/606	Letter, dated 27 October 1950, from the Representative of the Union of Soviet Socialist Republics to the Secretary-General transmitting a memorandum dated 17 September 1950 from the civilian exiles on the island of Ayios Evstratios to the Secretary-General	33	
A/C.1/626	Memorandum dated, 8 February 1950, on Makronisos concentration camp	36	
A/C.1/626/Add.1	Communication, dated 8 April 1950, from the Greek Committee for the Abolition of Makronisos	42	
A/C.1/626/Add.2	Communication dated 24 January 1950 from Mr. Manolis Proimakis, former member of the Greek Parliament	43	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/C.1/626/Add.3	Memorandum from the Greek-American Committee for the Abolition of Makronisos	46	
A/C.1/626 Add.4	Cablegram, dated 6 November 1950, from the Federation of Greek Maritime Unions and the Greek-American Committee for the Abolition of Makronisos	50	
A/C.5/413	Financial implications of draft resolution B proposed by the First Committee (A/1536) : report by the Secretary-General	50	
A/C.5/414	Financial implications of draft resolution C proposed by the First Committee (A/1536) : report by the Secretary-General	51	
A/C.5/416	Letter, dated 21 November 1950, from the President of the General Assembly to the Chairman of the Fifth Committee	52	
A/C.5/L.91	Draft report of the Fifth Committee		Same text as document A/1572
A/1536	Report of the First Committee	52	
A/1555	Financial implications of the draft resolutions proposed by the First Committee (A/1536, resolutions B and C). Twenty-third report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	55	
A/1560	Union of Soviet Socialist Republics : draft resolution		Same text as document A/C.1/623
A/1568	Union of Soviet Socialist Republics : amendments to draft resolution C proposed by the First Committee (A/1536)		Incorporated in 313th plenary meeting, para. 154
A/1569	Union of Soviet Socialist Republics : draft resolution	55	
A/1572	Financial implications of draft resolutions B and C proposed by the First Committee (A/1536) : report of the Fifth Committee	56	
A/1584	Resolutions adopted by the General Assembly at its 313th plenary meeting on 1 December 1950 (adopted on the report of the First Committee, A/1536)		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 382 (V)</i>

**GENERAL
ASSEMBLY**



ANNEXES

FIFTH SESSION

NEW YORK, 1950

Official Records

Agenda item 23 : Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations

C O N T E N T S

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
First Committee :		
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Plenary meetings (final phase) :		
A/1563	Report of the First Committee	1
Check list of documents		3

DOCUMENT A/C.1/631/Rev.1

China : revised draft resolution

[Original text : English]
[17 November 1950]

The General Assembly,

Recalling the resolution sponsored by the delegations of Cuba, Ecuador and Peru, as amended by the delegations of Lebanon and Uruguay, adopted by the fourth session of the General Assembly (292 (IV)), which considers the case brought against the Soviet Union by the Republic of China as of "special importance" and "involves the fundamental principles of the Charter and the prestige of the United Nations",

Recalling further the joint resolution sponsored by the delegations of Australia, Mexico, Pakistan, the Philippines, and the United States of America, adopted by the fourth session of the General Assembly (291 (IV)), calling upon all States to pursue four specific lines of policy relating to China for the purpose of promoting the stability of international relations in the Far East,

Noting that the Interim Committee, to which the case was referred by the fourth session of the General Assembly, did not submit recommendations on it,

Believing that more information and facts having direct bearing upon the case are now available and obtainable,

Decides to appoint a United Nations Commission of Inquiry for the purpose of

- (1) Gathering information and facts relating to item 23 of the agenda from the two countries in dispute as well as from other Member States of the United Nations, and
- (2) Submitting a report of its findings to the next session of the General Assembly for consideration.

DOCUMENT A/1563

Report of the First Committee

[Original text : English]
[29 November 1950]

1. The item "Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations" was first included in the

agenda of the fourth session of the General Assembly.

2. At its 273rd plenary meeting held on 8 December 1949, the General Assembly adopted resolution 292 (IV) referring the question to the Interim Committee for continuous examination and study in the light of the Assembly resolution (291 (IV)) on the promotion of the stability of international relations in the Far East.

3. The Interim Committee, at its 45th meeting held on 15 September 1950, decided, on the suggestion of the Chairman, not to debate the question in view of the forthcoming session of the General Assembly, and in view of the scope of the item in the context of the political situation.

4. At its 285th plenary meeting held on 26 September 1950, the fifth session of the General Assembly, on the recommendation of the General Committee, decided to include this item in its agenda, and refer it to the First Committee for consideration and report.

5. The First Committee considered the question at its 400th to 404th meetings inclusive.

6. The following draft resolutions were submitted :

(a) A draft resolution submitted at the 400th meeting by China (A/C.1/631/Rev.1) which, after recalling the previous Assembly resolutions 291 (IV) and 292 (IV), and noting that the Interim Committee, to which the case had been referred by the fourth session of the General Assembly, had not submitted recommendations to the fifth session, provided for the appointment of a United Nations Commission of Inquiry for the purpose of gathering information and facts from the two countries in dispute as well as from other States Members of the United Nations. The Commission was to submit a report on its findings to the next session of the General Assembly;

(b) A draft resolution submitted at the 402nd meeting by Syria (A/C.1/632) which proposed that the General Assembly should instruct the Interim Committee to continue inquiry on this question in order to obtain more information and facts having direct bearing upon the case.

7. At the 403rd meeting the representative of Syria accepted an oral amendment by the representative of Egypt which added that the Interim Committee was to report to the General Assembly at its next regular session.

8. At the same meeting, an amendment was submitted by El Salvador (A/C.1/633) to the revised draft resolution of China (A/C.1/631/Rev.1) which replaced the last three paragraphs of the Chinese draft by a paragraph drawing the attention of States Members to the necessity of complying faithfully with the recommendation contained in General Assembly resolution 291 (IV).

9. At the 404th meeting, the representative of China withdrew his draft resolution (A/C.1/631/Rev.1) in favour of the Syrian draft resolution (A/C.1/632).

10. At the same meeting, the representative of El Salvador, in place of his amendment (A/C.1/633) to the

Chinese draft resolution, presented a draft resolution (A/C.1/634) which drew the attention of all States to the necessity of complying faithfully with the recommendation contained in General Assembly resolution 291 (IV) to promote the stability of international relations in the Far East, and which for that purpose, *inter alia*, recommended scrupulous observance of the treaties in force when that resolution was adopted.

11. At the 404th meeting, the Committee, by 33 votes to 11, with 12 abstentions, adopted a Chilean motion for the closure of the debate.

12. The Syrian draft resolution (A/C.1/632) as amended, was then put to the vote by roll-call, and was approved by 35 votes to 17, with 7 abstentions. The vote was as follows :

In favour : Argentina, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, Iran, Iraq, Liberia, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Thailand, Turkey, United States of America, Uruguay, Venezuela, Yemen.

Against : Australia, Burma, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Iceland, India, Israel, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia.

Abstaining : Afghanistan, Belgium, France, Indonesia, Luxembourg, Netherlands, Pakistan.

13. The Committee then proceeded to vote by roll-call on the draft resolution of El Salvador (A/C.1/634), which was approved by 38 votes to 6, with 14 abstentions. The vote was as follows :

In favour : Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iraq, Luxembourg, Mexico, New Zealand, Nicaragua, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Abstaining : Afghanistan, Burma, Denmark, India, Indonesia, Iran, Israel, Liberia, Netherlands, Norway, Pakistan, Sweden, Union of South Africa, Yemen.

14. The First Committee consequently recommends to the General Assembly the adoption of the following two draft resolutions :

“ A

“ *The General Assembly,*

“ *Noting* that the Interim Committee, to which the General Assembly, during its fourth session, referred the complaint concerning “ Threats to the political

independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations” has not yet submitted recommendations thereon,

“ *Decides* to instruct the Interim Committee to continue inquiry on this question, in order to obtain more information and facts having a direct bearing upon the case if such findings are obtainable, and to report to the General Assembly at its next regular session.

“ The records of the discussion of the First Committee on the case shall be made available to the Interim Committee.”

“ B

“ *The General Assembly*

“ *Decides* to draw the attention of all States to the necessity of complying faithfully with the recommendation contained in General Assembly resolution 291 (IV), the object of which is to promote the stability of international relations in the Far East, and which recommends specific principles for that purpose, including, *inter alia*, the principle of the scrupulous observance of the treaties in force when the resolution was adopted, the purpose of which was to secure the independence and territorial integrity of China.”

Check list of documents

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A/1586	Resolutions adopted by the General Assembly at its 314th meeting on 1 December 1950		See resolution 383 (V).
A/C.1/631	China : draft resolution		Mimeographed document only.
A/C.1/631/Rev.1	China : revised draft resolution	1	
A/C.1/632	Syria : draft resolution		Incorporated in 402nd meeting, para. 20.
A/C.1/633	El Salvador : amendment to the revised Chinese draft resolution (A/C.1/631/Rev.1)		Incorporated in 403rd meeting, para. 30.
A/C.1/634	El Salvador : draft resolution		Incorporated in 404th meeting, para. 34.



Agenda item 24 : The problem of the independence of Korea

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DOCUMENT A/1425

Union of Soviet Socialist Republics : draft resolution

[Original text : Russian]
[5 October 1950]

In connexion with the consideration of the Korean question,

The General Assembly resolves

To invite representatives of both sides engaged in the

conflict in Korea to participate in the discussion of this question at the meetings of the General Assembly, i.e., representatives of both North and South Korea.

DOCUMENT A/C.1/558

Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom : joint draft resolution

[Original text : English]
[29 September 1950]

The General Assembly,

Having regard to its resolutions of 14 November 1947, of 12 December 1948 and of 21 October 1949,

Having received and considered the report of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly declaration of 12 December 1948 that there has been established a lawful government (the Government of the Republic of Korea)

having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed

attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

Recommends that

(a) All appropriate steps be taken to ensure conditions of stability throughout Korea;

(b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic government in the sovereign State of Korea;

(c) United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives specified in sub-paragraphs (a) and (b) above;

(d) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

Resolves that

(a) A Commission consisting of..., to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to (i) assume the functions hitherto exercised by the present United Nations Commission on Korea; (ii) represent the United Nations in bringing about the establishment of a unified,

independent and democratic Government of all Korea; (iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible;

(b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the governments of the States represented on the Commission should form an Interim Committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations; the Interim Committee should begin to function immediately upon the approval of the present resolution by the General Assembly;

The General Assembly furthermore,

Mindful of the fact that at the end of the present hostilities the task of rehabilitating the Korean economy will be of great magnitude,

Requests the Economic and Social Council, in consultation with the specialized agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly on or before October...

▼ DOCUMENT A/C.1/565

Letter dated 2 October 1950 from the Secretary-General of the Union of Soviet Socialist Republics delegation addressed to the Secretary-General transmitting a cablegram from the Minister for Foreign Affairs of the People's Democratic Republic of Korea

[Original text : Russian]
[2 October 1950]

In connexion with the reference made by Mr. A. Y. Vyshinsky, Chairman of the U.S.S.R. delegation, in his speech in today's meeting of the First Committee on the Korean question, to a cablegram dated 28 September 1950 from Mr. Pak Hen En, Minister of Foreign Affairs of the Korean People's Democratic Republic, to the President of the United Nations General Assembly and the President of the Security Council, I have the honour to enclose herewith a copy of this cablegram. The attached Russian translation of this cablegram was published in the Moscow Press on 30 September 1950.

I am sending a copy of this cablegram simultaneously to Mr. N. Entezam, President of the United Nations General Assembly.

I should be grateful if you would arrange for copies of the enclosed cablegram to be circulated to all delegations to the General Assembly as a First Committee document.

(Signed) B. PODTSEROB
Secretary-General of the
U.S.S.R. delegation

CABLEGRAM DATED 28 SEPTEMBER 1950 FROM THE MINISTER OF FOREIGN AFFAIRS OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF KOREA TO THE PRESIDENT OF THE UNITED NATIONS GENERAL ASSEMBLY AND TO THE PRESIDENT OF THE SECURITY COUNCIL

Pyongyang, 28 September 1950

1. The American intervention in Korea organized under the flag of the United Nations, with the participation of a number of other States which have sent their armed forces to Korea under pressure from the United

States, has now been continuing for three months. Throughout this period the blood of the Korean people has flowed in torrents, peaceful Korean towns and villages have been devastated, and the national wealth created by the labour of the Korean people has been destroyed. The United States is wholly responsible for the countless

miseries and sufferings brought upon our people by the American intervention and by the war instigated in Korea by the American imperialists and their Syngman Rhee agents.

2. Through its official representatives in Korea the United States Government inspired and directed the Syngman Rhee clique to bring about internecine war in Korea, giving it political, military and economic support and directing the establishment and training of the Syngman Rhee army and the preparation of plans for attacking North Korea. The puppet régime of Syngman Rhee was set up and utilized by the American imperialists with the aim of enslaving Korea and converting it into a base for American aggression in the Far East. The Syngman Rhee Government slavishly carried out the instructions of its American masters and devoted all its efforts to the task of preparing for an armed attack upon North Korea, which it started on 25 June 1950.

3. To justify their aggression against the Korean people the American interventionists are now endeavouring to throw the blame for the outbreak of war in Korea upon the Government of the Korean People's Democratic Republic, asserting that the events of 25 June 1950 constituted an unprovoked attack by the North Koreans upon South Korea. This story was dictated by the United States representatives to the United Nations Commission on Korea and, on the report of that body, was also accepted by the majority in the Security Council, which, in its fear that the lie would be exposed and the truth established, did not permit representatives of the Korean People's Democratic Republic to take part in the discussion on the Korean question.

4. However, the facts and documentary evidence completely unmask those who are really to blame for the war—the American imperialists and their Syngman Rhee agents. In particular, documents from the secret files of the Syngman Rhee Government which were captured when Seoul was liberated by the People's Army provide irrefutable evidence that the plans for the attack upon North Korea were conceived long before by the Syngman Rhee group and concerted with the United States Government and even with highly-placed United Nations officials. In a letter dated 10 April 1949 to Chough Pyung Ok, his personal representative in the United States, Syngman Rhee issued the following instructions: "You should discuss this situation frankly, in strict confidence, with highly-placed United Nations and United States officials. You should inform them in strict confidence of our plans for the unification of North and South Korea. We are substantially ready for this unification at the present time in all respects but one: we are short of arms and ammunition... We must have sufficient armed forces to advance to the North, join up with the army in North Korea which is devoted to us, move the iron curtain back from the 38th parallel to the river Yalu and there guard the frontier against foreign infiltration."

5. According to Kim Il Shik, the former Minister of Internal Affairs, and other Syngman Rhee leaders who were captured by the People's Army, the attack upon North Korea was scheduled for July—August 1949.

However, the failure of the Syngman Rhee forces in the incidents they provoked on the 38th parallel, the fact that a number of Syngman Rhee army units went over to the side of North Korea, and, most of all, the increased activity of the people's partisan movement against the puppet Syngman Rhee régime in the South, forced the American military leaders to revise their plans and temporarily to postpone the Syngman Rhee attack upon North Korea so as to allow a more thorough organization of the rear and the army.

6. The Syngman Rhee clique, however, was impatient. On 30 September 1949, Syngman Rhee wrote to Dr. Robert Oliver hurrying up his American friends: "I am firmly convinced that now is the psychological moment to take aggressive action and to join up with the units of the Communist army in the North which are loyal to us, so as to destroy the remaining units in Pyong-yang. We shall drive Kim Ir Sen's men into the mountains and starve them out there. Our defence line must be set up on the Tuming and Yalu rivers. Our position will then be 100 per cent better... we will all work peacefully—you in Washington and New York together with our two Ambassadors and other friends, and we here in Seoul and Tokyo, striving for one goal—that we be permitted to cleanse our country and put our affairs in order. To quote an old expression once used by Churchill, 'Give us the tools and we will finish the job'. You must convince American statesmen and American public opinion, so that they may tacitly consent to our starting operations and carrying out our programme, and also give us the necessary material support. The longer we wait, the more difficult it will be for us to do this."

7. With reference to this letter, Ambassador Chough Pyung Ok wrote to Syngman Rhee on 12 October 1949 as follows: "I have read your letter to Dr. Oliver on the question of unification, or more accurately, on the liquidation of the puppet régime of North Korea, with close attention and interest. In the present circumstances the proposals you make in your letter are the sole logical means, indeed the cardinal method, of achieving the unification which we desire. I am inclined to believe, however, that the time is not yet ripe for the realization of this programme. In the first place, I doubt whether we are adequately prepared; and world public opinion will not approve acts of this kind... I have discussed this matter with Ambassador Chang and Dr. Oliver, and we have come to the unanimous conclusion that this should be regarded as the fundamental plan of our Government, to be put into effect when we are ready and when the right moment has come."

8. In a letter of 3 November 1949 to Syngman Rhee, Chough Pyung Ok returns to the subject of Syngman Rhee's letter to Oliver, and writes as follows: "I am absolutely convinced that Korea can be unified only by utilizing the sove...¹ power of our Government. Any policy of compromise or conferences is out of the question... The cold war cannot continue indefinitely. All these world problems are insoluble without a third world war. Our unification plan must be adapted to the development

¹ Word partly illegible in original.

of the international situation as a whole. Meanwhile, the most important task of the Government is to increase our military and economic preparedness."

9. At a Press conference held on 30 December 1949, Syngman Rhee made the following plain statement: "In the new year we shall all strive as one man to regain the lost territory. Up to now, in view of the international situation, we have pursued a peaceful policy corresponding to the peaceful policy of the United States and the United Nations. We must remember, however, that in the new year, in accordance with the changed international situation, it is our duty to unify South and North Korea by our own strength."

10. The invasion of North Korea was thus already decided in 1949, and the preparations for the campaign against the North were regarded as the primary task of the South Korean "government". All that remained open was the date for the attack.

11. American officials and military experts in Korea bent all their efforts towards hastening the preparations for war. In order to secure the rear, the state of which caused the Americans and the followers of Syngman Rhee great anxiety, repressive measures of unprecedented cruelty were taken against the democratic movement and its members. These measures were put into effect under the direct orders of American representatives. Towards the end of July 1949, for example, Mr. Muccio, Ambassador of the United States, summoned General Roberts and General Page and the ministers Sihm Sung Mo, Kwon Chin Il and Kim Il Shik and issued the following instructions: "During the months of July and August large-scale preparations are to be made for the campaign against the North. Consistent measures must be taken to prevent internal disorders; mass arrests of antigovernment elements and members of the South Korean Labour Party must be made and strict observance of the State Security Law ensured. I am confident that you will do everything necessary to carry out these arrests."

12. Many thousands of South Koreans whose only "crime" was that they had expressed disapproval of the terrorist Syngman Rhee régime and desired the peaceful unification of their country were thrown into prison, tortured and shot. Particular attention was devoted to the suppression of the partisan movement, the South Korean people's reply to the cruel oppression of the Syngman Rhee Government. According to a statement by Kim Il Shik, General Roberts, the head of the United States Military Mission, personally elaborated the plan and directed operations for the suppression of the National Partisan Movement. Under his orders, in the areas where the partisans operated, 450,000 homesteads belonging to peaceful inhabitants suspected of giving aid to the partisans, or simply of complicity with them, were burnt down and laid waste. As a result of these draconic measures hundreds of thousands of people were left homeless and without means of subsistence. Masses of innocent people were brutally exterminated by the henchmen of Syngman Rhee with the sole purpose of terrorizing the people and suppressing their will to fight for freedom. The Americans and the followers of Syng-

man Rhee made efforts to dispose of the partisans at all costs by February or March 1950, in order to free their hands for the invasion of North Korea.

13. In conformity with the plan for the invasion of the North, the training of the South Korean Army was accelerated, airfields were built and the South Korean ports placed on a war footing in order to enable the United States air, naval and land forces to launch military operations on Korean territory at any moment. The training of the South Korean Army was directed by the United States Military Mission in Seoul.

14. The Syngman Rhee Government readily offered the South Korean ports for use as American naval bases, and the former Japanese naval base at Chinghae was secretly transformed into the principal American naval base. After the visit by American warships to South Korea, Bon Il Sung, chief of the naval staff of South Korea, wrote on 18 July 1949 to Admiral Radford, the Commander of the United States Pacific Fleet, as follows: "We shall be happy to offer certain of our ports, including Inchon, Pusan, Yosu, Mogpho and the naval base of Chinghae, for use as temporary bases by any unit belonging to a fleet under your command".

15. In addition, great efforts were made to increase the political reliability of the army, particularly after the desertion to the North in 1949 of certain units of the Syngman Rhee forces. A ruthless purge of the army was carried out. American advisers attended in person executions of soldiers and officers suspected of unreliability. Mr. Muccio, the United States Ambassador in Seoul, urged Syngman Rhee's ministers not to hesitate before the most barbarous measures. "From the humanitarian standpoint some people may say that this is wrong," he said in January 1949, "but for the achievement of our ends these acts are fully admissible."

16. In order to create an atmosphere of tension, prepare public opinion for the aggression which was under way, and give the armed forces of the Syngman Rhee Government tactical training, a large number of incidents were provoked along the 38th parallel. In the meantime the South Korean authorities, the American officials and the United Nations Commission proclaimed to all the world that these incidents were due to attacks by the North Koreans against the South.

17. In repeated statements made during 1949 and the first half of 1950, the Government of the People's Democratic Republic of Korea revealed the true intention which lay behind these provocative attacks, the object of which was to unleash internecine war. Copies of these statements by the Government of the People's Democratic Republic of Korea were sent at the time to the Secretary-General of the United Nations with the request to bring them to the knowledge of all the Members of the United Nations. Documents seized by the National Army in Seoul fully confirm the accuracy of the statements made by the Government of the People's Democratic Republic of Korea. Thus General Roberts, the head of the United States Military Mission at Seoul, admitted at a meeting of divisional commanders of the

Syngman Rhee army on 2 August 1949 that all the incidents along the 38th parallel had been provoked by the South Korean forces. "My colleague and I," he said, "are fully convinced that all the attacks on South Korea are reprisals, and that almost every incident has been provoked by the South Korean security forces". At a meeting of divisional commanders on the army staff held in October 1949, Roberts said: "Attacks on territory north of the 38th parallel have been and will continue to be carried out on my orders. However, many military units launch arbitrary attacks against the North, squander masses of shells and obtain no results in spite of heavy losses. Attacks on the territory north of the 38th parallel may be carried out by the 'National Defence Army' only on the orders of the United States Military Experts' Mission".

18. In a letter dated 6 April 1949 to Syngman Rhee, Chang Myun, Syngman Rhee's Ambassador to the United States, wrote: "General Wedemeyer has made the personal and confidential recommendation that we send well-trained, reliable and competent young people into North Korea with the object of sowing distrust towards the Communist system and the national government and preparing the way for the Republic".

19. The plan of espionage and sabotage seized in the archives of the Syngman Rhee Government provided for the organization of sabotage on the railways, in industry and in public institutions. The plan provided for the destruction of bridges and the organization of railway accidents, the destruction of factories, power stations and warehouses, the burning of buildings and public institutions, the issue of counterfeit currency, and the infection of rivers and reservoirs with bacteria. The plan also provided for the assassination of political and social leaders in the People's Democratic Republic of Korea and of workers in the People's Army. Korea played an important part in the aggressive plans of American foreign policy in the Far East. American imperialism was striving to convert Korea into its colony and a military and strategic strongpoint in the Far East. The collapse of the plans of American imperialism in China increased the value of the Korean strongpoint in the eyes of the Government of the United States of America. On the other hand, Korea was regarded as the most convenient place for developing a programme of aggression aimed at restoring the injured prestige of the United States of America in the Far East as a whole. In No. 48-49, dated 28 January 1949, of the secret bulletin of the State Department's intelligence section, it was pointed out that the United States of America was attempting by the establishment of a stable and friendly government in Korea to secure the partial stabilization of the situation in the Far East, and by its successes in Korea to compensate for its diplomatic defeats in other parts of Asia.

20. The United States promised Syngman Rhee full military support in a campaign against the North. Kim Dong Shik has testified that when Mr. Sebald, General MacArthur's chief adviser, visited Seoul in January 1950 he assured Syngman Rhee that when the campaign against the North began the American fleet and aircraft based

on Japan would fight on the side of the South Korean Government. In February 1950 Syngman Rhee, accompanied by the Chief of Staff of the South Korean army, went to Tokyo, where an agreement was reached with General MacArthur for intensifying the preparations for an attack on the North. According to a statement by Moon Hak Won, Syngman Rhee's political adviser, General MacArthur gave Syngman Rhee concrete instructions on preparatory measures, remarking that control of the military operations of Syngman Rhee's army must be transferred to himself (General MacArthur).

21. By May 1950 it was the opinion of American specialists that the preparations of the Syngman Rhee army for the attack on North Korea were complete. The military operations against North Korea were fully planned and recorded on a strategical map which fell into the hands of the People's Army when Seoul was liberated. A cinematograph film discovered in the secret archives of the Syngman Rhee Government proves that Mr. Dulles was acquainted with this strategical map at the time of his visit to South Korea.

22. On 9 May, Mr. Johnson, chief of the Korean section of the Economic Co-operation Administration of the United States of America, stated in the Appropriation Committee of the House of Representatives of the American Congress that the hundred-thousand-strong army of South Korea, provided with American equipment and trained by an American military mission, had completed its preparations and could begin war at any moment. At precisely the same time Syngman Rhee twice stated in the Press that May and June would be the most critical months in the history of Korea. It is no coincidence that also at that same time a visit was paid to the Far East by Mr. Johnson, War Minister of the United States of America, General Bradley, Chief of the General Staff of the American army, and Mr. Dulles, State Department adviser, all of whom had secret consultations with General MacArthur.

23. Mr. Dulles made a special visit to South Korea. Syngman Rhee was assured by Ambassador Chang Myun in a letter of 14 June 1950 that before departing for Korea Mr. Dulles had assured him that the United States would not abandon Korea and would render assistance. When touring the area of the 38th parallel during his visit to South Korea, Mr. Dulles made provocative speeches to the Syngman Rhee troops praising their military prowess and urging them to increase their military preparedness. "Not even a strong opponent will be able to resist you," he declared to the Syngman Rhee soldiers. "You will not have to wait long for the time when you will be able to display your strength."

24. In his speech in the South Korean National Assembly on 19 June, Mr. Dulles, giving his blessing to the Syngman Rhee forces and urging them on to military adventure, said that the United States was prepared to give all the necessary moral and material support to a South Korea fighting against Communism. In his farewell letter to Syngman Rhee, dated 20 June 1950, Mr. Dulles stressed the part assigned to Korea in the forthcoming events. He wrote: "I attach great import-

ance to the decisive part which may be played by your country in the great drama that is now unfolding ”.

25. As Syngman Rhee pointed out in his letter to Ambassador Chang Myun of 18 June 1950, Mr. Dulles fully agreed with Syngman Rhee's whole policy. As Kim Il Shik writes, Dulles declared to Syngman Rhee and Sihn Sung Mo that although the situation in the country after the attack on the North would be unpleasant, it would be necessary to hold out for at least one week during which the United States of America would force the United Nations to act, and that land, sea and air forces would be mobilized in the name of the United Nations. A special place was assigned to the United Nations in the piratical plan of attack on North Korea.

26. The American imperialists and the supporters of Syngman Rhee were counting on being able to cloak with the authority of the Security Council any aggressive action they might take in Korea. It has been fully established that the United Nations Commission, acting as a screen and instrument of the aggressive U.S.A. policy in Korea, based its reports on material prepared by the American Embassy and the American intelligence organs in Korea. The Commission faithfully followed the instructions of the American representatives and unceremoniously falsified the facts in the interests of the United States of America.

27. According to a statement by Kim Il Shik, former Minister of Internal Affairs of the Syngman Rhee government, General Roberts, instructing the Syngman Rhee ministers in January 1950, informed them as follows : “ The plan of campaign against the North has been decided upon. There is not much time left now before a beginning must be made with putting it into effect. Even though we shall begin the attack, we must nevertheless find a pretext providing some justification. The report of the United Nations Commission is of paramount importance in this connexion. The United Nations Commission will naturally submit a report favourable to the United States of America. But you all know that you also must at the same time win the sympathy of the United Nations Commission and give your attention to this matter ”.

28. The available documents reveal the ugly part played by certain leading figures in the United Nations in preparing the internecine war in Korea. Mention has already been made of the fact that the plan of armed attack on the North was discussed in strict secrecy by the American and Syngman Rhee representatives with leading representatives of the United Nations, who were thus fully acquainted with those aggressive plans. The membership and secretariat of the last United Nations Commission in Korea were selected in such a way as that the Commission should not only be a fully reliable screen but should actually collaborate in carrying out the plans of armed attack on North Korea.

29. In a letter to Syngman Rhee of 3 November 1949, Chough Pyung Ok reported with satisfaction that, under the pressure of the United States delegation and State Department, the President of the General Assembly and

the Secretary-General of the United Nations had begun to give adequate attention to the selection of appropriate members for the Commission. He remarked that Syria, which had previously caused some unpleasantness in the Commission, would be replaced by Turkey, and that Mr. Trygve Lie, the Secretary-General, had appealed to the Governments members of the Commission to appoint persons with strong convictions as their representatives on the Commission. Chough Pyung Ok further reported that Mr. Trygve Lie and his assistant Mr. Cordier (an American) had assured him that five former members of the Commission's Secretariat who were undesirable to the Syngman Rhee Government would be replaced and that a completely “ new and sound ” Secretariat would be created.

30. In preparing the attack on the North, the Syngman Rhee clique and its American masters were counting on an easy victory. In the letter to Ambassador Chough Pyung Ok, already mentioned, Syngman Rhee confidently asserted that the military operations against North Korea would not present any difficulty. This confidence in an easy victory was repeatedly expressed in public by Syngman Rhee and other representatives of the South Korean Government.

31. The Government of the People's Democratic Republic of Korea, which had long been aware of the aggressive plans of the Syngman Rhee clique against the people, strove to avoid an internecine war and took all the steps within its power to secure a peaceful unification of the country. The majority of the Korean people rallied to the programme for the peaceful unification of Korea put forward by the single Democratic Fatherland Front as early as June 1949. This programme was fully supported by the Government of the People's Democratic Republic of Korea. The proposal for peaceful unification of the country was again put forward by the single Democratic Fatherland Front at the beginning of June 1950. In June 1950 the Presidium of the Supreme National Assembly of the People's Democratic Republic of Korea, taking into account the desire of the Korean people for a peaceful unification of the country and the desires of the democratic parties and public organizations, made a proposal for the peaceful unification of the country by means of the amalgamation of the Supreme National Assembly of the People's Democratic Republic of Korea and the “ National Assembly ” of South Korea.

32. What has been said makes it perfectly clear why the Syngman Rhee clique, whose basic plan was armed attack on the North, consistently opposed these suggestions for the peaceful unification of the country. As early as May 1950, the Government of the People's Democratic Republic of Korea received reliable information that the Syngman Rhee clique had determined to commence the attack on North Korea in the middle of June 1950. This permitted the Government of the People's Democratic Republic of Korea to take timely steps to beat off the attack of the Syngman Rhee forces. In calculating on an easy victory, the Syngman Rhee clique and its American masters made a serious mistake.

33. In retaliating against the attack of the Syngman Rhee armies, the People's army inflicted a decisive defeat on them. Foreseeing the rapid and complete defeat of their satellites in Korea, the American imperialists commenced open armed intervention against the Korean people, thus confronting the United Nations with a *fait accompli*. The American Government's attempt to disguise its intervention in Korea by a Security Council resolution is obviously ill-founded. That resolution was adopted after President Truman had proclaimed the beginning of intervention and after American forces had attacked Korea. It was adopted in contravention of the fundamental principles and provisions of the United Nations Charter and cannot, therefore, be regarded as legally valid.

34. Contrary to the requirement of the United Nations Charter on the unanimity of the permanent members of the Security Council, the resolution was adopted in the absence of two permanent members, the Soviet Union and China. The pro-American majority in the Security Council based its resolution on unilateral fabricated information from execrable traitors to the Korean people and from the United Nations Commission. The representatives of the People's Democratic Republic of Korea were not allowed to participate in the discussion of the Korean question in the Security Council. That resolution, sanctioning American aggression in Korea *ex post facto*, constitutes a flagrant violation of the United Nations Charter in yet another respect, since it provides for armed interference in the internal affairs of Korea, whereas the United Nations Charter explicitly prohibits United Nations interference in the internal affairs of any State. Internal conflicts do not fall within the competence of the Security Council, and every people is fully entitled to settle its own affairs as it wishes.

35. American armed intervention aroused in the Korean people righteous hatred of the American aggressors. United around the Government of the People's Democratic Republic of Korea, the Korean people rose as one man to fight against the aggressors for the freedom and independence of their country. When the American aggressors met with strong resistance from the national armies and the Korean people as a whole, in revenge for the defeats which they had suffered at the front they resorted to barbarous and criminal methods of conducting war, unashamedly disregarding the existing rules of international law and human ethics.

36. The Government of the People's Democratic Republic of Korea, in its statements of 5 August and 7 September of this year, informed the Security Council of these numerous instances of atrocities perpetrated by the American aggressors in Korea. Nevertheless, the pro-American majority in the Security Council ignored the protest of the Government of the People's Democratic Republic of Korea and prevented the adoption of measures for the cessation of those atrocities.

37. The American air force continues to make savage raids on undefended Korean towns and villages; it destroys dwelling houses, thus depriving the population of shelter and property, destroys schools, theatres and other cultural establishments, and annihilates the civilian population, including old men, women and children, with unprecedented cruelty. There have been cases of deliberate bombardment of infirmaries, hospitals and hospital trains clearly marked with various Red Cross insignia. As a result of American air force raids, the towns of Chinnampo, Chongjin, Wonsan, Taejon, Kunsan, Iri, Namwon, Chinju, Wonju, Pyongtaek, Angson, Uijongbu, Chumunjin, Donduchen and many others have been almost completely destroyed. All the villages and small towns in South Korea, and certain places in North Korea situated near main roads, have been razed to the ground. The number of casualties among the civilian population of North and South Korea is stupendous.

38. The American Command, which is determined to destroy Korean economy and to reduce the Korean people to destitution, is directing its air force against industrial centres and destroying enterprises which have no connexion with war industries. As a result of American air force raids the largest fertilizer factory in Korea, at Hungnam, the metallurgical works at Hwanghae, the textile factories at Pyongyang, Sinan and Wonsan, the soya and oil factories at Chinnampo, Wonsan, Pyongyang and Chongjin, the non-ferrous metal works at Chinnampo and many other enterprises have been absolutely destroyed. All the large-scale industrial enterprises and most of the medium-sized and small enterprises in Korea have been absolutely destroyed by the American air force.

39. The American aggressors do not hesitate to commit the most monstrous atrocities in their war against the Korean people. They are trying, unsuccessfully, to break by their cruelty the Korean people's determination to resist, and to stifle that people's aspirations towards freedom and independence.

40. On behalf of the Korean people, the Government of the People's Democratic Republic of Korea protests once again against the armed intervention in Korea and appeals to the United Nations to condemn the atrocities of American armed forces in Korea and to take steps towards the immediate cessation of foreign intervention and the withdrawal of the aggressors' troops from Korea.

41. I ask you to communicate the contents of this statement from the Government of the People's Democratic Republic of Korea to all the Members of the United Nations and to inform me of any measures that may be taken with regard to this question. I am also sending you by air mail photostat copies of documents to which reference is made in this statement.

(Signed) PAK HEN EN
Minister of Foreign Affairs of the
People's Democratic Republic of Korea.

DOCUMENT A/C.1/565/Add.1**Addendum to the letter dated 2 October 1950 from the Secretary-General of the delegation of the Union of Soviet Socialist Republics addressed to the Secretary-General transmitting a cablegram from the Minister for Foreign Affairs of the People's Democratic Republic of Korea**

[Original text : English]

[6 November 1950]

Note by the Secretariat.

In connexion with a cablegram dated 28 September 1950 from the Minister for Foreign Affairs of the Korean People's Democratic Republic (A/C.1/565, dated 2 October 1950), various documents captured in Seoul by the Korean

People's Army have been mentioned. The Secretariat wishes to announce that photostatic copies of these captured documents have been received and may be consulted by members of United Nations delegations in Room A.3-108, Lake Success.

✓DOCUMENT A/C.1/567**Union of Soviet Socialist Republics, Ukrainian Soviet Socialist Republic, Byelorussian Soviet Socialist Republic, Poland and Czechoslovakia : joint draft resolution**

[Original text : Russian]

[2 October 1950]

Taking into consideration that the legitimate aspirations of the Korean people for the establishment of a unified, independent and democratic Korean State have not yet been fulfilled;

Bearing in mind that the principal task of the United Nations Organization is to bring about by peaceful means, and in accordance with the principles of international law and justice, the settlement of disputes which might lead to a breach of universal peace;

Pursuing the aim of settling peacefully the problem of Korea and re-establishing peace and security in the Far East;

The General Assembly recommends :

1. To the belligerents in Korea that they immediately cease hostilities;

2. To the Governments of the United States and the Governments of other States that they immediately withdraw their troops from Korea and thereby establish conditions which would secure for the Korean people the possibility of enjoying the inalienable sovereign right to settle freely the internal affairs of their State;

3. That after the withdrawal of foreign troops and for the purpose of establishing a Government of a unified and independent Korean State, all-Korean elections to a National Assembly be held as soon as possible on the basis of the free expression of the will of the population of all Korea;

4. A joint (parity) commission composed of the representatives of North and South Korea shall be elected at a joint assembly of the deputies of the Supreme People's Assembly of the People's Democratic Republic of Korea and of the National Assembly of South Korea to organize and conduct free all-Korean elections to the National Assembly of all Korea; the joint assembly shall also elect an interim all-Korean committee to carry out the functions of governing the country and to operate pending the election of the all-Korean National Assembly and the establishment of a permanent all-Korean Government;

5. That a United Nations Committee, with the indispensable participation in it of the representatives of States bordering on Korea, be established to observe the holding of free all-Korean elections to the National Assembly;

6. That for the purpose of rehabilitating Korean national economy which has suffered from the war the Economic and Social Council immediately draw up, with the participation of the representatives of Korea, plans for providing the necessary economic and technical aid to the Korean people through the United Nations Organization;

7. That after the establishment of the all-Korean Government the Security Council consider the question of admitting Korea to membership of the United Nations Organization.

DOCUMENT A/C.1/570

El Salvador : amendment to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan Philippines, United Kingdom (A/C.1/558)

[Original text : English]
[2 October 1950]

Substitute the following for paragraph (a) after the words “ Resolves that ”, on page 2 of document A/C.1/558 :

“ (a) The United Nations Commission on Korea be continued, with the addition of [*number of*] new members, which will be [*names of countries*], and with the following additional functions :

“ (i) To represent the United Nations in bringing

about the establishment of a unified, independent and democratic Government of all Korea; and

“ (ii) To exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council.

“ The Commission should reside in Korea and begin to carry out its functions as soon as possible; ”

DOCUMENT A/C.5/373

Financial implications of the draft resolution proposed by the First Committee (A/1422) : report by the Secretary-General

[Original text : English]
[5 October 1950]

1. At its 353rd meeting held on 4 October 1950, the First Committee recommended that the General Assembly approve a resolution concerning the problem of the independence of Korea which calls for the establishment of a United Nations Commission for the Unification and Rehabilitation of Korea; for the holding of elections under the auspices of the United Nations for the establishment of a unified, independent and democratic government of the sovereign State of Korea; and for the development by the Economic and Social Council of relief and rehabilitation plans.

2. The following preliminary estimates of the budgetary consequences of these proposals are submitted to the Fifth Committee for its use in accordance with rule 152 of the rules of procedure of the General Assembly.

I. *United Nations Commission for the Unification and Rehabilitation of Korea*

3. It is estimated that the establishment of a commission as proposed in the draft resolution would entail the expenses listed below; the assumption being that staff comparable in number and grade to that now provided for the existing Commission would be made available.

	<i>US dollars</i>
Temporary assistance.....	105,250
Travel and subsistence of members.....	117,200
Travel and subsistence of staff.....	132,850
Communications.....	7,000
Rental and maintenance of premises.....	10,800
Stationery and office supplies.....	2,000
Contractual printing.....	30,000
Local transportation (including operation of a United Nations plane).....	32,000
Freight, cartage and express.....	10,000
Insurance.....	2,000
Miscellaneous expenses.....	15,000
Miscellaneous equipment.....	5,000
TOTAL	469,100

4. Under temporary assistance, provision is made for nine persons internationally recruited to serve the commission (\$55,050), thirteen local recruits at an established cost of \$800 per month (\$10,200) and ten persons to be temporarily employed at Headquarters in replacement of staff assigned to the mission (\$40,000).

5. Under travel and subsistence of members, provision is made for round-trip costs (\$25,200) and daily subsistence allowance of \$20 for each of seven members and seven alternates serving the commission, less a deduction of 10 per cent for periods of absence from the mission area (\$92,000).

6. The \$132,850 estimated under travel and subsistence of staff will cover :

(a) Twenty-eight round-trip costs for internationally recruited and Headquarters staff assigned to the mission (\$50,400);

(b) Subsistence allowance for thirteen staff members at \$7 per day, fourteen staff members at \$10 per day and one staff member at \$20 per day, less 10 per cent deduction for periods of absence from the mission area (\$82,450).

7. Under contractual printing and the other items, the estimates are based on experience of the 1950 Commission.

II. *Holding of elections under the auspices of the United Nations*

8. In the absence of knowledge as to the methods of holding elections in Korea, it is very difficult to establish even an approximate estimate of the costs which would fall upon the United Nations budget under this heading.

9. On the assumption that preparations for the elections, as well as the holding of the elections, were

to be the responsibility of the authorities locally and that the only responsibility of the United Nations would be to supervise the elections, the expenses to be borne by the United Nations would relate mainly to travel and subsistence of observers for a period of two months.

10. On this basis, the cost per observer would amount to \$2,400. While no figure can be estimated at this

time as to the number of observers, it is conceivable that several hundred might be required.

III. *Development of relief and rehabilitation plans*

11. No estimate can be presented until the Economic and Social Council has made its recommendations. However, these expenses presumably would be met outside the regular budget of the United Nations.

DOCUMENT A/1424

Financial implications of the draft resolution proposed by the First Committee (A/1422) : report of the Fifth Committee

Rapporteur : M. B. G. FOURIE (Union of South Africa)

[Original text : English]
[5 October 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in a letter dated 4 October 1950, addressed to the Chairman of the Fifth Committee, the Committee, at its 242nd meeting held on 5 October 1950, considered the effect on the budget estimates of the United Nations of the draft resolution adopted on 4 October 1950 by the First Committee concerning the problem of the independence of Korea.

2. The Fifth Committee had before it a report of the Secretary-General (A/C.5/373) giving preliminary estimates of the costs involved in the establishment of a Commission as proposed in the draft resolution of the First Committee, together with observations on the possible budgetary consequences of the First Committee's proposals concerning the holding of elections under the auspices of the United Nations for the establishment of a unified, independent and democratic government in the sovereign State of Korea and concerning the development by the Economic and Social Council of relief and rehabilitation plans. In view of the urgency with which the Fifth Committee was requested to consider this matter, it was agreed to submit an immediate report to the General Assembly without prior examination by the Advisory Committee on Administrative and Budgetary Questions of the estimates as presented by the Secretary-General. It was further agreed that this procedure would not constitute a precedent and that the estimates would later be reviewed in detail by the Advisory Committee before the Fifth Committee was requested to recommend an actual appropriation of the funds required.

3. The Secretary-General estimated that the establishment of the proposed Commission would involve expenditure over a twelve-month period totalling approximately \$469,100. The Committee was informed that this estimate was based on the assumption that staff

comparable in number and grade to that now provided for the existing Commission would be made available. In the absence of knowledge as to the arrangements under which the elections will be held it was considered impossible to establish even an approximate estimate of the costs which would fall on the United Nations budget in this connexion. The Committee noted the opinion of the Secretary-General that such costs would in all probability relate mainly to travel and subsistence of observers for a period of two months on the assumption that preparations for the elections, as well as the holding of the elections, will be the responsibility of the authorities locally and that the responsibility of the United Nations will be limited to that of supervision. On this basis, it is believed that the cost per observer will amount to approximately \$2,400 and that several hundred observers may conceivably be required. As regards development of relief and rehabilitation plans, the Committee is unable to present an estimate until the Economic and Social Council has made its recommendations. The Committee assumes, however, that expenditure under this heading will be met outside the regular budget of the United Nations.

4. For reasons which had been fully stated in the course of the discussion in the First Committee, the representatives of the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic, Czechoslovakia, the Byelorussian Soviet Socialist Republic and Poland requested that the opposition of their delegations to the appropriation of any funds for the purposes of the draft resolution should be formally recorded. On being put to the vote, the estimates as submitted by the Secretary-General were approved by 40 votes to 5, with 1 abstention.

5. The Fifth Committee therefore decided to recommend to the General Assembly that note should be taken of the following financial implications of the draft resolu-

ution proposed by the First Committee concerning the problem of the independence of Korea :

(a) That the establishment of a Commission as proposed in the draft resolution would involve expenditure over a period of twelve months of approximately \$469,100;

(b) That this estimate is exclusive of the additional

costs which would fall on the budget of the United Nations in connexion with the holding of elections under United Nations auspices;

(c) That this estimate is exclusive also of expenses which may be incurred in connexion with the development of relief and rehabilitation plans, which expenses it is assumed would be met outside the regular budget of the United Nations.

DOCUMENT A/1526

Plans for the relief and rehabilitation of Korea : eighteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[17 November 1950]

1. At its 53rd meeting on 13 November 1950, the Joint Second and Third Committee decided that, before voting on the draft resolution submitted to the General Assembly by the Economic and Social Council on the subject of plans for the relief and rehabilitation of Korea (A/1493),² it should request the advice of the Fifth Committee concerning the financial arrangements for the programme as a whole, including the provisions of paragraph 7 of the operative part of the draft resolution.

2. In accordance with a decision taken by the Fifth Committee at its 264th meeting on 14 November 1950, the Advisory Committee on Administrative and Budgetary Questions has considered the above matter.

3. In addition to the text of the draft resolution, the Advisory Committee had before it the records of the relevant discussions in the Joint Committee (A/C.2&3/SR.52 and 53) and in the Economic and Social Council (E/SR.399-411, 416-433), together with a report by the Temporary Committee on the Formulation of a Provisional Programme for the Relief and Rehabilitation of Korea (E/1864).³

4. The present report is limited to the comments and recommendations which are submitted below on the specific questions referred by the Fifth Committee to the Advisory Committee, and observations are therefore not offered on the estimated cost of the programme (A/1493, annex) or on the detailed administrative arrangements proposed for its implementation.

5. The Advisory Committee takes note that, under paragraph 4 (e) (4) of the operative part of the draft resolution, the Agent General is directed to arrange, in consultation with the Advisory Committee on Administrative and Budgetary Questions, for an audit of the accounts of the Agency under procedures similar to those applicable to the audit of the accounts of the United Nations. The Committee assumes that the scope of such an audit would include methods of verification and inspection normally applied to operations of a similar cha-

racter, and it proposes to give further consideration to this point when it examines the financial regulations for the United Nations Korean Reconstruction Agency (paragraph 4 (e) (3) of the draft resolution).

6. Paragraph 7 of the draft resolution provides that the Agent General shall be authorized "to use contributions in kind or services at his discretion." The Advisory Committee construes this provision as applying solely to such contributions (in kind or services) as are proffered to, and accepted by, the Agent General, in conformity with regulation 7.2 of the Financial Regulations of the United Nations.

7. The Advisory Committee further presumes that contributions from specialized agencies, non-member States and other sources will be considered as an offset against the total programme.

8. Pending the receipt of contributions to the programme, it would be necessary, during the last part of 1950 and the first two or three months of 1951, to make advances from the Working Capital Fund to cover administrative expenses. The Advisory Committee was informed that a sum of not more than \$1,000,000 should prove adequate for this purpose, and it is prepared to concur in such advances from the Fund, on the assumption that it will be possible for repayment to be made during the early part of 1951 from the special account envisaged in paragraph 7 of the draft resolution.

9. In its report on assistance to Palestine refugees (A/1516, paragraph 13), the Advisory Committee has recommended the appointment of a "negotiating committee" to negotiate during the current session of the General Assembly, with Member and non-member States, the amounts which Governments may be willing to contribute to the programmes for such assistance. A similar procedure appears desirable in the case of the programme for the relief and rehabilitation of Korea.

10. The Advisory Committee has given consideration to the question whether a single negotiating committee could be appointed to handle both problems and, if only on administrative grounds, this is the course which the Committee would, on balance, recommend.

² See fascicule containing agenda items 12 and 24.

³ See *Official Records of the Economic and Social Council, Eleventh Session, Annexes*, Supplementary item No. 3.

DOCUMENT A/C.5/419

Revised estimates for the United Nations Commission for the Unification and Rehabilitation of Korea : report by the Secretary-General

[Original text : English]
[28 November 1950]

1. Following approval by the First Committee, at its 353rd meeting held on 4 October 1950, of resolution A/C.1/558 as amended establishing a United Nations Commission for the Unification and Rehabilitation of Korea, preliminary estimates of the financial implications were submitted to the Fifth Committee (A/C.5/373) on the assumption that staff comparable in number and grade to that provided to the United Nations Commission on Korea in 1950 would be adequate.

2. To furnish adequate facilities and services for the Commission, it now appears that the following funds will be required for 1951 :

	<i>US dollars</i>
Temporary assistance	242,200
Travel and subsistence of members.....	94,400
Travel and subsistence of observers	26,500
Travel and subsistence of staff.....	267,500
Communication services	15,000
Rental and maintenance of premises	30,000
Stationery and office supplies	2,400
Local transportation	4,000
Maintenance and operation of transportation equipment	79,200
Freight, cartage and express.	15,000
Insurance	8,200
Miscellaneous expenses	15,000
Office furniture, fixtures and equipment ..	5,000
Purchase of motor vehicles	6,300
Alterations and improvement of premises .	10,000
Miscellaneous equipment.....	10,000
Contractual printing	9,300
	840,000

3. Under temporary assistance, provision is requested for 16 internationally recruited staff as shown in Annex A (\$81,270) and for 30 local recruits including interpreters, mimeograph operators, drivers, cleaners, and messengers (\$20,000). Provision is also requested for temporary replacement at Headquarters of 50 per cent of professional staff and all secretaries shown in Annex A, on the assumption that, after 1 July 1951, it will be possible to reduce the staff detailed from Headquarters to the Commission by one-third (\$140,930).

4. Funds for the transportation of the representatives and alternates to the Commission have already been included in the 1950 supplementary estimates for the Korean Mission. For 1951, provision under travel and subsistence of members is made only for 7 round-trips for replacement of representatives at the end of one year assignment (\$12,600). Subsistence allowance for 14 representatives and alternates is computed at the rate of \$20 per day less about 20 per cent for periods of absence (\$81,800).

5. It is not possible at present to determine the size and number of field observer teams that may be required

by the Commission. There are 7 military observers at present serving in Korea. They are expected to continue in service throughout 1951. Under travel and subsistence of observers provision is made for subsistence allowance at the rate of \$11.50 less about 10 per cent for periods of absence (\$26,500). In the event that the number of observers has to be greatly increased, the Secretary-General will have to draw from the Working Capital Fund to meet the additional expenditures involved.

6. The sum of \$267,500 requested under travel and subsistence of staff covers (a) cost of 25 round trips between New York and Seoul for new assignments, replacements, and consultations at \$1,800 per round trip (\$45,000), (b) subsistence allowance for the Principal Secretary at \$20 per day less 10 per cent for periods of absence (\$6,570), (c) subsistence allowance for 31 staff members with dependents at \$11.50 per day and 51 staff members without dependents at \$8.50 per day, less a contemplated reduction by one-third of detailed staff members for the second half of the year, and less 10 per cent for periods of absence (\$215,930).

7. On the basis of experience during the last three months, a sum of \$15,000 is requested for communication services including cables, telephones, and postage on an average of \$1,500 per month for the first six months of 1951. An average of \$1,000 per month is provided for the remainder of the year.

8. It is planned to have a large central UN office in Seoul under a senior administrative officer in order that administrative facilities and services can be furnished economically not only to the United Nations Commission for Unification and Rehabilitation of Korea but also to all the United Nations Agencies engaged in direct relief and rehabilitation work. By such pooling arrangement the additional administrative expenses chargeable to relief work could be minimized. It is also contemplated to have subsidiary offices in Pyongyang and Tokyo. On the above basis, a sum of \$30,000 will be required for rental and maintenance of premises plus \$10,000 for necessary improvements to buildings which have to be repaired to be rendered suitable for UN Offices. Cost of new furniture, fixtures and office equipment required would amount to \$5,000.

9. Owing to the disorganization of transport facilities in Korea, and as at present there is only one commercial flight per week from Tokyo to Seoul, it will be necessary to keep in operation a UN plane for transport of members, staff, and supplies between the various UN offices. The cost of operation and maintenance is expected to amount to an average of \$10,000 per month, as about half the

cost would be in connection with relief work and therefore chargeable to the Relief Agency, provision for the plane in the present estimates is limited to \$60,000.

10. There are no vehicles for rental in Korea. It has thus been found essential to buy and maintain a fleet of cars for use by the Commission and staff. A sum of \$6,300 is provided for purchase of 3 additional jeeps, to have 24 vehicles available for transportation requirements of the Commission members, observers, and staff totalling 104 persons. At an average of \$800 per vehicle per annum for maintenance and operation including gasoline, oil, and minor repairs, it is estimated that a total of \$19,200 would be required in 1951. Hence the total cost for maintenance and operation of all transportation equipment including half the cost of operating the plane would amount to \$79,200.

11. Under freight, cartage and express, a sum of \$15,000 is provided to defray regular pouch and air express charges at the current average of \$1,500 per month for the first six months, and an average of \$1,000 for the

second six months. The sum of \$15,000 requested under miscellaneous expenses is estimated to cover cost of flags, emergency medical bills, subscription to periodicals and other miscellaneous contractual services.

12. A sum of \$10,000 is provided under miscellaneous equipment to cover the need for heaters, field equipment, additional typewriters and coding machines. Provision for other items is based on 1950 experience.

13. The Secretary-General requests that \$840,000 be appropriated for the United Nations Commission for Unification and Rehabilitation of Korea of which \$830,700 under chapter VI, section 5 of the 1951 budget, and \$9,300, required for contractual printing, under chapter V, section 25.

14. These expenses will be partly compensated by an estimated income of \$36,000 from the assessments to be levied on the salaries of the internationally recruited and temporary replacement staff.

ANNEX A

MANNING TABLE

<i>Detailed from Headquarters</i>	<i>Internationally Recruited</i>		<i>Grade</i>	<i>Gross Salary of Internationally Recruited Staff US dollars</i>
1		Principal Secretary	19	
1		Chief Information Officer	18	
	1	Deputy Principal Secretary	16	9,360
1		Chief Administrative Officer	16	
	1	Chief Military Observer	16	9,360
1		Legal Officer.....	16	
1		Senior Information Officer	16	
	1	Communications Officer	16	9,960
1		Political Officer	16	
1		Interpreter/Translator	15	
1		Political Officer	15	
1		Supply Officer	14	
5		Political Officers	14	
2		Interpreters.....	14	
1		Information Officer	14	
3	1	Information Officers.....	13	7,130
	1	Special Services Officer	13	7,130
3		Precis Writers	13	
	1	Finance Officer	13	7,930
2		Administrative Officers	11	
1		Administrative Assistant	9	
2		Junior Finance Officers.....	9	
1		Documents Officer.....	8	
1		Junior Supply Officer.....	7	
1		Secretary	7	
2		Secretaries	6	
6		Secretaries	5	
	10	Secretaries (Male)	4	30,400
<u>28</u>		Field Service Personnel		
67	16			<u>81,270</u>

DOCUMENT A/C.2&3/L.32/Rev.2**Chile : amendment to the draft resolution submitted by the Economic and Social Council (A/1493)**

[Original text : Spanish]
[13 November 1950]

1. Delete the seventh and eighth paragraphs of the preamble and instead insert the following paragraphs :

“ *Considering* that, under the said resolution of 7 October 1950, the United Nations Commission for the Unification and Rehabilitation of Korea is the principal representative of the United Nations in Korea and hence must share in the responsibility for and execution of all the work undertaken by the United Nations in furtherance of the objects and purposes mentioned in the said resolution,

“ *Considering* that it is nevertheless desirable to set up a special authority with broad powers to assume such functions and responsibilities related to technical and administrative matters and to questions affecting

organization and implementation as are to be exercised under the plans for relief and rehabilitation to be prepared by the General Assembly, ”

2. Between paragraphs 2 and 3 of the operative part insert a new paragraph reading as follows :

“ The Commission shall keep the provisional programme adopted by the General Assembly on the recommendation of the Economic and Social Council under constant consideration and review, and, if it should consider that the said programme is inadequate to meet the needs of Korea as defined in the statement of general policy, the Commission may submit supplementary programmes for the consideration of the Economic and Social Council. ”

DOCUMENT A/C.2&3/L.32/Rev.3**Chile, United States of America and Uruguay : joint amendments to the draft resolution submitted by the Economic and Social Council (A/1493)**

[Original text : English]
[14 November 1950]

1. In the first paragraph of the Chilean amendment (A/C.2&3/L.32/Rev.2) delete the words “ and execution of all ”, so that the paragraph would read :

“ *Considering* that, under the said resolution of 7 October 1950, the United Nations Commission for the Unification and Rehabilitation of Korea is the principal representative of the United Nations in Korea and hence must share in the responsibility for the work undertaken by the United Nations in furtherance of the objects and purposes mentioned in the said resolution, ”

Substitute for the second paragraph the following :

“ *Considering* that it is nevertheless desirable to set up a special authority with broad powers to plan and supervise rehabilitation and relief and to assume such functions and responsibilities related to planning and supervision, to technical and administrative matters,

and to questions affecting organization and implementation as are to be exercised under the plans for relief and rehabilitation approved by the General Assembly, ”

2. Insert new paragraph between operative paragraphs 2 and 3 of draft resolution A in document A/1493, reading as follows :

“ [Resolves that] the Commission shall from time to time consult with the Agent General in regard to the provisional programme adopted by the General Assembly on the recommendation of the Economic and Social Council and especially with regard to the adequacy of that programme to meet the needs of Korea as defined in the statement of general policy, and may make recommendations thereon to the Economic and Social Council. ”

DOCUMENT A/C.2&3/L.32/Rev.4**Chile, United States of America and Uruguay : revised joint amendments to the draft resolution submitted by the Economic and Social Council (A/1493)**

[Original text : English]
[17 November 1950]

1. Delete the seventh and eighth paragraphs of the preamble and insert instead :

“ *Considering* that, under the said resolution of 7 October 1950, the United Nations Commission for

the Unification and Rehabilitation of Korea is the principal representative of the United Nations in Korea and hence must share in the responsibility for the work undertaken by the United Nations in furtherance

of the objects and purposes mentioned in the said resolution,

“ *Considering* that it is nevertheless desirable to set up a special authority with broad powers to plan and supervise rehabilitation and relief and to assume such functions and responsibilities related to planning and supervision, to technical and administrative matters, and to questions affecting organization and implementation as are to be exercised under the plans for relief and rehabilitation approved by the General Assembly, ”

2. Insert new paragraph between operative paragraphs 2 and 3 of draft resolution A contained in document A/1493 as follows :

“ [*Resolves* that] the Commission shall from time to time consult with the Agent General in regard to the provisional programme adopted by the General Assembly on the recommendation of the Economic and Social Council and especially with regard to the adequacy of that programme to meet the needs of Korea as defined in the statement of general policy, and may make recommendations thereon to the Economic and Social Council. ”

DOCUMENT A/C.2&3/L.33

United Kingdom : draft resolution

[*Original text : English*]
[11 November 1950]

The Joint Second and Third Committee

Requests the Fifth Committee, as a matter of urgency, to examine the estimates submitted and to recommend

the methods of financing for the proposed programme of relief and rehabilitation for Korea including the provisions of paragraph 7 of the draft General Assembly resolution submitted by the Economic and Social Council.

DOCUMENT A/C.2&3/L.34

Uruguay : amendments to the draft resolution submitted by the Economic and Social Council (A/1493)

[*Original text : Spanish*]
[13 November 1950]

1. Replace the second sentence of paragraph 1 of Section A of document A/1493 by the following text :

“ The Agent General shall be responsible for the execution of the programme of relief and rehabilitation in Korea—which shall be determined from time to time by the General Assembly—in conformity with the principles laid down by the General Assembly and the general regulations made by the United Nations Commission for the Unification and Rehabilitation of Korea, as provided in the following paragraphs.

“ The Agent General shall be appointed by the United Nations General Assembly, to which he shall be responsible for his administration. ”

2. In sub-paragraph (c) of paragraph 2, replace the word “ advise ” by the word “ instruct ”.

3. In sub-paragraph (e) (3) of paragraph 4, after the words “ and Budgetary Questions ” add the words “ and subject to the agreement of the United Nations Commission for the Unification and Rehabilitation of Korea ”.

4. In sub-paragraph (e) (4) of paragraph 4, after the word “ audit ” add the words “ and rendering ”.

5. Delete the text of paragraph 6 up to the words of Korea ”, and begin the paragraph with the word “ Authorizes ”.

DOCUMENT A/C.2&3/L.35

United States of America : amendment to the draft resolution submitted by the Economic and Social Council (A/1493)

[*Original text : English*]
[15 November 1950]

In paragraph 9 of Section B, delete the words “ to the Agent General ” and insert the following words : “ into an account under the control of the Agent General ”.

In the same paragraph, delete the words “ The Com-

mission may at its discretion authorize these proceeds to be used ” and instead insert the words : “ The Agent General, after consultation with the Commission for the Unification and Rehabilitation of Korea and the Advisory Committee, may use these proceeds... ”

DOCUMENT A/C.2&3/L.36**Australia : amendment to the revised joint amendments proposed by Chile, the United States of America and Uruguay (A/C.2&3/L.32/Rev.4)**

[Original text : English]
[17 November 1950]

At the end of the proposed amended eighth paragraph of the preamble of the draft resolution submitted by the Economic and Social Council, after the words " plans for relief and rehabilitation approved by the General Assembly " in the revised joint amendments submitted by Chile,

the United States of America and Uruguay (A/C.2&3/L.32/Rev.4), add the following words : " such authority to carry out its responsibilities in close co-operation with the Commission. "

DOCUMENT A/C.2&3/L.38**Amendment proposed by the Secretary-General to the draft resolution submitted by the Economic and Social Council (A/1493)**

[Original text : English]
[24 November 1950]

The Secretary-General suggests the consideration of the following amendment to paragraph 9 :

" The local currency proceeds derived from the sale of relief and rehabilitation supplies or, at the discretion of the Agent General, their approximate equivalent or an amount commensurate with the value of goods and services supplied, shall be paid into an account under the Control of the Agent General. The Agent General,

after consultation with the Commission for the Unification and Rehabilitation of Korea and the Advisory Committee, may authorize the use of these funds for appropriate additional relief and rehabilitation activities within Korea, for the local currency expenses of the relief and rehabilitation operations of the United Nations, or for measures to combat inflation. The proceeds shall not be used for any other purpose. "

DOCUMENT A/C.2&3/95**Letters concerning financial arrangements for the programme of relief and rehabilitation of Korea**

[Original text : English]
[24 November 1950]

LETTER DATED 22 NOVEMBER 1950 FROM THE PRESIDENT OF THE GENERAL ASSEMBLY TO THE CHAIRMAN OF THE JOINT SECOND AND THIRD COMMITTEE

With regard to your letter dated 14 November 1950 concerning the request of the Joint Second and Third Committee for the advice of the Fifth Committee regarding the financial arrangements for the programme of Korean relief, I attach hereto a copy of the letter dated 22 November 1950 which I have received from the Chairman of the Fifth Committee.

(Signed) Nasrollah ENTEZAM
President of the General Assembly

LETTER DATED 22 NOVEMBER 1950 FROM THE CHAIRMAN OF THE FIFTH COMMITTEE TO THE PRESIDENT OF THE GENERAL ASSEMBLY

1. In accordance with the request contained in your letter of 14 November 1950, the Fifth Committee, at its

268th meeting held on 21 November 1950, considered the question of financial arrangements for the proposed programme of relief and rehabilitation of Korea, including the provisions in paragraph 7 of the draft resolution under consideration by the Joint Second and Third Committee.

2. In addition to the text of the draft resolution (A/1493), the Fifth Committee had before it the Eighteenth Report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1526), to whom the request of the Joint Committee had been referred for examination and report.

3. Following discussion at its 268th meeting, the Fifth Committee decided by a vote of 40 to nil, with 6 abstentions, to approve the recommendations of the Advisory Committee on the understanding that the proposed negotiating committee should be composed of seven or more members appointed by the President of the General Assembly for the purpose of consulting as soon as possible during the current session of the General Assembly with Member and non-member States as to

the amounts which governments might be willing to contribute, on a voluntary basis, towards both the proposed relief and rehabilitation programme in Korea and the current and future relief and re-integration programme for Palestine refugees.

4. In accordance with the Fifth Committee's decision, I am authorized to recommend the following additional paragraphs relating to the financing of the programme for relief and rehabilitation of Korea for inclusion in the draft resolution under consideration by the Joint Committee:

" Requests the President of the General Assembly to appoint a negotiating committee composed of seven or more Members for the purpose of consulting, as soon as possible during the current session of the General Assembly, with Member and non-member States as to the amounts which governments may be willing to contribute towards the financing of the programme;

" Authorizes the Negotiating Committee to adopt procedures best suited to the accomplishment of its task, bearing in mind:

" (a) The need for securing the maximum contribution in cash;

" (b) The desirability of ensuring that any contribution in kind is of a nature which meets the requirements of the contemplated programmes; and

" (c) The degree of assistance which can be rendered by specialized agencies, non-member States and other contributors;

" Requests that, as soon as the Negotiating Committee has ascertained the extent to which Member States are willing to make contributions, all delegations be notified accordingly by the Secretary-General in order that they may consult with their governments;

" Decides that, as soon as the Negotiating Committee has completed its work, the Secretary-General shall arrange, at the Committee's request, during the current

session of the General Assembly, an appropriate meeting of Member and non-member States at which Members may commit themselves to their national contributions and the contributions of non-members may be made known."

5. By a vote of 34 to nil, with 8 abstentions, the Fifth Committee expressed its concurrence in the view of the Advisory Committee that, pending the receipt of contributions to the programme, it would be necessary during the latter part of 1950 and the first two or three months of 1951 to make advances from the Working Capital Fund to cover administrative expenses. It was informed in this connexion that a sum of not more than one million dollars should prove adequate for this purpose. The Fifth Committee's concurrence on such advances from the Working Capital Fund was given on the assumption that it would be possible for repayment to be made during the early part of 1951 from the special account envisaged in paragraph 7 of the draft resolution.

6. In the course of discussion of the Advisory Committee's recommendations, the representative of the Union of Soviet Socialist Republics expressed the opinion that the contributions of each country should be voluntary and that the arrangements agreed to should be such as to enable them to be made in national currencies for the purchase of goods or services required in Korea for the purposes of the relief and rehabilitation programme.

7. Attention is called to the observations of the Advisory Committee, in which the Fifth Committee also concurs, as contained in paragraphs 5, 6 and 7 of its report (A/1526).

8. I have the honour, therefore, to request you to bring this matter to the attention of the Joint Committee.

(Signed) Jam Saheb of NAWANAGAR
Chairman of the Fifth Committee

DOCUMENT A/1417

Letter dated 30 September 1950 from the United States representative to the United Nations addressed to the Secretary-General transmitting a special report of the Unified Command of the United Nations Forces in Korea

[Original text: English]
[30 September 1950]

LETTER FROM THE UNITED STATES REPRESENTATIVE
TO THE UNITED NATIONS

30 September 1950

I have the honor, on behalf of the Unified Command of the United Nations Forces in Korea, to submit herewith the text of a message which General Douglas MacArthur, the Commander-in-Chief of the United Nations Forces in Korea, is issuing today at 12 noon Tokyo time, October 1 (10 p.m., Eastern Standard Time, September 30). I request that you circulate this message to the Members of the United Nations for their information.

(Signed) Warren R. AUSTIN

SPECIAL REPORT OF UNIFIED COMMAND

On 1 October, 12 noon Tokyo time (10 p.m., September 30, Eastern Standard Time) the following message was broadcast by the Commanding General of the Unified Command:

To the Commander-in-Chief, North Korean Forces:

The early and total defeat and complete destruction of your armed forces and war-making potential is now inevitable. In order that the decisions of the United Nations may be carried out with a minimum of further loss of life and destruction of property, I, as the United Nations Commander-in-Chief, call upon you and the forces under your command, in whatever part of Korea

situated, forthwith to lay down your arms and cease hostilities under such military supervision as I may direct and I call upon you at once to liberate all United Nations prisoners of war and civilian internees under your control and to make adequate provision for their protection, care, maintenance and immediate transportation to such places as I indicate. North Korean forces, including prisoners of war in the hands of the United Nations Com-

mand, will continue to be given the care dictated by civilized custom and practice and permitted to return to their homes as soon as practicable. I shall anticipate your early decision upon this opportunity to avoid the further useless shedding of blood and destruction of property.

(Signed) Douglas MACARTHUR

DOCUMENT A/1422

Report of the First Committee

Rapporteur : Mr. Thor THORS (Iceland).

[Original text : English]
[5 October 1950]

1. The General Assembly, at its 233rd meeting on 21 October 1949, adopted resolution 293 (IV) on the problem of the independence of Korea and continued in being the United Nations Commission on Korea.

2. In accordance with its terms of reference, the United Nations Commission on Korea submitted a report to the fifth session of the General Assembly (A/1350).

3. At its 284th and 285th meetings held on 26 September 1950, the General Assembly decided to include this question as item 24 in the agenda of the fifth regular session and to refer it to the First Committee.

4. The First Committee considered the question at its 346th to 353rd meetings inclusive.

5. At its 346th meeting, the First Committee, by 46 votes to none, with no abstentions, decided to give priority, among the items referred to it, to the Korean question.

6. At its 347th meeting, the Committee, by 46 votes to 6, with 7 abstentions, rejected a draft resolution submitted by the Union of Soviet Socialist Republics (A/C.1/562) proposing to invite representatives of both North and South Korea to participate in the Committee's discussion of the question.

7. At the same meeting, by 50 votes to 5, with 5 abstentions, the Committee adopted a draft resolution presented by the representative of China (A/C.1/563) inviting a representative of the Republic of Korea to participate, without the right to vote, in the Committee's debates on the problem.

8. The Rapporteur of the United Nations Commission on Korea, who had been invited, on the proposal of the Chairman, to sit at the Committee table during the Committee's discussion of the Korean question, presented at the 347th meeting the Commission's report and made an explanatory statement.

9. The Committee held a general debate on the question at its 347th to 353rd meetings inclusive, and the following draft resolutions were submitted :

(a) A joint draft resolution proposed at the 347th meeting by Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines and the United Kingdom (A/C.1/558) which, after recalling the previous Assembly resolutions on the Korean question and noting the Security Council's resolutions of 25 and 27 June 1950, recommended, *inter alia*, that appropriate steps be taken to ensure conditions of stability throughout Korea and that all constituent acts, including the holding of elections under United Nations auspices, be taken to establish a unified, independent and democratic Government in Korea. The draft resolution also recommended that United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives mentioned above. It also called for measures to be taken for the economic rehabilitation of Korea. The draft resolution provided for the setting up of a United Nations Commission for the Unification and Rehabilitation of Korea to carry out the resolution.

(b) A joint draft resolution submitted at the 349th meeting by the U.S.S.R., the Ukrainian S.S.R., the Byelorussian S.S.R., Poland and Czechoslovakia (A/C.1/567) which, *inter alia*, recommended the immediate cessation of hostilities and the withdrawal of all foreign troops and called for the establishment of a Government of a unified Korea by means of all-Korean elections held under the auspices of a joint (parity) Commission composed of deputies of the Assemblies of North and South Korea and under observation by a United Nations Committee, with the indispensable participation in the latter of the representatives of States bordering on Korea. It also provided for plans to be drawn up for rendering economic and technical aid to the Korean people through the United Nations Organization. It asked that, after the establishment of the all-Korean Government envisaged in the resolution, the Security Council consider the question of admitting Korea to membership in the United Nations.

(c) A draft resolution presented at the same meeting by the U.S.S.R. (A/C.1/568) which called upon the Government of the United States of America to terminate and prohibit the barbarous bombing of peaceful inhabitants and towns by United States armed forces in Korea.

(d) A draft resolution presented at the same time by the U.S.S.R. (A/C.1/569) which proposed that the United Nations Commission on Korea be disbanded.

(e) A draft resolution submitted at the 353rd meeting by India (A/C.1/572) which proposed the appointment of a sub-committee to take into consideration all resolutions, proposals and suggestions concerning the Korean question in order that it might recommend to the Committee a resolution on the subject commanding the largest measure of agreement.

10. On 2 October 1950, at the request of the Secretary-General of the U.S.S.R. delegation, the text of a cable dated 28 September 1950 from the Minister for Foreign Affairs of the Korean People's Democratic Republic to the President of the General Assembly and the Security Council was circulated as document A/C.1/565.

11. Six amendments were submitted to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines and the United Kingdom (A/C.1/558) :

(a) An amendment by Chile (A/C.1/564) submitted at the 347th meeting recommending, *inter alia*, that the Economic and Social Council study long-term measures to promote the economic development and social progress of Korea.

(b) A United Kingdom amendment (A/C.1/566) submitted at the 349th meeting requesting the Secretary-General, *inter alia*, to provide the proposed Commission with adequate staff and facilities.

(c) An amendment by El Salvador (A/C.1/570) submitted at the 349th meeting which proposed, *inter alia*, that the United Nations Commission on Korea be continued with the addition of new members.

(d) An amendment by Brazil (A/C.1/571) submitted at the 352nd meeting expressing appreciation of the services of the United Nations Commission on Korea.

(e) An Israeli amendment (A/C.1/573) submitted at the 353rd meeting which proposed the inclusion of a new paragraph in the joint draft resolution (A/C.1/558), proposing that all sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified Government.

(f) An oral amendment submitted by the Mexican representative at the same meeting proposing that the Commission should render a report to the next regular session of the General Assembly and to any prior special session which might be called on the subject, and such interim reports as it might deem appropriate, to the Secretary-General for transmission to Members.

12. At the 352nd meeting, the United Kingdom orally proposed that the text of the joint draft resolution (A/C.1/558) be completed, firstly, by inserting the provision that the Commission consist of Australia, Chile, Netherlands, Pakistan, Philippines and Turkey, with a seventh member to be specified at the meeting of the General Assembly at which the resolution would be considered and, secondly, by replacing the final incomplete

phrase of the joint draft resolution " on or before October... " with the following phrase : " within three weeks of the approval of this resolution by the General Assembly " .

13. At the 353rd meeting, all the draft resolutions were put to vote. The Indian draft resolution (A/C.1/572) was voted upon first, and was rejected by 32 votes to 24, with 3 abstentions.

14. The Israeli amendment (A/C.1/573) to the joint draft resolution sponsored by Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines and the United Kingdom (A/C.1/558) was approved by 29 votes to 2, with 22 abstentions.

15. El Salvador withdrew its amendment (A/C.1/570) in favour of the Brazilian amendment (A/C.1/571).

16. The United Kingdom, as one of the sponsors of the joint draft resolution (A/C.1/558) agreed to the inclusion of all the other amendments proposed in the course of the debates on the Korean question.

17. The joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines and the United Kingdom, so amended, was put to a vote paragraph by paragraph :

Paragraph 1 of the preamble was approved by 51 votes to 6, with 2 abstentions.

Paragraphs 2 and 3 of the preamble were approved by 52 votes to 5, with 2 abstentions.

The first clause of paragraph 4 of the preamble was approved by 52 votes to 6, with 1 abstention.

The second and third clauses of paragraph 4 of the preamble were approved by 46 votes to 6, with 7 abstentions.

Paragraphs 5 and 6 of the preamble were approved by 50 votes to 5, with 3 abstentions.

Sub-paragraph (a) of paragraph 7 beginning with the word " Recommends " and ending with the word " Korea " was approved by 47 votes to 5, with 7 abstentions.

Sub-paragraph (b) of paragraph 7 was approved by 53 votes to 5, with 1 abstention.

The Israeli amendment (A/C.1/573) that had been earlier voted upon and approved became sub-paragraph (c) of paragraph 7.

Sub-paragraph (c) of paragraph 7, re-numbered accordingly as sub-paragraph (d), beginning with the words " United Nations forces " was approved by 50 votes to 5, with 4 abstentions.

Sub-paragraph (d), now re-numbered sub-paragraph (e), of paragraph 7 was approved by 54 votes to none against, with 5 abstentions.

Sub-paragraph (a) of paragraph 8 beginning with the words " Resolves that " and ending with the words " as soon as possible " was approved by 53 votes to 5, with 1 abstention.

Sub-paragraph (b) of paragraph 8 beginning with the words " Pending the arrival in Korea " and ending with the words " General Assembly " was approved by 53 votes to 5, with 1 abstention.

Sub-paragraph (c) of paragraph 8 (the Mexican amendment) beginning with the words " The Commission shall render a report " and ending with the words " transmission to Members " was approved by 53 votes to 5, with 1 abstention.

Paragraphs 9 and 10 respectively beginning with the words " Mindful of the fact " and " Requests the Economic and Social Council " were approved by 54 votes to none against, with 5 abstentions.

Paragraph 11, representing the text of the Chilean amendment (A/C.1/564), was approved by 53 votes to none, with 5 abstentions.

Paragraph 12, representing the text of the Brazilian amendment (A/C.1/571), was approved by 50 votes to 5, with 2 abstentions.

Paragraph 13, representing the text of a United Kingdom amendment (A/C.1/566), was approved by 54 votes to 5, with no abstentions.

The joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines and the United Kingdom, as amended, was put to the vote as a whole, and was approved by 47 votes to 5, with 7 abstentions.

18. The joint draft resolution (A/C.1/567) of the U.S.S.R., the Ukrainian S.S.R., the Byelorussian S.S.R., Poland and Czechoslovakia was next put to the vote paragraph by paragraph, with a roll-call on each vote :

Paragraph 1 of the preamble was approved by 17 votes to 2, with 40 abstentions. The voting was as follows :

In favour : Afghanistan, Burma, Byelorussian S.S.R., Czechoslovakia, Egypt, Iran, Iraq, Israel, Lebanon, Liberia, Poland, Saudi Arabia, Syria, Ukrainian S.S.R., U.S.S.R., Yemen, Yugoslavia.

Against : Belgium, Bolivia.

Abstaining : Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Paragraph 2 of the preamble was approved by 18 votes to 2, with 39 abstentions. The voting was as follows :

In favour : Afghanistan, Burma, Byelorussian S.S.R., Czechoslovakia, Egypt, India, Iran, Iraq, Israel, Lebanon, Liberia, Poland, Saudi Arabia, Syria, Ukrainian S.S.R., U.S.S.R., Yemen, Yugoslavia.

Against : Belgium, Bolivia.

Abstaining : Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Paragraph 3 of the preamble was approved by 15 votes to 2, with 42 abstentions. The voting was as follows :

In favour : Afghanistan, Burma, Byelorussian S.S.R., Czechoslovakia, Egypt, India, Lebanon, Liberia, Poland, Saudi Arabia, Syria, Ukrainian S.S.R., U.S.S.R., Yemen, Yugoslavia.

Against : Belgium, Bolivia.

Abstaining : Argentina, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Paragraph 1 of the operative part was rejected by 43 votes to 6, with 10 abstentions. The voting was as follows :

In favour : Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R., Yugoslavia.

Against : Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining : Afghanistan, Burma, Egypt, India, Iraq, Lebanon, Saudi Arabia, Syria, Union of South Africa, Yemen.

Paragraph 2 of the operative part was rejected by 46 votes to 5, with 8 abstentions. The voting was as follows :

In favour : Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against : Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining : Afghanistan, Egypt, India, Lebanon, Saudi Arabia, Syria, Yemen, Yugoslavia.

Paragraph 3 of the operative part was rejected by 43 votes to 7, with 9 abstentions. The voting was as follows :

In favour : Byelorussian S.S.R., Czechoslovakia, Egypt, Poland, Saudi Arabia, Ukrainian S.S.R., U.S.S.R.

Against : Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Liberia, Luxembourg, Mexico, Netherlands,

New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Burma, Ethiopia, India, Israel, Lebanon, Syria, Yemen, Yugoslavia.

The first part of paragraph 4 of the operative part was rejected by 46 votes to 5, with 8 abstentions. The voting was as follows:

In favour: Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Burma, Egypt, India, Saudi Arabia, Syria, Yemen, Yugoslavia.

The second and concluding part of paragraph 4 of the operative part was rejected by 45 votes to 5, with 9 abstentions. The voting was as follows:

In favour: Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Burma, Egypt, India, Lebanon, Saudi Arabia, Syria, Yemen, Yugoslavia.

Paragraph 5 of the operative part was rejected by 43 votes to 5, with 11 abstentions. The voting was as follows:

In favour: Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Argentina, Burma, Egypt, India, Israel, Lebanon, Saudi Arabia, Syria, Yemen, Yugoslavia.

Paragraph 6 of the operative part was rejected by 33 votes to 16, with 10 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Byelorussian S.S.R., Czechoslovakia, Egypt, India, Iran, Iraq, Israel, Poland, Saudi Arabia, Syria, Ukrainian S.S.R., U.S.S.R., Yemen, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, France, Greece, Guatemala, Haiti, Honduras, Iceland, Liberia, Mexico, New Zealand, Nicaragua, Panama, Paraguay, Peru, Sweden, Thailand, Turkey, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Argentina, El Salvador, Ethiopia, Lebanon, Luxembourg, Netherlands, Norway, Pakistan, Philippines, Union of South Africa.

Paragraph 7 of the operative part was approved by 18 votes to 10, with 31 abstentions. The voting was as follows:

In favour: Afghanistan, Burma, Byelorussian S.S.R., Czechoslovakia, Egypt, India, Iran, Iraq, Israel, Mexico, Philippines, Poland, Saudi Arabia, Syria, Ukrainian S.S.R., U.S.S.R., Yemen, Yugoslavia.

Against: Belgium, Bolivia, Brazil, Canada, Denmark, Dominican Republic, Ecuador, Liberia, Thailand, United States of America.

Abstaining: Argentina, Australia, Chile, China, Colombia, Costa Rica, Cuba, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Lebanon, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Sweden, Turkey, Union of South Africa, United Kingdom, Uruguay, Venezuela.

The joint draft resolution (A/C.1/567) was put to the vote as a whole and was rejected by 46 votes to 5, with 8 abstentions. The voting was as follows:

In favour: Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining: Afghanistan, Egypt, India, Lebanon, Saudi Arabia, Syria, Yemen, Yugoslavia.

19. The Committee next voted on the Soviet Union draft resolution (A/C.1/568). Voting was by roll-call and paragraph by paragraph.

Paragraph 1 of the preamble was rejected by 51 votes to 5, with 3 abstentions. The voting was as follows:

In favour: Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala,

Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining : Burma, Yemen, Yugoslavia.

Paragraph 2 of the preamble was rejected by 51 votes to 5, with 3 abstentions. The voting was as follows :

In favour : Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against : Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining : Burma, Yemen, Yugoslavia.

The operative part was rejected by 51 votes to 5, with 3 abstentions. The voting was as follows :

In favour : Byelorussian S.S.R., Czechoslovakia, Poland, Ukrainian S.S.R., U.S.S.R.

Against : Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States of America, Uruguay, Venezuela.

Abstaining : Burma, Yemen, Yugoslavia.

20. The Chairman declared that, since all the parts of the resolution proposed by the U.S.S.R. (A/C.1/568) had been rejected, there was no need to put to the vote the draft resolutions as a whole.

21. The Chairman next put to the vote the U.S.S.R. draft resolution contained in A/C.1/569. It was rejected by 54 votes to 5, with no abstentions.

22. The first Committee recommends, therefore, the adoption by the General Assembly of the following resolution :

THE PROBLEM OF THE INDEPENDENCE OF KOREA

The General Assembly,

Having regard to its resolutions of 14 November 1947, of 12 December 1948 and of 21 October 1949,

Having received and considered the report of the United Nations Commission on Korea,

Mindful of the fact that the objectives set forth in the resolutions referred to have not been fully accomplished and, in particular, that the unification of Korea has not yet been achieved, and that an attempt has been made by an armed attack from North Korea to extinguish by force the Government of the Republic of Korea,

Recalling the General Assembly declaration of 12 December 1948 that there has been established a lawful government (the Government of the Republic of Korea) having effective control and jurisdiction over that part of Korea where the United Nations Temporary Commission on Korea was able to observe and consult and in which the great majority of the people of Korea reside; that this government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission; and that this is the only such government in Korea,

Having in mind that United Nations armed forces are at present operating in Korea in accordance with the recommendations of the Security Council of 27 June 1950, subsequent to its resolution of 25 June 1950, that Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area,

Recalling that the essential objective of the resolutions of the General Assembly referred to above was the establishment of a unified, independent and democratic Government of Korea,

Recommends that

(a) All appropriate steps be taken to ensure conditions of stability throughout Korea;

(b) All constituent acts be taken, including the holding of elections, under the auspices of the United Nations, for the establishment of a unified, independent and democratic government in the sovereign State of Korea;

(c) All sections and representative bodies of the population of Korea, South and North, be invited to co-operate with the organs of the United Nations in the restoration of peace, in the holding of elections and in the establishment of a unified government,

(d) United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives specified in sub-paragraphs (a) and (b) above;

(e) All necessary measures be taken to accomplish the economic rehabilitation of Korea;

Resolves that

(a) A Commission consisting of Australia, Chile, Netherlands, Pakistan, Philippines, Turkey and...⁴ to be known as the United Nations Commission for the Unification and Rehabilitation of Korea, be established to (i) assume the functions hitherto exercised by the present United Nations Commission in Korea; (ii) represent the United Nations in bringing about the establishment of a unified, independent and democratic Government of all Korea;

⁴ Seventh member to be specified at the meeting of the General Assembly at which the present draft resolution is considered.

(iii) exercise such responsibilities in connexion with relief and rehabilitation in Korea as may be determined by the General Assembly after receiving the recommendations of the Economic and Social Council. The United Nations Commission for the Unification and Rehabilitation of Korea should proceed to Korea and begin to carry out its functions as soon as possible;

(b) Pending the arrival in Korea of the United Nations Commission for the Unification and Rehabilitation of Korea, the governments of the States represented on the Commission should form an Interim Committee composed of representatives meeting at the seat of the United Nations to consult with and advise the United Nations Unified Command in the light of the above recommendations; the Interim Committee should begin to function immediately upon the approval of the present resolution by the General Assembly;

(c) The Commission shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of the present resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to Members,

The General Assembly furthermore,

Mindful of the fact that at the end of the present hosti-

lities the task of rehabilitating the Korean economy will be of great magnitude,

Requests the Economic and Social Council, in consultation with the specialized agencies, to develop plans for relief and rehabilitation on the termination of hostilities and to report to the General Assembly within three weeks of the adoption of the present resolution by the General Assembly;

Also recommends the Economic and Social Council to expedite the study of long-term measures to promote the economic development and social progress of Korea, and meanwhile to draw the attention of the authorities which decide requests for technical assistance to the urgent and special necessity of affording such assistance to Korea;

Expresses its appreciation of the services rendered by the members of the United Nations Commission on Korea in the performance of their important and difficult task;

Requests the Secretary-General to provide the United Nations Commission for the Unification and Rehabilitation of Korea with adequate staff and facilities, including technical advisers as required; and authorizes the Secretary-General to pay the expenses and *per diem* of a representative and alternate from each of the States members of the Commission.

DOCUMENT A/1493

Letter, dated 8 November 1950, from the President of the Economic and Social Council to the President of the General Assembly

[Original text: English]

[9 November 1950]

Lake Success, 8 November 1950

I have the honour to say that the Economic and Social Council completed its consideration, on 7 November 1950, of the question referred to it by paragraph 3 of the resolution adopted by the General Assembly on 7 October last,⁵ namely, plans for relief and rehabilitation of Korea, and to transmit to you herewith the resolution adopted by the Council.⁶

By the decision taken at its 296th plenary meeting, the General Assembly decided to extend to 10 November 1950 the time for submission of the report of the Council and,

at the same time, decided that it should be referred to the Joint Second and Third Committee.

The Council resolution contains a draft resolution which it recommends for adoption by the General Assembly relating to (i) the establishment of the United Nations Korean Reconstruction Agency for the relief and rehabilitation of Korea, and (ii) general policy on Korean relief and rehabilitation. In regard to the financial arrangements, the Council resolution recommends that the General Assembly examine the estimates referred to in the report of the Council's Temporary Committee on a Provisional Programme for Relief and Rehabilitation Needs of Korea (E/1864), in conjunction with the development of the military situation in Korea, and that the methods of financing the proposed programme be determined by the General Assembly itself.

(Signed) Hernán SANTA CRUZ,
President, Economic and Social Council

⁵ See *Official Records of the General Assembly, Fifth Session, Supplement No. 20, Resolutions*, No. 376 (V).

⁶ For text of that resolution, see *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 1A, Resolutions*, No. 338 (XI).

DOCUMENT A/1579**Union of Soviet Socialist Republics : amendments to the draft resolution proposed by the Joint Second and Third Committee (A/1567, part II)**

[Original text : Russian]
[1 December 1950]

1. The draft resolution of the Joint Second and Third Committee (document A/1567, part II) erroneously refers to aggression by North Korean forces, whereas in reality Korea is at present the theatre of United States aggression against the Korean people, the Union of Soviet Socialist Republics delegation proposes that paragraphs 1, 3 and 4 of the preamble to the draft resolution

of the Joint Second and Third Committee (document A/1567, part II) should be deleted.

2. In addition, the Union of Soviet Socialist Republics delegation proposes the deletion of the second part of paragraph 10 of section B of the draft resolution (beginning with the words "Among these..." to the end of the paragraph).

DOCUMENT A/1619**Financial implications of the resolution adopted by the General Assembly on 7 October 1950 (376 (V)) : twenty-seventh report of 1950 of the Advisory Committee on Administrative and Budgetary Questions**

[Original text : English]
[2 December 1950]

1. At a meeting held on 1 December 1950, the Advisory Committee on Administrative and Budgetary Questions considered a report by the Secretary-General (A/C.5/419) submitting revised estimates⁷ to an amount of \$840,000 in respect of expenditure during 1951 for the United Nations Commission for the Unification and Rehabilitation of Korea, established by a resolution of the General Assembly of 7 October 1950.

2. The Advisory Committee, on the information available at this stage, is unable to express a considered view on the adequacy or otherwise of the sums proposed to be provided. The Committee has, however, had the opportunity of discussing the figures with the personal representative of the Secretary-General in Korea and with the Director of Finance of the United Nations, and in the absence at this time of more detailed statements or indications on the various questions of policy to which the presence of the Commission will give rise, the Committee recommends that a sum of \$800,000 should provisionally be inserted in the estimates. At the same time, however, the Committee considers that early steps should be taken to formulate the Commission's programme and to delimit the functions of the Commission on the one hand and of

the Secretariat on the other, so that a more precise financial estimate may be made in due course of the special requirements of the Commission in terms of staff and services.

3. The Committee takes note that, with a view to economy in administration, every effort will be made to pool facilities and services with the proposed *United Nations Korean Reconstruction Agency* and other United Nations agencies engaged in direct relief and rehabilitation activities in Korea. Common arrangements are thus contemplated for the renting of office premises and the chartering of aircraft, and will doubtless be found possible in respect of other requirements.

4. On the basis of the observations in paragraph 2 above, the Advisory Committee recommends a provisional appropriation of \$800,000 for the United Nations Commission for the Unification and Rehabilitation of Korea (section 5, chapter VI), this sum to be inclusive of the proposed provision of \$9,300 for contractual printing (section 25, chapter V).

5. The salaries of the internationally recruited staff members of the Commission and of the temporary replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$36,000.

⁷ Preliminary estimates were submitted to the Fifth Committee in document A/C.5/373.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/936 and A/936/Add.1	Report of the United Nations Commission on Korea, volumes I and II		<i>Official Records of the General Assembly, Fourth Session, Supplement No. 9.</i>
A/1350	Report of the United Nations Commission on Korea, covering the period from 15 December 1949 to 4 September 1950		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 16.</i>
A/1417	Letter dated 30 September 1950 from the United States representative to the United Nations addressed to the Secretary-General transmitting a special report of the Unified Command of the United Nations Forces in Korea	18	
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A/1426	Union of Soviet Socialist Republics, Ukrainian Soviet Socialist Republic, Byelorussian Soviet Socialist Republic, Poland and Czechoslovakia : joint draft resolution		Same text as document A/C.1/567.
A/1427	Union of Soviet Socialist Republics : draft resolution		Same text as document A/C.1/568.
A/1428	Union of Soviet Socialist Republics : draft resolution		Same text as document A/C.1/569.
A/1429	Australia : amendment to the draft resolution proposed by the First Committee (A/1422)		Incorporated in 294th plenary meeting, para. 65.
A/1435	Resolution adopted by the General Assembly at its 294th plenary meeting on 7 October 1950 (adopted on the report of the First Committee (A/1422))		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 376 (V).</i>
A/1493	Letter dated 8 November 1950 from the President of the Economic and Social Council to the President of the General Assembly	24	
A/1526	Plans for the relief and rehabilitation of Korea : eighteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	12	
A/1567 and A/1567/Corr.1	Chapters I, VII (section II) and X of the report of the Economic and Social Council : The problem of the independence of Korea : plans for the relief and rehabilitation of Korea : report of the joint Second and Third Committee		See <i>Annexes</i> , agenda item 12.
A/1579	Union of Soviet Socialist Republics : amendments to the draft resolution proposed by the Joint Second and Third Committee (A/1567, part II)	25	
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A/C.1/558	Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom : joint draft resolution	2	
A/C.1/562	Union of Soviet Socialist Republics : draft resolution		Incorporated in 346th meeting, para. 49.
A/C.1/563	China : draft resolution		Incorporated in 346th meeting, para. 51.
A/C.1/564	Chile : amendment to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom (A/C.1/558)		Incorporated in 347th meeting, para. 58.
A/C.1/565	Letter dated 2 October 1950 from the Secretary-General of the delegation of the Union of Soviet Socialist Republics addressed to the Secretary-General transmitting a cablegram from the Minister for Foreign Affairs of the People's Democratic Republic of Korea	3	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/C.1/565/Add.1	Addendum to the letter dated 2 October 1950 from the Secretary-General of the delegation of the Union of Soviet Socialist Republics addressed to the Secretary-General transmitting a cablegram from the Minister for Foreign Affairs of the People's Democratic Republic of Korea . . .	9	
A/C.1/566	United Kingdom : amendment to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom (A/C.1/558)		Incorporated in 349th meeting, para. 65c.
A/C.1/567	Union of Soviet Socialist Republics, Ukrainian Soviet Socialist Republic, Byelorussian Soviet Socialist Republic, Poland and Czechoslovakia : joint draft resolution . . .	9	
A/C.1/568	Union of Soviet Socialist Republics : draft resolution		Incorporated in 353rd meeting, para. 85.
A/C.1/569	Union of Soviet Socialist Republics : draft resolution		Incorporated in 353rd meeting, para. 90.
A/C.1/570	El Salvador : amendment to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom (A/C.1/558)	10	
A/C.1/571	Brazil : amendment to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom (A/C.1/558)		Incorporated in 353rd meeting, para. 18.
A/C.1/572	India : draft resolution		Incorporated in 353rd meeting, para. 19.
A/C.1/573	Israel : amendment to the joint draft resolution of Australia, Brazil, Cuba, Netherlands, Norway, Pakistan, Philippines, United Kingdom (A/C.1/558)		Incorporated in 353rd meeting, para. 38.
A/C.1/574	Resolution approved by the First Committee at its 353rd meeting on 4 October 1950		Same text as document A/1422
A/C.5/373	Financial implications of the draft resolution proposed by the First Committee (A/1422) : report by the Secretary-General	10	
A/C.5/402	Letter dated 14 November 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document only.
A/C.5/419	Revised estimates for the United Nations Commission for the Unification and Rehabilitation of Korea : report by the Secretary-General	13	
A/C.2&3/95	Letters concerning financial arrangements for the programme of relief and rehabilitation of Korea	17	
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**Agenda item 25 : Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms :
Advisory opinion of the International Court of Justice**

C O N T E N T S

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DOCUMENT A/AC.38/L.1**Australia : draft resolution**

[Original text : English]
[30 September 1950]

The General Assembly,

Having regard to its resolution 272 (III) and 294 (IV) concerning the question of the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms, and to its decision in the latter resolution to submit certain questions to the International Court of Justice for an advisory opinion,

1. *Takes note* of the opinions delivered by the International Court of Justice on 30 March 1950 and 18 July 1950 to the effect that :

(a) The diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand, and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of article 2 of the Treaties with Bulgaria and Hungary and article 3 of the Treaty with Romania, disclose disputes subject to the provisions for the settlement of disputes contained in article 36 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania ;

(b) The Governments of Bulgaria, Hungary and Romania are obligated to carry out the provisions of those articles of the Treaties of Peace which relate to the settlement of disputes, including the provisions for the appointment of their representatives to the Treaty Commission ;

(c) If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is

obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations is not authorized to appoint the third member of the Commission upon the request of the other party to a dispute ;

2. *Expresses* its grave concern at the failure of the Governments of Bulgaria, Hungary and Romania to fulfil their obligation under the provisions of the Treaties of Peace to appoint representatives to the Treaty Commissions, which obligation has been confirmed by the International Court of Justice ;

3. *Is of the opinion* that the conduct of the Governments of Bulgaria, Hungary and Romania in this matter is such as to indicate that they are aware of breaches being committed of those articles of the Treaties of Peace under which they are obligated to secure the enjoyment of human rights and fundamental freedoms in their countries ;

4. *Notes* with anxiety the continuance of serious accusations on these matters against the Governments of Bulgaria, Hungary and Romania, and that the three Governments have made no satisfactory refutation of these accusations ;

5. *Invites* Members of the United Nations, and in particular those which are parties to the Treaties of Peace with Bulgaria, Hungary and Romania, to submit to the Secretary-General all evidence which they now hold or which may become available in future in relation to this question.

DOCUMENT A/1437

Report of the *Ad Hoc* Political Committee

[Original text: English]
[12 October 1950]

1. The General Assembly, on 22 October 1949, adopted resolution 294 (IV) concerning the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms, which provided for the submission of four questions to the International Court of Justice for an advisory opinion and for the retention of the item on the agenda of the fifth session of the Assembly.

2. The International Court of Justice delivered its advisory opinion on questions I and II of resolution 294 (IV) on 30 March 1950.¹ It held that a dispute existed and that Bulgaria, Hungary and Romania were obligated under the Treaties of Peace to appoint representatives to the Treaty Commissions. On 18 July 1950 the Court delivered its advisory opinion on question III, in which it stated that since the answer to question III was negative, it was not necessary to consider question IV.¹

3. The General Assembly, on the recommendation of the General Committee, decided, at its 285th plenary meeting on 26 September 1950, to refer this item to the *Ad Hoc* Political Committee for consideration and report.

4. The *Ad Hoc* Political Committee considered the matter during its 2nd to 6th meetings, inclusive.

5. At the 2nd meeting of the Committee on 2 October, Australia introduced a draft resolution (A/AC.38/L.1) taking note of the advisory opinions of the International Court of Justice; expressing the grave concern of the General Assembly at the failure of the Governments of Bulgaria, Hungary and Romania to fulfil their obligation to appoint representatives to the Treaty Commissions, and its opinion that the conduct of these Governments indicated that they were aware of breaches of their obligations to secure the enjoyment of human rights and fundamental freedoms in their countries; noting that serious accusations on these matters continued to be made without satisfactory refutation; and inviting the Member States of the United Nations to submit to the Secretary-General all evidence available to them in relation to the matter.

6. At the 3rd meeting of the Committee on 3 October, Cuba introduced an amendment (A/AC.38/L.3) to the draft resolution submitted by Australia. The amendment proposed:

(a) To substitute for paragraphs 2, 3 and 4 of the draft resolution, new paragraphs, condemning the attitude of the Governments of Bulgaria, Hungary and Romania with regard to their violation of human rights and fundamental freedoms, considering that their refusal to

appoint representatives to the Treaty Commissions demonstrated that those Governments were incapable of complying with their international obligations, and deciding that as long as they did not modify their attitude, their applications for membership in the United Nations should not be entertained;

(b) To amend paragraph 5 of the draft resolution in order to provide that the question should be placed on the agenda of the sixth session of the General Assembly.

7. At the same meeting, Bolivia introduced an amendment (A/AC.38/L.2) to the draft resolution submitted by Australia. The amendment proposed to insert between paragraphs 1 and 2 of the draft resolution a new paragraph declaring that every violation of human rights and fundamental freedoms concerned the United Nations as a whole, and to add at the end of the draft resolution a new paragraph inviting the Secretary-General to notify the Member States of the United Nations of any information he might receive in connexion with this question.

8. At the 5th meeting of the Committee on 5 October, Australia introduced a revised draft resolution as amended by agreement with Bolivia and Cuba (A/AC.38/L.1/Rev.1). The revised draft resolution incorporated the following changes: an additional paragraph was inserted at the beginning of the preamble, stating that the General Assembly considered that one of the purposes of the United Nations was to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms; paragraph 2 condemned the refusal of the Governments of Bulgaria, Hungary and Romania to appoint representatives to the Treaty Commissions; a statement to the effect that the three Governments were indifferent to the sentiments of the world community was added to paragraph 3; a sixth paragraph was included, inviting the Secretary-General to notify the Member States of the United Nations of any information he might receive in connexion with the question.

9. At the same meeting Cuba and Bolivia withdrew their respective amendments (A/AC.38/L.3 and A/AC.38/L.2) to the Australian draft resolution.

10. At the 6th meeting on 5 October, the Committee proceeded to vote on the revised draft resolution submitted by Australia, as amended by agreement with Bolivia and Cuba (A/AC.38/L.1/Rev.1). The results of the voting were as follows:

(a) The first paragraph of the preamble of the revised draft resolution was adopted by 49 votes to none, with 5 abstentions.

(b) The second paragraph of the preamble was adopted by 49 votes to 5, with 2 abstentions.

¹ See *Interpretation of Peace Treaties, Advisory Opinion: International Court of Justice, Reports, 1950*, page 65, and *Interpretation of Peace Treaties (second phase), Advisory Opinion: International Court of Justice, Reports, 1950*, page 221.

(c) Paragraph 1 up to and including the words " to the effect that " was adopted by 50 votes to 5, with 2 abstentions.

(d) Sub-paragraphs (a), (b) and (c) of paragraph 1 were adopted by 50 votes to 5, with 2 abstentions.

(e) Paragraph 2 was adopted by 38 votes to 6, with 13 abstentions.

(f) Paragraph 3 was adopted by 35 votes to 6, with 16 abstentions.

(g) Paragraph 4 was adopted by 38 votes to 7, with 10 abstentions.

(h) Paragraph 5 was adopted by 43 votes to 7, with 8 abstentions.

(i) Paragraph 6 was adopted by 45 votes to 6, with 7 abstentions.

(j) The revised draft resolution as a whole was adopted by 39 votes to 5, with 13 abstentions.

11. The *Ad Hoc* Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

OBSERVANCE IN BULGARIA, HUNGARY AND ROMANIA OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The General Assembly,

Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Having regard to its resolutions 272 (III) and 294 (IV) concerning the question of the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms, and to its decision in the latter resolution to submit certain questions to the International Court of Justice for an advisory opinion,

1. *Takes note* of the advisory opinions delivered by the International Court of Justice on 30 March 1950 and 18 July 1950 to the effect that :

(a) The diplomatic exchanges between Bulgaria, Hungary and Romania on the one hand, and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of article 2 of the Treaties with Bulgaria and Hungary and article 3 of the Treaty with Romania, disclose disputes

subject to the provisions for the settlement of disputes contained in article 36 of the Treaty of Peace with Bulgaria, article 40 of the Treaty of Peace with Hungary, and article 38 of the Treaty of Peace with Romania;

(b) The Governments of Bulgaria, Hungary and Romania are obligated to carry out the provisions of those articles of the Treaties of Peace which relate to the settlement of disputes, including the provisions for the appointment of their representatives to the Treaty Commissions;

(c) If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Romania where that party is obligated to appoint a representative to the Treaty Commission, the Secretary-General of the United Nations is not authorized to appoint the third member of the Commission upon the request of the other party to a dispute;

2. *Condemns* the wilful refusal of the Governments of Bulgaria, Hungary and Romania to fulfil their obligation under the provisions of the Treaties of Peace to appoint representatives to the Treaty Commissions, which obligation has been confirmed by the International Court of Justice;

3. *Is of the opinion* that the conduct of the Governments of Bulgaria, Hungary and Romania in this matter is such as to indicate that they are aware of breaches being committed of those articles of the Treaties of Peace under which they are obligated to secure the enjoyment of human rights and fundamental freedoms in their countries; and that they are callously indifferent to the sentiments of the world community;

4. *Notes* with anxiety the continuance of serious accusations on these matters against the Governments of Bulgaria, Hungary and Romania, and that the three Governments have made no satisfactory refutation of these accusations;

5. *Invites* Members of the United Nations, and in particular those which are parties to the Treaties of Peace with Bulgaria, Hungary and Romania, to submit to the Secretary-General all evidence which they now hold or which may become available in future in relation to this question;

6. *Likewise invites* the Secretary-General to notify the Members of the United Nations of any information he may receive in connexion with this question.

Check list of documents

Document No.	Title	Page	Observations and references to other sources
A/1348	Interpretation of Peace Treaties with Bulgaria, Hungary and Romania : Advisory opinions of the International Court of Justice		<i>International Court of Justice Reports, 1950</i>
A/1437	Report of the <i>Ad Hoc</i> Political Committee	2	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1486	Resolution adopted by the General Assembly at its 303rd plenary meeting on 3 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 385 (V)</i>
A/AC.38/L.1	Australia : draft resolution	1	
A/AC.38/L.2	Bolivia : amendment to the draft resolution of Australia (A/AC.38/L.1).		Incorporated in 3rd meeting
A/AC.38/L.3	Cuba : amendment to the draft resolution of Australia (A/AC.38/L.1)		Incorporated in 3rd meeting
A/AC.38/L.1/Rev.1	Australia : revised draft resolution as amended by agreement with Bolivia and Cuba		Text in A/1437



Agenda item 26 : International control of atomic energy

C O N T E N T S

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
A/1253	Communication dated 27 January 1950 from the representatives of Canada, China, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General: note by the Secretary-General	1
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DOCUMENT A/1253

Communication dated 27 January 1950 from the representatives of Canada, China, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General: note by the Secretary-General

[Original text : English-French]
[30 January 1950]

The Secretary-General has the honour to communicate to the Members of the United Nations the attached communication from the representatives of Canada, China, France, the United Kingdom and the United States, dated 27 January 1950, together with the summary record of the 14th meeting of the consultations of the six permanent members of the United Nations Atomic Energy Commission (A/Permanent Members AEC/SR.14).

New York, 27 January 1950

1. By its resolution 191 (III) of 4 November 1948, the General Assembly requested the six permanent members of the United Nations Atomic Energy Commission "to meet together and consult in order to determine if there exists a basis for agreement on the international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons".

2. On 23 November 1949, the General Assembly adopted resolution 299 (IV) on the international control of atomic energy, in which it expressed itself as follows :

" *The General Assembly,*

" . . .

" *Anxious* to free humanity from the dangers which will continue to exist as long as States retain under their individual control the development and operation of atomic energy facilities,

" *Convinced* that an international co-operative effort can avoid these dangers and can hasten the development of the peaceful uses of atomic energy for the benefit of all peoples,

" 1. *Urges* all nations to join in such a co-operative development and use of atomic energy for peaceful ends;

" 2. *Calls* upon Governments to do everything in their power to make possible, by the acceptance of effective international control, the effective prohibition and elimination of atomic weapons;

" 3. *Requests* the permanent members of the United Nations Atomic Energy Commission to continue their consultations, to explore all possible avenues and examine all concrete suggestions with a view to determining whether they might lead to an agreement

securing the basic objectives of the General Assembly in this question, and to keep the Atomic Energy Commission and the General Assembly informed of their progress;

“ . . . ”

3. In accordance with the above resolution, the six permanent members of the Atomic Energy Commission met on 20 December 1949 and again on 19 January 1950. At the beginning of the latter meeting, the representative of the Soviet Union objected to the presence of the representative of China and submitted the following draft resolution for consideration :

“ The consultative conference of the representatives of the six States, permanent members of the Atomic Energy Commission

“ Decides to exclude from its membership the representative of the Kuomintang group. ”

4. The other representatives present decided that this proposal was out of order, as the representation in these consultations was dependent upon membership in the Atomic Energy Commission, and the group engaged in the consultations did not have the competence to pass judgment on the issue raised by the representative of the Soviet Union. In the circumstances, the representative of the Soviet Union announced that he would not participate in the consultations so long as the present Chinese representative attended these meetings. He said that he would not recognize as legal any decisions adopted by the group. After making this statement he left the meeting.

5. The representatives of Canada, China, France, the United Kingdom and the United States are of the opinion that the members of the General Assembly will be anxiously concerned over the fact that these important and serious consultations have been interrupted as a result of the position taken by the representative of the Soviet Union.

6. The General Assembly resolutions cited above make it clear that the primary purpose of the consultations among the six permanent members of the Atomic Energy Commission is to reconcile the divergent views of the Soviet Union on one side, and of the other five permanent members on the other. The representatives

of these five permanent members are, therefore, of the opinion that so long as the Government of the USSR refuses to participate in these consultations, it is impossible for them to achieve the primary purpose of the mandate given by the General Assembly.

7. These five permanent members have undertaken to remain in close contact with one another and they will meet and consult with each other on such limited objectives as can be achieved under the circumstances.

8. The representative of France, as the next Chairman of the group, will determine, in agreement with the Secretary-General, the possibility of the six permanent members of the Atomic Energy Commission holding further consultations.

9. In accordance with the request of the General Assembly to keep the Atomic Energy Commission and the General Assembly informed of their progress, the representatives of these five permanent members request the Secretary-General to make known to the members of the Atomic Energy Commission and of the General Assembly, the situation created by the refusal of the representative of the Soviet Union to participate in the consultations. To this end, they request that copies of this letter, together with the summary record of the 14th meeting, held on 19 January 1950, by the six permanent members of the Atomic Energy Commission, should be transmitted to all Member States of the United Nations.

(Signed) A. G. L. McNAUGHTON
Representative of Canada

T. F. TSIANG
Representative of China

J. CHAUVEL
Representative of France

Alexander CADOGAN
Representative of the United Kingdom of Great Britain and Northern Ireland

John C. ROSS
Deputy representative of the United States of America in the Security Council

DOCUMENT A/PERMANENT MEMBERS AEC/SR.14

CONSULTATIONS OF THE SIX PERMANENT MEMBERS OF THE UNITED NATIONS ATOMIC ENERGY COMMISSION SUMMARY RECORD OF THE FOURTEENTH MEETING

Held at Lake Success, New York, on Thursday, 19 January 1950, at 10.30 a.m.

Chairman :

Mr. H. R. WEI, China;

Members :

General A. G. L. McNAUGHTON, Canada;

Mr. Jean CHAUVEL, France;

Mr. J. A. MALIK, Union of Soviet Socialist Republics;

Sir Alexander CADOGAN, United Kingdom of Great Britain and Northern Ireland;

Mr. John D. HICKERSON, United States of America;

Secretariat :

Mr. C. E. ZINCHENKO, Assistant Secretary-General;

Mr. O. FREY, Secretary.

1. Mr. MALIK (Union of Soviet Socialist Republics) said that he wished to make a statement before consideration of the agenda was taken up. On 18 November 1949 and on 8 January 1950, the Central People's Government of the People's Republic of China had addressed communications to the United Nations stating

that it did not recognize the right of the representatives of the Kuomintang group to represent China in the organs of the United Nations or to speak in the name of the Chinese people; that it considered the presence of those representatives in United Nations organs as unlawful and that it insisted on their exclusion from those organs.

2. The USSR delegation to the United Nations and the USSR representatives in various organs of the United Nations had already stated that they supported the above-mentioned communications of the Government of the People's Republic of China, that they did not recognize the representatives of the Kuomintang group as representatives of China or of the Chinese people, and that the Soviet Union delegation regarded the presence of such representatives as unlawful and insisted upon their exclusion.

3. Accordingly, Mr. Malik wished to state, in his capacity as Soviet Union representative in the consultations on the international control of atomic energy, that his delegation did not regard the representative of the Kuomintang group as the representative of China and that it insisted on his exclusion from membership in the consultative conference. Mr. Malik further stated that the Soviet Union representative would not take part in the consultations so long as the representative of the Kuomintang group continued to participate in them. He therefore submitted the following draft resolution :

" The consultative conference of the representatives of the six States, permanent members of the Atomic Energy Commission

" Decides to exclude from its membership the representative of the Kuomintang group. "

4. General MCNAUGHTON (Canada) said that he viewed the USSR draft resolution as out of order in a meeting of the six-Power group, since that body had neither the right nor the responsibility to determine its membership. It consisted of the six permanent members of the Atomic Energy Commission and proper representation at the consultations was dependent upon membership in the Atomic Energy Commission which in turn was consequent on membership in the Security Council, with the addition of Canada, in accordance with General Assembly resolution 1 (I). Those representatives attended the meetings as a result of action taken by the General Assembly in electing certain members to the Security Council and, therefore, to the Atomic Energy Commission and to the six-Power group. General McNaughton accordingly submitted that the Soviet Union draft resolution was out of order.

5. Mr. CHAUVEL (France) said that a review of the documents cited by the representative of Canada led the French delegation to the same conclusion. It was of the opinion that the group was not empowered to take decisions on its membership or its powers.

6. The CHAIRMAN agreed with the Canadian and French representatives that the USSR draft resolution was out of order. He had before him General Assembly resolution 1 (I) which established the composition of the Atomic Energy Commission and therefore of the

six-Power group. He quoted section 3 of that resolution, which read as follows :

" 3. *Composition of the Commission*

" The Commission shall be composed of one representative from each of those States represented on the Security Council, and Canada when that State is not a member of the Security Council. Each representative on the Commission may have such assistance as he may desire. "

7. The CHAIRMAN said, however, that if the Soviet Union representative insisted on challenging his ruling, he would put the question to the vote.

8. Mr. MALIK (Union of Soviet Socialist Republics) said that the contention that his delegation's draft resolution was out of order was without foundation. Neither the General Assembly's decision on the participation of the permanent members of the Atomic Energy Commission nor their right to participate in the conference were being challenged. There was no dispute over the status of China as a permanent member of the Security Council and of the Atomic Energy Commission, or over the right of China to participate in the six-Power consultations and in the work of other organs of the United Nations. China had always been and would remain a permanent member of the Security Council and of the Atomic Energy Commission so long as the United Nations and that Commission remained in existence.

9. What was being challenged was not China's right but the right and powers of the representative of the Kuomintang group to take part in the discussions on the atomic question among the six permanent members of the Atomic Energy Commission; the participation of that representative in those discussions was illegal and could only be harmful both to the cause for which those discussions were held and, indeed, to the United Nations as a whole.

10. That was why the USSR delegation did not consider it appropriate for that representative to participate further in the discussions. Mr. Malik reiterated that he did not challenge the indisputable rights of China but the rights and powers of the representative of the Kuomintang group, whom the Central People's Government of the People's Republic of China did not recognize as the lawful representative of China.

11. Mr. Malik emphasized that the representative for the Kuomintang group represented neither China nor the Chinese people and was merely a private person representing no one. If the Canadian and French representatives wished to hear the views of a private person representing no one, they were free to do so; the Soviet Union delegation, however, did not intend to have any consultations with that private person. The representative of the Kuomintang group had no right to take part in consultations and the Soviet Union proposal for the exclusion of the Kuomintang representative from membership in the consultative conference was, therefore, both lawful and well founded. That proposal should be examined in accordance with rules covering cases

when the powers of some representatives were challenged.

12. Mr. Malik insisted that his proposal should be discussed and voted upon. He reiterated that he could not take part in consultations on so important a question as atomic energy so long as a person representing no one was participating.

13. General MCNAUGHTON (Canada) said that, after listening to the USSR representative, he was more convinced than ever that he had been correct in raising the point of order. It would be wrong for them to vote on the Soviet Union draft resolution as it would give the impression that the six-Power group could determine its own membership.

14. General McNaughton asked that the point of order he had raised should be considered the previous question and should be voted upon first.

15. The CHAIRMAN, speaking as the representative of CHINA, observed that the Soviet Union representative had offered no new arguments beyond those raised in the Security Council. The statements of the representative of China in that body had been sufficient to refute the false charges made, and Mr. Wei would not repeat them.

16. He reminded the group that international control of atomic energy was one of the world's most pressing questions, as had been emphasized by the President of the General Assembly. The possibility of a hydrogen bomb made the problem of control even more urgent. Anyone who refused to continue the discussions would bear the responsibility for the resulting consequences.

17. China clearly had the right to participate in the consultations and moreover represented the mass of the peoples of the world who did not have the capacity or the desire to produce atomic weapons and whose interest lay in bringing about the control of atomic energy and in advancing the possibility of its peaceful uses.

18. Mr. Wei agreed with the view that the group could not challenge the representation of members or pass judgment on their powers.

19. Mr. MALIK (Union of Soviet Socialist Republics) did not agree with the view that the six-Power group had no right to consider and discuss questions concerning the organization of its work, including the right of any representative to participate, and to reach appropriate conclusions. Nor could he agree with the assertion that the adoption of the USSR proposal would be inconsistent with the General Assembly's resolution. Such assertions were deprived of any foundation whatever, since, under the rules of procedure and established practice, every organ of the United Nations had the right to discuss the organization of its work, including the right to examine the credentials of its members. As an example, Mr. Malik said that if a secretary from his staff had come to take part in the current meeting, his credentials would have been questioned and the Canadian representative would have been the first to raise that

question. He felt that to raise such a question in the organs of the United Nations was a perfectly normal and justified procedure, consistent both with the rules of procedure and established practice.

20. Previous speakers had repeatedly stressed the importance of the purpose for which the consultations were being held. In Mr. Malik's opinion that was one of the main arguments in favour of the USSR draft resolution proposing the exclusion of the representative of the Kuomintang group from membership in the consultative conference; indeed, it was extremely important that the credentials of all the participants in the consultations should be in order. Each representative had to speak on behalf of the State and people whom he represented. One of the participants — the representative of the Kuomintang group — had no such credentials. Consequently, it could not be affirmed that the views of that representative carried any weight whatever since he represented neither China nor the Chinese people. Mr. Malik added that the statements of the representative of the Kuomintang group did not call for any reply since they were made by a private person.

21. Mr. CHAUVEL (France) remarked that if the Soviet Union theory was accepted some representatives would be placed in an embarrassing position. He himself had no special powers to attend the six-Power consultations. He came as the representative of France to the Security Council and felt that he could attend only while he was there in that capacity. It was in that sense that Mr. Chauvel had understood the statement of the Canadian representative to the effect that representation in the six-Power group was consequent on membership in the Atomic Energy Commission which in turn was dependent upon membership in the Security Council. Accordingly, it was not for the six-Power group but for the Security Council to examine the powers of representatives.

22. Mr. MALIK (Union of Soviet Socialist Republics) pointed out that he had not invented any new theory and that there was nothing new in what he had said. According to his own "theory", as well as in practice, the general rule was that during the discussion on any question, and particularly during a discussion on important questions — international control of atomic energy was an extremely important question — all participants in international consultations of such questions should have full powers as representatives of their countries. In the case of the present international consultations, one of the participants had no such credentials and that created an abnormal and unlawful situation. That was not only a theory but also a practical consideration.

23. The CHAIRMAN put to the vote the Canadian motion that the Soviet Union draft resolution was out of order.

The motion was adopted by 5 votes to 1.

24. Mr. MALIK (Union of Soviet Socialist Republics) stated that, as he had indicated earlier, the USSR representative would not take part in the six-Power

consultations so long as the representative of the Kuomintang group participated in them.

25. The Government of the Soviet Union would not recognize as lawful any decision or recommendation adopted by the said consultative conference with the participation of the representative of the Kuomintang group. His Government would not consider itself bound by any decision or recommendation adopted under those conditions.

26. In view of the above considerations and of the rejection of the Soviet Union proposal to exclude the representative of the Kuomintang group, Mr. Malik said that his delegation would withdraw from the meeting.

The representative of the Union of Soviet Socialist Republics left the conference room.

27. Mr. HICKERSON (United States of America) said that he was sure that all the members present deplored the action of their USSR colleague. The six Powers were meeting at the request of the General Assembly, expressed in resolution 191 (III) of 4 November 1948 and restated in resolution 299 (IV) of 23 November 1949. Mr. Hickerson read the operative paragraphs of the latter resolution, and particularly desired to stress the third paragraph, according to which the General Assembly :

" Requests the permanent members of the United Nations Atomic Energy Commission to continue their consultations, to explore all possible avenues and examine all concrete suggestions with a view to determining whether they might lead to an agreement securing the basic objectives of the General Assembly in this question, and to keep the Atomic Energy Commission and the General Assembly informed of their progress; "

28. It was perfectly clear that the General Assembly had never intended that those important and serious consultations should be interrupted by the raising of wholly extraneous and irrelevant issues. The United States took the General Assembly's instructions very seriously and Mr. Hickerson had been prepared, on his government's orders, to continue the present consultations if a different decision had been reached in respect of the representative of China. The United States Government wanted an agreement to be reached and would have felt under an obligation to proceed with the discussions whatever decision had been taken on the technical point of the representation of China.

29. Although Mr. Hickerson deplored the absence of the Soviet Union delegation and recognized the fact that the delegation alone was blocking the way to an agreement being reached, he said that he was ready to continue the discussions without that delegation in an effort to reach such limited objectives as could be achieved in the circumstances.

30. Sir Alexander CADOGAN (United Kingdom) also deplored the withdrawal of the USSR representative, particularly because the prime objective of forming the group and of its work was to bridge the gap which

existed between the Government of the Soviet Union and the other Governments. Sir Alexander thought that they should issue some report on the meeting bringing out the fact that as long as the Soviet Union did not participate the main objective of the group was defeated.

31. As the United Kingdom delegation felt that no effort should be spared, it was prepared to continue discussions among five Powers only, although obviously they could not solve the matter without the participation of the Soviet Union. The five Powers perhaps could examine the various proposals put forward during the General Assembly and agree in their views thereon, but they could not arrive at a final solution. Sir Alexander then presented a draft briefly outlining the above ideas.

32. Mr. CHAUVEL (France) associated his delegation with the expressions of regret at the departure of the Soviet Union representative. Being fully cognizant of the consequences of any delay in solving the problem, the French delegation deplored the cessation of the participation of the Soviet Union in the consultations for irrelevant considerations. Clearly, as their purpose was to bridge the gap between the views of the majority and the minority, the absence of one of the parties meant that the consultations were left with no practical objective in view. The French delegation viewed the event merely as a suspension of the work of the conference. It was prepared to continue discussions but those discussions would not be on the same basis as the six-Power consultations.

33. Any *communiqué* issued, by the conference should make clear the responsibility of the Soviet Union in making it impossible for the members to continue their work. Mr. Chauvel suggested that they might also ask the Secretariat to inform the Members of the United Nations of the difficulties they had encountered. The necessary steps might be taken to publish the summary record of the meeting in order to show the views expressed by the members. That procedure would require the agreement of the USSR representative.

34. Mr. HICKERSON (United States of America) agreed that the summary record of the meeting should be made public. If there were any doubts about securing the agreement of the USSR representative, the conference might request the Secretariat to make public the individual statements of the members. With regard to the draft *communiqué*, Mr. Hickerson would prefer it to be more detailed, and suggested that it should include the comments made by the members at the meeting.

35. As regards the future work of the conference, while it was true that its members would be unable to resolve their differences with the Soviet Union, the General Assembly had imposed upon them the obligation to continue their efforts as far as possible. They might examine some of the misconceptions revealed during the fourth session of the General Assembly and discuss some of the concrete suggestions made during the Assem-

bly debate. Mr. Hickerson was ready to have the date of their next meeting fixed.

36. Mr. CHAUVEL (France) felt that, if the five Powers were to proceed with the discussions, they should make it clear that such discussions could not be considered as being on the same level as the six-Power consultations. It would be a different group working on a different basis. The group should make it clear that the consultations had been suspended, but that the five Powers were conducting discussions on the same subject. Indeed, it might be convenient for such discussions to be held in delegation offices, with or without assistance from the Secretariat. There should, however, be no doubt that the six-Power consultations had adjourned *sine die*.

37. Sir Alexander CADOGAN (United Kingdom) observed that the attitude of the United States representative might be influenced by the desire to follow the procedure of other United Nations organs and show that the withdrawal of the Soviet Union had not brought the activities of the group to a close. While that was appropriate in other cases, their group was almost a mediatory body and their functions therefore changed upon the withdrawal of the Soviet Union. They might continue with discussions but it should be made clear that the basis on which they worked had changed. Perhaps in the *communiqué* they could refer to the nature of their future discussions and state that they would be glad to resume the six-Power consultations. However, Sir Alexander felt that the *communiqué* should not merely state that the group would continue to meet.

38. General MCNAUGHTON (Canada) drew attention to the decision taken at the previous meeting concerning the publication of summary records. That self-denying agreement not to publicize any statements made in the consultations until the entire results of their work could be released offered a satisfactory procedure which should be continued.

39. With regard to the procedural status of their discussions, it was evident that the division of opinion was between the five Powers still present and the Soviet Union. Recognition of that fact had led the General Assembly to invite the group of six Powers to consult together. At present they could not continue the mediatory process. It was important to make that point clear and not to continue with meetings which might be misconstrued as being the consultations requested by the Assembly. No doubt it was important to continue efforts to conclude a system of control and if it was desired to hold discussions among the five Powers, the Canadian delegation would always be prepared to participate in them. However, the different nature of the meetings should be made known to the public.

40. In its *communiqué*, the group might express

grave concern that the consultations had been suspended by the unilateral act of one party, without valid reason. They might entrust the incoming Chairman with keeping the situation under review and calling together the six Powers at the first opportunity. General McNaughton believed that, by keeping the six-Power consultations distinct from those to be held by the five Powers, and expressing the desire to resume the former at any time, the position of the five-Power group would be made clear.

41. The CHAIRMAN suggested that the group deal *seriatim* with the four questions before it : first, making public the summary records; second, requesting the Secretary-General to inform all members of the situation; third, deciding on the form in which their work might continue; and fourth, drafting the text of a *communiqué*. With regard to the summary records, the Chairman considered it appropriate to release all those not yet made public, including the current meeting.

42. General MCNAUGHTON (Canada) said that he had just been informed that the Soviet Union representative had given the text of his statement to the Press. General McNaughton pointed out that his previous remarks had been governed by the desire to ensure that the Soviet Union representative would not be placed in a disadvantageous position by his absence. The action taken by the latter, however, cleared up that point and the public should be given both sides of the question.

After a brief discussion, it was decided :

That the summary record of the present meeting should be released as soon as it was approved in the usual manner;

That the summary records of the previous meetings would be released only with the agreement of the USSR representative;

That, in the meantime, a more detailed *communiqué* would be issued giving a brief outline of the events which had taken place at the present meeting;

That the Secretary-General would be requested to bring the situation to the attention of all the Members of the United Nations; to that effect, the incoming Chairman would draft a letter to be addressed to the Secretary-General by the five Powers giving their views of the situation and requesting him to send a copy of the letter to every Member State, together with a copy of the summary record of the meeting;

That the incoming Chairman should decide on further consultations among the five Powers after holding informal discussions with the other representatives.

The text of a communiqué was then drafted and approved as Press Release No. AC/224.

It was decided that the incoming Chairman should remain in touch with the Secretariat and that, as soon as circumstances permitted, he would fix the date of the next meeting.

The meeting rose at 1.10 p. m.

DOCUMENT A/1254

Communication dated 8 February 1950 from the representative of the Union of Soviet Socialist Republics addressed to the Secretary-General : note by the Secretary-General

[Original text : Russian-English]
[10 February 1950]

The Secretary-General has the honour to communicate to the Members of the United Nations the attached communication from the representative of the Union of Soviet Socialist Republics dated 8 February 1950.

8 February 1950

In view of the fact that the statement made by the representatives of the United States, the United Kingdom, France and Canada in the United Nations Atomic Energy Commission, which you have circulated, contains an incorrect account of what actually took place on 19 January 1950 at the 14th meeting of the consultations of the permanent members of the Atomic Energy Commission and hence fails to give a correct picture of the situation that has arisen, the delegation of the Union of Soviet Socialist Republics deems it essential to state the following.

The assertion contained in the statement by the representatives of the United States, the United Kingdom, France and Canada to the effect that important and serious consultations on the atomic question " have been interrupted in consequence of the position taken up by the representative of the Soviet Union " is incorrect and misrepresents the position of the USSR delegation on these questions. As is clear from the attached texts (Annexes I and II) of the statements made by the Soviet Union representative at the meeting of the consultations of the permanent members of the Atomic Energy Commission on 19 January 1950, that which actually happened was as follows. The Soviet Union representative supported the request made by the Central People's Government of the Chinese People's Republic for the exclusion from the organs of the United Nations of the representatives of the Kuomintang group who, as stated by the Central People's Government of the Chinese People's Republic, do not represent China and the Chinese people. The Soviet Union representative according-

ly proposed that the representative of the Kuomintang group should be excluded from membership of the consultative conference of the permanent members of the United Nations Atomic Energy Commission as being a person who did not represent China, and further stated that the Soviet Union representative would not take part in the consultations so long as the representative of the Kuomintang group participated in them.

The representatives of the United States, the United Kingdom, France and Canada rejected this proposal by the Soviet Union representative, and consequently the representative of the Soviet Union was compelled to leave the consultative conference after having made the statement which is reproduced in Annex II.

Thus, the consultations of the permanent members of the Atomic Energy Commission were interrupted not " in consequence of the position taken up by the representative of the Soviet Union " as the representatives of the United States, United Kingdom, France and Canada wrongly endeavour to make out in their statement, but in consequence of the position adopted by the representatives of the four countries mentioned above. The latter refused to remove from membership of the consultative conference on the question of atomic energy the representative of the Kuomintang group who, despite the official statements and request of the Central People's Government of the People's Republic of China, is endeavouring to prolong his illegal presence in the said consultative conference, relying on the support of the representatives of the Governments of the United States, the United Kingdom, France and Canada.

In informing you of the foregoing, I request that you circulate this letter from the USSR delegation to all Members of the United Nations, for their information, together with the attached statements by the representative of the Union of Soviet Socialist Republics.

(Signed) J. MALIK

ANNEX I

STATEMENT BY THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS AT THE CONSULTATIVE CONFERENCE OF THE SIX PERMANENT MEMBERS OF THE UNITED NATIONS ATOMIC ENERGY COMMISSION ON 19 JANUARY 1950

Before considering the adoption of the agenda for today's consultative conference and examining the questions on that agenda, I deem it essential to make the following statement.

As is known, the Central People's Government of the People's Republic of China addressed communications to the United Nations on 18 November 1949 and 8 January 1950 stating that it did not recognize the right of the representatives of the Kuomintang group in United Nations organs to represent China and to speak in the United Nations in the name of the Chinese people; that it considered the pre-

sence of those representatives in United Nations organs to be unlawful, and that it insisted on their exclusion from those organs.

The Soviet Union delegation to the United Nations and the Soviet Union representatives in various organs of the United Nations have already informed the Organization that the Soviet Union delegation supports the above-mentioned communications of the Central People's Government of the People's Republic of China, that it does not recognize the representatives of the Kuomintang group in the organs of the United Nations as representatives of

China and the Chinese people, that it considers their presence in the United Nations to be unlawful, and that it insists upon their exclusion from these organs.

Accordingly, as representative of the Soviet Union in the consultative conferences of the six permanent members of the United Nations Atomic Energy Commission, I deem it essential to state that the Soviet Union delegation does not recognize the representative of the Kuomintang group in these consultative conferences as the representative of China, and insists on his exclusion from membership at these conferences.

At the same time, I am authorized to state that the repre-

sentative of the Soviet Union will not take part in the consultations of the representatives of the six permanent members of the United Nations Atomic Energy Commission so long as the representative of the Kuomintang group participates in them.

In view of the foregoing, I make the following formal proposal :

“ The consultative conference of the representatives of the six permanent members of the United Nations Atomic Energy Commission :

“ Decides to exclude from its membership the representative of the Kuomintang group. ”

ANNEX II

STATEMENT BY THE REPRESENTATIVE OF THE UNION OF SOVIET SOCIALIST REPUBLICS AT THE CONSULTATIVE CONFERENCE OF THE SIX PERMANENT MEMBERS OF THE UNITED NATIONS ATOMIC ENERGY COMMISSION ON 19 JANUARY 1950

For the reasons I have already given, the Soviet Union representative will not take part in the consultations of the six permanent members of the United Nations Atomic Energy Commission so long as the representative of the Kuomintang group participates in them.

As the representative of the Soviet Union, I am also authorized to state that the Union of Soviet Socialist Republics will not recognize as lawful any recommendation or decision adopted by the consultative conference of the six permanent members of the United Nations Atomic Energy Commission with the participation of the representative of

the Kuomintang group, and will not take into consideration such decisions or recommendations.

In view of the foregoing and also of the rejection by the representatives of the countries of the Anglo-American bloc and of France in the conference of the proposal by the Soviet Union representative to exclude the representative of the Kuomintang group from membership in the consultative conference on atomic energy I, as the representative of the Soviet Union, do now withdraw from the consultative conference.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1253	Communication dated 27 January 1950 from the representatives of Canada, China, France, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General : note by the Secretary-General	1	
A/1254	Communication dated 8 February 1950 from the representative of the Union of Soviet Socialist Republics addressed to the Secretary-General : note by the Secretary-General . .	7	
A/1660	Letter dated 11 December 1950 from the permanent representative of Poland to the United Nations addressed to the Secretary-General .		Mimeographed document only
A/1668 and Corr.1	Australia, Canada, Ecuador, France, Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland and the United States of America : draft resolution		The text is the same as that of document A/1722
A/1676	Union of Soviet Socialist Republics : draft resolution		Incorporated in the 321st plenary meeting, para. 147
A/1722	Resolution adopted by the General Assembly at its 323rd plenary meeting on 13 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 496 (V)</i>



Agenda item 27 : Action to achieve and maintain full employment and economic stability.

C O N T E N T S

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
Plenary meetings (first phase) :		
A/1358	Note by the Secretary-General	1
Second Committee :		
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A/C.2/L.72	Cuba : draft resolution	4
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A/C.2/L.74	Pakistan and Peru : joint amendment to Cuban draft resolution (A/C.2/L.71)	5
Fifth Committee :		
A/1654	Financial implications of draft resolution C proposed by the Second Committee (A/1627) : Thirty-seventh Report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	5
A/C.5/441	Financial application of draft resolution C proposed by the Second Committee : report of the Secretary-General	6
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DOCUMENT A/1358

Note by the Secretary-General

[*Original text : English*]
[14 September 1950]

1. The provisional agenda of the fifth session of the General Assembly (A/1293) contains the following item :

“ 27. Action to achieve and maintain full employment and economic stability : report of the Economic and Social Council (resolution 308 (IV) of 25 November 1949) ”.

2. The General Assembly, in resolution 308 (IV), approved the action of the Secretary-General in inviting, in accordance with Economic and Social Council resolution 221 E (IX), a group of experts who were asked to prepare, on their own responsibility, a report on

national and international measures required to achieve and maintain full employment. This group of experts prepared a unanimous report entitled *National and International Measures for Full Employment*, which was considered by the Economic and Social Council at its tenth and eleventh sessions. During the eleventh session, after an exhaustive debate based largely on the experts' report, but taking account also of the views of specialized agencies and non-governmental organizations as well as the replies received from governments to questionnaires issued under resolution 221 E (IX), the Council adopted, on 15 August 1950, resolution 290 (XI).

3. With respect to paragraph 10 of resolution 308 (IV) requesting the Economic and Social Council to give attention to unemployment and under employment, especially in under-developed countries, the attention of the General Assembly is drawn to section D of the Economic and Social Council resolution which deals with this matter.

4. An account of the discussion on full employment at the tenth and eleventh sessions of the Economic and Social Council and of the action taken is to be found in chapter III of the Council's report to the General Assembly¹. The summary records of the discussion in the Council are contained in the records of its plenary meetings 356-358, 389-394 and 411-413.

5. The attention of the General Assembly is drawn to the following documents relating to this item and which are referred to in chapter III of the report of the Economic and Social Council :

(a) *Implementation of Full Employment Policies*. Report No. 1, Second Half of 1949. ST/ECA/5, United Nations Publications, Sales No. 1950.II.A.1. (This report contains an analysis of the replies of governments to an inquiry by the Secretary-General under Economic

and Social Council resolution 224 E (IX) which were received by 15 June 1950. All replies are reproduced in full in documents E/1698 and addenda 1-8).

(b) *National and International Measures for Full Employment* (E/1584). United Nations Publications, Sales No. 1949.II.A.3.

(c) *Report of the Fifth Session of the Economic and Employment Commission*² E/1600, E/1600/Corr.1, E/1600/Add.1, E/1600/Add.2.

(d) Communication from the International Labour Organisation containing the resolution adopted by the International Labour Conference on action against unemployment E /1744, together with the *Report on Action against Unemployment* (ILO Studies and Reports, November, Series No. 20).

(e) Views of certain non-governmental organizations on the experts' report on *National and International Measures for Full Employment*. E/1695 and E/1695/Add.1-4.

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3*.

² See *Official Records of the Economic and Social Council, Tenth Session, Supplement No. 3*.

DOCUMENT A/C.2/L.70/Rev.1

Chile : draft resolution

[Original text : Spanish]
[22 November 1950]

The General Assembly,

A

Considering that the Economic and Social Council, in its resolution 290 (XI) concerning full employment, has formulated recommendations which, if carried out by governments, will strengthen the resistance of their national economies and of the international economic structure against the danger of recession,

Considering that the additional studies which the Secretary-General and the various groups of experts are requested to undertake by that resolution are such as to provide a sound basis for the adoption of national and international measures tending to ensure full employment both in economically advanced and in under-developed countries,

1. *Notes* with satisfaction the vigorous action taken by the Economic and Social Council in connexion with full employment; and

2. *Invites* governments to comply with this resolution and to co-operate with the Secretary-General in carrying out the tasks entrusted to him.

B

Bearing in mind that, as a result of the international events of the last few months, new economic factors have appeared which threaten to unbalance and dislocate the general economic stability and the economic progress of many countries, and

Recognizing that under Articles 55 and 56 of the Charter, the United Nations is under an obligation to use all the means at its disposal to ensure the steady growth of the world economy and thus to prevent the emergence of those factors of economic disequilibrium which impair general economic stability and disturb the economic development of the under-developed countries,

1. *Requests* the Economic and Social Council, when examining the world economic situation during its twelfth session, to pay special attention to current international economic disturbances with a view to recommending to governments and to the General Assembly measures designed to make possible the uninterrupted progress of their programmes of economic stability and development;

2. *Calls upon* all members of the Economic and Social Council to submit to the twelfth session of the Council their views concerning the way in which the current world situation has affected the economic progress of the different countries, as well as the prospects of continuing world economic expansion, and to communicate these views, through the Secretary-General, to the Council at least three weeks before the opening of the twelfth session of the Council; and,

3. *Invites* all other Members of the United Nations similarly to submit their views to the Council with the object of assisting the Council in its task of recommending measures to the governments and to the General Assembly.

DOCUMENT A/C.2/L.70/Rev.2**Chile, Pakistan, Peru and Uruguay : joint draft resolution**

[Original text : Spanish and English]
[27 November 1950]

The General Assembly,

A

Considering that the Economic and Social Council, in its resolution 290 (XI) concerning full employment, has formulated recommendations to Governments designed to strengthen the resistance of their national economies and of the international economic structure against the danger of recession,

Considering that the additional studies which the Secretary-General and the various groups of experts are requested to undertake by that resolution are designed to provide a sound basis for the adoption of national and international measures tending to ensure full employment both in economically advanced and in under-developed countries,

1. Notes with satisfaction the vigorous action taken by the Economic and Social Council in connexion with full employment; and

2. Invites governments to co-operate with the Secretary-General in carrying out the tasks entrusted to him.

B

Bearing in mind that, as a result of the international events of the last few months, new economic factors have appeared which may unbalance and dislocate the general economic stability and the economic progress of many countries, and

Recognizing that under Articles 55 and 56 of the Charter, the United Nations is under an obligation to use all the means at its disposal to ensure the steady growth of the world economy and to prevent the emergence of those factors of economic disequilibrium which impair general economic stability and disturb the economic development of the under-developed countries,

1. Requests the Economic and Social Council, when examining the world economic situation during its twelfth session, to pay special attention to changes currently taking place in the international economic situation, with a view to recommending to governments and to the General Assembly measures designed to make possible the uninterrupted progress of their programmes of economic stability and development;

2. Invites all members of the Economic and Social Council to submit to the twelfth session of the Council their views concerning the way in which the current world situation has affected their economic progress as the prospects of continuing world economic expansion, and to communicate these views, through the Secretary-General, to the Council before the opening of the twelfth session of the Council; and,

3. Invites all other Members of the United Nations similarly to submit their views to the Council with the object of assisting the Council in its task of recommending measures to governments and to the General Assembly.

DOCUMENT A/C.2/L.71**Cuba : draft resolution****ORGANIZATION AND COLLECTION OF EMPLOYMENT DATA**

[Original text : Spanish]
[21 November 1950]

The General Assembly,

Noting that the Economic and Social Council in resolution 290 (XI), *inter alia*,

(a) Recommended that governments should furnish the Secretary-General with a wide range of economic and statistical information relating to the implementation of that resolution,

(b) Expressed the view that, while some countries may not be able to supply all the information called for, greater progress could be made in giving effect to that resolution

if they at least initiated the collection of such data, even though the first results might prove inaccurate,

(c) Invited the International Labour Organisation to take all feasible further steps towards the practical implementation of the recommendations of the Sixth International Conference of Labour Statisticians in order to facilitate international comparability of employment and unemployment data, with special reference to their use in the formulation of full employment standards and annual employment plans, policies and programmes,

Aware that the Economic and Social Council, in Part E

of its resolution, recommended that the Secretary-General and the specialized agencies should provide technical assistance to governments, upon their request, for the purpose of assisting the under-developed countries in this respect,

1. *Recommends* that the Secretary-General should, in co-operation with the specialized agencies concerned and taking into account the different institutional circumstances in the under-developed countries, prepare material which may serve to guide governments wishing to use it and which should set forth :

(a) The types of data considered necessary to provide

up-to-date information regarding the level of economic activity, employment, unemployment and under-employment;

(b) Procedures and methods suitable for obtaining and presenting such data; and

(c) Other suggestions relating to the organization of adequate government machinery necessary for obtaining the said data;

2. *Affirms* that any expenditure incurred in connexion with this resolution is legitimately chargeable to the special account set up under Economic and Social Council resolution 222 A (IX) relating to technical assistance

DOCUMENT A/C.2/L.72

Cuba : draft resolution

EFFECT OF MECHANIZATION ON UNEMPLOYMENT

[Original text : Spanish]
[21 November 1950]

The General Assembly,

Noting that, at its fourth session, it expressed its belief that " action is needed to overcome unemployment and under-employment such as that arising, particularly in under-developed countries, among large numbers of people engaged in agricultural pursuits; and that, to this end, it is necessary, *inter alia*, to stimulate the economic development of under-developed countries ",

Having noted that the group of experts appointed by the Secretary-General to report on national and international measures required to achieve and maintain full employment expressed the view that in the under-developed countries a large part of the population could be diverted from agricultural occupations without any decrease in agricultural output, and that " the only remedy for this form of disguised unemployment is economic development, which constitutes the major economic problem of the world ",

Bearing in mind that the terms of reference of the Sub-Commission on Economic Development, whose functions now fall to the Economic, Employment and Development Commission, include " studying the effects of industrialization and changes of a technological order upon the world economic situation ",

Commending the Economic and Social Council for the action it has initiated in paragraph 22 of resolution 290 (XI) on full employment, by which the Secretary-General is requested to appoint a group of experts to prepare, in the light of the current world economic situation and of the requirements of economic development, a report

on the national and international measures required to reduce unemployment and under-employment in under-developed countries,

Realizing that the mechanization of production essential for increased productivity would give rise to unemployment or under-employment unless action were taken simultaneously to create additional employment opportunities in the economy as a whole,

1. *Requests* the Secretary-General to impress upon the group of experts to be appointed by him under paragraph 22 of Economic and Social Council resolution 290 (XI) the necessity of giving special consideration in the course of their work to the need for the formulation of :

(i) Comprehensive action programmes of economic development which will utilize rationally and to an increasing extent the manpower and natural resources of the under-developed countries, thereby preventing any aggravation of their problems of unemployment and under-employment that would otherwise occur as a result of the mechanization of production in certain branches of industry and agriculture; and

(ii) Measures of social security which will ensure that there will be no interruption in the earnings of workers temporarily unemployed through mechanization or technological progress;

2. *Requests* the Secretary-General and the specialized agencies concerned, in facilitating the work of the above group of experts, to bear this resolution in mind.

DOCUMENT A/C.2/L.73**Uruguay : draft resolution**

[Original text : Spanish]
[21 November 1950]

The General Assembly,

Considering the antecedents and contents of resolution 290 (XI) of the Economic and Social Council which studies the national and international measures required to achieve full employment,

Considering that this study may provide, in general, an effective basis for the adoption of such measures in the economically advanced countries, and

Bearing in mind the desirability of extending such studies more particularly to the economically under-developed countries, the advancement of which the United Nations is endeavouring to promote,

(a) *Notes* resolution 290 (XI) of the Economic and Social Council;

(b) *Congratulates* the Economic and Social Council on the valuable work it has accomplished in preparing that important resolution; and

(c) *Commends* to its attention the desirability of continuing such studies and of extending them in particular to the national and international measures required for the solution of the problem of full employment in the economically under-developed countries.

DOCUMENT A/C.2/L.74**Pakistan and Peru : Joint amendment to the Cuban draft resolution (A/C.2/L.71)**

ORGANIZATION AND COLLECTION OF EMPLOYMENT DATA

[Original text : English]
[27 November 1950]

Redraft paragraph 1 of the operative part as follows :

" 1. *Recommends* the Secretary-General, in co-operation with the specialized agencies concerned, and taking into account the different degrees of development of the requesting countries, to classify and publish, preferably in the form of practical handbooks which may serve to guide the less developed countries :

" (a) The requests for technical assistance relative to the implementation of Economic and Social resolution 290 (XI);

" (b) The measures taken to meet these requests, including the methods advised and the programmes carried out in this regard. "

DOCUMENT A/1654**Financial implications of draft resolution C proposed by the Second Committee (A/1627) : thirty-seventh report of 1950 of the Advisory Committee on Administrative and Budgetary Questions**

[Original text : English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions takes note that the financial implications of draft resolution C proposed by the Second Committee in document A/1627 are estimated in the relevant report of the Secretary-General (A/C.5/441) at \$50,000 for the years 1951 and 1952.

2. The Secretary-General has further reported that the estimated expenditure could either be met within the provision proposed for section 28 of the budget

estimates—Technical assistance for economic development—or alternatively be charged against the Special Account for Technical Assistance.

3. The Advisory Committee recommends that an estimate of \$25,000 for the purposes of the draft resolution should be approved, in respect of 1951, under section 28 of the budget estimates, this sum to be absorbed within the total provision of \$479,400 already approved by the Fifth Committee in the first reading of the 1951 estimates.

DOCUMENT A/C.5/441

Financial implications of draft resolution C proposed by the Second Committee : report of the Secretary-General

[Original text : English]
[8 December 1950]

1. The Second Committee has transmitted to the General Assembly a resolution, contained in A/C.5/421, which proposes the preparation of materials for the guidance of governments in connexion with the organization and collection of employment data.

2. Whilst a number of the publications produced by the United Nations and the specialized agencies will be of assistance to governments, the application of the methods set up in these publications to countries at an early stage of economic development require to be developed.

3. The extra cost of the preparation of the material requested by the resolution is estimated at approximately \$50,000, spread over a period of two years. This sum represents salaries of staff, fees of consultants, and the printing and reproduction of the guides. This estimate does not include any provision for field assistance which might be requested by individual countries in the

application of the procedures, methods and other suggestions made to give effect to the resolution, nor does it include the work which will need to be undertaken by the Food and Agriculture Organization in the case of agriculture statistics, the International Labour Organization in connexion with employment and wage statistics, or by the International Monetary Fund in connexion with improvements of balance of payments statistics. Close liaison would of course be maintained with the specialized agencies concerned with aspects of this work.

4. The estimated expenditure set out above, namely \$50,000, over a period of two years, would be borne from the funds available under section 28—technical assistance for economic development—or from the Special Account which has been set up for technical assistance for economic development. There would therefore be no additional financial implications to the United Nations' budget.

DOCUMENT A/1627

Report of the Second Committee

[Original text : English]
[6 December 1950]

1. The General Assembly, at its 285th plenary meeting held on 26 September 1950, decided to place on the agenda of its fifth session the item "Action to achieve and maintain full employment and economic stability: report of the Economic and Social Council", and to allocate it to the Second Committee for consideration and report.

2. In connexion with this item, the Second Committee had before it the report of the Economic and Social Council to the fifth session of the General Assembly (A/1345) containing a chapter entitled "Full Employment" (chapter III). This chapter gives an account of the activities of the Council in the field of full employment during its tenth and eleventh sessions and describes the action taken by the Council in response to General Assembly resolution 308 (IV) of 25 November 1949 on full employment.

3. The Second Committee considered the item during eight meetings³. The first five meetings were devoted

to a general debate in which twenty-nine delegations took part, as well as representatives of the International Labour Organisation and the Food and Agriculture Organization.

4. At the conclusion of the general debate, the Committee had before it the following specific proposals:

(a) *Full employment* (Economic and Social Council resolution 290 (XI)) : proposals concerning the Council resolution were contained in part A of a draft resolution submitted by Chile (A/C.2/L.70/Rev.1) and in a draft resolution submitted by Uruguay (A/C.2/L.73).

(b) *Current world economic situation* : a proposal relating to the examination of the world economic situation by the twelfth session of the Economic and Social Council was contained in part B of a draft resolution submitted by Chile (A/C.2/L.70/Rev.1).

(c) *Guides for organization and collection of economic data in under-developed countries* : a draft resolution submitted by Cuba (A/C.2/L.71).

(d) *Mechanization and unemployment in under-developed countries* : a draft resolution submitted by Cuba (A/C.2/L.72).

³ See *Official Records of the General Assembly, Fifth Session, Second Committee*, 137th to 144th meetings.

FULL EMPLOYMENT

5. The proposal contained in part A of the Chilean draft resolution as revised by its sponsor (A/C.2/L.70/Rev.1) noted with satisfaction Economic and Social Council resolution 290 (XI) and invited governments to comply with its terms and to co-operate with the Secretary-General in carrying out the tasks entrusted to him by that resolution. The draft resolution submitted by Uruguay (A/C.2/L.73) noted the Council resolution, congratulated the Council on the work accomplished and commended to its attention the desirability of continuing its efforts in the field of full employment, particularly with respect to under-developed countries. The Committee considered these proposals at its 142nd and 143rd meetings. After the representative of Chile had orally revised his proposal to take account of the points made in the Uruguayan draft, the representative of Uruguay withdrew his draft resolution. The Committee then considered simultaneously both part A and another Chilean proposal contained in part B of the Chilean draft resolution (see also paragraphs 8 to 11 below, concerning the Committee's action on part B). Several oral amendments were offered to the revised Chilean draft by the representatives of Australia, Belgium, Canada, France, Peru and the United States of America. As a result, a new revision (A/C.2/L.70/Rev.2) of the Chilean draft resolution was submitted to the Committee and sponsored also by Pakistan, Peru and Uruguay. Before voting on this joint draft resolution, the Committee agreed to treat parts A and B as two separate resolutions.

6. At its 143rd meeting, part A of the joint draft resolution was adopted by 37 votes to 5, with 1 abstention. In adopting the resolution, it was the sense of the Committee that the Secretary-General should, in view of the rapidly changing economic conditions in the world, regard himself as authorized to use his discretion with respect to the time period to be covered by the special questionnaire referred to in paragraphs 11 and 13 (b) of Economic and Social Council resolution 290 (XI) so as not to ask governments to submit estimates of their balance of international payments for a longer period than they can now reasonably be expected to supply.

7. The Second Committee accordingly recommends to the General Assembly the adoption of draft resolution A annexed to the present report.

CURRENT WORLD ECONOMIC SITUATION

8. Part B of the draft resolution as revised by Chile (A/C.2/L.70/Rev.1) dealt with the need for discussion by the Economic and Social Council at its twelfth session of current international economic problems in connexion with the Council's examination of the world economic situation, so that the Council might be in a position to make recommendations to governments and to the General Assembly concerning measures designed to make pos-

sible the uninterrupted progress of programmes of economic stability and development. This draft resolution also proposed arrangements for obtaining the views of the members of the Council and of the other Members of the United Nations concerning this matter prior to the opening of the twelfth session of the Council.

9. Part B of the Chilean draft resolution was considered by the Committee simultaneously with part A and the Committee's consideration of the proposal is described in paragraph 5 above.

10. The Committee adopted the draft resolution contained in part B of the joint draft resolution submitted by Chile, Pakistan, Peru and Uruguay (A/C.2/L.70/Rev.2) by 37 votes to none, with 6 abstentions.

11. The Second Committee therefore recommends to the General Assembly the adoption of draft resolution B annexed to the present report.

GUIDES FOR ORGANIZATION AND COLLECTION OF ECONOMIC DATA IN UNDER-DEVELOPED COUNTRIES

12. The draft resolution submitted by Cuba in A/C.2/L.71 was considered by the Committee at its 143rd and 144th meetings. The proposal recommended that the Secretary-General, in co-operation with the specialized agencies concerned, should prepare material which would be of help to under-developed countries in organizing and collecting economic data in connexion with Economic and Social Council resolution 290 (XI); it further affirmed that any expenses involved could be charged to the Special Account set up under Economic and Social Council resolution 222 A (IX) relating to technical assistance. An amendment to the resolution submitted by Pakistan and Peru (A/C.2/L.74) was subsequently withdrawn by its sponsors after a statement by the representative of the Secretary-General that the request regarding the preparation of such material could be carried out provided financial resources were available.

13. An oral amendment by the representative of the United States to delete the last operative paragraph of the draft resolution covering the method of financing the work requested of the Secretary-General was adopted by 24 votes to 7, with 15 abstentions. After several oral revisions by the sponsor and an oral amendment by Australia, accepted by the sponsor, the draft resolution, as amended, was adopted unanimously by the Committee.

14. In adopting this resolution the Committee expressed the view that, while it wished to ensure that the work described in the resolution would be carried out, it had deleted the last operative paragraph of the original Cuban draft resolution (A/C.2/L.71) because it did not deem it advisable to make any decision concerning the method by which this work was to be financed.

15. The Second Committee therefore recommends to the General Assembly the adoption of draft resolution C annexed to the present report.

MECHANIZATION AND UNEMPLOYMENT IN UNDER-DEVELOPED COUNTRIES

16. The draft resolution submitted by Cuba (A/C.2/L.72) on mechanization and unemployment in under-developed countries was considered by the Committee at its 144th meeting. After several oral revisions by the sponsor and oral amendments by the representatives of Canada, the United Kingdom and the United States all accepted by the sponsor, the draft resolution, as amended, was adopted unanimously.

17. The Second Committee therefore recommends to the General Assembly the adoption of draft resolution D annexed to the present report.

DRAFT RESOLUTION A

Full employment

The General Assembly,

Considering that the Economic and Social Council, in its resolution 290 (XI) concerning full employment, has formulated recommendations to governments designed to strengthen the resistance of their national economies and of the international economic structure against the danger of recession,

Considering that the additional studies which the Secretary-General and the various groups of experts are requested to undertake by that resolution are designed to provide a sound basis for the adoption of national and international measures tending to ensure full employment, both in economically advanced and in under-developed countries,

1. *Notes* with satisfaction the vigorous action taken by the Economic and Social Council in connexion with full employment;

2. *Invites* Governments to co-operate with the Secretary-General in carrying out the tasks entrusted to him.

DRAFT RESOLUTION B

Current world economic situation

The General Assembly,

Bearing in mind that, as a result of the international events of the last few months, new economic factors have appeared which may unbalance and dislocate the general economic stability and the economic progress of many countries,

Recognizing that, under Articles 55 and 56 of the Charter, the United Nations is under an obligation to use all the means at its disposal to ensure the steady growth of the world economy and to prevent the emer-

gence of those factors of economic disequilibrium which impair general economic stability and disturb the economic development of the under-developed countries,

1. *Requests* the Economic and Social Council, when examining the world economic situation during its twelfth session, to pay special attention to changes currently taking place in the international economic situation, with a view to recommending to governments and to the General Assembly measures designed to make possible the uninterrupted progress of programmes of economic stability and development;

2. *Invites* all the members of the Economic and Social Council to submit to the twelfth session of the Council their views concerning the way in which the current world situation has affected their economic progress and the prospects of continuing world economic expansion, and, if possible, to communicate these views, through the Secretary-General, to the Council before the opening of its twelfth session;

3. *Invites* all the other Members of the United Nations similarly to submit their views to the Council, with the object of assisting the Council in its task of recommending measures referred to in paragraph 1 above to the governments and to the General Assembly.

DRAFT RESOLUTION C

Guides for organization and collection of economic data in under-developed countries.

The General Assembly,

Noting that the Economic and Social Council, in resolution 290 (XI) of 15 August 1950, *inter alia*,

(a) Recommended that governments should furnish the Secretary-General with a wide range of economic and statistical information relating to the implementation of that resolution,

(b) Stated that "*Having regard* to the fact that, in some predominantly agricultural countries, figures for unemployment and under-employment may not be easily ascertainable and full employment goals may, if related only to industrial labour, lead to misleading conclusions, and that, consequently, it may not be possible for such countries to implement certain provisions of this resolution",

(c) Invited the International Labour Organisation to take all feasible further steps towards the practical implementation of the recommendations of the Sixth International Conference of Labour Statisticians, in order to facilitate international comparability of employment and unemployment data, with special reference to their use in the formulation of full employment standards and annual employment goals, policies and programmes,

Being aware that the Economic and Social Council, in part E of the above-mentioned resolution, recommended that the Secretary-General and the specialized agencies should provide, within their capacities, technical

assistance to governments, on their request, for the purpose of assisting under-developed countries in this respect,

Recommends that the Secretary-General and the specialized agencies, taking into account the different institutional circumstances in the under-developed countries, prepare material which may serve to guide governments wishing to make use thereof and which should set forth :

(a) The types of data considered necessary to provide up-to-date information regarding the level of economic activity, employment, unemployment and under-employment;

(b) Procedures and methods suitable for obtaining and presenting such data;

(c) Other suggestions relating to the organization of adequate government machinery necessary for obtaining the said data.

DRAFT RESOLUTION D

Mechanization and unemployment in under-developed countries

The General Assembly,

Having in mind that, at its fourth session, it expressed its belief that " action is needed to overcome unemployment and under-employment such as that arising, particularly in under-developed countries, among large numbers of people engaged in agricultural pursuits; and that, to this end, it is necessary, *inter alia*, to stimulate the economic development of under-developed countries, " ⁴

Having noted that the group of experts appointed by the Secretary-General under Economic and Social Council resolution 221 E (IX) of 11 August 1949 to report on national and international measures required to achieve and maintain full employment has expressed the view that in the under-developed countries a large part of the population could be diverted from agricultural occupations without any decrease in agricultural output, and

⁴ General Assembly resolution 308 (IV) of 25 November 1949.

that " the only remedy for this form of disguised unemployment is economic development, which constitutes the major economic problem of the world " ,⁵

Bearing in mind that terms of reference of the Sub-Commission on Economic Development, whose functions now fall to the Economic, Employment and Development Commission, include " studying the effects of industrialization and changes of a technological order upon the world economic situation " ,

Commending the Economic and Social Council for the action it has initiated in paragraph 22 of resolution 290 (XI) on full employment, by which the Secretary-General is requested to appoint a group of experts to prepare, in the light of the current world economic situation and of the requirements of economic development, a report on the national and international measures required to reduce unemployment and under-employment in under-developed countries,

Realizing that the mechanization of production essential for increased productivity may in many cases give rise to unemployment unless additional employment opportunities already exist or are simultaneously created in the economy as a whole,

1. *Requests* the Secretary-General to impress upon the group of experts to be appointed by him under paragraph 22 of Economic and Social Council resolution 290 (XI) the necessity of giving due consideration in the course of their work to :

(i) Ways and means of preventing any aggravation of the problems of unemployment and under-employment in under-developed countries that may occur as a result of the mechanization of production in certain branches of industry and agriculture;

(ii) Measures of social security designed to ensure that there will be no interruption in the income of workers temporarily unemployed through mechanization or technological progress, taking into account the work of the International Labour Organisation in this field;

2. *Requests* the Secretary-General and the specialized agencies concerned, in facilitating the work of the above group of experts, to bear in mind the present resolution.

⁵ *National and International Measures for Full Employment*. United Nations Publications, Sales No. 1949.II.A.3.

DOCUMENT A/1666

Report of the Fifth Committee

FINANCIAL IMPLICATIONS OF DRAFT RESOLUTION C PROPOSED BY THE SECOND COMMITTEE (A/1627)

[Original text : English]
[11 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter of 29 November 1950 to the

Chairman of the Fifth Committee (A/C.5/421), the Fifth Committee, at its 278th meeting on 11 December 1950, considered the financial implications of draft resolution C

proposed by the Second Committee regarding action to achieve and maintain full employment and economic stability (A/1627).

2. The Committee had before it a report of the Secretary-General (A/C.5/441) to the effect that the extra cost of the preparation of the material requested under draft resolution C was estimated at approximately \$50,000 spread over a period of two years—representing salaries of staff, fees of consultants and the printing and reproduction of the proposed guides. The Secretary-General pointed out that this estimate did not include any provision for field assistance which might be requested by individual countries in the application of the procedures, methods and other suggestions that had been made in connexion with the implementation of the resolution, nor did it include provision for work which will need to be undertaken by various specialized agencies. The Secretary-General proposed that the estimated expenditure should be borne from funds available under section 28 of the

budget estimates (technical assistance for economic development) or from the Special Account which has been set up for such assistance. Consequently there would be no additional financial implications to the United Nations budget.

3. The Advisory Committee on Administrative and Budgetary Questions in its thirty-seventh report of 1950 (A/1654) recommended that an estimate of \$25,000 for the purposes of the draft resolution should be approved in respect of 1951 under section 28 of the budget estimates, this sum to be absorbed within the total proposed provision of \$479,400.

4. The Fifth Committee unanimously approved the Advisory Committee's recommendation, and therefore decided to inform the General Assembly that adoption of the draft resolution of the Second Committee will involve expenditure in 1951 of \$25,000 which, however, can be absorbed within the total proposed appropriation for section 28.

Check list of documents

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A/C.2/L.70	Chile : draft resolution		Mimeographed document, was not considered by the Second Committee and replaced by A/C.2/L.70/Rev.1.
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A/C.5/421	Letter dated 29 November 1950 from the President of the General Assembly to the Chairman of the Second Committee		Mimeographed document only.
A/C.5/441	Financial implications of draft resolution C proposed by the Second Committee : Report of the Secretary-General . . .	6	



Agenda item 28 : Economic development of under-developed countries

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DOCUMENT A/1359

Note by the Secretary-General

[Original text: English]
[14 September 1950]

1. The provisional agenda of the fifth session of the General Assembly (A/1293) contains the following item:

“ 28. Economic development of under-developed countries; report of the Economic and Social Council (resolution 306 (IV) of 16 November 1949) ”.

2. The General Assembly in resolution 306 (IV) recommended, *inter alia*, that the Economic and Social Council should continue to give urgent attention to the problem of economic development of under-developed countries, and include in its annual report a special chapter on the measures being taken to promote economic development.

3. In accordance with the above-mentioned request, the report of the Council to the General¹ Assembly contains a chapter on economic development of under-developed countries (chapter II). This chapter gives an account of the activities of the Council in the field of economic development during its tenth and eleventh sessions and also draws the attention of the General Assembly to a report by the Secretary-General on Measures to promote economic development being taken by the United Nations and Specialized Agencies (E/1729),² prepared by him in response to Council resolution 268 B (X) and containing a brief review of the different classes of such measures and the operations undertaken to the end of May 1950.

4. The particular problem which was given major attention by the Economic and Social Council during its tenth and eleventh sessions was that of financing the economic development of under-developed countries and, on 12 August 1950, the Council adopted resolution 294 (XI).

5. Another major problem with which the Council dealt both during the tenth and eleventh sessions was that of technical assistance for economic development of under-developed countries. Activities in this field are being carried out in accordance with the regular programme of the United Nations which is administered under General Assembly resolution 200 (III) and in accordance with the expanded programme under Council resolution 222 A (IX) (See also General Assembly resolution 304 (IV)).

6. The matter now presented for the consideration of the General Assembly in connexion with technical assistance relates to the activities under General Assembly resolution 200 (III), and action is recommended by means of a draft resolution reading as follows:

“ *The General Assembly,*

“ *Having decided* in resolution 305 (IV) that the regular budget of the United Nations should continue to provide for the activities authorized by resolution 200 (III),

“ *Notes with approval* that the Secretary-General has included in the budget of the United Nations for the year 1951 the same amount as was appropriated by the General Assembly in 1950; and

“ *Recommends* that the requests for technical assistance for economic development received by the Secretary-General in accordance with resolution 200 (III) which cannot be financed with funds provided in the regular budget of the United Nations should be eligible for financing from the special account for technical assistance for economic development established in accordance with General Assembly resolution 304 (IV) and with the actions of the Technical Assistance Conference convened by the Secretary-General in accordance with Economic and Social Council resolution 222 A (IX) ”.

7. The summary records of the discussion on the problem of financing economic development at the tenth and eleventh sessions of the Economic and Social Council are contained in the records of its plenary meetings 367-371 and 381-385³ and in the records of Economic Committee meetings 90-91.⁴ The summary records of the discussion on the problem of technical assistance are contained in the records of plenary meetings 412 and 413 of the Council.⁵

8. The attention of the General Assembly is also drawn to the following documents relating to this item and which are referred to in chapter II of the report of the Economic and Social Council:

(a) Survey of policies affecting private foreign investment. E/1614/Rev.1.

(b) Methods of increasing domestic savings and of insuring their most advantageous use for the purpose of economic development. E/1562.

(c) *Methods of financing economic development in under-developed countries.* United Nations Publications, Sales No. 1949.II.B.4.

(d) *Relative prices of exports and imports of under-developed countries.* United Nations Publications, Sales No. 1949.II.B.3.

(e) *International Capital movements during the inter-war period.* United Nations Publications, Sales No. 1949.II.D.2.

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3.*

² See *Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 5.*

³ *Ibid*, 367th to 371st and 381st to 385th meetings.

⁴ See documents E/AC.6/SR.90 and 91.

⁵ See *Official Records of the Economic and Social Council, Eleventh Session, 412th and 413th meetings.*

(f) *National and international measures for full employment.* United Nations Publications, Sales No. 1949.II.A.3.

(g) *The effects of taxation on foreign trade and investment.* United Nations Publications, Sales No. 1950.XVI. 1.

(h) Economic and legal status of foreign investments in selected countries of Latin America. E/CN.12/166 and E/CN.12/166/Add.1-9.

(i) Foreign investment loans and regulations in the ECAFE region. E/CN.11/1 et T/25.

(j) Report of the fourth session of the Sub-Commis-

sion on Economic Development. E/CN.1/80 and E/CN.1/80/Add.1.

(k) Fourth Annual Report, 1948-1949, of the International Bank for Reconstruction and Development. E/1557.

(l) Communication from the Food and Agriculture Organization of the United Nations transmitting a report on "International Investment and Financing Facilities." E/1591.

(m) Financing economic development — A statement by the International Chamber of Commerce. E/C.2/256/Add.1.

DOCUMENT A/C.2/L.35

Yugoslavia : draft resolution

[Original text : English]
[17 October 1950]

The General Assembly,

Considering that a more rapid increase of production in under-developed countries and the consequent raising of the level of productive employment and living standards of their populations are an essential contribution towards the general economic development in the world and peaceful and friendly relations among nations,

Considering further that, although the economic development of under-developed countries depends primarily upon the efforts of the peoples of these countries, the necessary acceleration of that development, on the basis of their own plans and programmes, requires not only technical but also financial assistance from abroad, and particularly from the more developed countries,

Recognizing that private capital which is currently flowing into under-developed countries cannot meet the needs of the financing of under-developed countries and that those needs can be met only by an increased flow of international public funds,

Suggests that the Economic and Social Council, paying

due regard to geographical representation, establish a special committee of governmental representatives specifically authorized by their governments to consider :

(a) The extension of the international machinery through which international public funds can be made available to under-developed countries for the purpose of accelerating their economic development;

(b) The methods and conditions through which funds would be made available to any new international machinery that might be proposed in the sense of subparagraph (a) above;

(c) The methods and policies of such financing;

Requests that the Economic and Social Council submit its recommendations to the sixth regular session of the General Assembly; and

Calls upon all Member Governments and specialized agencies concerned to submit to the Economic and Social Council any proposals bearing upon the above resolution.

DOCUMENT A/C.2/L.35/Add.1

Addendum to the Yugoslav draft resolution (A/C.2/L.35)

[Original text : English]
[19 October 1950]

Add the delegations of Egypt, Iraq, Lebanon, Syria and Yemen as sponsors to this resolution.

DOCUMENT A/C.2/L.40

Cuba : amendment to the draft resolution proposed by Yugoslavia (A/C.2/L.35 and A/C.2/L.35/Add.1)

[Original text : Spanish]

[19 October 1950]

After sub-paragraph (c) of the first paragraph of the operative part, insert the following :

“ *Suggests*, furthermore, that the International Bank for Reconstruction and Development should be requested

to prepare concurrently a study of the questions referred to in sub-paragraphs (a), (b) and (c), in the light of its experience and with a view to the adoption of a more active and liberal financing policy.”

DOCUMENT A/C.2/L.38

Pakistan and United Kingdom : joint draft resolution

[Original text : English]

[17 October 1950]

The General Assembly

Taking note of the report of the fourth session of the Sub-Commission on Economic Development (E/CN.1/80), the Experts' Report on *National and International Measures for Full Employment* (E/1584), the report of the fourth session of the Economic and Employment Commission (E/1356, Part. VIII)⁶, and the Report of the Economic and Social Council to the fifth session of the General Assembly (A/1345)⁷.

Taking note further of the studies prepared by the Secretary-General in pursuance of Council resolutions 179 (VIII) and 222 D (IX),

Recognizing :

(a) That more rapid increase of production in under-developed countries is essential for raising the level of productive employment and the living standards of the population and for the growth of the world economy as a whole and for the maintenance of international peace and security;

(b) That the domestic financial resources of the under-

developed countries, together with the international flow of capital for investment, have not been sufficient to assure the desired rate of economic development;

(c) That such accelerated economic development of under-developed countries requires a more effective and sustained mobilization of domestic savings and an expanded and more stable flow of foreign capital investment;

(d) That economic development requires the execution, not only of self-liquidating projects, but also of basic projects in such fields as transport, power, communications, public health, educational institutions and housing, which, while not always fully self-liquidating, are justified by reason of their indirect effect on national productivity and national income; and

(e) That most of these basic social and economic development projects—particularly public health and educational institutions, by virtue of being non-self-liquidating, are not capable of being serviced through existing sources of foreign finance,

Recommends that the Economic and Social Council, in considering the problem of the financing of economic development, also consider in greater detail the problem of financing non-self-liquidating projects basic to economic development, and work out plans for its implementation.

⁶ See *Official Records of the Economic and Social Council, Ninth Session, Supplement No. 11.*

⁷ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3.*

DOCUMENT A/C.2/L.43

Greece : amendment to the joint draft resolution proposed by Pakistan and the United Kingdom (A/C.2/L.38)

[Original text : English]

[19 October 1950]

Replace the last paragraph by the following :

“ *Recommends* that the Economic and Social Council continue considering the problem of the financing of economic development and work out schemes for

the adequate expansion and steadier flow of foreign capital, paying special attention to the financing of non-self-liquidating projects basic to economic development.”

DOCUMENT A/C.2/L.46
Report of Sub-Committee 3

[Original text : English]
[23 October 1950]

1. At its 127th meeting, the Second Committee established Sub-Committee 3. This Sub-Committee was to attempt to draft a resolution based on the joint draft resolution of the delegations of Egypt, Iraq, Lebanon, Syria, Yemen and Yugoslavia (A/C.2/L.35 and A/C.2/L.35/Add.1), the joint draft resolution of Pakistan and the United Kingdom (A/C.2/L.38), the amendments to these two draft resolutions submitted by the delegations of Cuba (A/C.2/L.40), Greece (A/C.2/L.43), the United States (oral amendment), Poland (oral amendment), and the debate in the Second Committee.

2. The Chairman of the Second Committee appointed the following as members of the Sub-Committee : Cuba, Egypt, Greece, Pakistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

3. The Sub-Committee met on 23 October 1950 at 10.45 a.m. and elected Mr. Le Riverend, representative of Cuba, as its Chairman.

4. The Sub-Committee unanimously agreed to submit the following draft resolution for the consideration of the Second Committee :

" The General Assembly,

" Taking note of the report of the fourth session of the Sub-Commission on Economic Development (E/CN.1/80), the experts' Report on National and International Measures for Full Employment (E/1584), the report of the fourth session of the Economic and Employment Commission (E/1356, Part VIII), and the report of the Economic and Social Council to the fifth session of the General Assembly (A/1345),

" Taking note further of the studies prepared by the Secretary-General in pursuance of Council resolutions 179 (VIII) and 222 D (IX),

" Recognizing that a more rapid economic development of the under-developed countries and particularly an increase of their production is essential for raising the level of productive employment and the living standards of their populations, for the growth of the world economy as a whole and for the maintenance of international peace and security,

" Recognizing further that, although the economic development of under-developed countries depends primarily upon the efforts of the people of these countries, the necessary acceleration of that development on the basis of their own plans and programmes requires not only technical but also financial assistance from abroad, and particularly from the more developed countries,

" Considering that the domestic financial resources of the under-developed countries, together with the international flow of capital for investment, have not been sufficient to assure the desired rate of economic development, and that the accelerated economic development of under-developed countries requires a more effective and sustained mobilization of domestic savings and an expanded and more stable flow of foreign capital investment,

" Being convinced that the volume of private capital which is currently flowing into under-developed countries cannot meet the financial needs of the economic development of the under-developed countries and that those needs cannot be met without an increased flow of international public funds,

" Taking account of the fact that some basic development projects are not capable of being adequately serviced through existing sources of foreign finance although they contribute directly or indirectly to the increase of national productivity and national income,

" 1. Recommends that the Economic and Social Council, in giving further study to the problem of the financing of economic development, consider practical methods, conditions and policies for achieving the adequate expansion and steadier flow of foreign capital, both private and public, and pay special attention to the financing of non-self-liquidating projects which are basic to economic development ;

" 2. Calls upon all Member Governments and the specialized agencies concerned to submit to the Council any proposals bearing on this resolution ; and

" 3. Requests the Council to submit its recommendations to the sixth regular session of the General Assembly."

DOCUMENT A/C.2/L.39

Cuba : draft resolution

[Original text : Spanish]
[19 October 1950]

The General Assembly

Considering that the position of a country as regards its imports and exports is an essential factor to be taken into account in the planning of its economic development,

Considering that the position of a country as regards its imports and exports is directly affected by the commercial policy of the country concerned and by the commercial policies of the countries with which it trades,

Considering that the commercial policy now being practised figures prominently in the studies relating to the economic development of the under-developed countries,

Recognizing that the relationship between the prevailing international commercial policy and the plans

of economic development have not been studied by the United Nations,

Reaffirms its resolution 307 (IV) and, in addition, instructs the Secretary-General to prepare a report on the subject for submission to the General Assembly at its sixth session.

DOCUMENT A/C.2/L.53

Ukrainian S. S. R. : amendment to the draft resolution submitted by Cuba (A/C.2/L.39)

[Original text : Russian]
[31 October 1950]

Amend the first paragraph of the draft resolution to read as follows :

“ *Considering* that the position of certain countries as regards their imports and exports is an important factor in their economic development; ”

DOCUMENT A/C.2/L.62

Greece : amendment to the draft resolution submitted by Cuba (A/C.2/L.39)

[Original text : English]
[6 November 1950]

In the last paragraph after the words “ *Reaffirms* its resolution 307 (IV) ” delete the remainder of the paragraph and insert the following :

“ ... and requests that the group of experts under Economic and Social Council resolution 290 (XI),

paragraph 13, after consultation with the Executive Secretary of the Interim Commission for the International Trade Organization, pay due attention to the influence that prevailing commercial policies have on national plans for economic development of under-developed countries. ”

DOCUMENT A/C.2/L.39/Rev.1

Cuba : revised draft resolution ⁸

[Original text : English]
[7 November 1950]

The General Assembly,

Considering that the economic welfare of most countries depends at least in some degree on their imports and exports, and that these imports and exports are directly affected by prevailing commercial policies,

Considering, further, that the extent to which the prevailing commercial policies influence the plans for economic development of under-developed countries have not been sufficiently studied by the United Nations,

Reaffirms its resolution 307 (IV) concerning economic

development and international economic and commercial policy and requests that the group of experts to be appointed by the Secretary-General under Economic and Social Council resolution 290 (XI), paragraph 13, after consultation with the Executive Secretary of the Interim Commission for the International Trade Organization, pay due attention to the influence that prevailing commercial policies have on national plans for economic development of under-developed countries.

⁸ This revision includes the substance of the amendment of the Ukrainian S.S.R. (A/C.2/L.53) and of the Greek amendment (A/C.2/L.62).

DOCUMENT A/C.2/L.36**Poland : draft resolution**

[Original text : Russian]
[17 October 1950]

The General Assembly,

Considering that anachronistic agrarian conditions constitute a barrier to the development of the economically backward countries and territories and are a cause of low agricultural productivity and low standards of living for the populations of these countries and territories,

Recommends the Secretary-General to prepare and submit to the thirteenth session of the Economic and Social Council a report on the agrarian structure of the economically backward countries and territories and its effects on the conditions of the landless, small and middle peasants; and calls upon the Economic and Social Council to give consideration to that report during its thirteenth session and to prepare recommendations with

a view to the improvement of the conditions of landless, small and middle peasants by means of :

- (a) The institution of appropriate land reforms;
- (b) Appropriate action on the part of the governments concerned to render financial aid to small and middle peasants through cheap agricultural credit facilities and comprehensive technical assistance;
- (c) The construction of small factories and workshops for the manufacture and repair of the most essential agricultural machinery, equipment and spare parts;
- (d) Taxation policies designed to lighten to the greatest possible extent the tax burden on small and middle peasants;
- (e) Other measures to promote the welfare of landless, small and middle peasants.

DOCUMENT A/C.2/L.41**Cuba : amendments to the Polish draft resolution (A/C.2/L.36)**

[Original text : Spanish]
[19 October 1950]

Amend sub-paragraph (c) to read :

“ (c) The construction of factories and work-shops for the maintenance and repair of the most essential agricultural machinery and for the storage of spare parts, either by direct state action or through suitably financed co-operative groups; ”

Add the following sub-paragraph after sub-paragraph (e) :

“ (f) The adoption of measures for the satisfactory utilization of large agricultural estates in cases in which it is necessary to retain such estates owing to the type of agriculture carried on. ”

DOCUMENT A/C.2/L.45**United States of America : amendments to the Polish draft resolution (A/C.2/L.36)**

[Original text : English]
[23 October 1950]

Amend the second paragraph as follows : insert “ in co-operation with the Food and Agriculture Organization ” after the words “ the Secretary-General ”; change “ thirteenth session ” to “ fourteenth session ”; add “ Conference of the Food and Agriculture Organization and the ” after the words “ calls upon the ”; delete the words “ during its thirteenth session ”.

Amend sub-paragraph (b) by adding, at the end, the

words : “ ... and to promote rural co-operatives for the benefit of small farmers ”.

Amend sub-paragraph (c) by adding, at the end, the words “ ... and the development of small-scale indigenous enterprises for the processing of agricultural products ”.

Amend sub-paragraph (e) by adding, at the beginning, the words “ The promotion of family owned and operated farms and of... ”

DOCUMENT A/C.2/L.47/Rev.1**Haiti : amendments to the Polish draft resolution (A/C.2/L.36)**

[Original text : French]
[26 October 1950]

In the first paragraph : replace the words “ backward countries ” by : “ under-developed countries ”.

In the second paragraph : replace the words “ backward countries ” by : “ under-developed countries ” and delete the entire passage following the words “ and its

effects ”, and insert instead the following : “ ... and on methods for bettering (in countries where this can be done) the condition of the landless peasants who constitute the agricultural labour force, so as to provide them with inalienable family land holdings; ”.

DOCUMENT A/C.2/L.48**Yugoslavia : amendment to the Polish draft resolution (A/C.2/L.36)**

[Original text : English]
[27 October 1950]

In the first paragraph between the words “ considering that ” and “ anachronistic ”, insert the following : “ regardless of the question concerning which branches

of industry should be developed first and the role that industrialization should play in the economic development of under-developed countries, ”.

DOCUMENT A/C.2/L.51**Egypt : amendments to the Polish draft resolution (A/C.2/L.36)**

[Original text : French]
[30 October 1950]

1. Amend the first paragraph of the draft resolution as follows :

“ *Considering* that anachronistic agrarian conditions constitute one of the barriers to the development of certain under-developed countries and territories and are consequently one of the causes of the low agricultural productivity and low standards of living for the populations of these countries and territories, ”.

2. After the first paragraph, add the following paragraph :

“ *Considering* :

“ (a) That one of the basic reasons for the low standard of living in certain under-developed countries is the inadequacy of the areas at present under cultivation;

“ (b) That the rapid increase in the populations of these countries threatens to accentuate the inequality between resources and the needs of those populations;

“ (c) That in these circumstances it is essential, for the purpose of raising the standard of living, increasing production and promoting an equitable distribution of land, to increase the area at present under cultivation by developing arid zones and virgin land;

“ (d) That the Economic and Social Council, in its resolution 324 D (XI), has already recommended an intensification of scientific research to promote the economic and social progress of mankind and has recognized the necessity for co-ordinating the efforts of the various competent bodies of the United Nations and the specialized agencies in order to study the problems of the arid zones, both in their scientific and in their practical aspects. ”

3. Amend the second paragraph, which will then become the third paragraph, as follows :

“ *Recommends* the Secretary-General to prepare, in collaboration with the competent specialized agencies, a report on :

“ (a) The agrarian structure of the under-developed countries and territories and its effects on the conditions of the landless, small and middle peasants;

“ (b) The practical measures adopted to study the problems of arid zones and the technical and financial means employed by the specialized agencies for this purpose; and

“ *Invites* the Secretary-General to submit that report at latest to the fourteenth session of the Economic and Social Council. ”

4. Amend the third paragraph, which will then become the fourth paragraph, as follows :

“ ... and,

“ *Calls upon* the Economic and Social Council to give consideration to that report during its thirteenth or fourteenth session and to prepare recommendations with a view to :

“ (a) The improvement of the conditions of landless, small and middle peasants by means of :

“ (i) The institution of appropriate land reforms;

“ (ii) Appropriate action on the part of the governments concerned to render financial aid to small and middle peasants through cheap agricultural credit facilities and comprehensive technical assistance, to promote the establishment of rural co-operatives in the interest of the small peasants and to guarantee them security and greater stability of income;

“ (iii) The construction of small factories and workshops for the manufacture and repair of the most

essential agricultural machinery equipment and spare parts, and the development of other undertakings relating to other agricultural industries;

“ (iv) Taxation policies designed to lighten the tax burden on small and middle peasants;

“ (v) Other measures to encourage the establishment of family farms, to raise the standard of living and generally to promote the welfare of landless, small and middle peasants;

“ (b) Facilitating and encouraging an increase of cultivable areas and the development of arid land by :

“ (i) Devoting sufficient technical and financial means to the study of the relevant scientific and practical problems;

“ (ii) Intensifying and co-ordinating the activities of the United Nations and the specialized agencies to that end;

“ (iii) Furnishing appropriate technical assistance to the governments concerned. ”

DOCUMENT A/C.2/L.52

United Kingdom : amendments to Polish draft resolution (A/C.2/L.36)

[Original text : English]
[31 October 1950]

1. In the first paragraph delete the word “ anachronistic ”; insert the word “ many ” after “ development of ”; delete the word “ the ” and substitute “ under-developed ” for “ backward ”.

2. Delete the second paragraph up to the words “ middle peasants; and ”.

3. Substitute for the remainder of the paragraph the following wording :

“ *Calls upon* the Economic and Social Council to

take such action, in consultation with the specialized agencies and, in particular, with the Food and Agriculture Organization, as will enable the governments of under-developed countries to obtain expert advice in order : (1) to develop plans for land reforms appropriate to their national economy; (2) to render financial aid to farmers through the provision of agricultural credit facilities; (3) to construct workshops for the repair and servicing of agricultural machinery; (4) to adopt other measures for promoting the welfare of agricultural communities. ”

DOCUMENT A/C.2/L.60

Report of Sub-Committee 4

[Original text : English]
[3 November 1950]

1. At its 129th meeting, the Second Committee established Sub-Committee 4. This Sub-Committee was to attempt to draft one or more resolutions based on the draft resolution submitted by the delegation of Poland (A/C.2/L.36) and the amendments thereto submitted by Cuba (A/C.2/L.41), the United States of America (A/C.2/L.45), Haiti (A/C.2/L.47/Rev.1), Yugoslavia (A/C.2/L.48), Egypt (A/C.2/L.51), and the United Kingdom (A/C.2/L.52).

2. The Chairman of the Second Committee appointed

the following as members of the Sub-Committee : Cuba, Egypt, Haiti, Poland, the United States of America, the United Kingdom of Great Britain and Northern Ireland and Yugoslavia. The representative of the Food and Agriculture Organization also participated in the work of the Sub-Committee.

3. The Sub-Committee met on 2 November 1950 at 3 p. m. and, at the request of the members, the Secretary of the Second Committee served as presiding officer.

4. The Sub-Committee unanimously agreed to submit the following draft resolutions for the consideration of the Second Committee :

A

" The General Assembly,

" Bearing in mind the many resolutions adopted by the Assembly and by the Economic and Social Council⁹ concerning the economic development of under-developed countries in which industrialization as well as the development of agriculture must play an essential part ;

" Considering, however, that agrarian conditions which persist in many under-developed countries and territories constitute a barrier to their economic development because such conditions are a major cause of low agricultural productivity and of low standards of living for the populations of those countries and territories; and

" Convinced that immediate steps should be taken to study the extent to which existing agrarian conditions hamper the economic development of under-developed countries as well as to assist governments, at their request, in the utilization of the facilities available in the United Nations and the specialized agencies for the improvement of such conditions;

" Recommends that the Secretary-General, in co-operation with the Food and Agriculture Organization and in consultation with other appropriate specialized agencies, prepare and submit to the thirteenth session of the Economic and Social Council an analysis of the degree to which unsatisfactory forms of agrarian structure and, in particular, systems of land tenure in the under-developed countries and territories, impede economic development and thus depress the standards of living especially of agricultural workers and tenants and of small and medium-sized farmers, and calls upon the Economic and Social Council to give consideration to this analysis and to prepare recommendations to the General Assembly with a view to the improvement of the conditions of agricultural populations, paying special attention to such methods as :

" (a) The institution of appropriate land reform ;

" (b) The appropriate action on the part of the governments concerned to render financial aid to agricultural workers and tenants and to small and medium-sized farmers through cheap agricultural credit facilities, comprehensive technical assistance and the promotion of rural co-operatives ;

" (c) The construction or development, either by direct government action or suitably financed co-operative groups, of

" (i) small factories and workshops for the manufac-

ture, maintenance, repair and servicing of the most essential agricultural machinery and for the storage of spare parts ;

" (ii) locally-based enterprises for the processing of agricultural products ;

" (d) Taxation policies designed to lighten, to the greatest possible extent, the tax burden on tenants and small and medium-sized farmers ;

" (e) The promotion of family-owned and operated farms and of co-operative farms, and of other measures to promote the security of tenure and the welfare of agricultural workers and tenants and of small and medium sized farmers.

" Recommends to the governments of the under-developed countries concerned that they avail themselves of the facilities available to them through the United Nations expanded programme of technical assistance, in order that they may obtain expert advice in the planning of such measures as those listed in the preceding paragraph, for the purpose of improving agrarian conditions."

B

" The General Assembly,

" Considering

" (a) That one of the basic reasons for the low standard of living in certain under-developed countries is the inadequate extent of the areas at present under cultivation,

" (b) That the rapid increase in the populations of these countries threatens to accentuate the present inequality between developed resources and the needs of those populations,

" (c) That in these circumstances it is essential, if equitable distribution of land is to be promoted, and the standard of living be raised, that, among other measures, the area at present under cultivation be increased by the development of arid zones,

" (d) That the Economic and Social Council, in its resolution 324 D (XI), has recommended an intensification of scientific research to promote the economic and social progress of mankind and has recognized the necessity for co-ordinating the efforts of the various competent bodies of the United Nations and the specialized agencies in order to study the problems of the arid zones both in their scientific and in their practical aspects,

" 1. Recommends that the Secretary-General prepare, in collaboration with the competent specialized agencies, a report on the practical measures adopted to study the problems of arid zones and the technical and financial means employed by the specialized agencies for this purpose ;

" 2. Invites the Secretary-General to submit his report on this matter not later than to the fourteenth session of the Economic and Social Council, and

" 3. Calls upon the Economic and Social Council

⁹ For example, General Assembly resolutions 45 (I) and 52 (I), 198 (III), 200 (III), 202 (III), 209 (III), 304 (IV), 305 (IV), 306 (IV), 307 (IV) and 331 (IV), and Economic and Social Council resolutions adopted at the first and second sessions on terms of reference of the Economic and Employment Commission and resolutions 1 (III), 6 (III), 26 (IV), 27 (IV), 29 (IV), 32 (IV), 36 (IV), 37 (IV), 51 (IV), 103 (VI), 106 (VI), 109 (VI), 139 (VII), 140 (VII), 179 (VIII), 180 (VIII), 184 (VIII), 222 (IX), 223 (IX), 225 (IX), 268 (X), 294 (XI), 297 (XI) and 321 (XI).

to examine the report and, with a view to facilitating and encouraging the development of arid land, to consider such measures as :

“ (a) Devoting sufficient technical and financial means to the study of the relevant scientific and practical problems;

“ (b) Promoting and co-ordinating the activities of the United Nations and the specialized agencies to that end; and

“ (c) Furnishing appropriate technical assistance to the governments concerned.”

DOCUMENT A/C.2/L.37

Poland : draft resolution

[Original text : Russian]
[17 October 1950]

The General Assembly,

Considering that all the resources of the economically backward countries and territories need to be mobilized for the acceleration of their economic development,

Considering, also, that part of the national income of the economically backward countries and territories goes to the payment of interest on foreign debts, of dividends to external investors and of remuneration for services of various kinds,

Considering, lastly, that the internal distribution of

the national income in these countries and territories constitutes a brake on the accumulation of capital and serves to perpetuate low standards of living for a large part of their population,

Directs the Secretary-General of the United Nations to prepare and submit to the Economic and Social Council a report on the level and distribution of the national income in the economically backward countries and territories, with particular regard to the part of that income accruing to foreign companies and firms or used for the liquidation of foreign debt.

DOCUMENT A/C.2/L.37/Rev.1

Poland : revised draft resolution¹⁰

[Original text : Russian, Spanish and English]
[1 November 1950]

The General Assembly,

Considering that all the resources of the economically under-developed countries and territories need to be mobilized for the acceleration of their economic development,

Considering, also, that part of the national income of the economically under-developed countries and territories goes to the payment of interest on foreign debts, of dividends to external private and other investors and of remuneration for services of various kinds,

Considering, lastly, that the internal distribution of the national income in these countries and territories constitutes a brake on the accumulation of capital and serves to perpetuate low standards of living for a large part of their population,

Directs the Secretary-General of the United Nations to prepare and submit to the Economic and Social Council a report on the level and distribution of the national income in the economically under-developed countries and territories, with particular regard :

(a) To income groups and their methods of rectifying the disparities between them;

(b) To the parts of the national income used for the servicing of foreign debts, whether in the form of public loans or of private and other investments;

(c) To the parts of the national income used for the payment of services (transport, etc.).

¹⁰ This revision includes the Cuban amendment (A/C.2/L.42) as well as the Yugoslav amendment (A/C.2/L.49), accepted by the Polish delegation.

DOCUMENT A/C.2/L.55

Cuba : amendment to the revised Polish draft resolution (A/C.2/L.37/Rev.1)

[Original text : English]
[1 November 1950]

Add at the end of the first paragraph the following :

“ ... and that for this purpose it is highly desirable

to know the volume of their national incomes and the effect of the distribution of those incomes on their rate of economic development ”.

DOCUMENT A/C.2/L.56

Chile and Cuba : joint draft resolution

[Original text : Spanish]

[2 November 1950]

Considering that in order the better to mobilize their resources with a view to accelerating their economic development, it is desirable that the under-developed countries should have knowledge of their national income and its distribution;

Recommends that the under-developed countries should devote special attention to studies directed towards the calculation of their national income and its distribution;

Requests the Secretary-General to give the most favourable consideration possible to requests for technical assistance made for this purpose;

Requests the Economic and Social Council to study

and report on the volume and distribution of national income in the under-developed countries, with special reference to :

(i) The various income groups and the relations between them; and

(ii) The ability of the countries to meet their foreign commitments arising from loans and investments, public and private, and the payment of services.

Those studies shall take into account the statistical data compiled by the Secretary-General and shall be made in connexion with the studies recommended by the Economic and Social Council resolution 294 D (XI).

DOCUMENT A/1524

Report of the Second Committee

[Original text : English]

[17 November 1950]

1. The Second Committee herewith submits for the General Assembly's consideration six draft resolutions which were adopted by the Committee without any dissenting votes.

2. The General Assembly, in resolution 306 (IV) of 16 November 1949, recommended, *inter alia*, that the Economic and Social Council should continue to give urgent attention to the problems of economic development of under-developed countries, and include in its annual report a special chapter on the measures being taken to promote economic development.

3. In accordance with the above-mentioned request, the report of the Economic and Social Council (A/1345),¹¹ presented to the fifth session of the General Assembly, contains a chapter on "Economic development of under-developed countries" (chapter II). This chapter gives an account of the activities of the Council in the field of economic development during its tenth and eleventh sessions, and draws the attention of the General Assembly to a Report by the Secretary-General on the measures to promote economic development being taken by the United Nations and specialized agencies (E/1729), prepared in response to Council resolution 268 B (X) and containing a brief review of the different classes of such measures and the operations undertaken to the end of May 1950. The Council's report refers also to resolution 294 (XI), concerning methods of financing the economic development of under-developed countries, adopted at the eleventh session of the Council. It also

contains a draft resolution relating to technical assistance activities under General Assembly resolution 200 (III) which the Council recommended to the General Assembly for adoption.

4. The General Assembly, at its 285th plenary meeting held on 26 September 1950, decided to place on the agenda of its fifth session the item "Economic development of under-developed countries : report of the Economic and Social Council", and to allocate it to the Second Committee for consideration and report.

5. The Second Committee considered this item during seventeen meetings.¹² The first eight meetings were devoted to a general debate, in which thirty-eight delegations took part, as well as a representative of the International Labour Organisation.

6. In the general debate, major attention was given to the general principles which should govern the economic development of under-developed countries and which would insure smooth international co-operation; to the existing obstacles to, and the problem of financing, economic development; and to the United Nations programme of technical assistance.

7. The question of financing was treated in the general discussion as a vital factor in the problem of economic development. Various methods of financing and the sources of the funds required, including foreign capital, were discussed. It was generally recognized that much

¹¹ See Official Records of the General Assembly, Fifth Session, Supplement No. 3.

¹² See Official Records of the General Assembly, Fifth Session, Second Committee, 119th to 135th meetings.

remained to be done, particularly in making specific recommendations for international action for the financing of economic development; in this connexion, the resolution 294 (XI) on this subject adopted at the eleventh session of the Economic and Social Council received much comment and its provisions were discussed in detail.

8. As regards the United Nations programmes for technical assistance, the debate produced numerous comments on the implementation of the Expanded Programme of Technical Assistance. Thus, delegations commented on the scope of that programme and on the adequacy of the available funds in view of known existing needs. Many specific suggestions were made on the manner in which the Technical Assistance Board should operate and much praise was expressed for the work accomplished and, in particular, for the achievement of the Technical Assistance Conference. Several delegations expressed their appreciation for technical assistance already given to their governments.

9. At the conclusion of the general debate on these aspects of the problem of economic development, the Committee had before it the following specific proposals :

(a) Technical assistance activities under General Assembly resolution 200 (III) : a draft resolution recommended by the Economic and Social Council and contained in its resolution 291 (XI) of 15 August 1950.

(b) Technical assistance for Non-Self-Governing Territories : a draft resolution was introduced by the Philippines (A/C.2/L.44), but was withdrawn at the 127th meeting of the Committee as the question was under discussion in the Fourth Committee;

(c) Financing of economic development of under-developed countries : a joint draft resolution submitted by Egypt, Iraq, Lebanon, Syria, Yemen and Yugoslavia (A/C.2/L.35 and A/C.2/L.35/Add.1) and a joint draft resolution submitted by Pakistan and the United Kingdom (A/C.2/L.38);

(d) A request for a study of the agrarian structure of the economically under-developed countries and territories and its effects on the conditions of the landless, small and medium-sized farmers, and a request for recommendations by the Economic and Social Council for the improvement of these conditions : a draft resolution submitted by Poland (A/C.2/L.36);

(e) A request for a study of the level and distribution of the national income in the economically under-developed countries and territories : a draft resolution submitted by Poland (A/C.2/L.37);

(f) A request for a report by the Secretary-General on the effect of international commercial policy on the plans for economic development in under-developed countries : a draft resolution submitted by Cuba (A/C.2/L.39).

Technical assistance activities under General Assembly resolution 200 (III)

10. The draft resolution 291 (XI) recommended by the Economic and Social Council was considered by the

Committee at its 127th meeting. In part, this draft resolution noted with approval the inclusion by the Secretary-General in the budget of the United Nations for the year 1951 the same amount as was appropriated by the General Assembly in 1950. The Secretary of the Committee explained, following an intervention by the delegation of Egypt, that although the Fifth Committee at the fourth session of the General Assembly had initially approved an appropriation of \$539,000 for section 25*b* of the budget relating to technical assistance for economic development, that Committee had later made an over-all reduction consequent upon the devaluation which had taken place in certain countries with a resulting reduction in dollar costs incurred in those countries. The effect of this over-all reduction on section 25 (*b*) was to reduce the appropriation from \$539,000 to \$508,420 in view of the reduced dollar costs of travel and subsistence allowances of holders of fellowships in countries where devaluation had occurred. In unanimously approving the draft resolution, it was, however, the view of the Second Committee that the sum to be appropriated for 1951 for this programme should not be less than the sum of \$539,000 originally provided in the 1950 budget.

11. The Second Committee therefore recommends to the General Assembly the adoption of draft resolution A annexed to the present report.

Financing economic development of under-developed countries

12. The Second Committee had before it two draft resolutions on the financing of economic development of under-developed countries. The first proposal (A/C.2/L.35 and A/C.2/L.35/Add.1), submitted jointly by Egypt, Iraq, Lebanon, Syria, Yemen and Yugoslavia, suggested that the Economic and Social Council on the basis of the work of an inter-governmental committee to be established by the Council for this purpose, should consider and report to the sixth regular session of the General Assembly on the extension of the international machinery through which international public funds could be made available to accelerate economic development. The second draft resolution (A/C.2/L.38), submitted jointly by Pakistan and the United Kingdom, recommended that the Economic and Social Council should consider in greater detail the problem of financing non-self-liquidating projects which were basic to economic development and work out plans for implementation. The Committee discussed the draft resolutions at its 127th meeting, together with the relevant amendments : the first submitted by Cuba (A/C.2/L.40) to the joint draft resolution proposed by Egypt, Iraq, Lebanon, Syria, Yemen and Yugoslavia, suggested that the International Bank for Reconstruction and Development make concurrently a study on the same subject with a view to the adoption of a more active and liberal financing policy; the second, submitted by Greece (A/C.2/L.43) to the joint Pakistan and United Kingdom draft resolution (A/C.2/L.38), substituted a new text for the last paragraph of that draft resolution recommending the Economic and Social Council to continue to consider the problem of financing economic development,

and to work out schemes for the expansion and steadier flow of foreign capital with special attention to the financing of non-self-liquidating projects.

13. The Second Committee set up a sub-committee consisting of the representatives of Cuba, Egypt, Greece, Pakistan, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia, to draft a resolution based on the two original draft resolutions and the relevant amendments. The Sub-Committee, which met once, unanimously agreed on the text of a resolution.

14. The Second Committee considered the draft resolution proposed by the drafting Sub-Committee (A/C.2/L.46) at its 128th meeting and adopted it unanimously. The Second Committee accordingly recommends to the General Assembly the adoption of draft resolution B annexed to the present report.

Land reform and development of arid land

15. At its 127th meeting the Committee began its discussion of the draft resolution submitted by Poland (A/C.2/L.36) which proposed that the Economic and Social Council, at its thirteenth session, should receive and consider a report to be prepared by the Secretary-General on the agrarian structure of the economically under-developed countries and territories, and make recommendations with a view to the improvement of the conditions of landless, small and medium-sized farmers. Several amendments were submitted to this draft resolution: by Cuba (A/C.2/L.41), by the United States of America (A/C.2/L.45), by Haiti (A/C.2/L.47/Rev.1), by Yugoslavia (A/C.2/L.48), by Egypt (A/C.2/L.51) and by the United Kingdom (A/C.2/L.52).

16. After discussion at the 127th, 128th and 129th meetings, the Committee decided to establish a drafting sub-committee consisting of the representatives of Cuba, Egypt, Haiti, Poland, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia to consider the Polish draft resolution together with the relevant amendments and to submit a new draft for the Committee's consideration. The Sub-Committee, in whose work a representative of the Food and Agriculture Organization also participated, met once and unanimously agreed to submit two draft resolutions to the Second Committee, one concerning land reform and the other based on the Egyptian amendment (A/C.2/L.60) concerning the development of arid land.

17. *Land reform.* Several oral amendments offered to the Sub-Committee's draft resolution on land reform by Argentina and by Peru and an amendment submitted by Haiti (A/C.2/L.64) were rejected by the Committee. Before voting on the draft resolution the representative of Uruguay asked for a clarification of the nature of the study requested of the Secretary-General, especially with reference to sub-paragraph (a) of the first operative paragraph. On being asked by the Chairman for an explanation, the Secretary of the Committee stated that he could speak only in the light of the discussion which had taken place in the Drafting Sub-Committee

before it had unanimously decided to submit the draft resolution for the Committee's consideration. He then pointed out that the first two operative paragraphs dealt with two distinct matters: the first requested the Secretary-General, in co-operation with FAO and in consultation with other appropriate agencies, to prepare an analysis of the degree to which unsatisfactory forms of agrarian structure impede economic development; and the second called upon the Economic and Social Council to prepare recommendations to the General Assembly, after studying the Secretary-General's report and, in making these recommendations, to pay special attention to various methods of improving the conditions of the agricultural populations. The sub-paragraph (a) to which the Uruguayan representative had referred concerned one of those methods, and it was the understanding of the Secretary that the phrase "institution of appropriate land reform" comprised the entire complex of relationships between ownership of land and the actual cultivation of land and that the Council was to consider such reforms of those relationships as would tend to remove any which impede economic development and depress the standard of living of agricultural workers and tenants and of small and medium-sized farmers.

18. The draft resolution on the improvement of the conditions of agricultural populations was adopted by 50 votes to none, with 1 abstention. The Second Committee accordingly recommends to the General Assembly the adoption of draft resolution C annexed to the present report.

19. *Development of arid land.* In the course of the discussion of the draft resolution on the development of arid land recommended by the drafting Sub-Committee, the Second Committee rejected and oral amendment by Colombia and accepted an oral amendment by Egypt. The Committee then unanimously adopted the amended draft resolution; it accordingly recommends the adoption by the General Assembly of draft resolution D annexed to the present report.

Volume and distribution of national income in under-developed countries

20. At its 129th to 133rd meetings, the Committee discussed the draft resolution submitted by Poland (A/C.2/L.37) requesting the Secretary-General to submit to the Economic and Social Council a report on the level and distribution of national income in under-developed countries and territories, with particular regard to the part of the income accruing to foreign companies or used for the liquidation of foreign debt. An amendment proposed by Cuba (A/C.2/L.42) specified in greater detail the nature of the proposed study. An amendment submitted by Yugoslavia (A/C.2/L.49) proposed that the references to foreign debt and foreign companies and firms be accompanied by the words "private and other". These two amendments were accepted by Poland and incorporated in a revised draft of its proposal (A/C.2/L.37/Rev.1). To this revised text Chile proposed to add two paragraphs (A/C.2/L.54) recommending that the under-developed countries give

special consideration to studies relating to national income and its distribution and also recommending that the studies by the Secretary-General should be co-ordinated with the studies recommended by resolution 294 D (XI) of the Economic and Social Council, in order to avoid duplication of effort. The delegation of Cuba proposed to amend the first paragraph of the preamble to indicate the desirability of knowing the volume of national income and the effect of its distribution on the rate of economic development in under-developed countries in connexion with the mobilization of resources for the acceleration of economic development (A/C.2/L.55). Subsequently, both Chile and Cuba withdrew their respective amendments and submitted a joint draft resolution (A/C.2/L.56) substituting a new text for the revised Polish draft. The Committee agreed to consider this amendment as a new proposal. An oral amendment to the revised Polish draft was made by France to change the word "constitutes" to "may constitute" in the third paragraph of the preamble; this amendment was adopted by the Committee. The revised Polish draft resolution was then voted on paragraph by paragraph. Only the first paragraph of the preamble was adopted. Since the operative part of the proposal was rejected by 24 votes to 16, with 7 abstentions, the Chairman declared the entire proposal rejected.

21. The joint draft resolution proposed by Chile and Cuba (A/C.2/L.56) proposed that the General Assembly should recommend that under-developed countries should devote special attention to national income studies; request the Secretary-General to give favourable consideration to requests for technical assistance for this purpose; and request the Economic and Social Council to study and report on the volume and distribution of national income in those countries, particularly with respect to the various income groups and the ability of the countries to meet their foreign commitments arising from loans and investments. These studies were to take into account the statistical data compiled by the Secretary-General and were to be made in connexion with the studies recommended by Economic and Social Council resolution 294 D (XI).

22. Several amendments were introduced to the joint draft resolution. The Committee accepted an amendment by Poland (A/C.2/L.57) directing the Secretary-General to prepare and submit to the Economic and Social Council a report to enable it to carry out the request of the General Assembly, but rejected another Polish amendment (A/C.2/L.57) which would have required the Council to report in particular on the parts of the national income used for servicing of foreign debts instead of reporting on the ability of the countries to meet their foreign commitments arising from loans and investments. The Committee then accepted an amendment by Peru (A/C.2/L.59) which called upon the Council to study and report on the amounts used by the under-developed countries to meet their foreign commitments instead of their ability to meet them. The Committee also accepted amendments proposed by the United States (A/C.2/L.61) to refer in the preamble to Economic and Social Council resolution 299 E (XI); to request not

only the Secretary-General but also the specialized agencies concerned to give favourable consideration to requests of under-developed countries for technical assistance in their national income studies; and to reword the final paragraph of the draft resolution. On the basis of an amendment proposed by Uruguay (A/C.2/L.58), the sponsors of the joint draft resolution agreed to substitute the words "respective proportions" for the word "relations" in the operative part; the Committee, however, rejected a Uruguayan amendment to replace the word "ability" in the operative part by the words "financial ability".

23. The joint draft resolution proposed by Chile and Cuba, as amended, was adopted by the Committee by 38 votes to none, with 8 abstentions. The Committee accordingly recommends the adoption of draft resolution E annexed to the present report.

Economic development and international economic and commercial policy

24. The draft resolution submitted by Cuba (A/C.2/L.39), reaffirming General Assembly resolution 307 (IV) on international commercial policy, and requesting the Secretary-General to submit to the sixth session of the General Assembly a report on the effect of international commercial policy on economic development plans, was considered by the Committee at its 133rd to 135th meetings. Two amendments were submitted, one by the Ukrainian S. S. R. (A/C.2/L.53) and another by Greece (A/C.2/L.62). Cuba having agreed to revise its draft resolution (A/C.2/L.39/Rev.1) to incorporate the substance of the above two amendments, the Ukrainian S. S. R. and Greece withdrew those amendments. Two amendments were then proposed by Canada (A/C.2/L.63) to the revised draft. The first, which proposed to delete the words "at least in some degree" in the first paragraph of the preamble of the revised draft was accepted by the Committee. The delegation of Canada withdrew the second amendment in favour of an oral amendment by Chile to the effect that the United Nations and its specialized agencies must thoroughly and continuously study this problem. The Chilean amendment was accepted by Cuba. The draft resolution submitted by Cuba, as amended, was then unanimously adopted by the Committee.

25. The Second Committee therefore recommends to the General Assembly the adoption of draft resolution F annexed to the present report.

Draft resolution A

TECHNICAL ASSISTANCE ACTIVITIES UNDER GENERAL ASSEMBLY RESOLUTION 200 (III)

The General Assembly,

Having decided at its fourth session (resolution 305) (IV) that the regular budget of the United Nations should continue to provide for the activities authorized by General Assembly resolution 200 (III),

1. *Notes* with approval that the Secretary-General has included in the budget of the United Nations for the year 1951 the same amount as was appropriated by the General Assembly in 1950;

2. *Recommends* that the requests for technical assistance for economic development received by the Secretary-General in accordance with resolution 200 (III) which cannot be financed with funds provided on the regular budget of the United Nations, should be eligible for financing from the special account for technical assistance for economic development established in accordance with General Assembly resolution 304 (IV) and with the actions of the Technical Assistance Conference convened by the Secretary-General under the terms of Economic and Social Council resolution 222 A (IX).

Draft resolution B

FINANCING OF ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

The General Assembly,

Taking note of the report of the fourth session of the Sub-Commission on Economic Development (E/CN.4/80), the experts' report entitled *National and International Measures for Full Employment* (E/1584), the report of the fourth session of the Economic and Employment Commission (E/1356, part VIII),¹³ and the report of the Economic and Social Council to the fifth session of the General Assembly (A/1345),¹⁴

Taking note further of the studies prepared by the Secretary-General in pursuance of Economic and Social Council resolutions 179 (VIII)¹⁵ and 222 D (IX),¹⁶

Recognizing that a more rapid economic development of under-developed countries, in particular an increase of their production, is essential for raising the level of productive employment and the living standards of their populations, for the growth of the world economy as a whole and for the maintenance of international peace and security,

Recognizing further that, although the economic development of under-developed countries depends primarily upon the efforts of the people of those countries, the necessary acceleration of that development, on the basis of their own plans and programmes, requires not only technical but also financial assistance from abroad, and particularly from the more developed countries,

Considering that the domestic financial resources of the under-developed countries, together with the international flow of capital for investment, have not been sufficient to assure the desired rate of economic development, and that the accelerated economic development of under-developed countries requires a more effective and sustained mobilization of domestic savings and an

expanded and more stable flow of foreign capital investment,

Being convinced that the volume of private capital which is currently flowing into under-developed countries cannot meet the financial needs of the economic development of the under-developed countries and that those needs cannot be met without an increased flow of international public funds,

Taking account of the fact that some basic development projects are not capable of being adequately serviced through existing sources of foreign finance although they contribute directly or indirectly to the increase of national productivity and national income,

1. *Recommends* that the Economic and Social Council, in giving further study to the problem of the financing of economic development, consider practical methods, conditions and policies for achieving the adequate expansion and steadier flow of foreign capital, both private and public, and pay special attention to the financing of non-self-liquidating projects which are basic to economic development;

2. *Calls upon* the governments of all Members States and the specialized agencies concerned to submit to the Economic and Social Council any proposals bearing upon the present resolution;

3. *Requests* the Council to submit its recommendations to the sixth session of the General Assembly.

Draft resolution C

LAND REFORM

The General Assembly,

Bearing in mind the many resolutions adopted by the General Assembly and by the Economic and Social Council¹⁷ concerning the economic development of under-developed countries in which industrialization as well as the development of agriculture must play an essential part,

Considering, however, that agrarian conditions which persist in many under-developed countries and territories constitute a barrier to their economic development because such conditions are a major cause of low agricultural productivity and of low standards of living for the populations of those countries and territories,

Convinced that immediate steps should be taken to study the extent to which existing agrarian conditions hamper the economic development of under-developed countries as well as to assist governments, at their request, in the utilization of the facilities available in the United Nations and the specialized agencies for the improvement of such conditions,

¹³ See *Official Records of the Economic and Social Council, Ninth Session, Supplement No. 11.*

¹⁴ See *Official Records of the General Assembly, Fifth Session, Supplement No. 3.*

¹⁵ United Nations Publications, Sales No. 1949.II.B.4.

¹⁶ See documents E/1562 and E/1614/Rev.1.

¹⁷ For example, General Assembly resolutions 45 (I) and 52 (I) 198 (III), 200 (III), 202 (III), 209 (III), 304 (IV), 305 (IV), 306 (IV), 307 (IV) and 331 (IV), and Economic and Social Council resolutions adopted at the first and second sessions on terms of reference of the Economic and Employment Commission and resolutions 1 (III), 6 (III), 26 (IV), 27 (IV), 29 (IV), 32 (IV), 36 (IV), 37 (IV), 51 (IV), 103 (VI), 106 (VI), 109 (VI), 139 (VII), 140 (VII), 179 (VIII), 180 (VIII), 184 (VIII), 222 (IX), 223 (IX), 225 (IX), 268 (X), 294 (XI), 297 (XI) and 321 (XI).

1. *Recommends* that the Secretary-General, in co-operation with the Food and Agriculture Organization and in consultation with other appropriate specialized agencies, prepare and submit to the thirteenth session of the Economic and Social Council an analysis of the degree to which unsatisfactory forms of agrarian structure and, in particular, systems of land tenure, in the under-developed countries and territories, impede economic development and thus depress the standards of living especially of agricultural workers and tenants and of small and medium-sized farmers;

2. *Calls upon* the Economic and Social Council to consider the analysis referred to above and to prepare recommendations to the General Assembly with a view to the improvement of the conditions of agricultural populations, paying special attention to such measures as the following :

(a) Institution of appropriate land reform;

(b) Appropriate action on the part of the governments concerned to render financial aid to agricultural workers and tenants and to small and medium-sized farmers through cheap agricultural credit facilities, comprehensive technical assistance and the promotion of rural co-operatives;

(c) Construction or development, either by direct government action or suitably financed co-operative groups, of

(i) Small factories and workshops for the manufacture, maintenance, repair and servicing of the most essential agricultural machinery and for the storage of spare parts;

(ii) Locally-based enterprises for the processing of agricultural products;

(d) Taxation policies designed to lighten, to the greatest possible extent, the tax burden on tenants and small and medium-sized farmers;

(e) Promotion of family owned and operated farms and of co-operative farms, as well as of other measures to promote the security of tenure and the welfare of agricultural workers and tenants and of small and medium-sized farmers;

3. *Recommends* to the governments of the under-developed countries concerned that they avail themselves of the facilities available to them through the United Nations' expanded programme of technical assistance, in order that they may obtain expert advice in the planning of such measures as those listed in the preceding paragraph, for the purpose of improving agrarian conditions.

Draft resolution D

DEVELOPMENT OF ARID LAND

The General Assembly,

Considering that :

(a) One of the basic reasons for the low standard of living in certain under-developed countries is the in-

adequate extent of the areas at present under cultivation,

(b) The continual increase in the populations of these countries requires the adoption of appropriate and urgent measures for the development of their resources,

(c) It is essential in the above circumstances, if the equitable distribution of land is to be promoted and the standard of living raised, that, among other measures, the areas at present under cultivation be increased by the development of arid zones,

(d) The Economic and Social Council, in resolution 324 D (XI) of 9 August 1950, has recommended an intensification of scientific research to promote the economic and social progress of mankind and has recognized the necessity for co-ordinating the efforts of the various competent bodies of the United Nations and the specialized agencies in order to study the problems of the arid zones both in their scientific and in their practical aspects,

1. *Recommends* that the Secretary-General prepare, in collaboration with the competent specialized agencies, a report on the practical measures adopted for the study of the problems of arid zones and on the technical and financial means employed by the specialized agencies for this purpose;

2. *Invites* the Secretary-General to submit his report on this matter not later than to the fourteenth session of the Economic and Social Council;

3. *Calls upon* the Economic and Social Council to examine the report and, with a view to facilitating and encouraging the development of arid land, to consider such measures as :

(a) Devoting sufficient technical and financial means to the study of the relevant scientific and practical problems;

(b) Promoting and co-ordinating the activities of the United Nations and the specialized agencies to that end;

(c) Furnishing appropriate technical assistance to the governments concerned.

Draft resolution E

VOLUME AND DISTRIBUTION OF NATIONAL INCOME IN UNDER-DEVELOPED COUNTRIES

The General Assembly,

Considering that, in order to mobilize better their resources with a view to accelerating their economic development, it is desirable that the under-developed countries should have knowledge of their national income and its distribution,

Noting Economic and Social Council resolution 299 E (XI) of 12 July 1950 concerning national income and social accounts,

1. *Recommends* that the under-developed countries should devote special attention to studies directed

towards the calculation of their national income and its distribution;

2. *Requests* the Secretary-General of the United Nations and the specialized agencies concerned to give the most favourable consideration possible to requests for technical assistance made for the above purpose;

3. *Requests* the Economic and Social Council to study and report on the volume and distribution of national income in the under-developed countries, with special reference to :

(i) The various income groups and the respective proportions between them; and

(ii) The amounts used by the countries to meet their foreign commitments arising from loans and investments, public and private, and the payment of services;

4. *Directs* the Secretary-General to prepare and submit to the Economic and Social Council a report to enable it to carry out the request made in paragraph 3 above;

5. *Requests* the Secretary-General, in carrying out studies relating to the present resolution, to avoid any duplication with the study recommended in paragraph 16 of Economic and Social Council resolution 294 D (XI) of 12 August 1950.

Draft resolution F

ECONOMIC DEVELOPMENT AND INTERNATIONAL ECONOMIC AND COMMERCIAL POLICY

The General Assembly,

Considering that the economic welfare of most countries depends on their imports and exports, and that these imports and exports are directly affected by prevailing commercial policies,

Considering further that the United Nations and its specialized agencies must thoroughly and continuously study the extent to which prevailing commercial policies influence the plans for economic development of under-developed countries,

Reaffirms General Assembly resolution 307 (IV) of 16 November 1949 concerning economic development and international economic and commercial policy, and requests that the group of experts, to be appointed by the Secretary-General under Economic and Social Council resolution 290 (XI), paragraph 13, after consultation with the Executive Secretary of the Interim Commission for the International Trade Organization, pay due attention to the influence that prevailing commercial policies have on national plans for the economic development of under-developed countries.

Check list of documents

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A/1345	Report of the Economic and Social Council (16 August 1949 to 16 August 1950)		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 3</i>
A/1524	Report of the Second Committee	12	
A/1540 A/1541 A/1542 A/1543 A/1544 A/1545	Resolutions adopted by the General Assembly at its 312th plenary meeting on 20 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions</i>
E/1333/Rev.1	<i>Methods of financing economic development in under-developed countries</i>		United Nations publication, Sales No. 1949, II, B. 4
E/1562	Methods of financing economic development of under-developed countries		Mimeographed document only
E/1584	<i>National and international measures for full employment</i> : report of a group of experts appointed by the Secretary-General		United Nations publication, Sales No. 1949, II, A.3
E/1757/Rev.1	Chile : draft resolution		<i>Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 6</i>
E/CN.1/80 and E/CN.1/80/Add.1	Report of the fourth session of the Sub-Commission on Economic Development		Mimeographed document only
E/CN.11/260	<i>Economic survey of Asia and the Far East, 1949</i>		United Nations publication, Sales No. 1950, II, F.1
E/CN.12/164	Economic survey of Latin America, 1949		Mimeographed document only

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
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A/C.2/L.43	Greece : amendment to the joint draft resolution submitted by Pakistan and the United Kingdom (A/C.2/L.38)	4	
A/C.2/L.44	Philippines : draft resolution		See document A/1638, agenda item 34
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A/C.2/L.51	Egypt : amendments to the Polish draft resolution (A/C.2/L.36)	8	
A/C.2/L.52	United Kingdom : amendments to the Polish draft resolution (A/C.2/L.36)	9	
A/C.2/L.53	Ukrainian S.S.R. : amendment to the draft resolution submitted by Cuba (A/C.2/L.39)	6	Withdrawn after Cuba incorporated the idea of the amendment in A/C.2/L.39/Rev.1
A/C.2/L.54	Chile : amendments to the revised Polish draft resolution (A/C.2/L.37/Rev.1)		Incorporated in the Summary record of 130th meeting, paragraphs 38 and 39
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A/C.2/L.58	Uruguay : amendments to joint draft resolution submitted by Chile and Cuba (A/C.2/L.56)		Incorporated in the Summary record of 133rd meeting, paragraphs 7 and 8
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A/C.2/L.63	Canada : amendments to the Cuban revised draft resolution (A/C.2/L.39/Rev.1)		Incorporated in the Summary record of 135th meeting, paragraphs 24 and 25
A/C.2/L.64	Haiti : amendments to the report of Sub-Committee 4 (A/C.2/L.60)		Incorporated in the Summary record of 135th meeting, paragraph 3

**Agenda item 30 : Freedom of information :**

- (a) Draft convention on freedom of information : report of the Economic and Social Council
 (b) Interference with radio signals (Economic and Social Council resolution 306 B (XI))
 (c) Question of the freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI))

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DOCUMENT A/1380 (incorporating A/1380/Corr.1)

Note by the Secretary-General

[Original text : English]
[24 September 1950]

1. The United Nations Conference on Freedom of Information held in Geneva during March-April 1948, proposed among other things a draft convention on freedom of information. The text of this draft convention is given in the Final Act of the Conference (E/Conf.-6/79, annex A, III).

2. The Economic and Social Council, in its resolution 152 B (VII) of 28 August 1948, transmitted the draft convention to the General Assembly in the form proposed by the conference.

3. The General Assembly considered the draft convention at the second part of its third session and, after articles 1 to 4 had been redrafted in the Third Committee of the Assembly,¹ decided (Assembly resolution 277 A (III) of 13 May 1949) to refer the draft convention to its fourth regular session together with the records of the debates on this subject in the Third Committee² and other organs of the United Nations,³ and also to invite the General Assembly at that session to give high priority to the item and to take into full consideration all the substantive amendments to the draft convention adopted by the Third Committee in order to reconcile divergent views. The Assembly finally decided that the Convention on the International Transmission of News and the Right of Correction should not be opened for signature until the Assembly had taken definite action on the draft convention on freedom of information.

4. At its fourth session⁴ the General Assembly adopted resolution 313 (IV) of 20 October 1949, the operative part of which reads as follows :

“ *The General Assembly,*

“ 1. *Recommends* to the Economic and Social Council that it request the Commission on Human Rights to include adequate provisions on freedom of information in the draft international covenant on human rights, taking into account the work done on the draft convention on freedom of information at the United Nations Conference on Freedom of Information and at the third and fourth regular sessions of the General Assembly;

“ 2. *Decides* to postpone further action on the draft convention on freedom of information to the fifth regular session of the General Assembly and pending receipt of the draft international covenant on human rights or a progress report thereon.”

5. At its tenth session, the Economic and Social Council, by resolution 278 (X) of 13 February 1950, transmitted the General Assembly resolution to the Commission on Human Rights for the action contemplated therein.

6. At its sixth session, the Commission on Human Rights proposed the following text of an article relating to freedom of information for inclusion in the draft first international covenant on human rights :⁵

Article 14

(1) Everyone shall have the right to hold opinions without interference.

(2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

(3) The right to seek, receive and impart information and ideas carries with it special duties and responsibilities and may therefore be subject to certain penalties, liabilities and restrictions, but these shall be such only as are provided by law and are necessary for the protection of national security, public order, safety, health or morals, or of the rights, freedoms or reputations of others.

7. The Commission on Human Rights also adopted at its sixth session, by 9 votes to 2, with 2 abstentions, a resolution recommending to the Economic and Social Council that it recommend to the General Assembly that it should proceed at its fifth session with the elaboration of a special convention on freedom of information.⁶

8. At the eleventh session of the Economic and Social Council, the Social Committee of the Council, after considering the above-mentioned resolution of the Commission on Human Rights, decided, by 8 votes to 5, with 1 abstention, to recommend to the Council the adoption of a resolution containing the recommendation made by the Commission.⁷ The draft resolution recommended by

¹ See *Official Records of the General Assembly, Fourth Session, Third Committee, Annex*, document A/C.3/518.

² *Ibid.*, *Third Session, Part II, Third Committee*, 208th to 218th meetings inclusive.

³ See *Official Records of the Economic and Social Council, Seventh Session*, 201st, 202nd, 219th, 221st and 223rd meetings. See also document E/AC.27/SR.13.

⁴ For the record of the discussion on this question at the fourth session, see *Official Records of the General Assembly, Fourth Session, Third Committee*, 232nd to 234th meetings, inclusive, and *Plenary Meetings*, 232nd meeting.

⁵ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5*, annex I.

⁶ *Ibid.*, chap. IV, para. 28.

⁷ *Ibid.*, *Eleventh Session, Annex*, agenda item 19, document E/1808.

the Social Committee was not adopted by the Council. It was rejected by 7 votes to 6, with 2 abstentions.

9. At its eleventh session, the Economic and Social Council adopted resolution 303 I (XI) on the subject of

the draft covenant on human rights. The resolution read as follows :

[For the text of this resolution, see *Official Records of the Economic and Social Council, Eleventh Session, Resolutions*, No. 303 I (XI).]

DOCUMENT A/C.3/L.110/Rev.1

Draft convention on freedom of information—Chile, Cuba, Egypt, France and the Netherlands : draft resolution

[Original text : French]
[20 November 1950]

The General Assembly,

Recalling its resolution 313 (IV) of 20 October 1949, the recommendation of the sixth session of the Commission on Human Rights regarding freedom of information and the discussion concerning that recommendation at the eleventh session of the Economic and Social Council,

Considering that freedom of information and the purposes of the United Nations are indivisible,

Appoints a committee consisting of the representatives of the following fifteen countries :..., which shall meet at the headquarters of the United Nations as soon as possible, but not later than 1 March 1951, to prepare a draft convention on freedom of information, taking into consideration : the draft approved by the United Nations Conference on Freedom of Information, held at Geneva from 23 March to 21 April 1948; the text voted during the second part of the third session of the General Assem-

bly; article 14 of the draft first international covenant on human rights, and the observations contained in the summary records of the meetings of the Third Committee dealing with the question;

Requests the Secretary-General to submit the said draft convention to the various governments concerned for consideration;

Invites the governments so consulted to transmit their suggestions and observations to the Secretary-General by 15 June 1951;

Recommends the Economic and Social Council at its twelfth session to convene a conference of plenipotentiaries to meet not later than 1 August 1951 with a view to the establishment and signature of a convention on freedom of information, based on the draft prepared by the above-mentioned committee and on the observations of the governments.

DOCUMENT A/C.3/L.112

Interference with radio signals—Chile : draft resolution

[Original text : Spanish]
[19 November 1950]

The General Assembly,

Whereas freedom to listen to radio broadcasts regardless of source is embodied in article 19 of the Universal Declaration of Human Rights, which reads : " Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers ",

Whereas article 44 of the International Telecommunications Convention, Atlantic City, 1947, provides that " All stations whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio service or communications of other members or associate members... [and that] Each member or associate member undertakes to require the private operating agencies which it recognizes, and the other operating agencies duly authorized for this purpose, to observe the provisions of the preceding paragraph ", and

Considering that the duly authorized radio operating agencies in some countries are deliberately interfering with the reception by the people of those countries of certain radio signals originating beyond their territories, and bearing in mind the discussion which took place in the Economic and Social Council and in the Sub-Commission on Freedom of Information and of the Press, on this subject,

Adopts the declaration of the Economic and Social Council contained in its resolution 306 B (XI) to the effect that this type of interference constitutes a violation of the accepted principles of freedom of information;

Condemns measures of this nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers; and

Invites all Member States to refrain from such interference with the right of their peoples to freedom of information.

DOCUMENT A/C.3/L.113

Draft convention on freedom of information—United States of America : amendment to the draft resolution submitted by Cuba, Egypt, France and the Netherlands (A/C.3/L.110)

[Original text : English]
[20 November 1950]

Delete the last five paragraphs and insert the following :

“ *Considering* that it has been decided not to complete the covenant on human rights at this session of the General Assembly, but to request the Commission on Human Rights to consider the draft covenant again

at its next session prior to its final consideration by the General Assembly at its sixth session;

“ *Decides* to postpone further consideration of the draft convention on freedom of information until it has taken definite action on the draft covenant on human rights. ”

DOCUMENT A/C.3/L.116

Draft convention on freedom of information—Lebanon : amendment to the draft resolution submitted by Chile, Cuba, Egypt, France and the Netherlands (A/C.3/L.110/Rev.1)

[Original text : French]
[20 November 1950]

1. Insert the following paragraph between the third and fourth paragraphs :

“ *Requests* the committee to report to the Economic and Social Council at its thirteenth session on the results of its work and submit recommendations particularly with regard to the advisability of convening a conference of plenipotentiaries with a view to the establishment and signature of a convention on freedom of information ”.

2. In the fourth paragraph, replace the words “ the said draft convention ” by the words “ the committee’s report ”.

3. Replace the last paragraph by the following :

“ *Recommends* the Economic and Social Council at its thirteenth session to consider the committee’s report, and if it thinks fit, in the light of the committee’s recommendations and the observations of governments, to convene a conference of plenipotentiaries to meet not later than 1 August 1951 with a view to the establishment and signature of a convention on freedom of information, based on the draft prepared by the above-mentioned committee and on the observations of the governments. ”

DOCUMENT A/C.3/L.116/Rev.1

Draft convention on freedom of information—Lebanon : amendment to the draft resolution submitted by Chile, Cuba, Egypt, France and the Netherlands (A/C.3/L.110/Rev.1)

[Original text : French and Spanish]
[21 November 1950]

1. Insert the following paragraph between the third and fourth paragraphs :

“ *Requests* the committee to report to the Economic and Social Council at its thirteenth session on the results of its work and submit recommendations particularly with regard to the advisability of convening a conference of plenipotentiaries with a view to the establishment and signature of a convention on freedom of information, ”.

2. In the fourth paragraph, replace the words “ the said draft convention ” by the words “ the committee’s report ”.

3. Replace the last paragraph by the following :

“ *Recommends* the Economic and Social Council at

its thirteenth session to consider the committee’s report, and if it thinks fit in the light of the committee’s recommendations and the observations of governments, *and taking into consideration also the General Assembly’s wish that one or more conventions to ensure freedom of information in the world should be adopted as soon as possible,*⁸ to convene a conference of plenipotentiaries to meet not later than 1 August 1951 with a view to the establishment and signature of a convention on freedom of information, based on the draft prepared by the above-mentioned committee and on the observations of governments. ”

⁸ The words in italic constitute the sub-amendment proposed by Chile at the 321st meeting and accepted by the delegation of Lebanon.

DOCUMENT A/C.3/L.117

Draft convention on freedom of information—Mexico : sub-amendment to the amendment submitted by Lebanon (A/C.3/L.116)

[Original text : English]
[21 November 1950]

1. *Point 1 of the amendment*—In the paragraph proposed for insertion, delete the last part of the sentence beginning with the words “ and submit recommendations...”.
2. *Point 2 of the amendment*—Substitute the words “ the draft or drafts of the Convention prepared by the

- Committee ” for the words “ the Committee’s report ”.
3. *Point 3 of the amendment*—Delete the words “ if it thinks fit in the light of the committees’ recommendations and the observations of governments ”; and after the words “ based on the draft ”, add the words “ or drafts ”.

DOCUMENT A/C.5/427

Draft convention on freedom of information—Financial implications of the draft resolution proposed by the Third Committee (A/C.3/548) : note by the Secretary-General

[Original text : English]
[4 December 1950]

1. At its 323rd meeting, held on 22 November 1950, the Third Committee recommended that the General Assembly should approve a resolution concerning the preparation and adoption of a draft convention on freedom of information (A/C.3/548).
2. This resolution provides, *inter alia*, for :
 - (a) The appointment by the General Assembly of a committee consisting of representatives of fifteen countries, to meet at headquarters as soon as possible but not later than 1 March 1951, for the purpose of preparing a draft convention on freedom of information. The Committee is requested to report to the Economic and Social Council at its thirteenth session on the results of its work and particularly with regard to the advisability of convening a conference of plenipotentiaries with a view to the framing and signature of a convention on freedom of information;
 - (b) The convening of such a conference of plenipotentiaries to meet as soon as possible and not later than

- 1 February 1952, if the Economic and Social Council, on the basis of the considerations referred to in the draft resolution, thinks fit.
3. With respect to paragraph 2 (a) above, a meeting of a committee of fifteen governmental representatives at headquarters, assuming the meeting lasted four weeks, would entail a possible expenditure under section 1 of the budget of about \$US1,360 for local transportation (rental of four cars at \$US17 per day for 20 days) and an expenditure under Section 25 for printing the Committee’s report (50 pages in five languages) of about \$US5,000.
4. With respect to paragraph 2 (b) above, if it is assumed that a conference of plenipotentiaries is to be held at headquarters early in 1952, no additional expenditures would arise in 1951 and the 1952 expenditures would be limited to contractual printing.
5. The proposal would therefore entail, for 1951, extra costs amounting to a total of \$US6,360.

DOCUMENT A/1630

Report of the Third Committee

[Original text : English]
[6 December 1950]

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I. INTRODUCTION

1. At its 232nd plenary meeting, held on 20 October 1949, the General Assembly decided (resolution 313 (IV)) to postpone further action on the draft convention on freedom of information to the fifth regular session of the General Assembly and pending receipt of the draft international covenant on human rights or a progress report thereon from the Commission on Human Rights.

2. At its eleventh session, on the recommendation of the Sub-Commission on Freedom of Information and of the Press, the Economic and Social Council adopted, on 9 August 1950, resolution 306 B (XI) recommending to the General Assembly that it should call upon the governments of all Member States to refrain from interference with the reception of radio signals.

3. On the same date, the Council also adopted, on the recommendation of the Sub-Commission on Freedom of Information and of the Press, resolution 306 C (XI) concerning freedom of information and of the Press in times of emergency.

4. The General Assembly, at its 285th plenary meeting, held on 26 September 1950, referred to the Third Committee item 30 of the agenda: "Freedom of Information", divided into the following sub-items:

(a) Draft convention on freedom of information: report of the Economic and Social Council;

(b) Interference with radio signals (Economic and Social Council resolution 306 B (XI));

(c) Question of the freedom of information and of the Press in times of emergency (Economic and Social Council resolution 306 C (XI)).

II. GENERAL OUTLINE OF THE WORK OF THE THIRD COMMITTEE

5. The Third Committee devoted eight meetings, namely its 317th to 324th meetings inclusive, to the consideration of item 30. At its 316th meeting, the Committee adopted a Mexican proposal that sub-items (b) and (c) should be considered before sub-item (a). The Committee accordingly began its work by considering the sub-item "Interference with radio signals".

III. INTERFERENCE WITH RADIO SIGNALS

6. The Committee began consideration of the sub-item "Interference with radio signals" at its 317th meeting held on 17 November 1950, and had before it Economic and Social Council resolution 306 B (XI). The representative of Chile submitted a draft resolution (A/C.3/L.112) whereby the General Assembly would adopt as its own the declaration made by the Economic and Social Council in its resolution 306 B (XI) and invite the governments of all Member States to refrain from such interference as was referred to therein.

7. At its 318th meeting held on 17 November, the Committee continued the general debate on this sub-

item, and concluded it at the 319th meeting, held on 18 November, when the Committee proceeded to vote. In addition to the Chilean draft resolution (A/C.3/L.112), the Committee had before it oral amendments for the insertion of additional paragraphs in that resolution, sponsored jointly by the representatives of India, Indonesia, Iran, Iraq, Mexico, the Philippines and Saudi Arabia. The representative of Chile accepted the major part of these joint amendments, incorporating their substance in his draft resolution. He formulated three additional paragraphs. One paragraph was to be inserted after the third paragraph of the preamble, and was to read as follows:

"*Considering* that peace among nations rests on the goodwill of all peoples and governments and that tolerance and understanding are prerequisites for establishing goodwill in the international field".

Two other paragraphs were to be added at the end of the operative part. They were to read as follows:

"*Invites* all governments to refrain from radio broadcasts that would mean unfair attacks or slanders against other peoples anywhere and in so doing to conform strictly to an ethical conduct in the interest of world peace by reporting facts truly and objectively;

"*Invites* also Member States to give every possible facility so that their peoples may know objectively the activities of the United Nations in promoting peace and, in particular, to facilitate the reception and transmission of the United Nations official broadcasts".

8. The representative of Saudi Arabia then introduced an amendment to the first additional paragraph of the operative part to insert the words "or which would offend their sensibilities" between the words "anywhere" and "and, in so doing". The representative of Lebanon proposed the insertion of the following paragraph between the two additional paragraphs of the operative part:

"*Invites* the Governments of all Member States to take the necessary steps within their competence to prevent the diffusion of false or distorted reports likely to injure friendly relations between States".

9. The Committee then proceeded to the vote. After having rejected both the Lebanese and the Saudi Arabian amendments, the Committee voted on the Chilean draft resolution in its final form. The vote was taken by division at the request of the representative of Haiti. In accordance with a request of the representative of Cuba, roll-call votes were taken on the first and second paragraphs of the operative part of the resolution. The first paragraph of the operative part was adopted by 38 votes to 5, with one abstention. The vote was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Egypt, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Saudi Arabia, Sweden, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela, Yugoslavia.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Pakistan.

The second paragraph of the operative part was adopted by 36 votes to 5, with 3 abstentions. The vote was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Egypt, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Netherlands, New Zealand, Norway, Peru, Philippines, Saudi Arabia, Sweden, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Israel, Pakistan, Yugoslavia.

The draft resolution as a whole was adopted by 39 votes to 5. Details of the voting will be found in the summary record of the 319th meeting of the Committee.

10. An account of the debates on this sub-item will be found in the summary records of the 317th to 320th meetings of the Committee inclusive.

11. The text of the draft resolution, as adopted, is to be found in chapter VI of the present report (draft resolution A).

IV. QUESTION OF THE FREEDOM OF INFORMATION AND OF THE PRESS IN TIMES OF EMERGENCY

12. The Committee considered the sub-item "Question of the freedom of information and of the Press in times of emergency" at its 318th meeting held on 17 November. The Committee had before it the draft resolution recommended by the Economic and Social Council in its resolution 306 C (XI). The representative of Egypt proposed that the preamble of the draft resolution should be redrafted to read as follows:

"*Considering* that freedom of information and of the Press is one of the fundamental freedoms and should be advanced and safeguarded in all circumstances,

"*Considering* that limitations have been placed on this freedom in emergencies or on the pretext of emergencies".

This proposal met with no objections from the Committee.

13. The representative of Saudi Arabia proposed the deletion of the words "in all circumstances" in the first paragraph of the preamble. The representatives of the Philippines and Saudi Arabia suggested that the words "have been" in the second paragraph should be replaced by the words "might be".

14. The Committee adopted the amendment of Saudi Arabia by 17 votes to 16, with 11 abstentions, and that

proposed by the Philippines and Saudi Arabia by 23 votes to 12, with 11 abstentions.

15. The draft resolution, as amended, was adopted by 38 votes to 5, with 5 abstentions.

16. An account of the debates on this sub-item will be found in the summary records of the 318th and 319th meetings of the Committee.

17. The text of the draft resolution, as adopted, is to be found in chapter VI of the present report (draft resolution B).

V. DRAFT CONVENTION ON FREEDOM OF INFORMATION

18. The general debate on the draft convention on freedom of information began at the 320th meeting of the Committee on 20 November. The Committee had before it a draft resolution, submitted jointly by Chile, Cuba, Egypt, France and the Netherlands (A/C.3/L.110/Rev.1). This draft resolution provided for the appointment by the General Assembly of an *ad hoc* committee consisting of the representatives of fifteen countries, to prepare at a meeting to be held not later than 1 March 1951, a draft convention on freedom of information. It further proposed that the General Assembly should recommend to the Economic and Social Council that it convene a conference of plenipotentiaries to meet not later than 1 August 1951 with a view to the framing and signature of a convention on freedom of information, based on the draft prepared by the *ad hoc* committee and on observations solicited from governments.

19. During the general debate, the representatives of Afghanistan, Brazil and Mexico expressed the opinion that the drafting of the convention on freedom of information should be proceeded with at the current session of the General Assembly. No formal proposal to that effect was, however, introduced.

20. The following amendments to the joint draft resolution were submitted:

(a) By the *United States of America* (A/C.3/L.113)—This amendment was to delete the operative part of the joint draft resolution and to replace it by two paragraphs. According to the second and operative paragraph of this amendment, the General Assembly would decide to postpone further consideration of the draft convention on freedom of information until it had taken definite action on the draft covenant on human rights;

(b) By *Lebanon* (A/C.3/L.116)—This amendment included the following three proposals:

(i) To insert between the third and fourth paragraphs of the joint draft resolution a new paragraph, requesting the *ad hoc* committee to report to the Economic and Social Council on the result of its work and to submit recommendations particularly with regard to the advisability of convening a conference of plenipotentiaries as proposed in the joint draft resolution;

(ii) To change the wording of the fourth paragraph of the joint draft resolution;

(iii) To replace the sixth paragraph of the joint draft resolution by a paragraph recommending the Economic

and Social Council to consider the report of the *ad hoc* committee and “ if it thinks fit in the light of the *ad hoc* committee’s recommendations and the observations of governments ” to convene a conference not later than 1 August 1951.

21. The following sub-amendments were submitted to the Lebanese amendment :

(a) By *Mexico* (A/C.3/L.117)—This sub-amendment was to delete (i) the last part of the first paragraph of the Lebanese amendment, that is, the proposed request to the *ad hoc* committee to submit recommendations to the Economic and Social Council with regard to the advisability of convening a conference; and (ii) in the third paragraph of the Lebanese amendment, the words “ if it thinks fit in the light of the *ad hoc* committee’s recommendations and the observations of governments ”. The representative of Mexico also proposed changes in the wording of the second and third paragraphs of the Lebanese amendment to the effect that the draft resolution should take into account the possibility of several drafts being prepared by the *ad hoc* committee.

These amendments were accepted by the representative of Lebanon.

(b) By *Chile*—Two oral sub-amendments to the Lebanese amendment were introduced by the representative of Chile. The first sub-amendment (321st meeting) was to include in the third paragraph of the Lebanese amendment the words “ and, taking into consideration, also, the General Assembly’s wish that one or more conventions to ensure freedom of information in the world should be adopted as soon as possible ” (A/C.3/L.116/Rev.1). The second Chilean sub-amendment (322nd meeting) was to substitute the words “ as soon as possible and not later than 1 February 1952 ” for the words “ not later than 1 August 1951 ” in the same paragraph of the Lebanese amendment.

The representative of Lebanon agreed to incorporate those proposals in his text.

22. At the 322nd meeting, held on 21 November 1950, the joint draft resolution and the amendments thereto were put to the vote. In accordance with a request of the representative of Cuba the principal decisions were taken by roll-call votes.

23. The United States amendment was put to the vote first. The amendment was rejected by 25 votes to 14, with 10 abstentions. The vote was as follows :

In favour : Australia, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Greece, New Zealand, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against : Afghanistan, Burma, Chile, Cuba, Ecuador, Egypt, Ethiopia, France, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Netherlands, Pakistan, Philippines, Saudi Arabia, Syria, Turkey, Uruguay, Yugoslavia.

Abstaining : Argentina, Belgium, Bolivia, Brazil, China, Dominican Republic, Peru, Thailand, Union of South Africa, Venezuela.

24. The Committee then voted on the joint draft resolution, paragraph by paragraph, with the relevant amendments, in the following order :

(a) *First paragraph*—This paragraph was adopted by 41 votes to 2, with 6 abstentions.

(b) *Second paragraph*—This paragraph was adopted by 40 votes to none, with 9 abstentions.

(c) *Third paragraph*—This paragraph was adopted by 30 votes to 1, with 17 abstentions.

(d) *The Mexican sub-amendment: point 1*—That amendment, calling for the deletion of part of the first paragraph of the Lebanese amendment, was voted upon by roll-call. There were 17 votes in favour, 17 against and 15 abstentions. Eleven delegations were not represented at the time of the vote. The amendment, accordingly, was not adopted. The vote was as follows :

In favour : Afghanistan, Burma, Cuba, Ecuador, Egypt, France, Guatemala, Haiti, India, Indonesia, Iraq, Mexico, Saudi Arabia, Syria, Thailand, Uruguay, Yugoslavia.

Against : Australia, Canada, Chile, China, Denmark, Greece, Lebanon, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Argentina, Belgium, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Czechoslovakia, Dominican Republic, Ethiopia, Honduras, Iran, Pakistan, Philippines, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela.

(e) *The Lebanese amendment: point 1*—This amendment, calling for the insertion of a new paragraph between the third and fourth paragraphs of the joint draft resolution, was adopted by 25 votes to 13, with 11 abstentions. The vote was as follows :

In favour : Australia, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark, Dominican Republic, Ethiopia, Greece, Iran, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against : Afghanistan, Burma, Cuba, Ecuador, Egypt, Guatemala, India, Iraq, Mexico, Saudi Arabia, Syria, Uruguay, Yugoslavia.

Abstaining : Argentina, Belgium, Bolivia, Brazil, France, Haiti, Honduras, Indonesia, Pakistan, Thailand, Venezuela.

(f) *The Lebanese amendment, point 2*—This amendment was adopted by 46 votes to none, with 3 abstentions.

(g) *Fourth paragraph of the joint draft resolution, as amended*—This paragraph was adopted by 40 votes to none, with 8 abstentions.

(h) *Fifth paragraph*—This paragraph was adopted by 38 votes to none, with 10 abstentions.

(i) *The Mexican sub-amendment*—This sub-amendment, to delete part of the third paragraph of the Lebanese amendment, was rejected by 23 votes to 18, with 6 abstentions.

(j) *The Lebanese amendment, point 3*—That amendment, to replace the sixth paragraph of the joint draft resolution by another text, was adopted by 31 votes to 8, with 8 abstentions.

25. After the above votes were taken, the Chairman pointed out that, before voting on the draft resolution as a whole, the Committee had to complete the third paragraph, with regard to the membership of the proposed *ad hoc* committee.

26. At its 323rd meeting, held on 22 November, the Committee took two secret ballots to determine the composition of the Committee referred to in the third paragraph of the draft resolution. As a result of the first ballot the following Member States obtained the required majority: Cuba, Egypt, France, India, Lebanon, Mexico, Netherlands, Philippines, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America. The following Member States obtained the required majority in the second ballot: Ecuador, Pakistan, Saudi Arabia and Yugoslavia.

27. The names of the fifteen States having been inserted in the third paragraph, the draft resolution as a whole was adopted by 35 votes to none, with 15 abstentions. The vote was as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, India, Indonesia, Iran, Lebanon, Liberia, Mexico, Netherlands, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Abstaining: Argentina, Australia, Belgium, Brazil, Canada, Denmark, Israel, New Zealand, Norway, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

28. An account of the debates on this sub-item will be found in the relevant summary records of the 316th and 320th to 324th meetings of the Committee.

29. The text of the draft resolution, as adopted, is to be found in chapter VI of the present report (draft resolution C).

VI. RECOMMENDATIONS OF THE THIRD COMMITTEE

30. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

FREEDOM OF INFORMATION

A

Interference with radio signals

The General Assembly,

Whereas freedom to listen to radio broadcasts regardless of source is embodied in article 19 of the Universal Declaration of Human Rights, which reads: "Everyone

has the right to freedom of opinion and expression" and whereas this right "includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers",

Whereas article 44 of the International Telecommunication Convention, Atlantic City, 1947, provides that "All stations, whatever their purpose, must be established and operated in such a manner as not to result in harmful interference to the radio services or communications of other Members or Associate Members... [and that] Each Member or Associate Member undertakes to require the private operating agencies which it recognizes, and the other operating agencies duly authorized for this purpose, to observe the provisions of the preceding paragraph",

Considering that the duly authorized radio operating agencies in some countries are deliberately interfering with the reception by the people of those countries of certain radio signals originating beyond their territories, and bearing in mind the discussion which took place in the Economic and Social Council and in the Sub-Commission on Freedom of Information and of the Press on this subject,

Considering that peace among nations rests on the goodwill of all peoples and governments and that tolerance and understanding are prerequisites for establishing goodwill in the international field,

1. *Adopts* the declaration of the Economic and Social Council contained in its resolution 306 B (XI) of 9 August 1950 to the effect that this type of interference constitutes a violation of the accepted principles of freedom of information;

2. *Condemns* measures of this nature as a denial of the right of all persons to be fully informed concerning news, opinions and ideas regardless of frontiers;

3. *Invites* the Governments of all Member States to refrain from such interference with the right of their peoples to freedom of information;

4. *Invites* all governments to refrain from radio broadcasts that would mean unfair attacks or slanders against other peoples anywhere and in so doing to conform strictly to an ethical conduct in the interest of world peace by reporting facts truly and objectively;

5. *Invites* also Member States to give every possible facility so that their peoples may know objectively the activities of the United Nations in promoting peace and, in particular, to facilitate the reception and transmission of the United Nations official broadcasts.

B

Question of the freedom of information and of the Press in times of emergency

The General Assembly,

Considering that freedom of information and of the Press is one of the fundamental freedoms and should be advanced and safeguarded.

Considering that limitations might be placed on this freedom in emergencies or on the pretext of emergencies,

Recommends to all Member States that, when they are compelled to declare a state of emergency, measures to limit freedom of information and of the Press shall be taken only in the most exceptional circumstances and then only to the extent strictly required by the situation.

C

*Draft convention on freedom of information**The General Assembly,*

Recalling its resolution 313 (IV) of 20 October 1949, the recommendation of the sixth session of the Commission on Human Rights regarding freedom of information and the discussion concerning that recommendation at the eleventh session of the Economic and Social Council,

Considering that freedom of information and the purposes of the United Nations are indivisible,

1. Appoints a Committee consisting of the representatives of the following fifteen countries: Cuba, Ecuador, Egypt, France, India, Lebanon, Mexico, Netherlands, Pakistan, Philippines, Saudi Arabia, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia, which shall meet at the headquarters of the United Nations as soon as possible, but not later than 1 March 1951, to prepare a draft convention on freedom of information, taking into consideration the draft approved by the United Nations Conference on Freedom of Information, held at Geneva from 23 March to

21 April 1948; the text voted during the second part of the third session of the General Assembly; article 14 of the provisional text of the draft first international covenant on human rights; and the observations contained in the summary records of the meetings of the Third Committee dealing with the question;

2. Requests the Committee to report to the Economic and Social Council at its thirteenth session on the results of its work and to submit recommendations, in particular, with regard to the advisability of convening a conference of plenipotentiaries with a view to the framing and signature of a convention on freedom of information;

3. Requests the Secretary-General to submit the Committee's report, together with the draft or drafts of the convention prepared by the Committee, to the various governments concerned for their consideration;

4. Invites the governments so consulted to transmit their suggestions and observations to the Secretary-General by 15 June 1951;

5. Recommends the Economic and Social Council to consider the Committee's report at its thirteenth session and if it thinks fit, in the light of the Committee's recommendations and the observations of governments, and also taking into consideration the General Assembly's wish that one or more conventions to ensure freedom of information in the world should be adopted as soon as possible, to convene a conference of plenipotentiaries to meet as soon as possible and not later than 1 February 1952, with a view to the framing and signature of a convention on freedom of information, based on the draft or drafts prepared by the above-mentioned Committee and on the observations of governments.

DOCUMENT A/1645

Draft convention on freedom of information—Financial implications of draft resolution C proposed by the Third Committee (A/1630): thirty-first report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[9 December 1950]

1. The Secretary-General has submitted (A/C.5/427) the following estimate of the financial implications of draft resolution C proposed by the Third Committee (A/1630):

	<i>Expenditure during 1951 US dollars</i>
(a) <i>Committee of fifteen representatives (draft resolution C, paragraph 1):</i>	
Local transportation	1,360
Contractual printing (Official records) .	5,000

(b) *Conference of plenipotentiaries (draft resolution C, paragraphs 2 and 5)* nil

2. The Advisory Committee considers that the session of the Committee of fifteen representatives could be held at the permanent headquarters in Manhattan, with a consequent saving of \$US1,360 on the item for local transportation. An appropriation of \$US5,000 is accordingly recommended for approval, this sum to be distributed, if necessary, between sections 1 and 25 of the 1951 budget.

DOCUMENT A/1667

Draft convention on freedom of information—Financial implications of draft resolution C proposed by the Third Committee (A/1630) : report of the Fifth Committee

[Original text : English]
[11 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 4 December 1950 to the Chairman (A/C.4/430), the Fifth Committee, at its 278th meeting, held on 11 December 1950, considered the financial implications of draft resolution C proposed by the Third Committee (A/1630) concerning the preparation and adoption of a draft convention on freedom of information.

2. The Fifth Committee had before it a note by the Secretary-General (A/C.5/427) and the thirty-first report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1645). In the Secretary-General's opinion, a meeting at headquarters of the proposed committee of fifteen governmental representatives, assuming the meeting would last for four weeks, would involve expenditure under section 1 of the budget of approximately \$US360 for local transportation and under section 25 of approximately \$US5,000 for the

printing of the Committee's report. In the case of the proposed conference of plenipotentiaries to be held at headquarters early in 1952, no additional expenditures would arise during 1951, while the anticipated 1952 expenditures would be limited to contractual printing.

3. The Advisory Committee expressed the view that the session of the committee of fifteen governmental representatives could be held at the permanent headquarters in Manhattan with a consequent saving of the costs of local transportation. Accordingly, it recommended approval of an estimate of \$US5,000 to be distributed as necessary between sections 1 and 25 of the 1951 budget.

4. The Fifth Committee, having unanimously approved the recommendation of the Advisory Committee, decided to inform the General Assembly that adoption of draft resolution C proposed by the Third Committee would require additional budgetary provision in 1951 in the amount of \$US5,000.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations or references to other sources</i>
E/1672 (E/CN.4/Sub.1/138)	Report of the Sub-Commission on Freedom of Information and of the Press (fourth session)		<i>Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5A.</i>
E/Conf.6/79	Final Act of the United Nations Conference on Freedom of Information		United Nations Publications, Sales No. : 1948.XIV.2.
E/CN.4/Sub.1/125	Sub-Commission on Freedom of Information and of the Press—Draft of an international code of ethics		Mimeographed document only.
A/1380 (incorporating A/1380/Corr.1)	Note by the Secretary-General	2	
A/1397	Note by the Secretary-General		Mimeographed document only. This document reproduces Economic and Social Council resolution 306 B (XI) and 306 C (XI).
A/1645	Draft convention on freedom of information—Financial implications of draft resolution C proposed by the Third Committee (A/1630) : thirty-first report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	10	
A/1667	Draft convention on freedom of information—Financial implications of draft resolution C proposed by the Third Committee (A/1630) : report of the Fifth Committee . .	11	
A/1746	Resolution adopted by the General Assembly at its 325th meeting on 14 December 1950		General Assembly resolution 424 (V).

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations or references to other sources</i>
A/1747	Resolution adopted by the General Assembly at its 325th meeting on 14 December 1950		General Assembly resolution 425 (V).
A/1748	Resolution adopted by the General Assembly at its 325th meeting on 14 December 1950		General Assembly resolution 426 (V).
A/C.3/505	Union of Soviet Socialist Republics : amendments to the draft convention on freedom of information (E/1065)		<i>Official Records of the General Assembly, Third Session, Part II, Annex.</i>
A/C.3/518 A/C.3/518/Corr.1	Memorandum by the Secretary-General		<i>Official Records of the General Assembly, Fourth Session, Third Committee, Annex.</i>
A/C.3/545	Question of the freedom of information and of the Press in times of emergency : text of the draft resolution adopted by the Third Committee		See document A/1630, draft resolution B.
A/C.3/546	Interference with radio signals : text of the draft resolution adopted by the Third Committee		See document A/1630, draft resolution A.
A/C.548	Draft convention on freedom of information : text of the draft resolution adopted by the Third Committee		See document A/1630, draft resolution C.
A/C.3/L.110	Draft convention on freedom of information : Cuba, Egypt, France and the Netherlands : draft resolution		See document A/C.3/L.110 Rev.1.
A/C.3/L.110/Rev.1	Draft convention on freedom of information—Chile, Cuba, Egypt, France and the Netherlands : draft resolution . .	3	
A/C.3/L.112	Interference with radio signals—Chile : draft resolution . .	3	
A/C.3/L.113	Draft convention on freedom of information—United States of America : amendment to the draft resolution submitted by Cuba, Egypt, France and the Netherlands (A/C.3/L.110)	4	
A/C.3/L.116	Draft convention on freedom of information—Lebanon : amendment to the draft resolution submitted by Chile, Cuba, Egypt, France and the Netherlands (A/C.3/L.110/Rev.1)	4	
A/C.3/L.116/Rev.1	Draft convention on freedom of information—Lebanon : amendment to the draft resolution submitted by Chile, Cuba, Egypt, France and the Netherlands (A/C.3/L.110/Rev.1)	4	
A/C.3/L.117	Draft convention on freedom of information—Mexico : amendment to the amendment submitted by Lebanon (A/C.3/L.116)	5	
A/C.3/L.119	Draft convention on freedom of information—Text of the draft resolution adopted by the Third Committee paragraph by paragraph		Mimeographed document only. With the exception of the names of the countries to be members of the committee to be established under the terms of the operative part of the resolution, this text is identical with the text reproduced in document A/C.3/548.
A/C.5/427	Draft convention on freedom of information—Financial implications of the draft resolution proposed by the Third Committee (A/C.3/548) : note by the Secretary-General . .	5	
A/C.5/430	Draft convention on freedom of information—Letter dated 4 December 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document only.



Agenda item 31 : Advisory social welfare services : report of the Economic and Social Council

C O N T E N T S

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Plenary meetings (final phase) :		
A/1436	Report of the Third Committee	7
A/1488	Financial implications of the draft resolution proposed by the Third Committee (A/1436) : thirteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	9
A/1537	Financial implications of the draft resolution proposed by the Third Committee (A/1436) : report of the Fifth Committee	11
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DOCUMENT A/1355

Report of the Secretary-General

[Original text : English]
[11 September 1950]

1. The General Assembly, by its resolution 316 (IV) of 17 November 1949 (a) authorized the Secretary-General to place on a continuing basis, rather than on a year-to-year basis, the advisory social welfare services originally authorized by its resolution 58 (I) of 14 December 1946; and (b) requested the Economic and Social Council to review the terms of resolution 58 (I) in the light of this authorization and in the light of the discussions and suggestions in the Third Committee at the fourth session of the General Assembly, and to recommend to the next regular session of the Assembly such modifications as it might consider necessary.

2. In the light of resolution 316 (IV), the Social Commission at its fifth session requested the Secretary-General to submit for consideration at its sixth session suggestions for modifications in the terms of resolu-

tion 58 (I), based on recommendations resulting from the social research studies made under Economic and Social Council resolution 43 (IV) and on the experience of the Secretariat during three years of operation of the advisory social welfare services programme (E/1568).¹

3. The Secretary-General, in submitting his recommendations (E/CN.5/194 and E/CN.5/195) to the Social Commission (sixth session), took into account the following factors :

(a) Although requests for services during the early stages of implementation of the programme fell mainly within such broad fields as social welfare administration and child welfare, they had since increased and included

¹ See *Official Records of the Economic and Social Council, Tenth Session, Supplement No. 2.*

many other fields of social welfare, such as social defence, migration, housing, training of social workers and social rehabilitation of handicapped persons.

(b) Because requests for co-ordinated assistance had been, and continued to be, received, it had seemed desirable to furnish small exploratory missions to assist governments in studying the possibility of integrating this international programme of long-range assistance into their national programmes of social development.

(c) The need had been clearly demonstrated of providing training in social work by means of teaching scholarships as well as observation fellowships, especially for those countries which have neither sufficient numbers of trained social workers nor facilities for training them.

(d) It was deemed useful to provide for regional demonstration centres and pilot projects in order to show the participating countries what could be accomplished on a planned basis with limited means.

(e) The regional social welfare seminars organized in Latin America, the Middle East and Europe had been so successful that specific authorization should be given for holding such seminars.

(f) The interest in, and requests for, the films produced under this programme evidenced the usefulness of this method of supplying technical information, especially to under-developed countries.

(g) It had become clear, from the number of countries requesting social welfare publications, that the restrictions originally limiting their distribution to Member States whose countries had been devastated by war should be removed.

4. The Social Commission, at its sixth session, examined in detail the material presented by the Secretary-General, and submitted its recommendations

(E/1678)² and E/1702³ including a revised draft of the text of resolution 58 (I), to the Economic and Social Council.

5. The Council, considered, at its eleventh session, the recommendations of the Social Commission for the revision of resolution 58 (I) and undertook a thorough discussion of the proposals. Minor drafting changes were made in the text prepared by the Social Commission, and the financial implications of the revised text (E/1702/Add.1)³ were noted. The Council then adopted resolution 312 (XI) by which it submitted to the General Assembly a revised text of resolution 58 (I). This text provides for the following new features :

- (a) Granting scholarships;
- (b) Planning, organizing and participating in demonstration centres and pilot projects;
- (c) Planning and conducting seminars;
- (d) Furnishing technical films;
- (e) Furnishing technical publications to requesting governments (without limitation to Member States whose countries had been devastated by war).

6. To facilitate consideration of the draft proposal, annex I of the present report sets forth a comparison between the original text of resolution 58 (I) and the proposed revised text, and annex II presents a brief report on the status of operations of the advisory social welfare services programme, covering the period 1 January to the present date.

7. The text of the draft resolution submitted by the Economic and Social Council for the consideration of the General Assembly is shown in the right-hand column of annex I.

² See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 3.*

³ *Ibid.*, Annex, agenda item 27.

ANNEX I

ADVISORY SOCIAL WELFARE SERVICES

Text of resolution 58 (I) adopted by the General Assembly on 14 December 1946.

Whereas Article 66 of the Charter of United Nations provides :

1. The Economic and Social Council shall perform such functions as fall within its competence in connexion with the carrying out of the recommendations of the General Assembly,

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly;

Whereas the Economic and Social Council, on 1 October 1946, recommended the transfer to the United Nations of certain urgent and important advisory functions in the

Revised text proposed by the Economic and Social Council (resolution 312 (XI) of 14 July 1950)

Whereas, by Articles 55 and 60 of the Charter of the United Nations, the Economic and Social Council, under the authority of the General Assembly, is charged with responsibility for promoting higher standards of living and conditions of social progress and development,

Whereas, by Article 66 of the Charter, the Economic and Social Council may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies

Whereas the General Assembly, after examining the recommendations of the Economic and Social Council and the accompanying report of services rendered for the first three years of operation, approved the recommendations and placed the advisory social welfare services of resolution 58 (I) on a continuing basis and directed that a review

Text of resolution 58 (I) adopted by the General Assembly on 14 December 1946 (continued)

field of social welfare carried on by UNRRA, special consideration being given to the needs of children;

Whereas the General Assembly, after examining the report and the recommendations presented by the Secretary-General in document A/132, recognizes the necessity of transferring to the United Nations the urgent and important advisory functions in the field of social welfare carried on by UNRRA;

The General Assembly, therefore,

A. *Authorizes* the Secretary-General :

1. In consultation with the Economic and Social Council, to make provision, with the co-operation of the specialized agencies where appropriate, for the continuance of the urgent and important advisory functions in the field of social welfare carried on by UNRRA; and, for this purpose,

2. To include in the budget of the United Nations for 1947 the funds necessary for the assumption of the following functions, all of which are necessary for the accomplishment of an effective programme :

(a) For a requisite number of social welfare experts to provide, on the request of governments which show the need for them, such advisory services, and to put into practice, over an appropriate period, new technical methods in any branch of social welfare;

(b) For enabling a requisite number of suitably qualified social welfare officials to observe, and familiarize themselves with, the experience of other countries administering social welfare programmes;

(c) For providing advice, demonstration and instruction in connexion with the manufacture of prosthetic appliances and the vocational training of physically handicapped persons; and for furnishing the necessary equipment and tools;

(d) For furnishing to the Member countries which have been devastated during the war, technical publications helpful in the training of social welfare workers.

The furnishing of the experts shall be undertaken by the Secretary-General in agreement with the governments concerned, and the selection of grant holders shall be made by the Secretary-General on the basis of proposals received from governments. The amount of service to be furnished to the various governments shall be decided by the Secretary-General, and shall be reviewed by the Social Commission at its next session. The kind of service mentioned under (a), (b), (c), and (d) to be rendered to each country shall be decided by the government concerned.

Revised text proposed by the Economic and Social Council (resolution 312 (XI) of 14 July 1950) (continued)

be made of the terms of the resolution and appropriate recommendations made with respect to desirable or necessary changes, and

Whereas the General Assembly recognizes that the advisory social welfare services constitute a practical operational programme of direct assistance to governments and that the other activities of the United Nations in the social field should be properly correlated to these services in order to achieve maximum effectiveness, to which end the Social Commission has adjusted its long-range work programme,

The General Assembly, therefore,

A. *Authorizes* the Secretary-General :

1. Subject to the directions of the Economic and Social Council, to make provision for the under-mentioned functions and services, such provision to be made where appropriate with the co-operation of the specialized agencies and in consultation with non-governmental organizations having consultative status :

(a) For a requisite number of social welfare experts to provide advisory services at the request of governments which show the need for them, and to put into practice, over an appropriate period, new methods in any branch of social welfare;

(b) For enabling suitably qualified social welfare officials to observe, and familiarize themselves with, the experience and practice of other countries in any branch of social welfare;

(c) For enabling suitably qualified persons who cannot receive professional training in branches of social welfare in their own country to receive appropriate training in foreign countries having the necessary facilities;

(d) For planning by appropriate methods projects for experimenting in or demonstrating various phases of social welfare, organizing and participating in these projects, providing the necessary tools and equipment in connexion therewith, and associating to the extent practicable with the projects, the persons referred to in sub-paragraphs (b) and (c) above;

(e) For furnishing technical publications and films; and

(f) For planning and conducting seminars; and

2. To include in the budgetary estimates of the United Nations the sums necessary for carrying out an effective operational programme based on the provision of the above services;

Text of resolution 58 (I) adopted by the General Assembly on 14 December 1946 (continued)

B. *Requests* the Secretary-General to report to the Social Commission on the measures which he takes in compliance with the terms of the present resolution, and requests the Commission during its first session to formulate recommendations concerning the continued action required to carry on the essential advisory activities of UNRRA in the field of social welfare.

Revised text proposed by the Economic and Social Council (resolution 312 (XI) of 14 July 1950) (continued)

B. *Instructs* the Secretary-General to undertake the performance of the functions listed in paragraph A.1 above, in agreement with the governments concerned, on the basis of requests received from governments and in accordance with the following policies :

1. The kind of service to be rendered to each country shall be decided by the government concerned;

2. The furnishing of the experts and services shall be undertaken by the Secretary-General; the Secretary-General shall, normally, make application for experts to States which are Members of the United Nations, and the selection of grant holders shall be made by the Secretary-General on the basis of proposals received from governments, which shall indicate their preferences with regard to host countries;

3. The amount of services and the conditions under which they shall be furnished to the various governments shall be decided by the Secretary-General with due regard to the greater needs of the under-developed areas and in conformity with the principle that each requesting government shall be expected to participate financially to the maximum possible extent in the services provided to it; and

C. *Requests* the Secretary-General to report regularly to the Social Commission on the measures which he takes in compliance with the terms of the present resolution and requests the Commission to formulate recommendations from time to time, concerning the continued action required to carry on the essential advisory activities in the field of social welfare.

ANNEX II

REPORT ON THE STATUS OF OPERATIONS OF THE ADVISORY SOCIAL WELFARE SERVICES PROGRAMME—GENERAL ASSEMBLY RESOLUTION 58 (I)

(1 January 1950 to present date)

I. EXPERTS AND MISSIONS

A. Europe

Austria

Although the government requested that the services of the expert in general welfare administration and child welfare should be continued for the entire year, it was not possible to continue the assignment beyond 30 March 1950. An expert in occupational therapy will arrive in the country in the middle of September, to assist in establishing a demonstration project. It is envisaged that the expert will remain for approximately four months.

Greece

The services of the expert in social welfare administration will be continued in Greece until the end of 1950. The government has been informed that the United Nations will consider his mission completed at that time. The expert in social services to refugees ended her assignment for the United Nations on 30 June 1950.

Italy

A candidate has been proposed to the government in accordance with its request for the services of an expert

in social work training to establish an experimental centre for all Italian schools of social work.

Poland

The expert in general welfare administration who served as United Nations adviser in Poland for several years completed his mission at the end of January 1950.

Yugoslavia

The government has requested the services of four experts : two in rehabilitation and two in social statistics. Negotiations are nearing completion for a visit to the country of an expert in social rehabilitation of the physically handicapped to assist in broad general planning. This expert will remain in the country for from six weeks to two months; before his departure, an expert in services to handicapped children will be sent. The two experts in social statistics will visit Yugoslavia later in the year.

B. Middle East

Egypt

An expert in the training of social workers, who went to Cairo late in 1949, remained in the country during the

first three months of 1950. A second expert, in public assistance and related services, arrived in Egypt in the middle of February and remained for approximately five months, assisting the government in the preparation of new and comprehensive social security legislation. The government has made unofficial inquiries regarding the possibility of a brief visit from this second expert later in the year.

Iran

Arrangements are being completed for a joint mission to Iran, which is scheduled to arrive in the country in the middle of September. The mission will advise the government on social welfare development, community, family and child welfare, public finance, and customs organization; the two social experts will be furnished under the programme instituted under resolution 58 (I).

Iraq

The expert in training of social workers will arrive in the country on 15 October 1950, to assist the government in planning and establishing courses of social work training. The government has also requested occasional visits during the year by an expert on social policy and administration.

Israel

A comprehensive request has been received from the government for services in 1951, including the services of an expert in methods of probation for adults and services for offenders in prisons and after release. The government has been asked to supply further information and details, in order that this request may be met early in 1951.

Lebanon

Negotiations are under way to comply with the request of the government for a small exploratory mission to assist in making a general survey, and in preparing an outline of the developments in legislation and administration needed for a social welfare programme, adapted to the conditions and requirements of the country. The mission will be composed of three members, two supplied by the United Nations and one Lebanese appointed by the government. It is hoped that the mission will arrive in Lebanon in time to complete its survey and outline before the end of 1950.

Libya

A small joint mission went to Libya in July 1950 to discuss possible technical assistance in the economic and social fields. The report of the mission indicates the need for several social welfare experts.

Turkey

Since a portion of the comprehensive request submitted by the government under the technical assistance programme falls within the terms of resolution 58 (I), the government has been informed of this fact, and requested to send additional information regarding its needs.

C. *Far East*

Indonesia

A small exploratory mission, composed of representatives of the United Nations and several specialized agencies, visited Indonesia. The Secretariat representative of the Division of Social Activities in the Far East served as the social member of this mission.

India

Through mutual agreement between the government, the United Nations and the expert concerned, the expert

on criminology, requested for 1950, will be sent to India in December 1951 to remain for a year. An expert in community planning and housing will visit India in November 1950.

Japan

The expert in child welfare who went to Japan in 1949 has completed her assignment and was due to leave the country on 24 August 1950.

Philippines

The United Nations expert in general welfare administration completed her second assignment in the country in June 1950. The government withdrew its request for an expert on social research and planning.

D. *Latin America*

Bolivia

A joint economic and social mission, which spent approximately six months in the country during 1950, included four social experts, specializing in: public education (in co-operation with the United Nations Educational, Scientific and Cultural Organization), social welfare administration, standards of living, and labour legislation (in co-operation with the International Labour Office)

Brazil

Negotiations are under way for supplying the expert in rural and suburban housing requested by the government; two candidates have been proposed.

Chile

Negotiations are under way for supplying a joint economic and social mission, which will include social experts to provide assistance in the organization of two community development demonstration projects, one urban and one rural.

Ecuador

At the request of the government, the services of the expert in general welfare administration are being continued until early September 1950. The expert to advise the government in its plans for reorganization of its child care institutions (institutions for normal children) will arrive in Ecuador about 1 September 1950, to be followed shortly by an expert on the institutional care of delinquent children.

Guatemala

The services of the expert in training of social workers are being continued until June 1951, at the request of the government. Candidates have been nominated to replace the expert in teaching and supervision of field work, whose leave of absence could not be extended beyond 5 August 1950. Negotiations are under way to meet the request of the government for the services of an expert in social rehabilitation of the physically handicapped, and the names of two candidates for the post have been proposed.

Haiti

Recruitment has been begun for the small social mission requested by the government, and it is hoped that its services will be available to the government before the end of September 1950. The mission will be composed of three experts in the following fields: social welfare development, rural and suburban housing, and family and child welfare.

Peru.

A request has been received from the government for the services of an expert in housing; clarification and further details have been requested regarding this request.

E. Central America

Negotiations are under way with the Food and Agriculture Organization for a co-operative project for the gathering of special data and development of plans for extending credit and welfare services to rural areas through the co-operation of the Governments of Mexico, Guatemala and Venezuela.

II. FELLOWSHIPS

Because of budgetary limitations, it will not be possible to meet the demand for fellowships under resolution 58 (I) during 1950. As of 13 August 1950, 39 countries have requested 316 fellowships. It is hoped that it will be possible to grant 200 fellowships during the present year.

Governments have been notified that applications that cannot be considered for fellowships in 1950 because of financial implications will be given priority for 1951, and already 23 candidates have been accepted for referral to countries of study in respect of 1951 awards.

Arrangements have been made for fellows to undertake their studies in nineteen countries, and negotiations are now under way to arrange facilities in four additional countries. During 1950, it is anticipated that social welfare fellows will observe the experience and practice in countries of Europe, North and Latin America, the Far East and Oceania.

The fellowships requested during 1950 fell within the following broad fields of social welfare: social welfare administration; social security; community, family and child welfare; social defence; services for the handicapped; social aspects of health; housing and town and country planning; rural welfare services; industrial relations; industrial welfare; employment services; policy and problems; standards of living; social aspects of migration; co-operatives; social research, including social statistics.

Under the fellowship programme, the Governments of the Netherlands and the United Kingdom sent twelve fellows from Non-Self-Governing Territories to attend a summer workshop in home economics at San Juan, Puerto Rico. The Netherlands fellows came from Surinam and Curaçao; the United Kingdom fellows from Trinidad (2), Barbados, British Honduras, British Guiana, Dominica, Granada and Jamaica (3).

The Department of Social Affairs also handled the administration of nine UNICEF fellowships for fellows from Malaya (7), Sarawak and Singapore.

III. DEMONSTRATION EQUIPMENT AND MATERIAL

Limited amounts of demonstration equipment and material for use in the demonstration of modern methods and techniques of rehabilitation are being supplied to Austria, Czechoslovakia, Finland, Hungary, the Philippines and Poland. Such equipment usually consists of prototypes or samples of prosthetic devices, and materials for demonstrating occupational therapy. The Government of Egypt submitted a request for a braille printing press, but it is possible that this request cannot be met out of the budget for the current year.

IV. FILMS

Copies are being made of the film *Children of Darkness* which was produced in Mexico during 1949. Copies of the film in Spanish will be supplied to the Governments of the Latin American countries. Copies of *First Steps* have been distributed, as well as copies of the three films comprising the *India Village Series*.

V. SEMINARS

A second social welfare seminar for the Arab States in the Middle East is being organized and will be held in Cairo in November-December 1950 at the invitation of the Egyptian Government. The Governments of Egypt, the Hashemite Kingdom of the Jordan, Lebanon, Iraq, Saudi Arabia, Syria and Yemen will participate. The seminar will be a continuation of the one held in Beirut in 1949 and will deal with community organization, with special reference to rural welfare services. The Food and Agriculture Organization, the World Health Organization, the International Labour Organisation, and the United Nations Educational, Scientific and Cultural Organization have been invited to participate actively.

The United Nations has offered to furnish six experts for a national conference on the prevention and treatment of juvenile delinquency which will be organized by the Italian Government in Rome in November 1950.

The organization of a two-day conference on handicapped children to follow the Indian Conference on Social Work—which will be held in India in December 1950—is under discussion with the Indian Government. The United Nations, UNESCO and other interested specialized agencies would furnish the experts. The possibility of inviting the Governments of Afghanistan, Burma, Ceylon, India, Japan, Malaya, Pakistan, the Philippines and Thailand to send representatives is under consideration.

The question of holding a seminar on problems of immigration for Latin American States, to be held in the late spring of 1951 in Venezuela, is under discussion. The Government of Venezuela has indicated its interest in acting as host government.

Plans are also under discussion with the Government of India for a seminar to be held in India in November-December 1951 for the following countries: Burma, Ceylon, India, Indonesia, Malaya, Pakistan, the Philippines and others. The subject under consideration is youth welfare, including youth organizations and movements. The Government of India has indicated its interest in acting as host government.

* * *

REGIONAL LIAISON WITH THE UNITED NATIONS
INTERNATIONAL CHILDREN'S EMERGENCY FUND

The regional liaison officers who were appointed during 1949 to serve at UNICEF headquarters in Paris and Bangkok are continuing their services during 1950. Another was appointed for Central America and was due to arrive in Guatemala City some time in August 1950.

DOCUMENT A/C.5/384

Financial implications of the draft resolution proposed by the Third Committee (A/1436) : note by the Secretary-General

[Original text : English]
[16 October 1950]

1. The Third Committee, at its 275th meeting, on 2 October 1950, adopted a draft resolution (A/1436) in modification of resolution 58 (I), which covers all the existing functions of resolution 58 (I) and provides for the following additional services :

(a) In addition to the fellowship programme, which provides further training to qualified social welfare officials, a scholarship programme is proposed to enable suitably qualified persons, who cannot receive professional training in branches of social welfare in their own country, to obtain appropriate training in foreign countries having the necessary facilities;

(b) In lieu of simply furnishing demonstration equipment and tools to countries for the vocational training of physically handicapped persons as provided under resolution 58 (I), it is proposed that projects should be organized for experimenting in or demonstrating various phases of social welfare, providing the necessary tools and equipment in connexion therewith, and associating to the extent practicable with the projects, the persons referred to in sub-paragraph (a) above;

(c) Resolution 58 (I) provided for the supplying of technical publications on social welfare only to Member States whose countries had been devastated by war. The proposed revision calls for furnishing technical publications and films generally.

2. The following statement of the budgetary implications of this proposal is submitted to the Fifth Com-

mittee for its consideration in accordance with rule 152 of the rules of procedure of the General Assembly.

3. The budget provision of \$ US 610,500 originally proposed for advisory social welfare services for 1951⁴ covers only the activities called for by the terms of resolution 58 (I) of the General Assembly. Requests from governments for social welfare advisory services have gradually increased during the last three years and it is expected that the full amount of the original estimate would be needed during 1951 to cover the continuing activities. Additional funds will therefore be needed in 1951 to implement the terms of the revised resolution of the Council. After careful consideration of the financial implications of the additional activities envisaged in the revised resolution, the Secretary-General considers that the following additional funds will be needed during 1951, on a minimum basis, for the new activities :

	<i>US dollars</i>
(a) 30 scholarships at \$ US 2,000 each ...	60,000
(b) Operation of one demonstration centre, including cost of equipment	50,000
(c) Supply of technical literature on social welfare to various countries	48,000
	158,000

⁴ See *Official Records of the General Assembly, Fifth Session, Supplement No. 5*, p. 299.

DOCUMENT A/1436

Report of the Third Committee

[Original text : English]
[13 October 1950]

1. As requested by the General Assembly in its resolution 316 (IV) of 17 November 1949, the Economic and Social Council, at its eleventh session, reviewed the terms of General Assembly resolution 58 (I) on advisory social welfare services. In its resolution 312 (XI) of 14 July 1950, the Council unanimously recommended to the fifth regular session of the General Assembly certain modifications in the original resolution which it considered necessary and which it embodied in a consolidated revised text.

2. A detailed comparison between resolution 58 (I) and the revised draft submitted by the Council was prepared for the General Assembly by the Secretary-General (A/1355).

3. The General Assembly, at its 285th plenary meeting, held on 26 September 1950, referred the matter to the Third Committee for consideration and report.

4. The Third Committee devoted three meetings (273rd, 274th, and 275th meetings) to the consideration of the revised text proposed by the Council. Of the thirty representatives who took part in the debate, all expressed confidence in the programme of advisory social welfare services as one of the most effective expressions of international co-operation and declared themselves in favour of the Council's recommendations concerning the scope of these services. Several representatives made observations of a technical character on the application of the proposed resolution, with a view

to avoiding duplication and overlapping. Some reserved for consideration in the Fifth Committee their delegations' positions respecting the financial estimate submitted to the Council by the Secretary-General (E/1702/Add.1)⁵. A few, moreover, abstained from voting on the ground that the sums appropriated for 1950 should be adequate for developing a somewhat more expanded programme in 1951.

5. The Committee heard various explanations and statements made by representatives of the Secretary-General. A technical explanation was given of the procedure for consultation with requesting governments, for collaboration with specialized agencies in meeting requests for services, for combining various advisory services through the method of demonstration centres, for reinforcing and supplementing these various services by means of technical publications and films, and for using regional offices as dynamic centres for effectively meeting local needs. A statement was made concerning the organizational arrangements within the Secretariat for integrating the administration of the advisory social welfare services with that of other aspects of technical assistance, while at the same time assuring continued consultation and co-operation with the substantive department in charge of social welfare questions. The Committee noted with approval that the distinctive characteristics of the advisory social welfare programme were to be fully maintained, in that it was a continuing programme with wide terms of reference, financially supported from the regular contributions of all Member States, for the stimulation of social progress for its own sake and not only as an aspect of economic development, and on behalf of people all over the world and not only of these of under-developed areas. The Committee understood that the advisory social welfare services would continue to be directed by the Economic and Social Council, on the recommendation of its Social Commission and subject to the approval of the General Assembly.

6. Two amendments, submitted by the delegation of Israel (A/C.3/L.43) and by the delegation of Lebanon (A/C.3/L.42) respectively, to paragraphs B.2 and B.3 of the proposed text, were adopted with a view to clarifying the part to be played by requesting countries in the selection of experts and in meeting the cost of the services furnished.

7. Lastly, the Committee decided unanimously to approve the following draft resolution, and, on a roll-call vote (47 to none, with 5 abstentions), to recommend it for adoption by the General Assembly in the following terms :

ADVISORY SOCIAL WELFARE SERVICES

The General Assembly,

Having considered the modifications made, in the light of General Assembly resolution 316 (IV), by the Economic and Social Council, in resolution 58 (I) on advisory social welfare services,

Approves the following text of resolution 58 (I) revised by the Economic and Social Council and amended by the Third Committee :

Whereas by Articles 55 and 60 of the Charter of the United Nations the Economic and Social Council, under the authority of the General Assembly, is charged with the responsibility for promoting higher standards of living and conditions of social progress and development,

Whereas by Article 66 of the Charter, the Economic and Social Council may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies,

Whereas the General Assembly, after examining the recommendations of the Economic and Social Council and the accompanying report of services rendered for the first three years of operation, approved the recommendations and placed the advisory social welfare services originally authorized by resolution 58 (I) on a continuing basis, and requested that a review be made of the terms of that resolution and appropriate recommendations made with respect to desirable or necessary changes (resolution 316 (IV)),

Whereas the General Assembly recognizes that the advisory social welfare services constitute a practical operational programme of direct assistance to governments and that the other activities of the United Nations in the social field should be properly correlated with these services in order to achieve maximum effectiveness, to which end the Social Commission has adjusted its long-range work programme,

The General Assembly, therefore,

A. Authorizes the Secretary-General :

1. Subject to the directions of the Economic and Social Council, to make provision for the under-mentioned functions and services, such provision to be made where appropriate with the co-operation of the specialized agencies and in consultation with non-governmental organizations having consultative status :

(a) For a requisite number of social welfare experts to provide advisory services at the request of governments which show the need for them, and to put into practice, over an appropriate period, new methods in any branch of social welfare;

(b) For enabling suitably qualified social welfare officials to observe, and familiarize themselves with, the experience and practice of other countries in any branch of social welfare;

(c) For enabling suitably qualified persons who cannot receive professional training in branches of social welfare in their own country to receive appropriate training in foreign countries having the necessary facilities;

(d) For planning by appropriate methods projects for experimenting in or demonstrating various phases of social welfare, organizing and participating in these projects, providing the necessary tools and equipment in connexion therewith, and associating with the pro-

⁵ See *Official Records of the Economic and Social Council, Eleventh Session Annex*, agenda item 27.

jects to the extent practicable, the persons referred to in paragraphs (b) and (c) above;

“ (e) For furnishing technical publications and films;

“ (f) For planning and conducting seminars;

“ 2. To include in the budgetary estimates of the United Nations the sums necessary for carrying out an effective operational programme based on the provision of the above services;

“ B. *Instructs* the Secretary-General to undertake the performance of the functions listed in paragraph A.1 above, in agreement with the governments concerned, on the basis of requests received from governments and in accordance with the following policies :

“ 1. The kind of service to be rendered to each country shall be decided by the government concerned;

“ 2. The furnishing of the experts and services shall be undertaken by the Secretary-General, with due regard to suggestions made by the requesting governments; the Secretary-General shall, normally, make application for experts to States which are

Members of the United Nations. The selection of grant holders shall be made by the Secretary-General on the basis of proposals received from governments, which shall indicate their preferences with regard to host countries;

“ 3. The amount of services and the conditions under which they shall be furnished to the various governments shall be decided by the Secretary-General with due regard to the greater needs of the under-developed areas and in conformity with the principle that each requesting government shall be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it, either by making a contribution in cash, or in the form of services for the purposes of the programme being carried out;

“ C. *Requests* the Secretary-General to report regularly to the Social Commission on the measures which he takes in compliance with the terms of the present resolution and requests the Commission to formulate recommendations from time to time, concerning the continued action required to carry on the essential advisory activities in the field of social welfare.”

DOCUMENT A/1488

Financial implications of the draft resolution proposed by the Third Committee (A/1436) : thirteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[6 November 1950]

1. In accordance with a decision taken by the Fifth Committee at its 252nd meeting held on 20 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/384) on the financial implications of the draft resolution proposed by the Third Committee (A/1436).

2. The draft resolution, which is based upon a text submitted to the General Assembly by the Economic and Social Council (resolution 312 (XI)), constitutes a revision of the terms of General Assembly resolution 58 (I) and provides for the following new features in the programme of advisory social welfare services :

(i) The inclusion of a system of scholarships in the social welfare training programme;

(ii) The establishment of demonstration centres and pilot projects with provision for the participation of fellowship and scholarship holders in such projects;

(iii) The planning and conducting of seminars;

(iv) The furnishing of technical films;

(v) The furnishing of technical publications to requesting governments (resolution 58 (I) limited this provision to Member States whose countries had been devastated by war).

3. In accordance with rule 152 of the rules of procedure of the General Assembly, the Secretary-General has submitted (A/C.5/384) the following estimate of the financial implications of the proposed resolution :

	<i>US dollars</i>
(i) 30 scholarships at \$ US 2,000 each	60,000
(ii) Operation of one demonstration centre, including cost of equipment	50,000
(iii) Supplies of technical literature	48,000
TOTAL	158,000

The Fifth Committee has already (249th meeting) approved, in its first reading of the 1951 budget estimates, the provision of \$ US 610,500 for advisory social welfare services (section 27) ⁶ under the following provisional heads :

	<i>US dollars</i>
(i) Advisers	208,000
(ii) Fellowships	250,500
(iii) Regional seminars	50,000
(iv) Demonstration equipment and literature	52,000
(v) Films	50,000

⁶ See *Official Records of the General Assembly, Fifth Session, Supplement No. 5*, p. 299.

The total thus proposed for appropriation in respect of the 1951 programme of advisory social welfare services amounts to \$ US 768,500. This figure is exclusive of overhead expenses, for which provision is made in sections 9, 20 and 22 of the 1951 budget estimates.

4. The General Assembly, at its fourth session (1949), in approving the report of the Fifth Committee (A/1232)⁷ on the 1950 budget of the United Nations, took note of the view expressed by that Committee (A/1232, paragraph 136) to the effect that a decision regarding the amount to be recommended for appropriation in respect of advisory social welfare services was clearly within its own competence and, further, that the amount so recommended might vary from year to year according to the financial circumstances of the Organization as foreseen by the Committee.

5. The Advisory Committee, in recommending in its second report of 1950 (A/1312⁸, paragraphs 276 to 280) that the 1951 provision for these services should be maintained at the same level as in 1950 (\$ US 610,500), concurred in the Secretary-General's proposal that the necessary provision for the three types of direct technical services included in part IX of the budget should be continued "as reflecting United Nations acceptance of a regularly budgeted responsibility for this most important means of implementing the provisions of Chapter IX of the Charter".⁹ At the same time, however, the Committee noted that this provision would represent a larger volume of services since recipient governments were assuming a progressively larger share of the costs of the programme.

6. The Advisory Committee in this connexion suggests that, irrespective of the merits of the broadened programme proposed by the Third Committee, it is desirable to lay down a clear policy to govern the continuance of these services. Such a policy decision might, in the opinion of the Committee, embrace the following points:

(i) Whether increased contributions by recipient governments should augment the total expenditure for the programme or alternatively decrease the net appropriation to be made by the United Nations;

(ii) Whether and, if so, to what extent, funds for this social activity can appropriately be allocated from the special account for technical assistance. The Committee draws attention to the relevant observations of the Economic and Social Council (resolution 222 A (IX) annex I—Selection of projects, paragraph 1):

"... requests may also be approved for technical assistance to governments desiring to undertake the specific social improvements that are necessary to permit effective economic development and to mitigate the social problems—particularly problems of dislocation of family and community life—that may arise as a concomitant of economic change."

It appears to the Committee that, in accordance with

this principle, a part of the existing programme under General Assembly resolution 58 (I) and of the proposed additional services might properly be financed out of the special account;

(iii) The extent to which a broadening of the programme is desirable. The Committee suggests that there is need for a specific directive from the General Assembly on this point, in order to obviate a further expansion of the programme which might prove inconsistent with the purposes of resolution 58 (I) and disproportionate to the financial resources of the Organization.

7. As regards the draft resolution proposed by the Third Committee (A/1436), the Advisory Committee offers the following observations:

(i) The Secretary-General has referred to the need for "providing training in social work by means of teaching scholarships as well as observation fellowships, especially for those countries which have neither sufficient numbers of trained social workers nor facilities for training them" (A/1355, paragraph 3 (c)). The Committee considers that, in view of this situation, a consolidated appropriation covering both fellowships and scholarships should be made; distribution of funds might then be related to the urgency of needs;

(ii) The draft resolution (A/1436, part B, paragraph 3) provides that "... each requesting government shall be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it, either by making a contribution in cash, or in the form of services for the purposes of the programme being carried out." The Committee believes that, since the general programme appears to comprise certain functions which are essentially the responsibility of governments (for example, the proposed system of scholarships for training in branches of social welfare, to which reference is made above), the fullest possible effect should be given to the above provision, so that the available financial resources of the United Nations may be conserved for other projects of equal or greater urgency;

(iii) Consideration might, in the opinion of the Committee, also be given to the necessity of strictly limiting the duration of advisory missions, with a view to a reduction in the budgetary provision for this item, amounting in the 1951 estimates to \$ US 208,000.

8. The Advisory Committee accordingly considers that, should the General Assembly adopt the draft resolution proposed by the Third Committee, an endeavour should be made to meet the resulting expenditure for additional activities:

(i) By a redistribution of the existing programme;

(ii) By increased contributions from requesting governments;

(iii) By an appropriation from the special account for technical assistance.

If, however, the General Assembly should decide to increase the funds available for these services within the budget, the Committee suggests that in no case should the additional provision exceed an amount of

⁷ *Ibid.*, Fourth Session, Plenary Meetings, Annex, p. 130.

⁸ *Ibid.*, Fifth Session, Supplement No. 7.

⁹ *Ibid.*, Supplement No. 5 (A/1267), Budget Foreword by the Secretary-General, page v.

\$ US 80,000. It notes in this connexion that the Economic and Social Council has indicated in its report (A/1345,¹⁰ chapter XI, annex II) that, should

the General Assembly limit the general budgetary appropriation for the programme, the totals under the three heads—scholarships, demonstration centres and technical publications—will be appropriately re-allocated.

¹⁰ *Ibid.*, Supplement No. 3.

DOCUMENT A/1537

Financial implications of the draft resolution proposed by the Third Committee (A/1436) : report of the Fifth Committee

[Original text : English]
[20 November 1950]

1. In accordance with rule 152 of the rules of procedure and with the request of the President of the General Assembly in his letter to the Chairman of the Fifth Committee of 13 October 1950 (A/C.5/379), the Fifth Committee, at its 263rd meeting held on 10 November 1950, considered the effect on the budget estimates for 1951 of the draft resolution on advisory social welfare services adopted by the Third Committee (A/1436).

2. The Committee had before it a note by the Secretary-General (A/C.5/384) stating that the additional activities envisaged in the draft resolution of the Third Committee would require increased budgetary provision for 1951 amounting to a minimum of \$ US 158,000, allocated as follows :

	<i>US dollars</i>
(a) 30 scholarships at \$ US 2,000 each ...	60,000
(b) Operation of one demonstration centre, including cost of equipment	50,000
(c) Supply of technical literature on social welfare to various countries	48,000

The above estimate was based on the expectation that the full amount of \$ US 610,500, for which provision had already been made under section 27 of the budget estimates, would be needed during 1951 to cover the continuing activities called for by the terms of resolution 58 (I) of the General Assembly, since requests from governments for advisory social welfare services had gradually increased during the last three years.

3. Having examined the Secretary-General's estimates, the Advisory Committee on Administrative and Budgetary Questions, in its thirteenth report of 1950 (A/1488), suggested the desirability, irrespective of the merits of the broadened programme proposed by the Third Committee, of laying down a clear policy governing the continuance of advisory social welfare services. Such a policy decision should, in the Advisory Committee's opinion, take account of the extent to which contributions from recipient governments should augment the total expenditure for the programme or alternatively decrease the net appropriation to be made by the United Nations; the extent, if any, to which funds for those services might appropriately be allocated from the special account for technical assistance; and the

extent to which continued expansion of the programme would be consistent with the purposes of resolution 58 (I) and proportionate to the financial resources of the Organization. As regards the Third Committee's draft resolution, the Advisory Committee suggested that a consolidated appropriation covering both scholarships and fellowships should be made, the distribution of funds then being related to the urgency of the needs. Attention was called to the importance of giving the fullest possible effect to the provision under which "each requesting government shall be expected to assume responsibility, as far as possible, for all or part of the expenses connected with the services furnished to it". The view was also expressed that consideration might be given to the necessity of strictly limiting the duration of advisory missions. In the light of the foregoing observations, the Advisory Committee recommended that an endeavour should be made to meet resulting expenditure for the new activities proposed :

- (i) By a redistribution of the existing programme;
- (ii) By increased contributions from requesting governments;
- (iii) By an appropriation from the special account for technical assistance.

If, however, the General Assembly should decide to increase the funds available for those services, within the United Nations budget, it was suggested by the Advisory Committee that in no case should the additional provision exceed an amount of \$ US 80,000.

4. In the course of discussion, the view was expressed by a number of delegations that the objectives which the Third Committee had in mind could not be accomplished by means of a redistribution of the existing programme within the limits of the existing budgetary provision. While there was general recognition of the principle that recipient governments should participate to the fullest extent practicable in the financing of the programme, several delegations considered that that principle should not be applied in a manner which would deprive those under-developed countries most in need of assistance of the opportunity of benefiting from the proposed services, including in particular the provision of scholarships. Similarly, there appeared to be wide

agreement in principle with the suggestion of the Advisory Committee that an appropriation from the special account for technical assistance should be considered. It was pointed out by several delegations, however, that the terms of the relevant resolution of the Economic and Social Council would require to be amended before that suggestion could be acted upon. In view of those circumstances, the representative of Brazil, supported by the representatives of Mexico, Syria, Venezuela, Bolivia and Yugoslavia, proposed that the full amount, i.e., \$ US 158,000, estimated by the Secretary-General as necessary for the effective implementation of the Third Committee's draft resolution, should be approved.

5. The representative of Canada, supported by representatives of the United Kingdom and the Netherlands, expressed his concurrence with the recommendation of the Advisory Committee that the proposed additional activities should be financed within the existing budgetary appropriation. It was maintained by those delegations that the practical problem facing the General Assembly was to determine the level, in financial terms, at which advisory social welfare services should be carried on, particularly at a time when new and heavy demands were being made on the efforts and resources of the United Nations. It was suggested that the United Nations should aim primarily at assisting governments to initiate and develop their own social welfare services, attention being called, in that connexion, to the fact that, as a result of increasing financial participation on the part of recipient governments, the appropriation originally proposed for 1951 under section 27 of the budget would finance a larger volume of the services than previously. It was specifically suggested by the United Kingdom representative that technical publications should be furnished only as an integral part

of the fellowship programme or as equipment for demonstration purposes; that the costs of the proposed scholarship programme should be borne, first, by increased financial participation of the beneficiary countries and, secondly, by the transfer of funds ear-marked for fellowships; that additional appropriations for the purposes of demonstration centres should not be authorized but that, instead, specific projects which might be put forward in the future should be considered on their merits and, if necessary, supplementary appropriations requested; and, finally, that further consideration should be given to the organization of the Secretariat with a view to more effective co-ordination and integration of all technical assistance activities.

6. The representative of France indicated the support of his delegation for the proposed extension of the advisory social welfare programme, subject, however, to certain doubts as to the wisdom of embarking at the current stage on a scheme of scholarships in addition to the existing fellowship programme. He expressed the hope, subject to that reservation, that adequate provision could be made for the additional activities envisaged in the draft resolution of the Third Committee within the figure of \$ US 80,000 which the Advisory Committee had recommended for the purpose.

7. The estimates as submitted by the Secretary-General were approved by 24 votes to 14, with 8 abstentions.

8. The Fifth Committee therefore decided to inform the General Assembly that, in its opinion, adoption of the draft resolution of the Third Committee concerning advisory social welfare services would involve additional budgetary provision for 1951 in the amount of \$ US 158,000.

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A/1637	Financial implications of the draft resolutions adopted by the Economic and Social Council at its eleventh session : twenty-ninth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions		See fascicule on item 39.

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A/C.3/L.41	France : draft resolution		Incorporated in the record of the 275th meeting of the Third Committee, para. 43.
A/C.3/L.42	Lebanon : amendment to the text of the draft resolution proposed by the Economic and Social Council (A/1355, annex I)		Incorporated in the record of the 274th meeting of the Third Committee, para. 97.
A/C.3/L.43	Israel : amendments to the text of the draft resolution proposed by the Economic and Social Council (A/1355, annex I)		Incorporated in the record of the 275th meeting of the Third Committee, para. 9 and 10.
A/C.3/L.44	Mexico : sub-amendment to the amendment proposed by Lebanon (A/C.3/L.42)		Incorporated in the record of the 275th meeting of the Third Committee, para. 15.
A/C.5/379 } A/C.5/379/Corr.1 }	Letter dated 12 October 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed documents only.
A/C.5/384	Financial implications of the draft resolution proposed by the Third Committee (A/1436) : note by the Secretary-General	7	
A/C.5/L.81	Financial implications of the draft resolution proposed by the Third Committee : draft report of the Fifth Committee		Adopted without change. See document A/1537.

**Agenda item 32 : Refugees and stateless persons :**

- (a) Provisions for the functioning of the High Commissioner's Office for Refugees : draft resolution proposed by the Economic and Social Council ;
- (b) Definition of the term " refugee " to be applied by the High Commissioner for Refugees : recommendations of the Economic and Social Council ;
- (c) Problems of assistance to refugees : memorandum from the General Council of the International Refugee Organization of 20 October 1949 ;
- (d) Draft convention relating to the status of refugees ;
- (e) Election of the High Commissioner for Refugees.

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Memorandum by the Secretary-General

[Original text : English]
[22 September 1950]

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Part I

BACKGROUND INFORMATION

1. The General Assembly, on 12 February 1946, proclaimed that the problem of refugees was international in scope and nature (General Assembly resolution 8 (I)). On 15 December 1946, the Constitution of the International Refugee Organization and the Agreement on interim measures to be taken in respect of refugees and displaced persons were approved by the General Assembly (resolution 62 (I)).

2. The International Refugee Organization came into being in the following year and has since carried out its mandate as laid down in its Constitution. Its headquarters are in Geneva.

Economic and Social Council, ninth session

3. At its ninth session, the Economic and Social Council had before it a communication from the General Council of IRO, dated 11 July 1949, calling attention to the fact that IRO contemplated terminating its activities on 30 June 1950, and suggesting that the Council should examine the problem of future international action on behalf of refugees in the light of that knowledge. The Council also had before it a study relating to stateless persons, prepared by the Secretary-General in accordance with resolution 116 D (VI) adopted by the Council at its sixth session.

4. After examination of the problem, the Council adopted resolutions 248 A and B (IX), on 6 and 8 August 1949 respectively. Resolution 248 A (IX), *inter alia*, requested the Secretary-General to prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, for the consideration of the fourth session of the General Assembly, a plan for such organization within the framework of the United Nations as might be required to enable the latter to discharge the function of international protection of refugees, and related functions, taking into account various specified alternatives; and it also recommended that the General Assembly should decide the functions and organizational arrangements necessary for such protection after IRO had terminated its activities. Resolution 248 B (IX) established an *Ad Hoc* Committee to consider various proposals for the solution of the problems relating to the international status of refugees and of stateless persons and the elimination of statelessness.

Fourth session of the General Assembly

5. The General Assembly, at its fourth session, had before it Council resolution 248 (IX) and also a memorandum (A/C.3/528) addressed to the Assembly by the General Council of IRO in pursuance of a resolution adopted by that body on 20 October 1949, giving an appraisal of the problem of refugees and the latest information concerning IRO operations. The General Council stated that it had agreed to propose to the governments of its members an additional period of nine months of IRO operations after 30 June 1950. It also pointed out that, if IRO operations were extended beyond that date, it would " still be necessary for the General Assembly to take decisions of principle forthwith and to make preparations for the establishment of the machinery which should come into force at a date no later than 1 January 1951 ".

6. The General Assembly, after examining these communications, adopted on 3 December 1949, resolution 319 A and B (IV). Resolution 319 A (IV) decided that a High Commissioner's Office for Refugees should be established as of 1 January 1951, the functions of the office being outlined in an annex to the resolution. The Secretary-General was requested to submit to the Economic and Social Council draft provisions to implement the resolution, and to prepare a draft budget for the operation in 1951 of the High Commissioner's Office for Refugees. Finally, the resolution requested the Council to prepare, at its eleventh session, " a draft resolution embodying provisions for the functioning of the High Commissioner's Office for Refugees and to submit the draft resolution to the General Assembly at its fifth regular session ". Resolution 319 B (IV) decided " in the absence of definite data, to postpone, until its fifth regular session, the examination of the problems of assistance " raised by the IRO memorandum of 20 October 1949, " should these problems still be in existence at that date ".

Economic and Social Council, eleventh session

7. In accordance with General Assembly resolution 319 A (IV), the Secretary-General submitted to the Economic and Social Council at its eleventh session a draft resolution (E/1669) ¹ containing provisions for the implementation of the Assembly resolution, based on the annex thereto.

¹ See *Official Records of the Economic and Social Council, Eleventh Session, Annex*, agenda item 32.

8. The Council, after considering this text, adopted, on 11 August 1950, resolution 319 A (XI), transmitting, for the consideration of the General Assembly, a draft resolution, under the terms of which the Assembly would call upon governments "to co-operate with the High Commissioner in the performance of his duties concerning refugees falling under the competence of his Office", with special regard to a number of specific measures. Annexed to the draft resolution was a proposed statute of the High Commissioner's Office for Refugees covering General principles; Organization; Powers, functions and competence; and General provisions, including the method of election of the High Commissioner and the term of his appointment.

9. The Council also adopted, on 16 August 1950, resolution 319 B (XI), in which it took note of the report of the *Ad Hoc* Committee on Refugees and Stateless Persons and the draft agreements contained therein, and decided on a draft preamble and definition of the term "refugee" to be included as article 1 of the draft convention relating to the status of refugees prepared by the *Ad Hoc* Committee (two fundamentally opposite views had been expressed during the discussions, one advocating that the definition of the term "refugee" should set out specific categories of refugees, while the other advocated a broad definition covering all legitimate refugees and considerable discussion had ensued).

Part II

TRANSMISSION OF DRAFT RESOLUTION

10. The draft resolution and annex submitted to the General Assembly by the Economic and Social Council

and attached hereto have been presented, at the suggestion of the Chairman of the Social Committee of the Economic and Social Council on the proposal of the United Kingdom delegation, in such manner as to indicate the parts which were "new additions to the general principles already adopted by the General Assembly".²

11. The correlation between General Assembly resolution 319 A (IV) of 3 December 1949 and the new draft is indicated in the two columns.

12. The operative parts of General Assembly resolution 319 A (IV) of 3 December 1949 which have been omitted from the new text given in the first column are noted in the footnotes 3, 4 and 6. The wording of General Assembly resolution 319 A (IV) which has *not* been reproduced in any comparable form in the new draft is underlined in the second column.

13. Any paragraph or clause which has been reproduced in substantially the *same* form is also indicated in the second column and any entirely *new* clause or phrase is indicated accordingly.

14. From these indications the differences between the two resolutions and the measure of any departure from the general principles already adopted can, with the assistance of footnotes 3, 4 and 6, be appropriately evaluated.

² See document E/AC.7/SR.173.

Refugees and Stateless Persons

PROVISIONS FOR THE FUNCTIONING OF THE HIGH COMMISSIONER'S OFFICE FOR REFUGEES

Resolution adopted by the Economic and Social Council on 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

The Economic and Social Council,

Considering that, at its fourth session, the General Assembly requested the Council to prepare, at its eleventh session, a draft resolution embodying provisions for the functioning of the High Commissioner's Office for Refugees and to submit this draft resolution to the General Assembly for consideration at its fifth regular session, and

Having considered the draft resolution submitted by the Secretary-General,³

Decides to transmit to the General Assembly the following draft resolution for consideration by the General Assembly at its fifth session :

" The General Assembly,

" In view of its resolution 319 A (IV) of 3 December 1949,

³ See document E/1669.

Resolution adopted by the Economic and Social Council no 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

“ Adopts the annex to the present resolution, being the Statute of the High Commissioner’s Office for Refugees; and

“ *Calls upon* governments to co-operate with the High Commissioner in the performance of his duties concerning refugees falling under the competence of his Office, especially by :

“ (a) Becoming parties to international conventions providing for the protection of refugees, and by taking the necessary steps of implementation under such conventions;

“ (b) Entering into special agreements with him for the execution of measures calculated to improve the situation of refugees and to reduce the number requiring protection;

“ (c) Admitting refugees to their territories, not excluding those in the most destitute categories;

“ (d) Co-operating with the High Commissioner in efforts to promote the voluntary repatriation of refugees;

“ (e) Promoting the assimilation of refugees, especially by facilitating their naturalization;

“ (f) Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement; and in particular, where a State is Party to the Inter-Governmental Agreement on Refugee Travel Documents signed in London on 15 October 1946, by continuing to issue and accept as valid documents as provided by that Agreement until such State shall become a party to any agreement superseding it;

“ (g) Permitting refugees to transfer their assets and especially those necessary for their resettlement; and

“ (h) Providing the High Commissioner with information concerning the number and condition of refugees, and laws and regulations concerning them.

“ Annex

“ *Statute of the High Commissioner’s Office for Refugees*

“ Chapter I. General principles

“ (1) It shall be the duty of the High Commissioner for Refugees to provide international protection⁴ for

⁴ A definition of the words “ international protection ” is implied in chapter III of this statute, section B (Functions) but the protection there envisaged is a long-term function which will normally only operate if repatriation, resettlement and naturalization are impossible and if refugees remain in a country as refugees long enough to benefit by agreements which may involve the passing of laws or ratification of treaties.

Annex, paragraph 4

The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solution to the problem with which he is entrusted, should provide for the protection of refugees *and displaced persons* falling under the competence of the Office by :

(a) Promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing any necessary amendments thereto;

(b) Promoting through special agreements with governments, the execution of any measures calculated to improve the situation of refugees and to reduce the number of refugees requiring protection;

(c) Assisting governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities.

(New)

(New)

(New)

Preamble to the resolution

The General Assembly,

Considering that the problem of refugees is international in scope and nature and that its final solution can only be provided by the voluntary repatriation of the refugees or their assimilation within new national communities,

Recognizing the responsibility of the United Nations for the international protection of refugees (see also paragraphs 4 (c) and (d) and 8 (b) of the annex as regards co-operation with voluntary agencies),

Resolution adopted by the Economic and Social Council on 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

the refugees falling under his competence and to seek permanent solutions for the problems of these refugees, by assisting governments, and, subject to the approval of the governments concerned, voluntary agencies, to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

“ (2) The High Commissioner shall follow policy directives given to him by the United Nations according to methods determined by the General Assembly. ⁵

“ (3) The High Commissioner’s work shall be of an entirely non-political character, and shall relate, as a rule, to groups and categories of refugees.

“ (4) The High Commissioner’s Office shall be financed under the budget of the United Nations. Unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the High Commissioner’s Office shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.

“ Chapter II. Organization

“ A. High Commissioner’s Office

“ (1) The High Commissioner shall be elected by the General Assembly on the nomination of the Secretary-General. The terms of appointment of the High Commissioner shall be proposed by the Secretary-General and approved by the General Assembly.

“ The High Commissioner shall be elected for a term of three years, from 1 January 1951.

“ (2) The High Commissioner shall appoint, for the same term, a Deputy High Commissioner of a nationality other than his own.

(Same)

Annex, paragraph 1 (c)

The High Commissioner’s Office for Refugees should...

(c) Receive policy directives from the United Nations according to methods to be determined by the General Assembly.

(Same)

Annex, paragraph 8

The High Commissioner’s work should be of an entirely non-political character and relate as a rule to groups and categories of refugees...

(Same)

Annex, paragraph 1 (b)

The High Commissioner’s Office for Refugees should ...

(b) Be financed under the budget of the United Nations.

(Same)

Paragraph 2 of the resolution

The General Assembly...

2. *Decides* that, unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the High Commissioner’s Office should be borne on the budget of the United Nations, and that all other expenditures relating to the activities of the High Commissioner should be financed by voluntary contributions.

Annex, paragraph 9

The High Commissioner should be elected by the General Assembly, on the nomination of the Secretary-General, for a term of three years from 1 January 1951.

(Same)

Annex, paragraph 10

The High Commissioner should appoint, for a period of three years, a deputy High Commissioner, who should not have the same nationality as the High Commissioner...

⁵ The General Assembly has given no indication of the methods proposed.

Resolution adopted by the Economic and Social Council on 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

“ (3) Within the limits of the budgetary appropriations provided, the staff of the High Commissioner’s Office shall be appointed by the High Commissioner and shall be responsible to him in the exercise of their functions.

“ Such staff shall be chosen from persons devoted to the purposes of the High Commissioner’s Office.

“ Their conditions of employment shall be the same as those provided under the staff regulations adopted by the General Assembly and the rules promulgated thereunder by the Secretary-General.

“ Provisions may also be made to permit the employment of personnel without compensation.

“ B. *Advisory Committee for Refugees*

“ The Economic and Social Council may decide, after hearing the views of the High Commissioner on the subject, to establish an advisory committee on refugees, which shall consist of representatives of States Members and States non-members of the United Nations, to be selected by the Council on the basis of their demonstrated interest in and devotion to the solution of the refugee problem.

“ C. *Headquarters*

“ The High Commissioner’s Office for Refugees shall be located in Geneva, Switzerland.

“ Chapter III. Powers, functions and competence

“ A. *Powers*

“ (1) The High Commissioner shall consult the governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, there may be appointed a representative approved by the government of that country. Subject to the foregoing, the same representative may serve in more than one country.

“ (2) The High Commissioner shall be entitled to present his views before the General Assembly, the Economic and Social Council and their subordinate bodies.

“ The High Commissioner shall report annually to the General Assembly through the Economic and Social Council.

“ (3) The High Commissioner may invite the assistance of the various specialized agencies.

(Same)

Annex, paragraph 10

(The High Commissioner) should also appoint, under the regulations of the United Nations, a small staff of persons devoted to the purposes of the Office to assist him.

(New)

Annex, paragraph 2

Means should be provided whereby interested governments, non-members of the United Nations, may be associated with the work of the High Commissioner’s Office.

(Same)

Annex, paragraph 12

The High Commissioner’s Office for Refugees should be located in Geneva.

(Same)

Annex, paragraph 11

The High Commissioner should consult the governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, he may appoint a representative approved by the government of that country. Subject to the foregoing, the same representative may serve in more than one country.

(New)

(Same)

Annex, paragraph 7

The High Commissioner should report annually on his work to the General Assembly through the Economic and Social Council.

Annex, paragraph 8 (a)

The High Commissioner should... Keep in close touch with governments⁶ and intergovernmental organizations concerned and invite the assistance of the various specialized agencies.

⁶ See Economic and Social Council resolution 319 A (XI), annex, chap. III, section B, para. (1), (f).

Resolution adopted by the Economic and Social Council on 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

“ B. *Functions*

Annex, paragraph 4

(1) In order to promote, stimulate and facilitate the execution of the most suitable solution to the problem with which he is entrusted, the High Commissioner shall provide for the protection of refugees falling under the competence of his office by :

The High Commissioner, in order to promote, stimulate and facilitate the execution of the most suitable solution to the problem with which he is entrusted, should provide for the protection of refugees *and displaced persons* falling under the competence of the Office by :

“ (a) Promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising their application and proposing amendments thereto;

(Same)

(a) Promoting the conclusion and ratification of international conventions providing for the protection of refugees, supervising the application of the provisions of such conventions, and proposing *any necessary* amendments thereto;

“ (b) Promoting through special agreements with governments, the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

(Same)

(b) Promoting through special agreements with governments, the execution of any measures calculated to improve the situation of refugees and to reduce the number of refugees requiring protection;

“ (c) Assisting governments and private organizations in their efforts to promote voluntary repatriation or assimilation within new national communities;

(Same)

(c) Assisting governments and private organizations in their efforts to promote voluntary repatriation of refugees or their assimilation within new national communities;

“ (d) Facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees;

(Same)

(d) Facilitating the co-ordination of the efforts of voluntary agencies concerned with the welfare of refugees.

“ (e) Establishing contact in such manner as he may think best with private organizations dealing with refugee questions;

(Same)

Annex, paragraph 8 (b)

The High Commissioner...should :

(b) Establish contact in such manner as he may think best with private organizations dealing with refugee questions.

“ (f) Keeping in close touch with the governments and intergovernmental organizations concerned.

(Same)

Annex, paragraph 8 (a)

The High Commissioner...should :

(a) Keep in close touch with the governments and intergovernmental organizations concerned...

“ (2) The High Commissioner shall administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, official agencies which he deems best qualified to administer such assistance.

(Same)

Annex, paragraph 5

The High Commissioner should distribute among private and, as appropriate, official agencies which he deems best qualified to administer such assistance any funds, public or private, which he may receive for this purpose...

Resolution adopted by the Economic and Social Council on 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

“ The High Commissioner may reject any offers which he does not consider appropriate or which cannot be utilized.

(New)

“ The High Commissioner shall not appeal to governments for funds or make a general appeal without the prior approval of the General Assembly.

(Same)

Annex, paragraph 5

[The High Commissioner should]... not, however, appeal to governments or make a general appeal to non-governmental sources except with the prior approval of the General Assembly...

“ The High Commissioner shall include in his annual report a statement of his activities in this field.

(Same)

Annex, paragraph 5

... For the information of the General Assembly, the High Commissioner should include in his annual report a statement of his activities in this field.

“ (3) The High Commissioner shall engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine

Paragraph 1 of the resolution

(The General Assembly)

Decides to establish, as of 1 January 1951, a High Commissioner's Office for Refugees in accordance with the provisions of the annex to the present resolution to discharge the functions enumerated therein and such other functions as the General Assembly may from time to time confer upon it.

(Same)

Annex, paragraph 6

The High Commissioner should engage in such additional activities, including repatriation and resettlement activities, as the General Assembly may determine.

within the limits of the resources placed at his disposal.

(New)

“ C. Competence

Annex, paragraph 3

“ (1) Persons falling under the competence of the High Commissioner's Office for Refugees shall be those defined in article 1 of the Convention relating to the Status of Refugees as approved by the General Assembly, and such other persons as the General Assembly may from time to time determine.

Persons falling under the competence of the High Commissioner's Office for Refugees, should be, for the time being, refugees *and displaced persons* defined in annex I of the Constitution of the International Refugee Organization and, thereafter, such persons as the General Assembly may from time to time determine, including any persons brought under the jurisdiction of the High Commissioner's Office under the terms of international conventions or agreements approved by the General Assembly.

(New)

“ The High Commissioner shall determine which cases fall within the categories mentioned in paragraph *c* of article 1 of the Convention, and are therefore excluded from his mandate.

(See appendix II of this report : Chapter 1, article 1, of the draft convention relating to the status of refugees.)

(See annex 1 of the IRO Constitution)

“ (2) At his discretion, the High Commissioner, may intercede with governments on behalf of other categories of refugees, pending consideration by the General Assembly as to whether to bring such categories within the mandate of the High Commissioner's Office for Refugees.

(New)

Resolution adopted by the Economic and Social Council on 16 August 1950 for submission to the General Assembly at its fifth session (319 A (XI))

Relevant portion or portions of General Assembly resolution 319 A (IV) of 3 December 1949 and of the annex thereto

“ Chapter IV. General provisions

“ (1) The High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest.

“ (2) The administration of the Office of the High Commissioner shall be subject to the financial regulations of the United Nations and to the financial rules promulgated thereunder by the Secretary-General.

“ (3) Transactions relating to the High Commissioner's funds shall be subject to audit by the United Nations Board of Auditors, provided that the Board may accept audited accounts from the agencies to which funds have been allocated.

“ Administrative arrangements for the custody of such funds and their allocation shall be agreed between the High Commissioner and the Secretary-General in accordance with the financial regulations of the United Nations and rules promulgated thereunder by the Secretary-General.

“ (4) The Secretary-General shall provide the High Commissioner with all necessary facilities within budgetary limitations.

“ (5) The General Assembly shall review, not later than at its eighth regular session, the arrangements for the High Commissioner's Office for Refugees with a view to determining whether the Office should be continued beyond 31 December 1953.

“ (6) All provisions of General Assembly resolution 319 A (IV) and the annex thereto not expressly reproduced in this text shall remain in force. »⁷

⁷ No substantive decisions of resolution 319 A (IV) have been omitted from the new text in the first column, although some additions have been made as noted in the second column.

Apart from the preamble of resolution 319 A (IV) beginning

“ *Having examined...* ” (previous resolutions), and the immediately following paragraph,

“ *Considering that in its afore-mentioned resolution the Economic and Social Council requested...* ”

Annex, paragraph 1

The High Commissioner's Office for Refugees should :

(a) *Be so organized within the framework of the United Nations as to possess the degree of independence and the prestige required for the effective performance of the High Commissioner's duties:*

(New)

Annex, paragraph 5

... The accounts relating to these funds should be periodically verified by the auditors of the United Nations...

(New)

(New)

Paragraph 5 of the resolution

(Same)

The General Assembly...

Decides to review, not later than at its eighth regular session, the arrangements for the High Commissioner's Office for Refugees with a view to determining whether the Office should be continued beyond 31 December 1953.

(New)

the only omissions in the new text are therefore paragraphs 3 and 4 in which the General Assembly requested the Secretary-General and the Economic and Social Council to prepare and transmit the appropriate documentation to the General Assembly at its fifth session. (See, however, the omission of paragraph 1 (a) of the annex to the General Assembly resolution reproduced in the second column opposite chapter IV, paragraph 1, of the new Statute, as well as various words and phrases underlined in the second column.

APPENDIX I

(APPENDIX I CONSISTED, IN THE MIMEOGRAPHED DOCUMENT, OF FOOTNOTES 4, 5 AND 7.)

APPENDIX II

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

Definition of the term " Refugee "

(CHAPTER I, ARTICLE 1)

“ A. For the purposes of this Convention, the term “ refugee ” shall apply to any person :

“ (1) Who, in the period between 1 August 1914 and

15 December 1946, was considered a refugee under the arrangements of 12 May 1926 and 30 June 1928 or under the conventions of 28 October 1933 and 10 February 1938, and the protocol of 14 September 1939;

" (2) Who has been accepted by the International Refugee Organization as falling under its mandate;

" (3) Who has had, or has, well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion, as a result of events in Europe before 1 January 1951, or circumstances directly resulting from such events, and owing to such fear, has had to leave, shall leave, or remains outside the country of his nationality, before or after 1 January 1951, and is unable, or owing to such fear or for reasons other than personal convenience, is unwilling, to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, has left, shall leave, or remains outside the country of his former habitual residence.

" The decision as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugees being recognized in the case of persons who otherwise fulfil the conditions of this article.

" B. This Convention shall not apply to any refugee enjoying the protection of a government because :

" (1) He has voluntarily reavailed himself of the pro-

tection of the government of the country of his nationality;

" (2) Having lost his nationality, he has voluntarily reacquired it;

" (3) He has acquired a new nationality and enjoys the protection of the government of the country of his nationality;

" (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

" (5) As a former member of a German minority, he has established himself in Germany or is living there.

" C. No Contracting State shall apply the benefits of this Convention to any person who, in its opinion, has committed a crime specified in article VI of the London Charter of the International Military Tribunal. No Contracting State shall be obliged, under the provisions of this Convention, to grant refugee status to any person whom it has serious reasons to consider as falling under the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights."

DOCUMENT A/1396

Draft convention relating to the status of refugees : note by the Secretary-General

[Original text : English]
[26 September 1950]

1. The Economic and Social Council, at its ninth session, considered a study prepared by the Secretary-General relating to the question of displaced persons, refugees and stateless persons (E/1112 and E/1112/Add. 1)⁸ and adopted on 18 August 1949 resolution 248 B (IX) in which it decided to appoint an *Ad Hoc* Committee of representatives of thirteen governments possessing special competence in this field to :

(a) Consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons and, if they considered such a course desirable, draft the text of such a convention;

(b) Consider means of eliminating the problem of statelessness, including the desirability of requesting the International Law Commission to prepare a study and make recommendations on this subject;

(c) Make any other suggestions they deemed suitable for the solution of these problems, taking into consideration the recommendations of the Secretary-General referred to above.

2. The *Ad Hoc* Committee convened in New York on 16 January 1950 and held thirty-two plenary meetings. The report adopted by the Committee for submission to the Council (E/1618) contained a draft convention relating to the status of refugees (annex I); observations and comments relating thereto (annex II); a draft protocol

relating to the status of stateless persons (annex III); and observations thereon (annex IV).

3. The Council, at its eleventh session, taking note of the report of the *Ad Hoc* Committee including, in particular, the draft agreements contained therein, adopted resolution 319 B (XI) which reads in part as follows :

" Submits to the General Assembly the report of the *Ad Hoc* Committee, together with the comments of governments thereon and the records of the proceedings of this Council on this subject,⁹

" Requests the Secretary-General :

" (1) To reconvene the *Ad Hoc* Committee on Refugees and Stateless Persons in order that it may prepare revised drafts of these agreements in the light of comments of governments and of specialized agencies and the discussions and decisions of this Council at its eleventh session, which shall include the definition of " refugee " and the preamble approved by the Council, making such other revisions as appear necessary; and

" (2) To submit the drafts, as revised, to the General Assembly at its fifth session."

In part II of the same resolution, the Council, having examined the preamble of the draft convention and the

⁸ See United Nations Publications, Sales No. 1949. XIV. 2.

⁹ See documents E/1618 and Corr. 1, E/1703 and Corr. 1, E/1703/Add. 1-7, E/1704 and Corr. 1 and Corr. 2; E/AC.7/SR.158-161 and 165-170. See also *Official Records of the Economic and Social Council, Eleventh Session*, 406th and 407th meetings.

definition of the term "refugee" contained in article 1 thereof, decided that they should be included in the revised draft convention to be submitted to the General Assembly at its fifth session.

4. In pursuance of the above resolution, the Secretary-General reconvened the *Ad Hoc* Committee at Geneva on 14 August 1950. The Committee held ten plenary meetings and reconsidered, according to its terms of reference, the draft convention in the light of comments presented to it.¹⁰ At its 42nd meeting, held on 25 August 1950, the Committee unanimously adopted its report (E/1850 and E/1850/Annex) containing a revised

¹⁰ See document E/AC.32/L.40.

draft convention relating to the status of refugees and a revised draft protocol relating to the status of stateless persons. The preamble and article 1 of the draft convention will be found in chapter II of the report; articles 2 to 40 in annex I to the report; and the draft protocol in annex II. Attached to the draft convention is a schedule for travel documents, and a specimen travel document is given in document E/1850/Annex.

5. In accordance with the terms of paragraph (2) of resolution 319 B I (IX), the Secretary-General has the honour to submit, for the consideration of the General Assembly, the revised draft agreements prepared by the *Ad Hoc* Committee on Refugees and Stateless Persons.

DOCUMENT A/C.3/540

Problems of assistance to refugees : note by the Secretary-General transmitting a communication from the General Council of IRO

[Original text : English]
[31 October 1950]

The attached communication has been addressed to the General Assembly by the General Council of the International Refugee Organization in amplification of its memorandum of 20 October 1949 to the General Assembly (fourth session) (A/C.3/528) and with reference to General Assembly resolution 319 B (IV) of 3 December 1949 postponing the examination of the problems of assistance raised by that memorandum "in the absence of definite data... until its fifth regular session..., should these problems still be in existence at that date".

The General Council has expressed the hope that the information will help the General Assembly to appraise the situation with regard to the IRO refugee problem as it will exist when the International Refugee Organization terminates its activities.

COMMUNICATION TO THE GENERAL ASSEMBLY OF THE UNITED NATIONS¹¹

(Adopted on 13 October 1950)

1. When the General Assembly of the United Nations last year considered the future international action required on behalf of refugees, the General Council of the International Refugee Organization felt it suitable to pass on to the General Assembly the latest information concerning the date on which the IRO believed it possible to bring its operations to an end and the position as it appeared likely to exist at the time of its closure. Such was the purpose of the memorandum dated 20 October 1949.

2. That memorandum dealt with three topics :

(a) The date of termination of IRO operations;

(b) The refugee problem up to the end of IRO operations;

(c) The refugee problem after the termination of IRO operations.

Under the last heading the General Council requested the General Assembly of the United Nations "to consider its responsibilities and if, in the absence of more precise data, a final decision to be implemented forthwith in the matter of financial responsibility for assistance appears difficult at present, nevertheless to contemplate the possibility of such assistance in case this assistance, as is unfortunately probable, might prove indispensable at a later stage".

3. The General Council of the IRO wishes to express its appreciation of the action taken by the General Assembly at its fourth session in deciding to address "an urgent appeal to all States whether or not Members of the United Nations, calling upon them to furnish to the IRO the widest possible assistance particularly in respect of the admission and care of refugees in the most destitute category". As it will be recalled, the General Assembly further decided, "in the absence of definite data to postpone, until its fifth regular session, the examination of the problems of assistance" raised by the memorandum of the General Council, "should these problems still be in existence at that date".

4. Before closing its sixth session, the General Council of the IRO again feels it suitable to provide the General Assembly with complete information regarding the programme the Organization intends to carry out in order to complete the task with which it was entrusted by the United Nations and regarding the problem of material assistance as it now appears.

¹¹ IRO document GC/191/Rev.1, dated 16 October 1950.

I. Operations during the supplementary period and date of termination of the Organization

5. As the General Assembly is aware, the eighteen governments members of the International Refugee Organization considered, in March 1950, that it would be possible to bring the operations of the Organization to an end by 31 March 1951. This date was established on the assumption that the rate of repatriation and resettlement would remain sufficiently high to permit re-establishment of some 292,000 refugees, for whom it was believed a solution would remain to be found as of June 1950. For a number of reasons this forecast was found to be too optimistic, and as of 1 July 1950 the task still to be accomplished was found to require a longer period of time than was previously anticipated. Unpredicted developments had slowed down the rate of movements, such as the delay in the adoption of a revised United States Displaced Persons' Act, delays in the progress of its implementation and a series of reception difficulties in Australia.

6. As of 31 August 1950 the position was as follows : during the 38-month period 1 July 1947 through 31 August 1950, the cases of 1,479,644 refugees have received the attention of the Organization. Services to 1,170,706 cases among these were concluded as follows :

Repatriation	70,538
Resettlement	806,257
Closure for other reasons	94,107
Receiving legal protection only	203,804

The inclusion among the closed cases of refugees classified as requiring legal protection only is believed to be justified since the Organization will not have to make further efforts toward their placement or establishment. There remained, therefore, on 31 August 1950, as open cases, 304,938 refugees for whom a solution had still to be found : either repatriation or resettlement or local settlement. It should, however, be borne in mind that a proportion of these refugees are already self-supporting and though desiring, are not necessarily in need of, resettlement.

7. At its sixth session, the General Council studied the situation carefully and expressed its concern that the resources and facilities of the Organization should be used in order to extend assistance to the maximum number of refugees coming within its mandate and that full advantage should be taken of the resettlement opportunities resulting from the amendment of the United States' Displaced Persons Act and from the willingness of other resettlement countries, such as Australia and Canada, to continue to admit refugees to their territories. In order that the Organization might complete its programme in accordance with that policy, and in view of the fact that the developments mentioned in paragraph 5 above had slowed down the pace of resettlement during the previous financial year, thus leaving unexpended considerable funds budgeted for that period, the General Council has now decided to extend the operational programme of the Organization until 30 September 1951, at which time it is believed that the Organization will have completed its operational task and utilized all its resources.

8. It has further decided to extend the resettlement services of the Organization to refugees who, as a result of the dateline of 15 October 1949 mentioned in the General Council memorandum of 20 October 1949 have been deprived so far of resettlement services. Consequently, refugees who have arrived before 1 October 1950 in IRO areas of operation in Europe and the Middle East and for whom resettlement opportunity will be available, will be entitled to be considered for resettlement assistance from the Organization on the understanding that this shall not prejudice the position of refugees registered before 15 October 1949.

9. During the fifteen months period between 1 July 1950 and 1 October 1951 the Organization will concentrate its efforts on the following main programmes :

(a) Resettlement of some 215,000 refugees;

(b) Permanent arrangements for the long-term care of refugees classified as institutional hard-core cases for reasons of health, age or any other reason and for whom it has not yet been possible to make such arrangements. As the General Assembly is aware, a special allocation of \$22 million has been made by the General Council for grants to be made to governments and voluntary societies willing to assume responsibility for institutional care of such cases. The General Council is glad to report that, in response to the appeals made and thanks to the generous attitude of governments and the unflinching support of voluntary societies, the problem of the institutional hard-core cases has been already substantially reduced. Many countries have accepted aged, blind, and sick persons, and voluntary societies have offered places in special institutions of their own. There remain, however, some 8,800 refugees (including dependants) who require institutional care and for whom no solution has yet been found.

Should the targets mentioned under (a) and (b) above be reached, the International Refugee Organization will have discharged its responsibilities in the field of resettlement as set forth in the Constitution.

II. The question of material assistance

10. The General Assembly will remember that, by resolution No. 39, adopted on 7 July 1949, the General Council of the IRO had decided to discontinue care and maintenance by 30 June 1950 for all persons other than :

(a) Refugees and displaced persons in process of repatriation or resettlement; and

(b) Refugees or displaced persons who require permanent assistance such as institutional care and for whom other satisfactory arrangements will not yet have been completed.

As a result of this decision, the Organization has entered into agreements with the majority of the member governments concerned with a view to their assuming responsibility for the material care of needy refugees residing on their territories on 1 July 1950. The generous attitude of these governments has made it possible to bring to an end the care and maintenance programme of the Organization in these areas in return for reim-

bursement of a substantial portion of their contributions for the supplementary period as aid in meeting the costs of such care and maintenance programmes as they have agreed to carry out.

11. In Germany and Austria similar arrangements have been made, and the German and Austrian authorities are assuming full financial and administrative responsibility for the care and maintenance of refugees from 1 July 1950, except for a substantial number of refugees considered to be in the resettlement " pipe-line ", as well as refugees classified as institutional hard-core cases for whom no provision has yet been made. In turning over to the German and Austrian authorities refugees who, up to 1 July 1950 were provided with care and maintenance by the IRO, the Organization has been aware of the fact that the aim was complete integration into the local economy of those refugees who will eventually be left in Germany and Austria because they will not be able to avail themselves of the possibility of being resettled in a new country. In full agreement with the Allied Authorities, and with the active co-operation of the German and Austrian authorities, the Organization will do its best within its limited resources to help those refugees to become integrated into the German and Austrian economies under the best possible conditions of housing and employment. The Organization has entered into agreements with three international voluntary societies, which have agreed to provide, with the help of affiliated German and Austrian agencies, welfare services to residual cases in Germany and Austria.

12. As a result of the transfer which took place on July 1950 in countries of Western Europe and in Germany and Austria, the IRO care and maintenance programme has been discontinued for some 115,000 refugees. Despite the willing co-operation of the authorities concerned, the situation of refugees in Germany and Austria remains uncertain because of economic or political difficulties. This problem will require the active attention of the High Commissioner of the United Nations, both in terms of the legal protection of those refugees and also in terms of their physical condition and well-being.

13. The problem of material assistance is still very acute in other areas where the Organization is still operating. Such areas are China and Samar and, to a lesser degree, Syria, Lebanon, Spain, Portugal, Greece and Turkey. The most difficult problem is presented in China, where some 4,000 of the refugees concentrated in Shanghai are the concern of the Organization. Those refugees are mostly Europeans whose future in China appears very precarious. The Organization has tried to resettle as many of them as possible. Its efforts have met with some success in spite of very great difficulties. Approximately 1,300 Europeans, including a substantial number of IRO refugees, have recently left Shanghai. Although prospects of further resettlement are very remote, the General Council, believing that the suspension of relief efforts would be to condemn large numbers to a lingering death by starvation, has felt it its duty to continue to extend material assist-

ance to these refugees for a further six months from the date of the present session. The General Council must draw the attention of the United Nations to the fact that this decision appears to represent the maximum effort which the IRO will be able to provide to those refugees. Beyond that it appears that any satisfactory solution for the refugees in China would exceed the financial and other resources of the Organization.

14. In Syria, the Lebanon, Turkey, Spain, Portugal and Greece, the Organization has been obliged, as in China and the Philippines, to make an exception to its decision to discontinue its care and maintenance programme. Care and maintenance is still provided in these areas to refugees classified as residual cases and for whom there has been so far no possibility of finding a country of resettlement where they will be accepted. Although the problem is numerically small, it is difficult in that it requires extensive individual case work and because no solution is yet in sight.

III. Conclusion

15. The General Council of the IRO expresses the hope that the foregoing information will help the General Assembly to appraise the situation as it will exist after the closure of the IRO. As long as its operations continue the IRO will do its best to bring to a satisfactory solution the problems with which it is still confronted. In the field of resettlement, it expects to have resettled, before its termination, more than 1 million refugees, thanks to the invaluable support of governments, members or non-members of the Organization, which have responded so generously to the appeals made to them to increase acceptance quotas and to liberalize regulations governing immigration. Efforts on the part of governments are still needed, however, and the General Council of the IRO invites the General Assembly again to urge its Member nations to provide whatever assistance they can to the IRO so as to enable it to achieve successfully its resettlement programme.

16. In the field of material assistance, the Organization will take advantage of the additional period of time ahead to pursue vigorously its efforts to find a solution for the most unfortunate of the refugees among the population still under its care. Those efforts will be specially devoted to the 8,800 institutional hard-core cases, for whom solutions remain to be found. Most of these cases are in Germany and mainly consist of sick people and especially TB cases. Success is dependent upon the measure of assistance provided by governments and voluntary societies, whose unflinching support has so far made it possible to find a solution for some 13,000 aged, blind, and sick refugees. It cannot yet be said with any degree of certainty that the Organization will be able to meet the problem.

17. The Organization will initiate whatever measures may be necessary for solution of the problems in outlying areas. Here again no assurance can be given that the Organization will be able to meet the problem in so far as China is concerned. As stated already, it appears that any permanent solution would appear to exceed the possibilities of the Organization.

18. Finally, the General Council of the IRO wishes to stress again that there is still a continuing influx of refugees to whom the Organization continues to extend its protection while unfortunately being unable to afford them the material assistance of which they are often in dire need. The General Council is confident that as a result of its decision to extend resettlement assistance to those refugees who arrived in an IRO area of operation before 1 October 1950, a substantial number of "new" refugees will find their way to countries of resettlement. This will alleviate the heavy burden

which new refugees impose on countries, especially those of Western Europe, which, in line with established tradition, grant them asylum. In this respect it cannot be too firmly stressed that in assuming responsibility for the care, not only of refugees materially assisted by IRO up to July 1950 as stated in paragraph 10 above, but also of an unknown but large number of other refugees who have found refuge and have established themselves on their territories, these countries have shown the measure of their generosity towards the destitute and needy.

DOCUMENT A/C.3/L.68

**Draft convention relating to the status of refugees : United Kingdom of Great Britain and Northern Ireland ;
draft resolution**

[Original text : English]
[13 October 1950]

The General Assembly,

Considering that by its resolution 362 (IV) it approved the recommendation of the Special Committee on Methods and Procedures that the General Assembly might decide to convene a conference of plenipotentiaries to study, negotiate, draft, and possibly sign conventions that had been drawn up by conferences in which all Members of the United Nations had not been invited to take part, and

Considering the desirability of enabling the governments of States not members of the United Nations

to participate in the final stages of the drafting of the convention relating to the status of refugees,

Decides to convene a conference of plenipotentiaries to complete the drafting of and to sign the convention relating to the status of refugees;

Requests the Secretary-General to take the steps necessary for the convening of such a conference at the earliest possible opportunity; and

Instructs the Secretary-General to invite the governments of all interested States, both Members and non-members of the United Nations, to attend the said conference of plenipotentiaries.

DOCUMENT A/C.3/L.68/Rev.1

**Draft convention relating to the status of refugees : United Kingdom of Great Britain and Northern Ireland ;
revised draft resolution**

[Original text : English]
[30 November 1950]

The General Assembly,

Considering that by its resolution 362 (IV) it approved the recommendation of the Special Committee on Methods and Procedures that the General Assembly might decide to convene a conference of plenipotentiaries to study, negotiate, draft, and possibly sign conventions that had been drawn up by conferences in which all Members of the United Nations had not been invited to take part, and

Considering the desirability of enabling the governments of States not members of the United Nations to participate in the final stages of the drafting of the convention relating to the status of refugees, as prepared by the *Ad Hoc* Committee and the Economic and Social Council,

Decides to convene a conference of plenipotentiaries to complete the drafting of and to sign both the convention relating to the status of refugees and the protocol relating to the status of stateless persons;

Recommends to governments to take into consideration the draft convention submitted by the Economic and Social Council and in particular the text of the definition of the term refugee as adopted by the General Assembly in resolution...;

Requests the Secretary-General to take the steps necessary for the convening of such a conference at the earliest possible opportunity; and

Instructs the Secretary-General to invite the governments of all States, both Members and non-members of the United Nations, to attend the said conference of plenipotentiaries.

DOCUMENT A/C.3/L.114

Belgium : proposed text to replace the definition of the term “ refugee ” contained in the draft convention (A/1385, appendix II)

[Original text : French]
[20 November 1950]

The term “ refugee ” shall apply to any person who is outside the country of his nationality or habitual residence and is unable or unwilling to avail himself of the protection of the government of the country of his

present or former nationality because he has good grounds to fear victimization by reason of his race, religion, nationality and/or political opinions.

DOCUMENT A/C.3/L.115

United Kingdom of Great Britain and Northern Ireland : text proposed for the definition of the term “ refugee ” (A/1385, part II, and A/1385, appendix II)

[Original text : English]
[20 November 1950]

For the purposes of this Convention the term “ refugee ” shall apply to any person who :

(a) Is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence owing to well-founded fear of being the victim of persecution for reasons of race, religion, nationality or political opinion; and

(b) (i) If he has a nationality, is unable or, owing to such fear, unwilling to avail himself of the protection of the government of the country of his nationality; or

(ii) If he has no nationality, is unable or, owing to such fear, unwilling to return to the country of his former habitual residence.

In the case of a person having more than one nationality, the reference in paragraph (a) to the country of his nationality shall be construed as a reference to all the countries of which he is a national, and the requirement in paragraph (b) (i) shall not be satisfied if he is able to avail himself of the protection of the government of one of the countries of which he is a national, and has no good reason due to such fear for not doing so.

DOCUMENT A/C.3/L.118

United Kingdom of Great Britain and Northern Ireland : amendments to the draft statute of the High Commissioner’s Office for Refugees (A/1385, part II)

[Original text : English]
[21 November 1950]

1. Chapter I (2)

Delete this paragraph and substitute :

“ The High Commissioner shall follow policy directives given him by the General Assembly of the United Nations and/or the Economic and Social Council. ”

2. Chapter II A (3)

Delete the last paragraph and substitute :

“ Their conditions of employment shall be the same as those provided under the staff regulations adopted by the General Assembly and the rules promulgated

thereunder by the Secretary-General. *With the exception of those who are recruited locally and are assigned to hourly rates, they shall be regarded as falling within the categories of officials to which the provisions of articles V and VII of the Convention on the Privileges and Immunities of the United Nations apply.* Provisions may be made to permit the employment of personnel without compensation. ”

3. Chapter IV (6)

Delete.

DOCUMENT A/C.3/L.120**Byelorussian Soviet Socialist Republic : draft resolution**

[Original text : Russian]
[22 November 1950]

The General Assembly,

Notes the failure of the Government of the United States of America, the United Kingdom of Great Britain and Northern Ireland, France and other countries to implement its resolution 8 (I) of 12 February 1946 on encouraging and assisting the early return of the displaced persons to their countries of origin;

Recommends to the governments of the above-mentioned countries, and to the governments of other coun-

tries in whose territories there are still refugees and displaced persons, that they should take steps to implement the above-mentioned resolution so as to complete the repatriation of the displaced persons and refugees to their countries of origin during 1951;

Proposes to the governments of the States Members of the United Nations in whose territories there are refugees and displaced persons to submit to the Secretary-General full information regarding the refugees and displaced persons in their territories.

DOCUMENT A/C.3/L.122**Yugoslavia : sub-amendment to the amendments submitted by the United Kingdom of Great Britain and Northern Ireland (A/C.3/L.115) and by Belgium (A/C.3/L.114)**

[Original text : French]
[24 November 1950]

Add after the above amendments the following :

“ The term ‘refugee’ shall not apply :

“ (a) To persons who have committed non-political crimes;

“ (b) To persons who have committed crimes under article VI of the Statute of the International Military Tribunal approved at London;

“ (c) To persons guilty of acts contrary to the principles and purposes of the United Nations. ”

DOCUMENT A/C.3/L.123**France : amendment to the draft convention relating to the status of refugees (A/1385, appendix II)**

[Original text : French]
[27 November 1950]

Chapter I, article I, paragraph B

Add a new paragraph worded as follows :

“ 6. The circumstances in connexion with which

he has been recognized as a refugee have ceased to exist and he can no longer claim valid grounds for continuing to refuse to avail himself of the protection of the government of the country of his nationality. ”

DOCUMENT A/C.3/L.125**Venezuela : amendments to the draft convention relating to the status of refugees (A/1385, appendix II)**

[Original text : Spanish]
[27 November 1950]

Chapter I, article I

1. *Section A, paragraph (1)*

Substitute the following text :

“ Who, since 1 August 1914, has been considered a

refugee under the arrangements of 12 May 1926 and 30 June 1928 or under the conventions of 28 October 1933 and 10 February 1938, the protocol of 14 September 1939 or the Constitution of the International Refugee Organization; ”

2. *Section A, paragraph (2)*

Delete.

3. *Section A, paragraph (3)*

Substitute the following text :

“ (2) Who, as a result of events in Europe before 1 January 1951 and owing to well founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable, or owing to such fear is unwilling, to avail himself of the protection of the government of that country; or who, if he has no nationality and is outside the country of his former habitual residence, is unable, or owing to such fear is unwilling, to return to it.”

4. After that paragraph add the following text :

“ In the case of a person who has more than one nationality, the above term “ the country of his nation-

ality ” shall mean all the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the government of the country of his nationality if, without any valid reason based on well founded fear, he has not availed himself of the protection of the government of one of the countries of which he is a national. ”

5. *Section B, paragraph (3)*

Delete the phrase “ and enjoys the protection of the government of the country of his nationality ”.

6. Add as a final section the following text :

“ D. The Contracting States may agree that the definition of the term “ refugee ” contained in this Article may comprise such persons in other categories as the General Assembly may subsequently recommend. ”

Note : The Venezuelan amendment contained in document A/C.3/L.121 is withdrawn.

DOCUMENT A/C.3/L.126

Definition of the term “ refugee ” to be applied by the High Commissioner’s Office for Refugees : Venezuela ; text proposed for the definition

[*Original text : Spanish*]
[27 November 1950]

1. The High Commissioner for Refugees shall grant international protection to the refugees defined in this section. For this purpose the term “ refugee ” means any person :

(a) Who since 1 August 1914 has been recognized as a refugee under the arrangements of 12 May 1926 and 30 June 1928, or under the conventions of 28 October 1933 and 10 February 1938 and the protocol of 14 September 1939, or under the Constitution of the International Refugee Organization;

(b) Who, as a result of events in Europe before 1 October 1951 and owing to well-founded fear of persecution for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear, unwilling to resort to the protection of the government of the country of his nationality; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear as aforesaid, unwilling to return to that country.

If a person has more than one nationality the expression “ the country of his nationality ” in the preceding paragraph shall mean all the countries of which he is a national; and a person shall not be deemed to lack the protection of the government of the country of his nationality if, without valid reason based on well-founded fear, he has not resorted to the protection of the government of one of the countries of which he is a national.

A decision concerning eligibility taken by the International Refugee Organization during the period of its activities shall not bar the recognition as a refugee of a person who in other respects fulfils the conditions of this Article.

2. The High Commissioner shall not extend the benefit of his office to any refugee who enjoys the protection of any government through :

(a) Voluntarily resorting afresh to the protection of the government of the country of his nationality;

(b) Voluntarily re-acquiring a lost nationality;

(c) Acquiring a new nationality;

(d) Voluntarily re-establishing himself in a country which he had left or outside which he had remained owing to fear of persecution;

(e) Establishing himself or living in Germany, being a former member of a German minority.

3. Likewise the High Commissioner shall not assume competence with respect to any refugee who may be presumed on reasonable grounds to have committed one of the offences mentioned in article VI of the London Charter of the International Military Tribunal or a non-political offence covered by an extradition treaty.

4. The High Commissioner shall exercise his functions without prejudice to other refugees whom the United Nations has placed or may place under the jurisdiction of other bodies or agencies.

5. The High Commissioner may recommend to the General Assembly the inclusion of other categories of refugees in his terms of reference and may, pending a decision by the General Assembly on his recommendation, at his discretion intercede with a government on behalf of any such additional category.

DOCUMENT A/C.3/L.127

Belgium, Canada, Chile, Turkey and the United Kingdom of Great Britain and Northern Ireland : text proposed for the definition of the term "refugee" (A/1385, part II, and A/1385, appendix II)

[Original text : English]
[27 November 1950]

Delete the following :

1. Chapter III, section C, of the draft statute of the High Commissioner's Office for Refugees (A/1385, part II);

2. Article 1 of the draft convention relating to the status of refugees (A/1385, appendix II).

Substitute the following text :

" (a) The term "refugee" shall apply to any person who is outside the country of his nationality or, if he has no nationality, the country of his former habitual

residence, because he has good grounds to fear victimization by reason of his race, religion, nationality or political opinion and is unable or, because of fear based on such grounds, is unwilling to avail himself of the protection of the government of the country of his nationality or former habitual residence;

" (b) A person who is a national of more than one country shall not be considered to be a refugee within the meaning of paragraph (a) unless he satisfies the provisions of that paragraph in relation to each of the countries of which he is a national. "

DOCUMENT A/C.3/L.129

France : amendments to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)

[Original text : French]
[27 November 1950]

1. Chapter I

Insert a new paragraph to be numbered (1), the present four paragraphs to be renumbered (2), (3), (4) and (5).

The text of the new paragraph (1) should read as follows :

" (1) Acting under a delegation of powers given by the General Assembly in accordance with the conditions laid down in this Statute, the High Commissioner shall assume the duty of granting international protection, under the auspices of the United Nations, to refugees who do not enjoy the rights and privileges attaching to possession of a nationality. "

2. Chapter III, section C

(a) In the title replace the word "Competence" by the word "Mandate".

(b) Substitute the following paragraphs for the present paragraph (1) :

" (1) The scope of the mandate of the High Commissioner shall be determined by decisions of the General Assembly made either on the initiative of the Member States or on the proposal of the High Commissioner.

" (2) The mandate of the High Commissioner shall comprise, *inter alios*, persons entitled to benefit under international conventions or agreements relating to the status of refugees.

" (3) Pursuant to the provisions of paragraphs (1) and (2) of chapter III, section C, of this Statute, the High Commissioner for Refugees is instructed to furnish international assistance to the persons defined in article I of the Convention relating to the Status of Refugees. "

Re-number the present paragraph (2) of chapter III, section C, making it paragraph (4).

DOCUMENT A/C.3/L.130

Belgium, Canada, Turkey and the United Kingdom of Great Britain and Northern Ireland : text proposed for the definition of the term "refugee" (A/1385, part II, and A/1385, appendix II)

[Original text : English]
[27 November 1950]

Substitute the following text for :

1. Chapter III, section C of the draft statute of the High Commissioner's Office for Refugees (A/1385, part II);

2. Article 1 of the draft convention relating to the status of refugees (A/1385, appendix II) :

" (a) The term "refugee" shall apply to any person who is outside the country of his nationality or, if

he has no nationality, the country of his former habitual residence, because he has well-founded fear of victimization by reason of his race, religion, nationality or political opinion and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality or, if he has no nationality, to

return to the country of his former habitual residence.

“ (b) A person, who is a national of more than one country, shall not be considered to be a refugee within the meaning of paragraph (a) unless he satisfies the provisions of that paragraph in relation to each of the countries of which he is a national. ”

DOCUMENT A/C.3/L.131/Rev.1

Amendments to the draft convention (A/1385, appendix II) and to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II), submitted by the informal working party composed of Belgium, Canada, France, Israel, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela : revised text

[Original text : English]
[1 December 1950]

I. Substitute the following text for chapter I, article I, of the draft convention relating to the status of refugees (A/1385, appendix II) :

“ A. For the purposes of this Convention, the term “ refugee ” shall apply to any person who :

“ (1) Since 1 August 1914, has been considered a refugee under the arrangements of 12 May 1926 and 30 June 1928 or under the conventions of 28 October 1933 and 10 February 1938, the protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

“ Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this Article;

“ (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable, or owing to such fear or for reasons other than personal convenience is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable, or owing to such fear or for reasons other than personal convenience, is unwilling to return to it;

“ In the case of a person who has more than one nationality, the above term ‘ the country of his nationality ’ shall mean any of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national;

“ B. This Convention shall cease to apply to any person falling under the terms of section A if :

“ (1) He has voluntarily reavailed himself of the protection of the country of his nationality; or

“ (2) Having lost his nationality, he has voluntarily reacquired it; or

“ (3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

“ (4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

“ (5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or

“ (6) If, being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country;

“ C. (1) The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime specified in article VI of the London Charter of the International Military Tribunal; or (b) he falls under the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights;

“ (2) This Convention shall not apply to a person who has entered a country with whose nationals he has close ties of ethnic and cultural kinship and, because of such kinship, enjoys the rights and privileges usually attached to the possession of the nationality of such country;

“ (3) This Convention shall not apply to persons who fall under the auspices of other organs or agencies of the United Nations other than the International Refugee Organization;

“ D. The Contracting States may agree to add to the definition of the term ‘ refugee ’ contained in this

article persons in other categories, including such as may be recommended by the General Assembly."

II. *Amend the Statute of the High Commissioner's Office for Refugees, chapter I (General Principles) (A/1385), by inserting a new paragraph to be (1), the present four paragraphs to be renumbered (2), (3), (4) and (5).*

"(1) The High Commissioner acting under the authority of the General Assembly shall perform the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of this Statute. In that connexion, he shall have the general power to intervene on their behalf. In the exercise of his functions, more particularly when difficulties arise, and for instance with regard to any controversy concerning the international status of these persons, the High Commissioner shall request the opinion of the Advisory Council."

III. *Amend chapter III, section C (Competence) as follows:*

"1. The persons to whom the competence of the High Commissioner extends shall include:

"(a) Persons who are refugees within the terms of parts A and B of Article 1¹² of the draft convention relating to the status of refugees, as established in document A/C.3/L.131/Rev.1; and

¹² This article 1 will be reproduced *in extenso* in the final version of the statute.

"(b) Any other person who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of victimization by reason of his race, religion, nationality or political opinions and is unable or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality or, if he has no nationality, to return to the country of his former habitual residence;

"2. Provided that the competence of the High Commissioner as defined in paragraph 1 above shall not extend to:

"(a) A person who is a national of more than one country unless he satisfies the provisions of the preceding paragraph in relation to each of the countries of which he is a national; or

"(b) A person who has entered a country with whose nationals he has close ties of ethnic and cultural kinship and because of this kinship enjoys the rights and privileges usually attached to the possession of the nationality of such country; or

"(a) A person who, on 1 January 1951, came under the auspices of other organs or agencies of the United Nations, other than the International Refugee Organization; or

"(d) A person in respect of whom there are serious reasons for considering that he has committed a crime covered by the provisions of treaties of extradition or a crime mentioned in article VI of the London Charter of the International Military Tribunal or by the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

DOCUMENT A/C.3/L.131/Rev.1/Corr.1

Belgium, Canada, France, Israel, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America: sub-amendment to the text proposed in document A/C.3/L.131/Rev.1

[Original text: English]
[2 December 1950]

Section III, paragraph 2 (b)

Replace paragraph (b) by the following text:

"(b) A person who has the same rights and obligations as the nationals of the country in which he has taken residence."

DOCUMENT A/C.3/L.132

Yugoslavia: amendment to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)

[Original text: French]
[30 November 1950]

Chapter I, paragraph 3

Insert the following sentence at the beginning of the paragraph:

"The work of the High Commissioner shall be humanitarian and social."

Chapter II, section B

Delete section B.

Chapter III, section A, paragraph 2

Add the following sentence at the end of the paragraph :

“ The report of the High Commissioner shall be considered a separate item on the agenda of the General Assembly. ”

DOCUMENT A/C.3/L.133

Australia : amendments to document A/C.3/L.131/Rev.1

[Original text : English]
[1 December 1950]

1. *Section I, paragraph C (1)*

Delete all words after the words “ any person ” and substitute “ who has committed a crime covered by the provisions of treaties of extradition ”.

2. *Section I, paragraph C (3)*

Delete all words after “ persons ” and substitute “ who are at present receiving from other organs or agencies of the United Nations protection or assistance comparable to that which the High Commissioner may afford; ”

3. *Section II, paragraph I*

Delete sentence beginning “ In that connexion... on their behalf. ”

4. *Section III, paragraph 2 (c)*

Delete whole sentence and substitute “ a person who is at present receiving from other organs or agencies of the United Nations protection or assistance comparable to that which the High Commissioner may afford; ”

5. *Section III, paragraph 2 (d)*

Delete all words after “ extradition ”.

DOCUMENT A/C.3/L.136

Draft convention relating to the status of refugees : Australia; draft resolution

[Original text : English]
[4 December 1950]

The General Assembly,

Having considered resolution 319 B II (XI) adopted by the Economic and Social Council at its eleventh session,

Having noted the contents of the draft convention relating to the status of refugees and the draft protocol relating to the status of stateless persons as prepared by the *Ad Hoc* Committee on Refugees and Stateless Persons and the Economic and Social Council,

Decides that the Economic and Social Council should :

(a) Give full consideration to the draft convention and draft protocol and submit them together with recommendations thereon to the sixth session of the General Assembly,

(b) Transmit any comments it may desire to make regarding the text of the definition of the term “ refugee”, as set forth in the annex hereto, to the sixth session of the General Assembly.

DOCUMENT A/C.3/L.138

Israel : proposal for the rearrangement of the various parts comprising the draft statute of the High Commissioner's Office for Refugees, subject to amendments to the text of those parts

[Original text : English]
[5 December 1950]

Chapter I. General provisions to comprise the following present sections, in the following sequences :

Chapter I, paragraph 1 (A/C.3/L.131/Rev.1, section II);
Chapter I, paragraph 1;¹³

Chapter I, paragraph 3;
Chapter I, paragraph 2;
Chapter III, section A (2);
Chapter III, section A (3);
Chapter IV, paragraph 1;
Chapter IV, paragraph 4;
Chapter IV, paragraph 5.

¹³ Where no other document symbol is indicated, the reference is to document A/1385, part II, Economic and Social Council resolution 319 A (XI); annex.

Chapter II. *Functions of the High Commissioner* to comprise the following present sections in the following sequence :

(a) *Ratione personæ*

Chapter III, section C (A/C.3/L.137);

(b) *Ratione materiæ*

Chapter III, section B.

Chapter III. *Organization and finances* to comprise the following present sections in the following sequence :

Chapter II, section A (1);

Chapter II, section A (2);

Chapter III, section A (1);

Chapter II, section A (3);

Chapter II, section B;

Chapter II, section C;

Chapter I, paragraph 4;

Chapter IV, paragraph 2;

Chapter IV, paragraph 3.

DOCUMENT A/C.3/L.139 (incorporating A/C.3/L.139/Corr.1)

Provisions for the functioning of the High Commissioner's Office for Refugees : Israel ; amendments to the draft resolution and to the annex (A/1385 amended by A/C.3/L.131/Rev.1)

[Original text : English]
[5 December 1950]

I. Draft resolution

1. Replace the operative part of the resolution by the following text :

" *Calls* upon governments to co-operate with the High Commissioner for Refugees in the performance of his functions concerning refugees falling under the competence of his office, as defined in the Statute annexed hereto. "

2. Alternatively, amend the resolution to read as follows :

" *Calls* upon governments to co-operate with the High Commissioner in the performance of his *functions* concerning refugees falling under the competence of his office, especially by :

" ...

" (d) *Assisting the High Commissioner in his efforts* to promote the voluntary repatriation of refugees;

" (e) *Promoting the assimilation of refugees with their own nationals* especially by facilitating their naturalization;

" (f) *Providing refugees with travel and other documents* such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement;

" ...

" (h) *Providing the High Commissioner with information* concerning the number and conditions of refugees, laws and regulations concerning them, *and the measures taken to implement this resolution.* "

3. Supplement the resolution by the following paragraph :

" *Requests* the Secretary-General to transmit this resolution with the annex attached thereto to States Members and non-members of the United Nations, with a view of obtaining their consent to the implementation of this resolution. "

II. Statute of the High Commissioner's Office for Refugees

4. Amend chapter II.B as follows :

" The Economic and Social Council *is requested to establish* at its next session an advisory committee for refugees which shall consist of representatives of States, Members and non-members of the United Nations, to be selected by the Council on the basis of their demonstrated interest in and devotion to the solution of the refugee problem. "

5. In paragraph 1 of chapter III.B, add the following new sub-paragraphs (d), (e), and (f) (the present sub-paragraphs (d), (e) and (f) becoming sub-paragraphs (g), (h) and (i)) :

" (d) *Promoting admission of refugees*, not excluding those in the most destitute categories, to the territories of States;

" (e) *Endeavouring to obtain permission* for refugees to transfer their assets and especially those necessary for their resettlement;

" (f) *Obtaining from governments information* concerning the number and conditions of refugees, laws and regulations concerning them, and the implementation of the General Assembly's resolution...; "

DOCUMENT A/C.3/L.140

New Zealand : amendment to the draft resolution submitted by the United Kingdom of Great Britain and Northern Ireland (A/C.3/L.68/Rev.1)

[Original text : English]
[5 December 1950]

Add the following additional paragraph :

“ *Calls upon* the United Nations High Commissioner for Refugees in accordance with the provisions of the

Statute of his office to participate in the work of this conference. ”

DOCUMENT A/C.5/442

Draft convention relating to the status of refugees : financial implications of the draft resolutions proposed by the Third Committee (A/C.3/549 and A/C.3/551) : report of the Secretary-General

[Original text : English]
[8 December 1950]

1. The Third Committee has transmitted to the General Assembly, for adoption, a draft resolution by which it is decided that the conference of plenipotentiaries provided for in the resolution contained in document A/C.3/551, for the purpose of completing and adopting the convention relating to the status of refugees, shall be held at Geneva (A/C.3/549).

2. The estimated additional cost of holding this conference at Geneva, if the conference were to last four weeks and end prior to 15 March 1951, would be about \$US 10,400 on the following basis :

- (a) Travel and per diem of headquarters' staff :
- (i) Five substantive officers at \$ 1,050 each (this number could be reduced to two

	<i>US dollars</i>
if the High Commissioner were able to supply the balance of the staff required)	5,250
(ii) Three Spanish interpreters at \$ 1,050 each	3,150
(b) Contractual printing (20 pages, 5 languages)	2,000
TOTAL	10,400

3. In the event of the adoption of the proposal of the Third Committee by the General Assembly, the appropriations for 1951 should be increased by \$ 8,400 in section 1 (the General Assembly, commissions and committees) and \$ 2,000 in section 25 (Official records).

DOCUMENT A/C.5/443

Provisions for the functioning of the High Commissioner's Office for Refugees : financial implications of the draft resolutions proposed by the Third Committee (A/C.3/556) ; report of the Secretary-General

[Original text : English]
[11 December 1950]

1. Resolution 319 A (IV) of the General Assembly, relating to the establishment of a High Commissioner's Office for Refugees, requested the Secretary-General to prepare, in consultation with the Advisory Committee on Administrative and Budgetary Questions, a draft budget for the operation in 1951 of the High Commissioner's Office.

2. The Secretary-General included a general provision of \$US 300,000 in section 20 a of the budget estimates for 1951.

3. In accordance with the request made by the General Assembly in resolution 319 A (IV), the Economic and

Social Council at its eleventh session prepared a draft resolution (Council resolution 319 A (XI)) to which was annexed a statute for the functioning of the High Commissioner's Office. The revised draft resolution and statute as recommended by the Third Committee for adoption by the General Assembly are contained in document A/C.3/556.

4. The budgetary provision required to carry out in 1951 the activities enumerated in chapters II and III of the statute as revised, would be \$US 300,000, as originally estimated. The justification for this estimate, which is limited to administrative expenses, is given

below. It will be noted that paragraph 20 of the statute provides that, unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the High Commissioner's Office shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.

5. On the basis outlined above the detailed estimates for the costs of the High Commissioner's Office would be as follows :

	<i>US dollars</i>
(a) Established posts	229,000
(b) Consultants, temporary assistance and overtime	5,000
(c) Travel on official business	20,000
(d) Common staff costs	30,000
(e) Common services	10,000
(f) Contractual printing	6,000
TOTAL	300,000

6. Under " established posts " provision is made to cover :

(a) The costs of the High Commissioner's Office at Geneva, consisting of the High Commissioner (principal director); Deputy High Commissioner (principal officer); 2 senior officers (of whom one should be a legal officer); 4 officers; 4 intermediate officers; 1 administrative assistant; 10 clerical and secretarial employees (\$153,000).

(b) The High Commissioner's representatives in countries of residence of refugees : it is assumed that representatives, at the level of senior officers or officers, might be appointed in six countries for an average period, in 1951, of six months. The possibility of administrative and clerical assistance is foreseen. In at least two cases, the representative might require a professional assistant, an administrative assistant, and as many as

three clerical and secretarial employees. In all other cases, it is assumed that the representative would be assisted by no more than one administrative assistant and two clerical and secretarial employees (\$76,000).

7. Under " travel on official business ", allowance is made for European and overseas travel for the High Commissioner and senior members of his Geneva staff, as well as for travel of country representatives.

8. The \$10,000 requested under " common services " will supplement the budget of the United Nations Office at Geneva to assure the adequate provision of necessary common services including communications services, office supplies, stationery, etc.

9. Under " contractual printing " provision is made for the printing in two languages of the report of the advisory committee referred to in paragraph 4 of the statute.

10. The establishment of such an advisory committee would be dependent upon a decision of the Economic and Social Council. If established, no costs other than those for printing would be incurred by the United Nations, since the Committee would consist of representatives of governments and since conference facilities could be provided by the existing establishment at headquarters or at Geneva.

11. The sum of \$300,000 requested above would be distributed by sections of the 1951 budget as follows :

	<i>US dollars</i>
Section 20. United Nations Office at Geneva (Common staff costs and common services) .	40,000
Section 20 a. High Commissioner's Office on Refugees	254,000
Section 25. Official records	6,000
TOTAL	300,000

DOCUMENT A/1655

Draft convention relating to the status of refugees : financial implications of the draft resolutions proposed by the Third Committee (A/C.3/549 and A/C.3/551) ; thirty-eighth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/442) on the financial implications of the draft resolutions proposed by the Third Committee in documents A/C.3/549 and A/C.3/551.

2. The estimated expenditure for the holding of the proposed conference of plenipotentiaries in Geneva amounts to \$US10,400, on the basis of a duration of four weeks. Savings are envisaged by the Secretary-General through the possible assignment of substantive staff members from the Office of the High Commissioner

for Refugees. Since, however, much of the preparatory work has been completed, further economies might, in the opinion of the Advisory Committee, result from the adjustment of the period from four to three weeks. Consideration might also be given to the possibility of seconding personnel from the International Labour Organisation and the International Refugee Organization.

3. The Advisory Committee notes that provision is included in the estimate for the services of Spanish interpreters, and it suggests that in the event that the

conference finds it necessary to use languages other than the working languages, recourse should be had in the first instance to the services available in the organizations situated at Geneva.

4. On this basis, the Advisory Committee recommends a provisional appropriation of \$US 8,000 under section 1 (\$US 6,000) and section 25 (\$US 2,000) of the 1951 budget estimates.

DOCUMENT A/1682

Report of the Third Committee

[Original text : English]
[12 December 1950]

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I. INTRODUCTION

1. The question of refugees and stateless persons, as referred to the Third Committee at the fifth regular session of the General Assembly, was divided into the following four sub-items, which are treated separately in the present report :

(a) Provisions for the functioning of the High Commissioner's Office for Refugees : draft resolution proposed by the Economic and Social Council;

(b) Definition of the term "refugee" to be applied by the High Commissioner for Refugees : recommendations of the Economic and Social Council;

(c) Problems of assistance to refugees : memorandum from the General Council of the International Refugee Organization of 20 October 1949;

(d) Draft convention relating to the status of refugees.

The United Nations High Commissioner's Office for Refugees

2. The General Assembly, at its fourth regular session, decided, on 3 December 1949 (resolution 319 A (IV)) to establish, as of 1 January 1951, a High Commissioner's Office for Refugees, and requested the Economic and Social Council to prepare a draft resolution embodying provisions for the functioning of the United Nations High Commissioner's Office, together with such recommendations as it might deem appropriate regarding the definitions of the term "refugee" to be applied by the High Commissioner.

3. The Economic and Social Council at its eleventh session adopted, on 11 August 1950, resolution 319 A (XI), which included a draft statute of the High Commissioner's Office for Refugees for transmission to the fifth session of the General Assembly.

Draft convention relating to the status of refugees

4. The Economic and Social Council, having considered at its ninth session a study relating to the question of displaced persons, refugees and stateless persons prepared by the Secretary-General (E/1112 and Add.1),¹⁴ adopted, on 8 August 1949, resolution 248 B (IX) in which it decided to appoint an *ad hoc* committee whose function, among others, would be to consider the desirability of preparing a revised and consolidated convention relating to the international status of refugees and stateless persons and, if the Committee considered such a course desirable, to draft a text of such a convention.

5. The *Ad Hoc* Committee met at Lake Success on 16 January 1950 and drew up a draft convention relating to the status of refugees and a draft protocol relating to the status of stateless persons, which were submitted to the Economic and Social Council at its eleventh session (E/1618).

6. The Economic and Social Council, at its eleventh session, examined only the preamble of the draft convention and the definition of the term "refugee" contained in its article I, and adopted on 11 August 1950 resolution 319 B (XI) requesting the Secretary-General to reconvene the *Ad Hoc* Committee so that it might prepare revised drafts of the convention and protocol, in the light of comments of governments and of specialized agencies and the discussions and decisions of the Council at its eleventh session. The Council further requested the Secretary-General to submit the drafts, as revised, to the General Assembly at its fifth session.

7. The *Ad Hoc* Committee met again on 14 August 1950 in Geneva. Its report was submitted to the

¹⁴ See United Nations Publications. Sales No. : 1949.XIV.2.

fifth session of the General Assembly (E/1850 and E/1850/Annex).

Problems of assistance to refugees

8. At its fourth session the General Assembly decided, by its resolution 319 B (IV) to postpone until its fifth session the examination of the problems of assistance raised by the General Council of the International Refugee Organization in its memorandum of 20 October 1949 (A/C.3/528), should those problems still be in existence at that date.

II. ACTION TAKEN BY THE GENERAL ASSEMBLY AT ITS FIFTH SESSION

9. The General Assembly, at its 285th plenary meeting on 26 September 1950, decided to allocate to the Third Committee sub-items (a) to (d) of item 32 of its agenda, entitled "Refugees and stateless persons".

10. The Committee took up the question at its 324th meeting and devoted seventeen meetings to its consideration. A summary of the debates is contained in the records of the 324th to 338th, 341st and 344th meetings. The Committee had before it the following basic documents: Economic and Social Council resolutions 319 A and B (XI), E/1850 and Annex, A/1385, A/1396, A/C.3/538, A/C.3/540 and A/C.3/547.

11. During the general debate on the question as a whole, a draft resolution was submitted by the Byelorussian Soviet Socialist Republic (A/C.3/L.120). It recommended that those countries in whose territories there were still refugees and displaced persons should complete their repatriation during 1951. The draft resolution was voted on paragraph by paragraph and rejected. Paragraph 1 was rejected by 32 votes to 5, with 6 abstentions, paragraph 2 by 32 votes to 5, with 7 abstentions, and paragraph 3 by 30 votes to 8, with 7 abstentions.

Definition of the term "refugee"

12. The problem of the definition of the term "refugee" to be applied by the High Commissioner for Refugees and that of the definition to be inserted in the draft convention, having been linked in the eleventh session of the Economic and Social Council and being, in the view of the Third Committee, largely interdependent, were discussed jointly.

13. Two different points of view were expressed with regard to the definition of the term "refugee": one favouring a broad definition and the other a definition by categories.

14. An informal working group was formed at the 329th meeting of the Third Committee, on which all delegations which had submitted amendments and resolutions were represented. It took into consideration the amendments submitted by the following States: Yugoslavia (A/C.3/L.122); France (A/C.3/L.123 and L.129); Israel (A/C.3/L.124); Venezuela (A/C.3/L.125 and L.126); Egypt, Lebanon and Saudi Arabia (A/C.3 L.128); Belgium, Canada, Turkey and the United King-

dom (A/C.3/L.130). At the 332nd meeting, the working group presented a revised joint compromise text (A/C.3/L.131/Rev.1).

15. The joint text contained two draft definitions, one (section III) for the statute of the High Commissioner's Office and the other (section I) for the draft convention. Part I was adopted in an amended form at the 332nd meeting, by 12 votes to 6, with 21 abstentions (see annex A to draft resolution B in chapter III of the present report). It had previously been decided at the same meeting, by 34 votes to 1, with 11 abstentions, that the text of the definition for the draft convention should be merely recommended to the conference of plenipotentiaries mentioned in paragraph 18 below for consideration.

16. With regard to the definition to be applied by the High Commissioner, the joint text amending chapter III, section C, of the draft statute submitted by the Economic and Social Council was adopted, in a modified form, at the 334th meeting (A/C.3/L.137), by 15 votes to 5, with 17 abstentions.

Provisions for the functioning of the High Commissioner's Office for Refugees

17. A number of amendments were submitted orally and in writing to the remaining paragraphs of the draft statute of the High Commissioner's Office for Refugees and were in large part accepted. The agreed text of the draft statute, which includes the definition of the term "refugee" referred to in the previous section of the present report, was rearranged and in part redrafted (A/C.3/L.151) by a Drafting Sub-Committee set up at the 341st meeting for that purpose, and consisting of representatives of Canada, France, Israel, Lebanon, Pakistan, the United Kingdom, the United States of America and Venezuela. The covering draft resolution, together with the amended text of the draft statute prepared by the Drafting Sub-Committee, was adopted by 26 votes to 5 with 12 abstentions (see draft resolution A in chapter III of the present report).

Draft convention relating to the status of refugees

18. When the Committee took up the consideration of the draft convention relating to the status of refugees, the United Kingdom delegation submitted a draft resolution suggesting that a conference of plenipotentiaries should be convened at the earliest possible opportunity to complete the drafting of, and to sign, both the convention relating to the status of refugees and the protocol relating to the status of stateless persons. A number of amendments were submitted and either accepted by the proposer of the resolution or adopted. The Committee at its 337th meeting, by 26 votes to 7, with 12 abstentions, adopted the amended draft resolution (A/C.3/L.68/Rev.1), and there was therefore no further consideration of the draft convention. On the proposal of Belgium and France, a draft resolution was adopted at the 338th meeting, by 18 votes to 9, with 18 abstentions, to hold the conference in Geneva (A/C.3/L.143). The texts, as adopted, are given in chapter III of the present report as draft resolutions B and C.

19. During the discussion, the Australian delegation had submitted a draft resolution referring the draft convention and the draft protocol back to the Economic and Social Council for consideration with a request that it should be re-submitted with recommendations, to the General Assembly at its sixth session (A/C.3/L.136). No action was taken on this draft resolution in view of the adoption of the United Kingdom draft resolution.

Assistance to refugees

20. The Committee finally turned to the remaining section of this item of the agenda, namely, the memoranda received from the General Council of the International Refugee Organization in 1949 and 1950 on the problems of assistance to refugees (A/C.3/528 and A/C.3/540). It heard a statement by the representative of IRO bringing the memoranda up to date.

21. At its 338th meeting, the Committee had before it a draft resolution submitted by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, to address an urgent appeal to all States, whether or not Members of the United Nations, to assist IRO in its efforts to resettle refugees remaining under its care, and to postpone, until the sixth regular session of the General Assembly, the examination of the problems of assistance raised by the memoranda from IRO (A/C.3/L.141). The draft resolution was adopted by 32 votes to 5, with 6 abstentions (see draft resolution D in chapter III of the present report).

III. RECOMMENDATIONS OF THE THIRD COMMITTEE

22. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolutions :

A

STATUTE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

The General Assembly,

In view of its resolution 319 A (IV) of 3 December 1939,

1. *Adopts* the annex to the present resolution, being the Statute of the Office of the United Nations High Commissioner for Refugees;

2. *Calls upon* governments to co-operate with the High Commissioner in the performance of his functions concerning refugees falling under the competence of his Office, especially by :

(a) *Becoming parties to international conventions providing for the protection of refugees, and taking the necessary steps of implementation under such conventions;*

(b) *Entering into special agreements with the High Commissioner for the execution of measures calculated to improve the situation of refugees and to reduce the number requiring protection;*

(c) *Admitting refugees to their territories, not excluding those in the most destitute categories;*

(d) *Assisting the High Commissioner in his efforts to promote the voluntary repatriation of refugees;*

(e) *Promoting the assimilation of refugees, especially by facilitating their naturalization;*

(f) *Providing refugees with travel and other documents such as would normally be provided to other aliens by their national authorities, especially documents which would facilitate their resettlement;*

(g) *Permitting refugees to transfer their assets and especially those necessary for their resettlement;*

(h) *Providing the High Commissioner with information concerning the number and condition of refugees, and laws and regulations concerning them;*

3. *Requests* the Secretary-General to transmit this resolution with the annex attached thereto also to States non-members of the United Nations, with a view to obtaining their co-operation in its implementation.

ANNEX

STATUTE OF THE OFFICE OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES

Chapter I. General provisions

1. The United Nations High Commissioner for Refugees, acting under the authority of the General Assembly, shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of seeking permanent solutions for the problem of refugees by assisting governments and, subject to the approval of the governments concerned, private organizations to facilitate the voluntary repatriation of such refugees, or their assimilation within new national communities.

In the exercise of his functions, more particularly when difficulties arise, and for instance with regard to any controversy concerning the international status of these persons, the High Commissioner shall request the opinion of an advisory committee on refugees if it is created.

2. The work of the High Commissioner shall be of an entirely non-political character; it shall be humanitarian and social and shall relate, as a rule, to groups and categories of refugees.

3. The High Commissioner shall follow policy directives given him by the General Assembly or the Economic and Social Council.

4. The Economic and Social Council may decide, after hearing the views of the High Commissioner on the subject, to establish an advisory committee on refugees, which shall consist of representatives of States Members and States non-members of the United Nations, to be selected by the Council on the basis of their demonstrated interest in and devotion to the solution of the refugee problem.

5. The General Assembly shall review, not later than at its eighth regular session, the arrangements for the Office of the High Commissioner with a view to determining whether the Office should be continued beyond 31 December 1953.

Chapter II. Functions of the High Commissioner

6. The competence of the High Commissioner shall extend to :

A. (i) Any person who has been considered a refugee under the Arrangements of 12 May 1936 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

(ii) Any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it;

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of the present paragraph.

The competence of the High Commissioner shall cease to apply to any person defined in section A above if :

(a) He has voluntarily reavailed himself of the protection of the country of his nationality; or

(b) Having lost his nationality, he has voluntarily reacquired it; or

(c) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(d) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(e) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or

(f) Being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country.

B. Any other person, who is outside the country of his nationality or, if he has no nationality, the country of his former habitual residence, because he has or had well-founded fear of persecution by reason of his race, religion, nationality or political opinion and is unable, or, because of such fear, is unwilling to avail himself of the protection of the government of the country of his nationality, or, if he has no nationality, to return to the country of his former habitual residence.

7. Provided that the competence of the High Commissioner as defined in paragraph 6 above shall not extend to a person :

(a) Who is a national of more than one country unless he satisfies the provisions of the preceding paragraph in relation to each of the countries of which he is a national; or

(b) Who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country; or

(c) Who [continues to receive]¹⁵ from other organs or agencies of the United Nations protection or assistance; or

(d) In respect of whom there are serious reasons for considering that he has committed a crime covered by the provisions of treaties of extradition or a crime mentioned in article VI of the London Charter of the International Military Tribunal or by the provisions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

8. The High Commissioner shall provide for the protection of refugees falling under the competence of his Office by :

(a) Promoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto;

(b) Promoting through special agreements with governments the execution of any measures calculated to improve the situation of refugees and to reduce the number requiring protection;

(c) Assisting governmental and private efforts to promote voluntary repatriation or assimilation within new national communities;

(d) Promoting the admission of refugees, not excluding those in the most destitute categories, to the territories of States;

(e) Endeavouring to obtain permission for refugees to transfer their assets and especially those necessary for their resettlement;

(f) Obtaining from governments information concerning the number and conditions of refugees in their territories and the laws and regulations concerning them;

(g) Keeping in close touch with the governments and intergovernmental organizations concerned;

(h) Establishing contact in such manner as he may think best with private organizations dealing with refugee questions;

(i) Facilitating the co-ordination of the efforts of private organizations concerned with the welfare of refugees.

9. The High Commissioner shall engage in such additional activities, including repatriation and resettlement, as the General Assembly may determine, within the limits of the resources placed at his disposal.

10. The High Commissioner shall administer any funds, public or private, which he receives for assistance to refugees, and shall distribute them among the private and, as appropriate, public agencies which he deems best qualified to administer such assistance.

The High Commissioner may reject any offers which he does not consider appropriate or which cannot be utilized.

The High Commissioner shall not appeal to governments for funds or make a general appeal, without the prior approval of the General Assembly.

The High Commissioner shall include in his annual report a statement of his activities in this field.

11. The High Commissioner shall be entitled to present his views before the General Assembly, the Economic and Social Council and their subsidiary bodies.

¹⁵ In the text of the draft statute submitted by the Drafting Committee, appointed by the Third Committee at its 341st meeting (A/C.3/L.151), the words "is receiving" appear in sub-paragraph (iii) instead of the words used in the present text (amendment adopted by the Committee at its 344th meeting).

The High Commissioner shall report annually to the General Assembly through the Economic and Social Council; his report shall be considered as a separate item on the agenda of the General Assembly.

12. The High Commissioner may invite the co-operation of the various specialized agencies.

Chapter III. Organization and finances

13. The High Commissioner shall be elected by the General Assembly on the nomination of the Secretary-General. The terms of appointment of the High Commissioner shall be proposed by the Secretary-General and approved by the General Assembly. The High Commissioner shall be elected for a term of three years, from 1 January 1951.

14. The High Commissioner shall appoint, for the same term, a Deputy High Commissioner of a nationality other than his own.

15. (a) Within the limits of the budgetary appropriations provided, the staff of the Office of the High Commissioner shall be appointed by the High Commissioner and shall be responsible to him in the exercise of their functions.

(b) Such staff shall be chosen from persons devoted to the purposes of the Office of the High Commissioner.

(c) Their conditions of employment shall be those provided under the staff regulations adopted by the General Assembly and the rules promulgated thereunder by the Secretary-General.

(d) Provision may also be made to permit the employment of personnel without compensation.

16. The High Commissioner shall consult the governments of the countries of residence of refugees as to the need for appointing representatives therein. In any country recognizing such need, there may be appointed a representative approved by the government of that country. Subject to the foregoing, the same representative may serve in more than one country.

17. The High Commissioner and the Secretary-General shall make appropriate arrangements for liaison and consultation on matters of mutual interest.

18. The Secretary-General shall provide the High Commissioner with all necessary facilities within budgetary limitations.

19. The Office of the High Commissioner shall be located in Geneva, Switzerland.

20. The Office of the High Commissioner shall be financed under the budget of the United Nations. Unless the General Assembly subsequently decides otherwise, no expenditure other than administrative expenditures relating to the functioning of the High Commissioner's Office shall be borne on the budget of the United Nations and all other expenditures relating to the activities of the High Commissioner shall be financed by voluntary contributions.

21. The administration of the Office of the High Commissioner shall be subject to the Financial Regulations of the United Nations and to the financial rules promulgated thereunder by the Secretary-General.

22. Transactions relating to the High Commissioner's funds shall be subject to audit by the United Nations Board of Auditors, provided that the Board may accept

audited accounts from the agencies to which funds have been allocated. Administrative arrangements for the custody of such funds and their allocation shall be agreed between the High Commissioner and the Secretary-General in accordance with the Financial Regulations of the United Nations and rules promulgated thereunder by the Secretary-General.

B

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

The General Assembly,

Considering that, by its resolution 362 (IV) of 22 October 1949, it approved the recommendation of the Special Committee on Methods and Procedures that the General Assembly might decide to convene a conference of plenipotentiaries to study, negotiate, draft, and possibly sign conventions that had been drawn up by conferences in which all Members of the United Nations have not been invited to take part,

Considering the desirability of enabling the governments of States not members of the United Nations to participate in the final stages of the drafting of the convention relating to the status of refugees, as prepared by the *Ad Hoc* Committee on Refugees and Stateless Persons and the Economic and Social Council,

1. *Decides* to convene a conference of plenipotentiaries to complete the drafting of and to sign both the convention relating to the status of refugees and the protocol relating to the status of stateless persons;

2. *Recommends* to governments participating in the conference to take into consideration the draft convention submitted by the Economic and Social Council and in particular the text of the definition of the term "refugee" as set forth in annex A hereto.

3. *Requests* the Secretary-General to take the steps necessary for the convening of such a conference at the earliest possible opportunity;

4. *Instructs* the Secretary-General to invite the governments of all States, both Members and non-members of the United Nations, to attend the said conference of plenipotentiaries;

5. *Calls upon* the United Nations High Commissioner for Refugees, in accordance with the provisions of the Statute of his Office, to participate in the work of the conference.

ANNEX A

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

Chapter 1. Article 1

A. For the purposes of this Convention, the term "refugee" shall apply to any person who:

(1) Since 1 August 1914, has been considered a refugee under the arrangements of 12 May 1926 and 30 June 1928 or under the conventions of 28 October 1933 and 10 February 1938, the protocol of 14 September 1939 or the Constitution of the International Refugee Organization;

Decisions as to eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this article;

(2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality, and is unable, or owing to such fear or for reasons other than personal convenience is unwilling, to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear or for reasons other than personal convenience, is unwilling to return to it;

In the case of a person who has more than one nationality, the above term "the country of his nationality" shall mean any of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. This Convention shall cease to apply to any person falling under the terms of section A if :

(1) He has voluntarily reavailed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily reacquired it; or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, claim grounds other than those of personal convenience for continuing to refuse to avail himself of the protection of the country of his nationality. Reasons of a purely economic character may not be invoked; or

(6) Being a person who has no nationality, he can no longer, because the circumstances in connexion with which he has been recognized as a refugee have ceased to exist, and he is able to return to the country of his former habitual residence, claim grounds other than those of personal convenience for continuing to refuse to return to that country.

C. This Convention shall not apply to persons who are at present receiving from other organs or agencies of the United Nations protection or assistance.

D. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that (a) he has committed a crime specified in article VI of the London Charter of the International Military Tribunal; or (b) he falls under the pro-

visions of article 14, paragraph 2, of the Universal Declaration of Human Rights.

E. The Contracting States may agree to add to the definition of the term "refugee" contained in this article persons in other categories, including such as may be recommended by the General Assembly.

C

DRAFT CONVENTION RELATING TO THE STATUS OF REFUGEES

The General Assembly,

Bearing in mind its resolution...,¹⁸

Taking into account the reasons for which it established the headquarters of the High Commissioner for Refugees at Geneva,

Decides that the conference of plenipotentiaries provided for by the above-mentioned resolution for the purpose of completing and adopting the convention relating to the status of refugees shall be held at Geneva.

D

PROBLEMS OF ASSISTANCE TO REFUGEES

The General Assembly,

Having taken cognizance of the communication addressed to it by the General Council of the International Refugee Organization on 13 October 1950 in amplification of its memorandum of 20 October 1949 addressed to the fourth session of the General Assembly,

Having noted that the General Council of the International Refugee Organization has decided to continue operations until 30 September 1951,

1. *Decides* to address an urgent appeal to all States, whether or not Members of the United Nations, calling upon them to assist the International Refugee Organization in its efforts to re-settle refugees remaining under its care and particularly those in need of permanent custodial care;

2. *Decides*, in the absence of definite data, to postpone until its sixth session the examination of the problem of assistance raised by the above-mentioned communications, in the light of a further communication on the subject which the International Refugee Organization is invited to submit and of the observations which the High Commissioner will make in his report to the sixth session of the General Assembly.

¹⁸ Resolution B above.

DOCUMENT A/1684

Draft convention relating to the status of refugees : financial implications of draft resolution B proposed by the Third Committee (A/1682) ; report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee, at its 278th meeting, held on 11 December 1950, considered the financial implications of draft resolution B proposed by the Third Committee, under which a conference of plenipotentiaries would be convened in Geneva for the purpose of completing and adopting the convention relating to the status of refugees (A/1682).

2. The Committee had before it a report of the Secretary-General (A/C.5/442), in which he estimated that the additional cost to the United Nations budget of holding the proposed conference at Geneva, on the assumption that it would last four weeks and end prior to 15 March 1951, would be approximately \$US 10,400.

3. In its thirty-eighth report of 1950 (A/1655) the Advisory Committee on Administrative and Budgetary Questions expressed the view that since much of the preparatory work for the conference had been completed, estimates of the costs involved might be based on a

period of three rather than four weeks. It suggested also that consideration should be given to the possibility of seconding personnel from the International Labour Organisation and the International Refugee Organization, and that, should the conference find it necessary to use languages other than the working languages, recourse should be had, in the first instance, to the services which organizations situated at Geneva might be able to make available. Having regard to these considerations, the Advisory Committee recommended a provisional appropriation of \$US 6,000 under section 1 of the 1951 budget, and \$US 2,000 under section 25.

4. The recommendations of the Advisory Committee, were approved by the Fifth Committee by 35 votes to 4, with 1 abstention. The Fifth Committee, therefore decided to inform the General Assembly that adoption of draft resolution B proposed by the Third Committee would involve additional expenditure in 1951 in the total amount of \$US 8,000.

DOCUMENT A/1685

Draft convention relating to the status of refugees : France, the United Kingdom of Great Britain and Northern Ireland and the United States of America ; amendment to draft resolution B proposed by the Third Committee (A/1682)

[Original text : English]
[12 December 1950]

Annex A, article I of the draft convention

Insert the following text as a new paragraph D :

“ D. This Convention shall not apply to a person who is recognized by the competent authorities of the

country in which he had taken residence as having the rights and obligations which are attached to the possession of the nationality of that country ”.

Re-letter as E and F the existing paragraphs D and E.

DOCUMENT A/1687

Provisions for the functioning of the High Commissioner's Office for Refugees : financial implications of draft resolution A proposed by the Third Committee (A/1682) ; forty-first report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[13 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/443) on the financial implications of draft resolution A proposed by the Third Committee (A/1682).

2. The estimated expenditure in respect of 1951 for the High Commissioner's Office for Refugees amounts to \$US 300,000 on the basis of the provisions of paragraph 2 of General Assembly resolution 319 A (IV) of 3 December 1949.

3. The proposed provision for established posts includes, *inter alia*, a post of High Commissioner at the salary level of a principal director (A/C.5/443, paragraph 6 (a)). The Advisory Committee makes no comments on the various gradings proposed, except to point out that the grading proposed for the top post represents a departure from the practice followed in respect of other Commissioners of the United Nations, and it doubts whether it is desirable to establish the definitive grades at this stage.

4. The item for contractual printing (\$US 6,000) is contingent upon the establishment of an advisory committee on refugees, as provided for in the annex to the proposed resolution (paragraph 4). Further savings

may result from deferred recruitment of staff members for the High Commissioner's Office.

5. Subject to the observations made in paragraphs 3 and 4 above, the Advisory Committee concurs in the allocation of the proposed provision to the various sections of the budget enumerated in paragraph 11 of the report of the Secretary-General (A/C.5/443), and a total appropriation of \$US 300,000 is accordingly recommended.

6. The salaries of the staff members of the High Commissioner's Office are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$US 32,000.

DOCUMENT A/1716

Election of the High Commissioner for Refugees : note by the Secretary-General

[Original text : English]
[13 December 1950]

I

Curricula vitae

1. Under the terms of the resolution relating to the statute of the High Commissioner's Office for Refugees, which has been approved by the Third Committee, "the High Commissioner shall be elected by the General Assembly on the nomination of the Secretary-General" (A/1682, draft resolution A, annex, paragraph 13).

2. A number of distinguished candidates have been suggested to the Secretary-General by certain delegations. Two of these candidates, Dr. G. J. van Heuven Goedhart and Mr. J. Donald Kingsley, appear to have outstanding qualifications and each of them has been widely supported for the post. Since the many consultations which the Secretary-General has undertaken have not succeeded in bringing about general agreement in favour of one or other of these candidates, the Secretary-General has the honour to put forward both names for the consideration of the General Assembly.

3. The *curricula vitae* of Mr. Goedhart and Mr. Kingsley are attached for reference.

II

4. The same resolution approved by the Third Committee provides that "the terms of appointment of the High Commissioner shall be proposed by the Secretary-General and approved by the General Assembly", and that "the High Commissioner shall be elected for a term of three years, from 1 January 1951" (A/1682, draft resolution A, annex, paragraph 13).

5. At its 282nd meeting, the Fifth Committee decided to recommend that the rank and salary of the High Commissioner should be that of an Assistant Secretary-General. The Secretary-General has the honour to transmit this recommendation to the General Assembly.

G. J. VAN HEUVEN GOEDHART

Born: Bussum, Netherlands, 1901; educated at University of Leyden : LL.D., 1926.

1930 : Chief Editor of newspaper *De Telegraaf*.

1933 : Editor-in-Chief of *Utrechtsch Nieuwsblad*.

1942-44 : Served in the resistance movement in the Netherlands and edited underground newspaper *Het Parool*.

1944 : Escaped to England where appointed Minister of Justice in the Netherlands Government in exile. After the war, resumed Chief-Editorship of *Het Parool* and became a member of the Netherlands Senate.

1947-48 : Chairman of the United Nations Sub-Commission on Freedom of Information and of the Press, first and second sessions.

1948 : Member of the Netherlands Delegation to the United Nations Conference on Freedom of Information and Chairman of the First Committee of the Conference.

1949 : Chairman of the Netherlands Delegation to the General Assembly.

1950 : Acting Chairman of the Netherlands Delegation to the General Assembly and Chairman of the Third Committee.

J. DONALD KINGSLEY

Director-General, International Refugee Organization.

Born : Cambridge, N. Y., United States of America, 1908.

B. A., Syracuse University 1929; M. A., Maxwell Graduate School of Public Affairs, 1930; Ph. D. Maxwell Graduate School of Public Affairs, 1933; graduate work London School of Economics, University of London,

1936-38, as post-doctoral European Fellow of (American) Social Science Research Council.

Teaching Fellow, Political Science Department, Syracuse University, 1929-30; Graduate assistant, Syracuse University, 1930-32; Instructor in government, Antioch College (Ohio), 1933-35; Assistant Professor of government, Antioch College, 1935-36; Professor of government, Antioch College, 1938-42.

Assistant Regional Director, United States War Man-power Commission (Cleveland, Ohio), 1942-44; Deputy Executive Director, War Man-power Commission, 1944-45; Deputy Director, Office of War Mobiliza-

tion, 1945-46; Program Co-ordinator, White House Office, 1946-47; Executive Secretary, President's Science Research Board, 1946-47; White House liaison, President's Commission on Higher Education, 1946-47; Principal Chief of Sections in charge of economic employment and statistical work, International Labour Office, Geneva, 1947-48; Chief of Mission to Greece, 1947; Assistant Federal Security Administrator, 1948-49.

Member United States Delegation to the United Nations Economic and Social Council, 1948.

Director-General, International Refugee Organization, 1949 to present time.

DOCUMENT A/1719

Provisions for the functioning of the High Commissioner's Office for Refugees : financial implications of draft resolution A proposed by the Third Committee (A/1682) ; report of the Fifth Committee

[Original text : English]
[13 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee, at its 282nd meeting, held on 13 December 1950, considered the financial implications of draft resolution A proposed by the Third Committee (A/1682) concerning provisions for the functioning of the High Commissioner's Office for Refugees.

2. The Fifth Committee had before it a report of the Secretary-General (A/C.5/443), in which he expressed the opinion that the budgetary provision required in 1951 to carry out the activities envisaged in the draft resolution would be \$US 300,000, as originally estimated. Attention was called to the provision of the statute of the High Commissioner's Office, to the effect that unless the General Assembly subsequently decided otherwise, no expenditure other than administrative expenses should be borne on the budget of the United Nations, and that all other expenses relating to the activities of the High Commissioner should be financed by voluntary contributions. The sum of \$US 300,000 would be distributed as follows : section 20, \$ 40,000 (Common staff costs and common services); section 20 a, \$ 254,000; section 25, \$ 6,000.

3. The Advisory Committee on Administrative and Budgetary Questions, in its forty-first report of 1950 (A/1687), expressed its concurrence in the Secretary-General's estimate, and accordingly recommended approval of a total appropriation of \$US 300,000. It pointed out, however, that the proposed provision for established posts comprised a post of High Commissioner at the salary level of a principal director. The Advisory Committee, while not committing itself at that stage on the question of grading, noted that the Secretary-General's proposal represented a departure from the practice followed in respect of other Commissioners of the United Nations. It pointed out, in addition, that the item for contractual printing (\$US 6,000) was contingent upon

the establishment of an advisory committee on refugees, and that further savings might result from deferred recruitment of staff members.

4. Several delegations expressed the view that the status and grading of the High Commissioner should be not less than that of an Assistant Secretary-General. It was stated on the Secretary-General's behalf that, while he considered the level of a principal director adequate, he would not object to a higher grading, if that were the wish of the Fifth Committee. The Secretary-General requested, however, that the views of the Fifth Committee should be made clearly known. Accordingly, it was proposed by the representative of the United Kingdom that the grading of the post should be on a level with that of an Assistant Secretary-General, and that the additional costs involved should be met within the proposed appropriation of \$US 300,000. The Committee approved the United Kingdom proposal by 18 votes to none, with 15 abstentions.

5. The representative of Brazil expressed his fear that the provision of the draft resolution of the Third Committee with respect to inclusion of administrative costs within the United Nations budget might be utilized to cover a large variety of costs in various parts of the world, which, in his opinion, should not be charged to the United Nations budget.

6. The representative of the Union of Soviet Socialist Republics stated that the only proper task in regard to the refugee problem was the encouragement and assistance of refugees to return to their native countries in accordance with prior resolutions (8 (I) and 62 (I)) of the General Assembly. The proposal put forward would merely hinder the fulfilment of that purpose, and the U.S.S.R. delegation therefore opposed the estimate of the financial implications involved. He further pro-

posed that no provision should be made in the budget for the High Commissioner's Office for Refugees. That proposal was rejected by 22 votes to 4, with 7 abstentions.

7. The representative of Israel suggested that provision should be made for the participation of non-member States. He pointed out that there were a number of precedents for such participation.

8. The Committee approved, by 24 votes to 4, with 7 abstentions, the recommendations of the Advisory Committee.

9. The Fifth Committee, therefore, decided to inform the General Assembly that adoption of the draft resolution proposed by the Third Committee would require budgetary provision in 1951 in a total amount of \$US 300,000.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
E/816 E/816/Corr.1	Report on the progress and prospect of repatriation, resettlement and immigration of refugees and displaced persons		Mimeographed documents only.
E/1618 (E/AC.32/5) (incorporating E/1618/Corr.1 (E/AC.32/5/Corr.1)	Report of the <i>Ad Hoc</i> Committee on Statelessness and Related Problems		<i>Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 32.</i>
E/1703 (incorporating E/1703/Corr.1)	Comments of governments on the report of the <i>Ad Hoc</i> Committee on Statelessness and Related Problems (E/1618)		Mimeographed documents only.
E/1703/Add.1	Communication from the Government of Poland concerning the report of the <i>Ad Hoc</i> Committee on Statelessness and Related Problems (E/1618)		Mimeographed document only.
E/1703/Add.2 to E/1703/Add.9	Comments of governments on the report of the <i>Ad Hoc</i> Committee on Statelessness and Related Problems (E/1618)		Mimeographed documents only.
E/1802	Budget for the operation of the High Commissioner's Office for Refugees : financial estimates submitted by the Secretary-General		<i>Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 32.</i>
E/1850 (E/AC.32/8)	Report of the <i>Ad Hoc</i> Committee on Statelessness and Related Problems (second session)		Mimeographed document only.
E/1850/Annex (E/AC.32/8/Annex)	Specimen travel document		Mimeographed document only.
A/1385	Memorandum by the Secretary-General	3	
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A/1655	Draft convention relating to the status of refugees : financial implications of the draft resolutions proposed by the Third Committee (A/C.3/549 and A/C.3/551); thirty-eighth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	25	
A/1682	Report of the Third Committee	26	
A/1683	Byelorussian Soviet Socialist Republic : draft resolution		Identical with A/C.3/L.120.
A/1684	Draft convention relating to the status of refugees : financial implications of draft resolution B proposed by the Third Committee (A/1682); report of the Fifth Committee.	32	
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A/1687	Provisions for the functioning of the High Commissioner's Office for Refugees : financial implications of draft resolution A proposed by the Third Committee (A/1682); forty-first report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	32	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
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A/1719	Provisions for the functioning of the High Commissioner's Office for Refugees : financial implications of draft resolution A proposed by the Third Committee (A/1682); report of the Fifth Committee	34	
A/1725	Draft convention relating to the status of refugees : Venezuela; amendments to draft resolutions B and C proposed by the Third Committee		Incorporated in the record of the 325th plenary meeting.
A/1750	Resolution adopted by the General Assembly at its 325th plenary meeting, on 14 December 1950		See resolution 428 (V).
A/1751	Resolution adopted by the General Assembly at its 325th plenary meeting, on 14 December 1950		See resolution 429 (V).
A/1752	Resolution adopted by the General Assembly at its 325th plenary meeting, on 14 December 1950		See resolution 430 (V).
A/C.3/528	Note by the Secretary-General		<i>Official Records of the General Assembly, Fourth Session, Third Committee, Annex, agenda item 63.</i>
A/C.3/538	Draft convention relating to the status of refugees : communication from the Allied High Commission for Germany		Mimeographed document only.
A/C.3/540	Problems of assistance to refugees : note by the Secretary-General transmitting a communication from the General Council of IRO	12	
A/C.3/547	Comments by non-governmental organizations on the draft statute of the High Commissioner's Office for Refugees : memorandum by the Secretary-General		Mimeographed document only.
A/C.3/549	} Draft convention relating to the status of refugees : text of the draft resolution adopted by the Third Committee		See document A/1682, draft resolution C.
A/C.3/549/Corr.1			
A/C.3/550	Problems of assistance to refugees : text of the draft resolution adopted by the Third Committee		See document A/1682, draft resolution D.
A/C.3/551	Draft convention relating to the status of refugees : text of the draft resolution adopted by the Third Committee		See document A/1682, draft resolution B.
A/C.3/556	Provisions for the functioning of the High Commissioner's Office for Refugees : text of the draft resolution adopted by the Third Committee		See document A/1682, draft resolution A.
A/C.3/L.68	Draft convention relating to the status of refugees : United Kingdom of Great Britain and Northern Ireland; draft resolution	15	
A/C.3/L.68/Rev.1	Draft convention relating to the status of refugees : United Kingdom of Great Britain and Northern Ireland; revised draft resolution	15	
A/C.3/L.105	Subject analysis of the records of the discussion of the draft convention relating to the status of refugees held during the eleventh session of the Economic and Social Council and the second session of the <i>Ad Hoc</i> Committee on Refugees		Mimeographed document only.
A/C.3/L.114	Belgium : proposed text to replace the definition of the term "refugee" contained in the draft convention (A/1385, appendix II)	16	} Replaced by document A/C.3/L.127.
A/C.3/L.115	United Kingdom of Great Britain and Northern Ireland : text proposed for the definition of the term "refugee" (A/1385, part II, and A/1385, appendix II)	16	
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A/C.3/L.121	Venezuela : amendment to the draft convention relating to the status of refugees (A/1385, appendix II)		Incorporated in the record of the 325th meeting of the Third Committee, para. 52. Replaced by document A/C.3/L.125.

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A/C.3/L.122	Yugoslavia : sub-amendment to the amendments submitted by the United Kingdom of Great Britain and Northern Ireland (A/C.3/L.115) and by Belgium A/C.3/L.114)	17	
A/C.3/L.123	France : amendment to the draft convention relating to the status of refugees (A/1385, appendix II)	17	
A/C.3/L.124	Israel : amendment to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)		Incorporated in the record of the 328th meeting of the Third Committee, para. 29.
A/C.3/L.125	Venezuela : amendments to the draft convention relating to the status of refugees (A/1385, appendix II)	17	Replaces document A/C.3/L.121.
A/C.3/L.126	Definition of the term " refugee " to be applied by the High Commissioner's Office for Refugees : Venezuela; text proposed for the definition	18	
A/C.3/L.127	Belgium, Canada, Chile, Turkey and the United Kingdom of Great Britain and Northern Ireland : text proposed for the definition of the term " refugee " (A/1385, part II, and A/1385, appendix II)	19	Replaces documents A/C.3/L.114 and A/C.3/L.115. Replaced by document A/C.3/L.130.
A/C.3/L.128	Egypt, Lebanon and Saudi Arabia : amendments to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)		Incorporated in the record of the 328th meeting of the Third Committee, para. 43, 44 and 45.
A/C.3/L.129	France : amendments to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)	19	
A/C.3/L.130	Belgium, Canada, Turkey and the United Kingdom of Great Britain and Northern Ireland : text proposed for the definition of the term " refugee " (A/1385, part II, and A/1385, appendix II)	19	Replaces documents A/C.3/L.114, A/C.3/L.115 and A/C.3/L.127.
A/C.3/L.131	Amendments to the draft convention (A/1385, appendix II) and to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II), submitted by the informal working party composed of Belgium, Canada, France, Israel, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela		See document A/C.3/L.131/Rev.1.
A/C.3/L.131/Rev.1	<i>Idem</i> : revised text	20	Replaces documents A/C.3/L.122 to A/C.3/L.130.
A/C.3/L.131/Rev.1/ Corr.1	Belgium, Canada, France, Israel, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America : sub-amendment to the text proposed in document A/C.3/L.131/Rev.1	21	
A/C.3/L.132	Yugoslavia : amendment to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)	21	
A/C.3/L.133	Australia : amendments to document A/C.3/L.131/Rev.1		
A/C.3/L.134	Australia : amendment to the draft statute of the High Commissioner's Office for Refugees (A/1385, part II)		Incorporated in the record of the 336th meeting of the Third Committee, para. 12.
A/C.3/L.135	Draft convention relating to the status of refugees : text adopted by the Third Committee for the definition of the term " refugee "		Reproduced as annex A to the draft resolution adopted by the Third Committee (A/C.3/551).
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A/C.3/L.137	Text adopted by the Third Committee for chapter III, section C, of the draft statute of the High Commissioner's Office for Refugees		Reproduced in document A/C.3/L.142.
A/C.3/L.138	Israel : proposal for the rearrangement of the various parts comprising the draft statute of the High Commissioner's Office for Refugees, subject to amendments to the text of those parts	22	
A/C.3/L.139 (incorporating A/C.3/L.139/Corr.1)	Provisions for the functioning of the High Commissioner's Office for Refugees : Israel; amendments to the draft resolution and to the annex (A/1385 amended by A/C.3/L.131/Rev.1)	23	

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A/C.3/L.141	Problems of assistance to refugees : France, the United Kingdom of Great Britain and Northern Ireland and the United States of America; draft resolution		Adopted without change. See document A/C.3/550.
A/C.3/L.142	Provisions for the functioning of the High Commissioner's Office for Refugees : text of the draft resolution proposed by the Economic and Social Council incorporating the amendments adopted by the Third Committee up to 5 December 1950		Mimeographed documents only. The text of the draft resolution (with the exception of the annex) is identical with the text adopted by the Committee (A/1682, draft resolution A).
A/C.3/L.143	Draft convention relating to the status of refugees : Belgium and France; draft resolution		Adopted without change. See document A/C.3/549.
A/C.3/L.144 A/C.3/L.144/Corr.1	Draft statute of the High Commissioner's Office for Refugees : text as rearranged by the Secretariat at the request of the Third Committee		Mimeographed document only.
A/C.3/L.151	Draft statute of the High Commissioner's Office for Refugees : text submitted by the Drafting Committee appointed by the Third Committee at its 341st meeting		Mimeographed document only. See document A/1682. [The text of the draft statute as submitted by the Drafting Committee is identical with the text adopted by the Committee (A/1682, draft resolution A, annex), with the exception of an amendment indicated in document A/1682.]
A/C.5/442	Draft convention relating to the status of refugees : financial implications of the draft resolutions proposed by the Third Committee (A/C.3/549 and A/C.3/551); report of the Secretary-General	24	
A/C.5/443	Provisions for the functioning of the High Commissioner's Office for Refugees : financial implications of the draft resolutions proposed by the Third Committee (A/C.3/556); report of the Secretary-General	24	



Agenda item 33 : Administrative unions affecting Trust Territories : report of the Trusteeship Council

C O N T E N T S

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DOCUMENT A/1642

Report of the Fourth Committee

*[Original text : English]
[8 December 1950]*

1. The item entitled " Administrative unions affecting Trust Territories : report of the Trusteeship Council " (A/1306 and A/1306/Corr.1) was referred to the Fourth Committee by the General Assembly at its 285th plenary meeting on 26 September 1950.

2. At the 198th meeting, the delegation of Denmark submitted a draft resolution reading as follows :

" The General Assembly,

" Having received an interim report from the Trusteeship Council on administrative unions,

" Having been informed that a special standing committee is continuing its work on this subject and that, for this purpose, papers are being prepared by the Secretariat,

" Notes the interim report now before the Committee; and

" Decides to carry over this item for consideration at the next regular session of the General Assembly. "

3. The delegation of Brazil proposed the deletion of

the first three paragraphs of the draft resolution and the substitution of the words " the item relating to administrative unions affecting Trust Territories " for the words " this item " in the final paragraph. The amendment was accepted by the delegation of Denmark.

4. The Committee approved the draft resolution as amended by 34 votes to 4, with 5 abstentions.

5. Accordingly, the Fourth Committee recommends that the General Assembly adopt the following draft resolution :

ADMINISTRATIVE UNIONS AFFECTING
TRUST TERRITORIES

The General Assembly,

Decides to carry over the item relating to administrative unions affecting Trust Territories for consideration at the next regular session of the General Assembly.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1306 and A/1306/Corr.1	Report of the Trusteeship Council		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 4.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
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A/C.4/L.131	Denmark : draft resolution		See document A/1642.
A/C.4/L.133	Draft report of the Fourth Committee		Same text as document A/1642



Agenda item 34 : Information from Non-Self-Governing Territories

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A/C.4/L.114	Chile and Peru : amendments to draft resolution B adopted by the Special Committee on Information transmitted under Article 73 e of the Charter (A/1303, annex II), in addition to the amendments proposed by India (A/C.4/L.107) . . .	3
A/C.4/L.123 and Add.1 (English only)	Draft report of the Fourth Committee	3
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DOCUMENT A/1302/Rev.1

Letter from the permanent representative of the Netherlands to the Secretary-General of the United Nations

[Original text : English]
[15 August 1950]

On 29 June 1950 the permanent representative of the Netherlands to the United Nations addressed the following letter to the Secretary-General with relation to the transmission of information under Article 73 e of the Charter :

“ I have the honour to transmit herewith, in accordance with Article 73 e of the Charter, one copy in the English translation of the report by the Netherlands Government on the Netherlands West Indies.¹

“ I am directed by my Government to add that the

reports on Surinam¹ and Netherlands New Guinea¹ will be sent to you as soon as possible.

“ I am further directed to inform you that the Netherlands Government, from the current year on, will no longer present a report pursuant to Article 73 e of the Charter, on Indonesia, since the sovereignty over these territories, with the exception of Netherlands New Guinea, was formally and irrevocably transferred to the Republic of the United States of Indonesia on 27 December 1949, as a result of which the stipulations of Chapter XI of the Charter no longer apply to this now self-governing and sovereign State.

“ I have also been instructed to state that in all probability no further reports on the Netherlands West Indies and Surinam will be submitted after 1950,

¹ See *Non-Self-Governing Territories : Summaries and analyses of information transmitted to the Secretary-General during 1950*, vol. II ST/TRL/SER.A/5/Add.1).

since both these territories will then have acquired an autonomous status and a full measure of self-government, placing them outside the scope of Chapter XI of the Charter.

“ It is, however, the intention of my Government in that case to present to your Excellency a report pursuant to paragraph 2 of resolution 222 (III) of the General Assembly. ”

DOCUMENT A/C.4/L.107

India : amendments to draft resolution B adopted by the Special Committee on Information transmitted under Article 73 e of the Charter (A/1303, annex II)

[Original text : English]
[20 November 1950]

1. Add the following as paragraph 2 :

“ *Confirms* its recognition of the importance of international collaboration in regard to economic, social and educational conditions in Non-Self-Governing Territories, as expressed in resolution 331 (IV), adopted by the General Assembly on 2 December 1949; ”

2. Renumber paragraphs 2 and 3 as paragraphs 3 and 4 respectively.

3. Add after new paragraph 4 a paragraph 5, reading as follows :

“ *Notes* the intention of the United Nations Educational, Scientific and Cultural Organization to convene a conference of experts in 1951 to study questions relating to the use of the vernacular or national lan-

guages for teaching purposes and the eradication of illiteracy, and expresses the hope that the findings of this conference will be available for the information of the Special Committee at its 1951 session; ”

4. Renumber present paragraph 4 as paragraph 6.

5. Add the following new paragraph, as paragraph 7 :

“ *Invites* the specialized agencies concerned, with a view to the preparation of the studies on economic conditions and development to be considered by the Special Committee in 1951, to collaborate with the Secretary-General in the study of problems of the prices of tropical export crops and arrangements for their marketing, migrant labour in Africa, the development of co-operative societies in peasant communities and the economic value of preventive medicine. ”

DOCUMENT A/C.4/L.108

Haiti, Mexico, Philippines and Syria : draft resolution

[Original text : English]
[20 November 1950]

The General Assembly,

Recalling the recommendation contained in resolution 327 (IV);

Noting the provision contained in article 2 of the Universal Declaration of Human Rights, that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty,

Having regard to the action which is being taken with a view to the drafting of an international covenant on human rights which will be applicable to Non-Self-Governing Territories,

1. *Invites* the Members responsible for the administration of Non-Self-Governing Territories to include, in the information to be transmitted to the Secretary-General in 1951 under Article 73 e of the Charter, a summary of the extent to which the Universal Declaration of Human Rights is implemented in the Non-Self-Governing Territories under their administration;

2. *Requests* the Special Committee on Information transmitted under Article 73 e of the Charter to include in its report to the sixth regular session of the General Assembly such recommendations as it may deem desirable relating to the application in Non-Self-Governing Territories of the principles contained in the Universal Declaration of Human Rights.

DOCUMENT A/C.4/L.110/Rev.1**Egypt : revised text of draft resolution on comparable statistical information relating to the subjects treated under Article 73 e of the Charter**

[Original text : English]
[27 November 1950]

The General Assembly,

Having regard to paragraph 3 of resolution 218 (III) adopted by the General Assembly on 3 November 1948 and relating to the use of comparable statistical information,

Desirous of arriving at correct conclusions from the use of such information,

1. *Invites* the Secretary-General to secure from each Member State concerned any official statistical information which he considers necessary in so far as it relates to conditions within that State, informing it of the purpose thereof;

2. *Invites* the Secretary-General, in making use of such information, to take into account all elements necessary for scientific and objective comparison.

DOCUMENT A/C.4/L.114**Chile and Peru : amendments to draft resolution B adopted by the Special Committee on Information transmitted under Article 73 e of the Charter (A/1303, annex II), in addition to the amendments proposed by India (A/C.4/L.107)**

[Original text : English and Spanish]
[23 November 1950]

1. Add the following new paragraph, as paragraph 5 :

“ Notes with interest the special studies carried out by the United Nations Educational, Scientific and Cultural Organization for the education and training of teachers and expresses the hope that full account will be taken of such studies in the formulation of policies on this matter in the Non-Self-Governing Territories ”.

2. The paragraph proposed as paragraph 5 in the Indian amendment becomes paragraph 6.

3. The paragraph proposed as paragraph 4 in the Special Committee's draft resolution becomes paragraph 7.

4. The paragraph proposed as paragraph 7 in the Indian amendment becomes paragraph 8.

DOCUMENT A/C.4/L.123 and Add.1**Draft report of the Fourth Committee**

[Original text : English]
[30 November 1950]

1. This item, comprising the report of the Secretary-General : summaries and analyses of information transmitted under Article 73 e of the Charter; the report of the Special Committee on Information transmitted under Article 73 e of the Charter; and the election of two members of the Special Committee, was referred to the Fourth Committee by the General Assembly at its 285th plenary meeting on 26 September 1950.

2. After introductory statements by the Rapporteur and Chairman of the Special Committee, at the 180th meeting of the Fourth Committee, the general debate began and continued until the 185th meeting.

3. From its 185th to 190th meetings, the Committee discussed the two draft resolutions submitted by the Special Committee for the consideration of the General

Assembly (A/1303, annex II), with related amendments, and four additional draft resolutions, together with a number of amendments. The draft resolutions were of the following nature :

(1) A proposal, recommended by the Special Committee, on technical assistance to Non-Self-Governing Territories;

(2) A proposal, recommended by the Special Committee, on the work of the Special Committee;

(3) A joint proposal by Haiti, Mexico, the Philippines and Syria regarding information on human rights in Non-Self-Governing Territories;

(4) A proposal by Egypt on comparable statistical information relating to the subjects treated under Article 73 e of the Charter;

(5) A proposal by Cuba on visits to Non-Self-Governing Territories;

(6) A proposal by India on the development of self-government in Non-Self-Governing Territories.

4. During the general debate, the representatives of Argentina and the United Kingdom made formal reservations regarding the sovereignty of their respective governments over the Falkland Islands (*Islas Malvinas*). Also, formal reservations regarding the sovereignty of their respective governments over British Honduras (*Belize*) were made by the representatives of Guatemala and the United Kingdom. Similarly, formal reservations regarding the sovereignty of their respective governments over the territory of Aden were made by the representatives of Yemen and the United Kingdom.

DRAFT RESOLUTION CONCERNING TECHNICAL ASSISTANCE TO NON-SELF-GOVERNING TERRITORIES

5. The representative of the Philippines proposed the following amendment (A/C.4/L.109) in substitution for the text (A/1303, annex II, draft resolution A) submitted by the Special Committee :

" The General Assembly,

" Considering that under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222 (IX) of the Economic and Social Council), the Non-Self-Governing Territories are eligible to receive technical assistance upon the request of the administering Members concerned,

" Noting with appreciation that resolution 321 (XI) of the Economic and Social Council draws the attention of the administering Members to the facilities available under the expanded programme of technical assistance

" 1. Invites the administering Members which need technical assistance, for the economic, social and educational advancement of their Non-Self-Governing Territories to submit their requests;

" 2. Recommends that the administering Members include yearly in the statistical information transmitted under Article 73 e of the Charter as full a report as possible on all applications made in behalf of their respective Non-Self-Governing Territories and the manner in which technical assistance received from the United Nations and the specialized agencies has been integrated into long-range development programmes in such territories."

6. The Committee adopted the Philippine amendment by 30 votes to 3, with 12 abstentions.

DRAFT RESOLUTION ON THE WORK OF THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 E OF THE CHARTER

7. The representative of India proposed the addition of a new paragraph (A/C.4/L.107, paragraph 1) to the text (A/1303, annex II, draft resolution B) submitted by

the Special Committee. The new paragraph, which would become paragraph 2, would read as follows :

" Confirms its recognition of the importance of international collaboration in regard to economic, social and educational conditions in Non-Self-Governing Territories, as expressed in resolution 331 (IV), adopted by the General Assembly on 2 December 1949,"

8. The Indian amendment was adopted by 46 votes to none, with 2 abstentions.

9. An oral amendment was submitted by the representative of the Union of Soviet Socialist Republics (186th meeting), to the effect that the text of the original paragraph 2 should be amended so as to read :

" Approves the brief but considered indications contained in the special report on education of the importance of educational advancement and the problems still to be faced in the Non-Self-Governing Territories."

That amendment was rejected by 11 votes to 9, with 25 abstentions.

10. The original paragraph 2 was adopted by 41 votes to none, with 5 abstentions, and became paragraph 3 of the amended draft resolution.

11. The original paragraph 3 was adopted unanimously, and became paragraph 4 of the amended draft resolution.

12. The representatives of Chile and Peru jointly submitted the following amendment (A/C.4/L.114), to become paragraph 5 :

" Notes with interest the special studies carried out by the United Nations Educational, Scientific and Cultural Organization for the education and training of teachers and expresses the hope that full account will be taken of such studies in the formulation of policies on this matter in the Non-Self-Governing Territories."

13. That amendment was adopted by 43 votes to none, with 5 abstentions.

14. After a brief statement by the representative of the United Nations Educational, Scientific and Cultural Organization in which the Committee was informed that the date set for the conference of educational experts to discuss, among other subjects, the use of indigenous or national languages for teaching purposes and the eradication of illiteracy would be November 1951, the representative of India revised his earlier proposal regarding the addition of another new paragraph (A/C.4/L.107, paragraph 3). The revised text of the new paragraph read :

" Notes the intention of the United Nations Educational, Scientific and Cultural Organization to place before the Special Committee for its consideration at its 1951 session documents relating to the use of the indigenous or national languages for teaching purposes and the eradication of illiteracy."

15. The revised text was adopted by 48 votes to none, with no abstentions, and became paragraph 6 of the amended draft resolution.

16. The original paragraph 4 was adopted by 43 votes to none, with 5 abstentions, as paragraph 7.

17. An earlier amendment (A/C.4/L.107, paragraph 5) proposing the addition of a new paragraph, submitted by the representative of India, was modified by the proposer to read as follows :

“ Invites the specialized agencies concerned, with a view to the preparation of studies based on the information transmitted under Article 73 e of the Charter and relevant supplemental information in respect of economic conditions and development to be considered by the Special Committee in 1951, to collaborate with the Secretary-General in the study of problems of the prices of tropical export crops and arrangements for their marketing, migrant labour in Africa, the development of co-operative societies in peasant communities and the economic value of preventive medicine. ”

18. That amendment was adopted by 45 votes to none, with 2 abstentions, as paragraph 8.

19. The Committee approved the draft resolution as a whole, as amended, by 43 votes to none, with 6 abstentions.

DRAFT RESOLUTION REGARDING INFORMATION ON HUMAN RIGHTS IN NON-SELF-GOVERNING TERRITORIES

20. The representative of the Union of Soviet Socialist Republics proposed (187th meeting) the addition of the word “ also ” after the word “ will ” in the phrase “ will be applicable to Non-Self-Governing Territories ”, in the third paragraph of the preamble of the draft resolution submitted by Haiti, Mexico, Philippines and Syria (A/C.4/L.108).

21. The representative of Ecuador proposed (187th meeting) that the third paragraph of the preamble should be amended to read :

“ Having regard to the mission which has been given by the General Assembly to the Commission on Human Rights with a view to the drafting of an international covenant on human rights which will be applicable to Non-Self-Governing Territories. ”

22. The sponsors of the joint draft resolution accepted both the foregoing amendments.

23. The representative of France suggested the deletion of paragraph 2 of the operative part.

24. The sponsors of the joint draft resolution were unable to accept that suggestion.

25. The representative of Canada proposed the adjournment of debate on the joint draft resolution until the sixth session of the General Assembly.

26. A vote was taken by roll-call on that proposal.

In favour: Argentina, Australia, Belgium, Canada, Denmark, Greece, Netherlands, New Zealand, Norway, Peru, Sweden, Union of South Africa, United Kingdom

of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Abstentions: Dominican Republic, France, Thailand, Venezuela.

That proposal was rejected by 24 votes to 14, with 4 abstentions.

27. A vote was taken by roll-call on the preamble, as amended, and paragraph 1 of the operative part of the joint draft resolution.

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Ecuador, Egypt, France, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Peru, Philippines, Poland, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Argentina, Dominican Republic, Greece, United States of America.

The preamble, as amended, and paragraph 1 of the operative part were adopted by 29 votes to 10, with 4 abstentions.

28. A vote was taken by roll-call on paragraph 2 of the operative part.

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, France, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Argentina, Dominican Republic, Greece, India, Peru, United States of America, Venezuela.

Paragraph 2 of the operative part was adopted by 25 votes to 11, with 7 abstentions.

29. A vote was taken by roll-call on the joint draft resolution, as amended.

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Netherlands, New Zealand, Norway, Sweden, Union of South

Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Argentina, Dominican Republic, France, Greece, Peru, United States of America, Venezuela.

The joint draft resolution, as amended, was approved by 26 votes to 10, with 7 abstentions.

DRAFT RESOLUTION ON COMPARABLE STATISTICAL INFORMATION RELATING TO THE SUBJECTS TREATED UNDER ARTICLE 73 E OF THE CHARTER

30. The representative of China submitted an amendment (A/C.4/L.111, paragraph 1) to the draft resolution submitted by Egypt (A/C.4/L.110/Rev.1). According to that amendment, the words " paragraph 6 of resolution 143 (II) and " would be inserted after the words " Having regard to ", in the first paragraph of the preamble.

31. The Chinese amendment was adopted by 22 votes to 10, with 13 abstentions.

32. The representative of Egypt deleted paragraph 1 of the operative part of his draft resolution.

33. The representative of China proposed an amendment (A/C.4/L.111, paragraph 2) to the effect that the words " to obtain the consent of the Member State concerned and " should be inserted after the words " of such information ", in paragraph 1 of the operative part, which had originally been paragraph 2.

34. The Chinese amendment was adopted by 19 votes to 12, with 13 abstentions.

35. The representative of the Union of South Africa proposed (188th meeting) the addition of a new operative paragraph, to become paragraph 2, as follows :

" *Invites* the Secretary-General to bear in mind that an objective comparison can be made only if the comparable information is representative of the whole region concerned ".

36. The South African amendment was adopted by 20 votes to none, with 24 abstentions.

37. A vote was taken by roll-call on the draft resolution as a whole, as amended.

In favour: Afghanistan, Argentina, Brazil, Chile, China, Colombia, Cuba, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Peru, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yemen.

Against: Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark,

France, Israel, Netherlands, New Zealand, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstentions: Burma, Dominican Republic, Greece, India, Philippines, Union of South Africa.

The draft resolution as a whole, as amended, was approved by 25 votes to 18, with 6 abstentions.

DRAFT RESOLUTION ON VISITS TO NON-SELF-GOVERNING TERRITORIES

38. The Committee was informed of the invitation issued by the Government of Denmark to two officials of the Secretariat to visit Greenland and of the fact that the two officials had visited that territory. Various members of the Committee were of the opinion that it was desirable that a report on their visit should be made available.

39. The representative of Cuba withdrew his draft resolution (A/C.4/L.113/Rev.1), as, in the light of the discussion and owing to the limited time available, he did not consider it necessary for the Committee to adopt a resolution on the matter at the present stage.

DRAFT RESOLUTION ON DEVELOPMENT OF SELF-GOVERNMENT IN NON-SELF-GOVERNING TERRITORIES

40. The Committee adopted the preamble and paragraph 1 of the operative part of the draft resolution proposed by India (A/C.4/L.115) by 35 votes to none, with 5 abstentions.

41. Paragraph 2 of the operative part was adopted by 29 votes to none, with 13 abstentions.

42. The draft resolution as a whole was then approved by 30 votes to none, with 12 abstentions.

ELECTION OF TWO MEMBERS OF THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 E OF THE CHARTER

43. The Committee elected Cuba and Pakistan as members of the Special Committee in place of Sweden and Venezuela.

44. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolutions...²

² These draft resolutions are reproduced in document A/1638.

DOCUMENT A/1638

Report of the Fourth Committee

[Original text : English]
[8 December 1950]

1. This item, comprising the report of the Secretary-General : summaries and analyses of information transmitted under Article 73 e of the Charter; the report of the Special Committee on Information transmitted under Article 73 e of the Charter; and the election of two members of the Special Committee, was referred to the Fourth Committee by the General Assembly at its 285th plenary meeting on 26 September 1950.

2. After introductory statements by the Rapporteur and Chairman of the Special Committee, at the 180th meeting of the Fourth Committee, the general debate began and continued until the 185th meeting.

3. From its 185th to 190th meetings, the Committee discussed the two draft resolutions submitted by the Special Committee for the consideration of the General Assembly (A/1303, annex II), with related amendments, and five additional draft resolutions together with a number of amendments. The draft resolutions were of the following nature :

(1) A proposal, recommended by the Special Committee, on technical assistance to Non-Self-Governing Territories (A/1303, annex II);

(2) A proposal, recommended by the Special Committee, on the work of the Special Committee (A/1303, annex II);

(3) A joint proposal by India, Indonesia, Pakistan and the Philippines on the procedures of the Fourth Committee (A/C.4/L.76/Rev.1);

(4) A joint proposal by Haiti, Mexico, the Philippines and Syria regarding information on human rights in Non-Self-Governing Territories (A/C.4/L.108);

(5) A proposal by Egypt on comparable statistical information relating to the subjects treated under Article 73 e of the Charter (A/C.4/L.110 and A/C.4/L.110/Rev.1);

(6) A proposal by Cuba on visits to Non-Self-Governing Territories (A/C.4/L.113);

(7) A proposal by India on the development of self-government in Non-Self-Governing Territories (A/C.4/L.115).

4. During the general debate, the representatives of Argentina and the United Kingdom made formal reservations regarding the sovereignty of their respective governments over the Falkland Islands (*Islas Malvinas*). Also, formal reservations regarding the sovereignty of their respective governments over British Honduras (*Belize*) were made by the representatives of Guatemala and the United Kingdom. Similarly, formal reservations regarding the sovereignty of their respective governments over the territory of Aden were made by the representatives of Yemen and the United Kingdom.

DRAFT RESOLUTION CONCERNING TECHNICAL ASSISTANCE
TO NON-SELF-GOVERNING TERRITORIES

5. The representative of the Philippines proposed the following amendment (A/C.4/L.109) in substitution for the text (A/1303, annex II, draft resolution A) submitted by the Special Committee :

“ *The General Assembly,*

“ *Considering* that under the expanded programme of technical assistance for economic development of under-developed countries (resolution 222 (IX) of the Economic and Social Council), the Non-Self-Governing Territories are eligible to receive technical assistance upon the request of the administering Members concerned,

“ *Noting* with appreciation that resolution 321 (XI) of the Economic and Social Council draws the attention of the administering Members to the facilities available under the expanded programme of technical assistance,

“ 1. *Invites* the administering Members which need technical assistance, for the economic, social and educational advancement of their Non-Self-Governing Territories to submit their requests;

“ 2. *Recommends* that the administering Members include yearly in the statistical information transmitted under Article 73 e of the Charter as full a report as possible on all applications made in behalf of their respective Non-Self-Governing Territories and the manner in which technical assistance received from the United Nations and the specialized agencies has been integrated into long-range development programmes in such territories.”

6. At its 186th meeting the Committee adopted the Philippine amendment by 30 votes to 3, with 12 abstentions. The text of the draft resolution, as approved, is annexed to the present report as draft resolution I.

DRAFT RESOLUTION ON THE WORK OF THE SPECIAL
COMMITTEE ON INFORMATION TRANSMITTED UNDER
ARTICLE 73 E OF THE CHARTER

7. The representative of India proposed the addition of a new paragraph (A/C.4/L.107, paragraph 1) to the text (A/1303, annex II, draft resolution B) submitted by the Special Committee. The new paragraph, which would become paragraph 2, would read as follows :

“ *Confirms* its recognition of the importance of international collaboration in regard to economic, social and educational conditions in Non-Self-Governing Terri-

teries, as expressed in resolution 331 (IV), adopted by the General Assembly on 2 December 1949.”

8. The Indian amendment was adopted by 46 votes to none, with 2 abstentions.

9. An oral amendment submitted by the representative of the Union of Soviet Socialist Republics (186th meeting), to the effect that the text of the original paragraph 2 should be amended to read :

“ *Approves* the brief but considered indication contained in the special report on education of the importance of educational advancement and the problems still to be faced in the Non-Self-Governing Territories.”

That amendment was rejected by 11 votes to 9, with 25 abstentions.

10. The original paragraph 2 was adopted by 41 votes to none, with 5 abstentions, and became paragraph 3 of the amended draft resolution.

11. The original paragraph 3 was adopted unanimously, and became paragraph 4 of the amended draft resolution.

12. The representatives of Chile and Peru jointly submitted the following amendment (A/C.4/L.114) to become paragraph 5 :

“ *Notes* with interest the special studies carried out by the United Nations Educational, Scientific and Cultural Organization for the education and training of teachers and expresses the hope that full account will be taken of such studies in the formulation of policies on this matter in the Non-Self-Governing Territories.”

13. That amendment was adopted by 43 votes to none, with 5 abstentions.

14. After a brief statement by the representative of the United Nations Educational, Scientific and Cultural Organization in which the Committee was informed that the date set for the conference of educational experts to discuss, among other subjects, the use of indigenous or national languages for teaching purposes and the eradication of illiteracy would be November 1951, the representative of India revised his earlier proposal regarding the addition of another new paragraph (A/C.4/L.107, paragraph 3). The revised text of the new paragraph read :

“ *Notes* the intention of the United Nations Educational, Scientific and Cultural Organization to place before the Special Committee for its consideration at its 1951 session documents relating to the use of the indigenous or national languages for teaching purposes and the eradication of illiteracy.”

15. The revised text was adopted by 48 votes to none, with no abstentions, and became paragraph 6 of the amended draft resolution.

16. The original paragraph 4 was adopted by 43 votes to none, with 5 abstentions, as paragraph 7.

17. An earlier amendment (A/C.4/L.107, paragraph 5)

proposing the addition of a new paragraph, submitted by the representative of India, was modified by the proposer to read as follows :

“ *Invites* the specialized agencies concerned, with a view to the preparation of studies based on the information transmitted under Article 73 e of the Charter and relevant supplemental information in respect of economic conditions and development to be considered by the Special Committee in 1951, to collaborate with the Secretary-General in the study of problems of the prices of tropical export crops and arrangements for their marketing, migrant labour in Africa, the development of co-operative societies in peasant communities and the economic value of preventive medicine.”

18. That amendment was adopted by 45 votes to none, with 2 abstentions, as paragraph 8.

19. The Committee approved, at its 186th meeting, the draft resolution as a whole, as amended, by 43 votes to none, with 6 abstentions. The text of the resolution, as approved, is annexed to the present report as draft resolution II.

DRAFT RESOLUTION CONCERNING PROCEDURES OF THE FOURTH COMMITTEE

20. In the light of the discussion, the sponsors withdrew their draft resolution (A/C.3/L.76/Rev.1). The representative of India wished to allow the members more time for consideration of the proposals suggested in the draft resolution, and took into account the doubts expressed by certain delegations concerning the wisdom or practicability of adopting the course suggested in the draft. Reference to the consideration of the draft resolution is also made in the report of the Fourth Committee on the report of the Trusteeship Council (A/1546).

DRAFT RESOLUTION REGARDING INFORMATION ON HUMAN RIGHTS IN NON-SELF-GOVERNING TERRITORIES

21. The representative of the Union of Soviet Socialist Republics proposed (187th meeting) the addition of the word “ also ” after the word “ will ” in the phrase “ will be applicable to Non-Self-Governing Territories ” in the third paragraph of the preamble of the draft resolution submitted by Haiti, Mexico, Philippines and Syria (A/C.4/L.108).

22. The representative of Ecuador proposed (187th meeting) that the third paragraph of the preamble should be amended to read :

“ *Having regard* to the mission which has been given by the General Assembly to the Commission on Human Rights with a view to the drafting of an international covenant on human rights which will be applicable to Non-Self-Governing Territories.”

23. The sponsors of the joint draft resolution accepted both the foregoing amendments.

24. The representative of France suggested the deletion of paragraph 2 of the operative part.

25. The sponsors of the joint draft resolution were unable to accept that suggestion.

26. The representative of Canada proposed the adjournment of debate on the joint draft resolution until the sixth session of the General Assembly.

27. A vote was taken by roll-call on that proposal.

In favour: Argentina, Australia, Belgium, Canada, Denmark, Greece, Netherlands, New Zealand, Norway, Peru, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Abstentions: Dominican Republic, France, Thailand, Venezuela.

That proposal was rejected by 24 votes to 14, with 4 abstentions.

28. A vote was taken by roll-call on the preamble, as amended, and paragraph 1 of the operative part of the joint draft resolution.

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Ecuador, Egypt, France, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Peru, Philippines, Poland, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Argentina, Dominican Republic, Greece, United States of America.

The preamble, as amended, and paragraph 1 of the operative part were adopted by 29 votes to 10, with 4 abstentions.

29. A vote was taken by roll-call on paragraph 2 of the operative part.

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, France, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Argentina, Dominican Republic, Greece, India, Peru, United States of America, Venezuela.

Paragraph 2 of the operative part was adopted by 25 votes to 11, with 7 abstentions.

30. A vote was taken by roll-call on the joint draft resolution, as amended.

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Canada, Denmark, Netherlands, New Zealand, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstentions: Argentina, Dominican Republic, France, Greece, Peru, United States of America, Venezuela.

The joint draft resolution, as amended, was approved by 26 votes to 10, with 7 abstentions. The text of the draft resolution, as approved, is annexed to the present report as draft resolution III.

DRAFT RESOLUTION ON COMPARABLE STATISTICAL INFORMATION RELATING TO THE SUBJECTS TREATED UNDER ARTICLE 73 E OF THE CHARTER

31. The representative of Denmark submitted (189th meeting) an amendment to the draft resolution submitted by Egypt (A/C.4/L.110/Rev.1), to the effect that that text should be replaced by the following :

" The General Assembly,

" Decides to refer to the Special Committee at its forthcoming session for examination of the implications and practical application of the general question of the gathering and use of comparable data as referred to in General Assembly resolutions 143 (II) and 218 (III). "

32. The representative of China submitted an amendment (A/C.4/L.111, paragraph 1) to the Egyptian draft resolution, to the effect that the words " paragraph 6 of resolution 143 (II) and " should be inserted after the words " Having regard to ", in the first paragraph of the preamble.

33. The Chinese amendment was adopted by 22 votes to 10, with 13 abstentions.

34. The representative of Egypt deleted paragraph 1 of the operative part his draft resolution.

35. As a result of that deletion the representative of Denmark withdrew his amendment.

36. The representative of China proposed an amendment (A/C.4/L.111, paragraph 2) to the effect that the words " to obtain the consent of the Member State concerned and " should be inserted after the words " of such information ", in paragraph 1 of the operative part, which had originally been paragraph 2.

37. The Chinese amendment was adopted by 19 votes to 12, with 13 abstentions.

38. The representative of the Union of South Africa proposed (188th meeting) the addition of a new operative paragraph, to become paragraph 2, as follows :

“ *Invites* the Secretary-General to bear in mind that an objective comparison can be made only if the comparable information is representative of the whole region concerned. ”

39. The South African amendment was adopted by 20 votes to none, with 24 abstentions.

40. A vote was taken by roll-call on the draft resolution as a whole, as amended.

In favour : Afghanistan, Argentina, Brazil, Chile, China, Colombia, Cuba, Ecuador, Egypt, Ethiopia, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Peru, Saudi Arabia, Syria, Thailand, Uruguay, Venezuela, Yemen.

Against : Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, France, Israel, Netherlands, New Zealand, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia.

Abstentions : Burma, Dominican Republic, Greece, India, Philippines, Union of South Africa.

The draft resolution as a whole, as amended, was approved by 25 votes to 18, with 6 abstentions. The text of the draft resolution as approved, is annexed to the present report as draft resolution IV.

DRAFT RESOLUTION ON VISITS TO NON-SELF-GOVERNING TERRITORIES

41. The Committee was informed in document A/AC.35/L.14, paragraph 7, and in the report of the Special Committee (A/1303, paragraph 14) of the invitation issued by the Government of Denmark to two officials of the Secretariat to visit Greenland and of the fact that the two officials had visited that territory. Certain members of the Committee were of the opinion that it was desirable that a report on their visit should be made available.

42. The representative of Cuba submitted a draft resolution, the operative part of which, orally amended by him, read as follows (A/C.4/L.113/Rev.1) :

“ 1. *Expresses its gratification* at the step taken by the Danish Government in inviting a number of senior officials of the Secretariat to visit Greenland in 1950 in the belief that the consequences of such a visit would be beneficial both to the administering Power and the territory under administration as well as to the United Nations since it would result in a better knowledge of the situation and of the progress effected in Greenland;

“ 2. *Draws the attention* of the other administering Members to the step taken by the Danish Government;

“ 3. *Requests* the Secretary-General to prepare and publish a report on the visit to Greenland based on

the information supplied by the officials who visited that territory. ”

43. The representative of Cuba withdrew his amended draft resolution owing to the limited time available for discussion, but reserved his right to resubmit a draft resolution on the subject at a later session of the General Assembly.

44. The full text of the statement of the representative of Denmark (A/C.4/L.127) concerning the question was circulated to the Committee in accordance with the request of the representative of Cuba.

DRAFT RESOLUTION ON DEVELOPMENT OF SELF-GOVERNMENT IN NON-SELF-GOVERNING TERRITORIES

45. The Committee adopted the preamble and paragraph 1 of the operative part of the draft resolution proposed by India (A/C.4/L.115) by 35 votes to none, with 5 abstentions.

46. Paragraph 2 of the operative part was adopted by 29 votes to none, with 13 abstentions.

47. The draft resolution as a whole was then approved, at the 190th meeting, by 30 votes to none, with 12 abstentions. The text of the draft resolution, as approved, is annexed to the present report as draft resolution V.

ELECTION OF TWO MEMBERS OF THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 E OF THE CHARTER

48. At its 191st meeting, the Committee elected Cuba and Pakistan as members of the Special Committee in place of Sweden and Venezuela.

49. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolutions :

Draft resolution I

TECHNICAL ASSISTANCE TO NON-SELF-GOVERNING TERRITORIES

The General Assembly,

Considering that under the expanded programme of technical assistance for economic development of underdeveloped countries (resolution 222 (IX) of the Economic and Social Council), the Non-Self-Governing Territories are eligible to receive technical assistance upon the request of the administering Members concerned,

Noting with appreciation that resolution 321 (XI) of the Economic and Social Council draws the attention of the administering Members to the facilities available under the expanded programme of technical assistance,

1. *Invites* the administering Members which need technical assistance for the economic, social and educational advancement of their Non-Self-Governing Territories to submit their requests;

2. *Recommends* that the administering Members include yearly in the statistical information transmitted under Article 73 e of the Charter as full a report as possible on all applications made in behalf of their respective Non-Self-Governing Territories and on the manner in which technical assistance received from the United Nations and the specialized agencies has been integrated into long-range development programmes in such territories.

Draft resolution II

WORK OF THE SPECIAL COMMITTEE ON INFORMATION TRANSMITTED UNDER ARTICLE 73 E OF THE CHARTER

The General Assembly,

1. *Takes note* of the report of the Special Committee on Information transmitted under Article 73 e of the Charter on the work of its 1950 session;

2. *Confirms* its recognition of the importance of international collaboration in regard to economic, social and educational conditions in Non-Self-Governing Territories as expressed in resolution 331 (IV) adopted by the General Assembly on 2 December 1949;

3. *Approves* the special report on education as a brief but considered indication of the importance of educational advancement and the problems still to be faced in the Non-Self-Governing Territories;

4. *Invites* the Secretary-General to communicate this special report to the Members of the United Nations responsible for the administration of Non-Self-Governing Territories and to the United Nations Educational, Scientific and Cultural Organization for their consideration;

5. *Notes* with interest the special studies carried out by the United Nations Educational, Scientific and Cultural Organization for the education and training of teachers, and expresses the hope that full account will be taken of such studies in the formulation of policies on this matter in the Non-Self-Governing Territories;

6. *Notes* the intention of the United Nations Educational, Scientific and Cultural Organization to place before the Special Committee for its consideration at its 1951 session documents relating to the use of the indigenous or national languages for teaching purposes and the eradication of illiteracy;

7. *Approves* the arrangements proposed by the Special Committee for its work in 1951;

8. *Invites* the specialized agencies concerned, with a view to the preparation of studies based on the information transmitted under Article 73 e of the Charter and relevant supplemental information in respect of economic conditions and development to be considered by the Special Committee in 1951, to collaborate with the Secretary-General in the study of problems of the prices of tropical export crops and arrangements for their marketing, migrant labour in Africa, the development of co-operative societies in peasant communities and the economic value of preventive medicine.

Draft resolution III

INFORMATION ON HUMAN RIGHTS IN NON-SELF-GOVERNING TERRITORIES

The General Assembly,

Recalling the recommendation contained in resolution 327 (IV) adopted by the General Assembly on 2 December 1949,

Noting the provision contained in article 2 of the Universal Declaration of Human Rights that no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty,

Having regard to the mission which has been given by the General Assembly to the Commission on Human Rights with a view to the drafting of an international covenant on human rights which will also be applicable to Non-Self-Governing Territories,

1. *Invites* the Members responsible for the administration of Non-Self-Governing Territories to include, in the information to be transmitted to the Secretary-General in 1951 under Article 73 e of the Charter, a summary of the extent to which the Universal Declaration of Human Rights is implemented in the Non-Self-Governing Territories under their administration;

2. *Requests* the Special Committee on Information transmitted under Article 73 e of the Charter to include in its report to the General Assembly at its sixth session such recommendations as it may deem desirable relating to the application in Non-Self-Governing Territories of the principles contained in the Universal Declaration of Human Rights.

Draft resolution IV

COMPARABLE STATISTICAL INFORMATION RELATING TO THE SUBJECTS TREATED UNDER ARTICLE 73 E OF THE CHARTER

The General Assembly,

Having regard to paragraph 6 of resolution 143 (II) adopted by the General Assembly on 3 November 1947 and paragraph 3 of resolution 218 (III) adopted by the General Assembly on 3 November 1948 and relating to the use of comparable statistical information,

Desirous of arriving at correct conclusions from the use of such information,

1. *Invites* the Secretary-General, in making use of such information, to obtain the consent of the Member State concerned and to take into account all elements necessary for scientific and objective comparison;

2. *Invites* the Secretary-General to bear in mind that an objective comparison can be made only if the comparable information is representative of the whole region concerned.

*Draft resolution V*DEVELOPMENT OF SELF-GOVERNMENT
IN NON-SELF-GOVERNING TERRITORIES*The General Assembly,*

Considering that resolution 222 (III) adopted by the General Assembly on 3 November 1948, while welcoming any development of self-government in Non-Self-Governing Territories, considers that it is essential that the United Nations be informed of any change in the constitutional position and status of any such territory as a result of which the responsible Government concerned thinks it unnecessary to transmit information in respect of that territory under Article 73 e of the Charter,

Noting the communication dated 29 June 1950 from the Government of the Netherlands in which it is stated

that the Netherlands will no longer present a report pursuant to Article 73 e on Indonesia with the exception of West New Guinea.

Noting that the full independence of the Republic of Indonesia has been followed by the admission of that State to membership in the United Nations,

1. *Takes note* with satisfaction of the communication of the Government of the Netherlands with reference to the cessation of the transmission of information on Indonesia;

2. *Requests* the Special Committee on Information transmitted under Article 73 e of the Charter to examine such information as may be transmitted in future to the Secretary-General in pursuance of General Assembly resolution 222 (III), and to report thereon to the General Assembly.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/385	Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter : report of the <i>Ad Hoc</i> Committee		See <i>Official Records of the General Assembly, Second Session, Fourth Committee, annex 4 a.</i>
A/695	Report of the Fourth Committee		See <i>Official Records of the General Assembly, Third Session, Part I, Plenary Meetings, Annexes.</i>
A/1268	Summary of information transmitted by the Government of the United States of America : supplementary statistics		Reproduced basically in <i>Non-Self-Governing Territories : Summaries and analyses of information transmitted to the Secretary-General during 1950, Vol. II (ST/TRI/SER.A/5/Add.1).</i>
A/1269, A/1269/Corr.1, A/1269/Add.1, A/1269/Add.1/ Corr.1, A/1269/Add.2, A/1269/Add.2/ Corr.1, A/1269/Add.3,	Summary of information transmitted by the Government of the United Kingdom of Great Britain and Northern Ireland : supplementary statistics		<i>Ditto.</i>
A/1270	Summary of information transmitted by the Government of France : supplementary statistics		<i>Ditto.</i>
A/1271	Summary of information transmitted by the Government of Belgium : supplementary statistics		<i>Ditto.</i>
A/1272	Summary of information transmitted by the Government of Denmark : supplementary statistics		<i>Ditto.</i>
A/1273, A/1273/Add.1	Summary of information transmitted by the Government of the Netherlands : supplementary statistics		<i>Ditto.</i>
A/1275	Summary of information transmitted by the Government of Australia : supplementary statistics		<i>Ditto.</i>
A/1276	Summary of information transmitted by the Government of the United States of America : development		<i>Ditto.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1277, A/1277/Add.1, A/1277/Add.2	Summary of information transmitted by the Government of the United Kingdom of Great Britain and Northern Ireland : development		<i>Ditto.</i>
A/1278	Summary of information submitted by the Government of France : development		<i>Ditto.</i>
A/1279	Summary of information transmitted by the Government of Belgium : development		<i>Ditto.</i>
A/1280	Summary of information transmitted by the Government of Denmark : development		<i>Ditto.</i>
A/1281	Summary of information transmitted by the Government of the Netherlands : development		<i>Ditto.</i>
A/1283	Summary of information transmitted by the Government of Australia : development		<i>Ditto.</i>
A/1295	Summary of information voluntarily transmitted		<i>Ditto.</i>
A/1297	Analysis of information on agriculture		<i>Ditto.</i>
A/1298, A/1298/Corr.1	Analysis of information on labour		<i>Ditto.</i>
A/1299	Analysis of information on public health		<i>Ditto.</i>
A/1300	Analysis of information on social welfare		<i>Ditto.</i>
A/1302/Rev.1	Letter from the permanent representative of the Netherlands addressed to the Secretary-General of the United Nations	1	
A/1303	Report of the Special Committee on Information transmitted under Article 73 e of the Charter (18 August-12 September 1950), Part One		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 17.</i>
A/1303/Corr.1			French only.
A/1303/Add.1	Report of the Special Committee on Information transmitted under Article 73 e of the Charter (18 August-12 September 1950), Part Two		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 17.</i>
A/1312	Advisory Committee on Administrative and Budgetary Questions : second report of 1950 to the General Assembly		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 7.</i>
A/1345	Report of the Economic and Social Council covering the period from 16 August 1949 to 16 August 1950		See <i>Official Records of the General Assembly, Fifth Session, Supplement No. 3.</i>
A/1362	Note by the Secretary-General transmitting the advisory opinion of the International Court of Justice on the international status of South West Africa		Mimeographed document only. For the document transmitted by the Secretary-General, see <i>International status of South-West Africa, Advisory Opinion I. C. J. Reports 1950, p. 128.</i>
A/1638	Report of the Fourth Committee	7	
A/1692	Technical assistance to Non-Self-Governing Territories		See resolution 444 (V).
A/1693	Work of the Special Committee on Information transmitted under Article 73 e of the Charter		See resolution 445 (V).
A/1694	Information on human rights in Non-Self-Governing Territories		See resolution 446 (V).
A/1695	Comparable statistical information relating to the subjects treated under Article 73 e of the Charter		See resolution 447 (V).
A/1696	Development of self-government in Non-Self-Governing Territories		See resolution 448 (V).
A/AC.35/L.5	Training of indigenous medical personnel : note by the Secretariat		Mimeographed document only.
A/AC.35/L.8	Factors relating to the application of Chapter XI of the Charter : background data compiled by the Secretariat		<i>Ditto.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/AC.35/L.11, A/AC.35/L.11/Add.1	Eradication of illiteracy : note by the Secretariat		<i>Ditto.</i>
A/AC.35/L.12	Collaboration with specialized agencies : United Nations Educational, Scientific and Cultural Organization		<i>Ditto.</i>
A/AC.35/L.15	Language of instruction : preliminary survey prepared by the United Nations Educational, Scientific and Cultural Organization		<i>Ditto.</i>
A/AC.35/L.16	Eradication of illiteracy : preliminary survey prepared by the United Nations Educational, Scientific and Cultural Organization		<i>Ditto.</i>
A/AC.35/SR.3	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 3rd meeting		<i>Ditto.</i>
A/AC.35/SR.5	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 5th meeting		<i>Ditto.</i>
A/AC.35/SR.6	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 6th meeting		<i>Ditto.</i>
A/AC.35/SR.11	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 11th meeting		<i>Ditto.</i>
A/AC.35/SR.12	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 12th meeting		<i>Ditto.</i>
A/AC.35/SR.17	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 17th meeting		<i>Ditto.</i>
A/AC.35/SR.18	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 18th meeting		<i>Ditto.</i>
A/AC.35/SR.21	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 21st meeting		<i>Ditto.</i>
A/AC.35/SR.25	Special Committee on Information transmitted under Article 73 e of the Charter, first session, summary record of the 25th meeting		Mimeographed document only.
A/C.3/L.71/Rev.1	Philippines and Syria : draft resolution		See <i>Annexes</i> , agenda item 63.
A/C.3/L.111	Proposal for a consolidated text of the draft resolution to be adopted by the Third Committee, presented by the Officers of the Third Committee		Same text as draft resolution I in document A/1559. See <i>Annexes</i> , agenda item 63.
A/C.4/L.40/Rev.1	Cuba, Ecuador and Guatemala : draft resolution concerning the publication of information relating to Non-Self-Governing Territories		Reproduced in document A/1159. See <i>Official Records of the General Assembly, Fourth Session, Plenary Meetings, Annex.</i>
A/C.4/L.40/Rev.1/ Corr.1			French only.
A/C.4/L.76/Rev.1	India, Indonesia, Pakistan and Philippines : revised draft resolution		See <i>Annexes</i> , agenda item 13.
A/C.4/L.107	India : amendments to draft resolution B adopted by the Special Committee on Information transmitted under Article 73 e of the Charter (A/1303, annex II)	2	
A/C.4/L.108	Haiti, Mexico, Philippines and Syria : draft resolution . .	2	
A/C.4/L.109	Philippines : amendment in substitution for draft resolution A, adopted by the Special Committee (A/1303, annex II), on technical assistance to Non-Self-Governing Territories		See document A/1638.

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/C.4/L.110	Egypt : draft resolution on comparable statistical information relating to the subjects treated under Article 73 e of the Charter		Same text as document A/C.4/M.110/Rev.1, with the exception of the amendment made at the 187th meeting of the Fourth Committee.
A/C.4/L.110/Rev.1	Egypt : revised text of draft resolution on comparable statistical information relating to the subjects treated under Article 73 e of the Charter	3	
A/C.4/L.111	China : amendment to the draft resolution proposed by Egypt on comparable statistical information relating to the subjects treated under Article 73 e of the Charter (A/C.4/L.110/Rev.1)		See document A/1638.
A/C.4/L.112	Covering note for distribution of document A/AC.35/L.8		Mimeographed document only.
A/C.4/L.113	Cuba : draft resolution on visits to Non-Self-Governing Territories		<i>Ditto.</i>
A/C.4/L.113/Rev.1	Cuba : revised text of draft resolution on visits to Non-Self-Governing Territories		For operative part of the draft resolution, see document A/1638.
A/C.4/L.114	Chile and Peru : amendments to the draft resolution adopted by the Special Committee on Information transmitted under Article 73 e of the Charter (A/1303, annex II), in addition to the amendments proposed by India (A/C.4/L.107)	3	
A/C.4/L.115	India : draft resolution on development of self-government in Non-Self-Governing Territories		See document A/1638.
A/C.4/L.117	Text of draft resolution approved by the Fourth Committee on 24 November 1950 : technical assistance to Non-Self-Governing Territories		<i>Ditto.</i>
A/C.4/L.118	Text of draft resolution approved by the Fourth Committee on 24 November 1950 : work of the Special Committee on Information transmitted under Article 73 e of the Charter		<i>Ditto.</i>
A/C.4/L.119	Text of draft resolution approved by the Fourth Committee on 25 November 1950 : information on human rights in Non-Self-Governing Territories		<i>Ditto.</i>
A/C.4/L.120	Text of draft resolution approved by the Fourth Committee on 28 November 1950 : comparable statistical information relating to the subjects treated under Article 73 e of the Charter		<i>Ditto.</i>
A/C.4/L.123 and Add.1	Draft report of the Fourth Committee	3	
A/C.4/L.127	Statement by Mr. Hermod Lannung (Denmark) at the 189th meeting of the Fourth Committee, on 28 November 1950, on visits to Non-Self-Governing Territories		Mimeographed document only.
E/1563 and Add.1 and Add.2	Communications from the World Federation of Trade Unions		<i>Ditto.</i>
E/1681, E/CN.4/507	Commission on Human Rights : report of the sixth session (27 March - 19 May 1950)		See <i>Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5.</i>



Agenda item 35 : Question of South West Africa : advisory opinion of the International Court of Justice

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DOCUMENTS A/C.4/L.124 and Add.1¹**Denmark, El Salvador, Iraq, Norway, Peru, Thailand, United States of America and Venezuela : draft resolution**

[Original text : English]
[30 November 1950]

The General Assembly,

Having requested, by its resolution 338 (IV) of 6 December 1949, the International Court of Justice to render an advisory opinion on the following questions :

“ What is the international status of the Territory of South West Africa and what are the international obligations of the Union of South Africa arising therefrom, in particular :

“ (a) Does the Union of South Africa continue to have international obligations under the Mandate for South West Africa and, if so, what are those obligations ?

“ (b) Are the provisions of Chapter XII of the Charter applicable and, if so, in what manner, to the Territory of South West Africa ?

“ (c) Has the Union of South Africa the competence to modify the international status of the Territory of South West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory ? ”

1. *Takes note* of the advisory opinion of the Court rendered on 11 July 1950² to the effect that :

“ *On the General Question :*

“ ...

¹ Document A/C.4/L.124/Add.1, dated 1 December 1950, adds the delegation of Venezuela to the list of sponsors of the draft resolution.

² See *International status of South West Africa, Advisory Opinion : I. C. J. Reports 1950*, p. 128.

“ That South West Africa is a territory under the international Mandate assumed by the Union of South Africa on December 17th, 1920 :

“ *On Question (a)* :

“ ...

“ That the Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted, and the reference to the Permanent Court of International Justice to be replaced by a reference to the International Court of Justice, in accordance with Article 7 of the Mandate and Article 37 of the Statute of the Court;

“ *On Question (b)* :

“ ...

“ That the provisions of Chapter XII of the Charter are applicable to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System;

“ ...

“ That the provisions of Chapter XII of the Charter

do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System;

“ *On Question (c)* :

“ ...

“ That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations ”;

2. *Accepts and endorses* the advisory opinion of the International Court of Justice with respect to South West Africa;

3. *Urges* the Government of the Union of South Africa to take the necessary steps to give effect to the opinion of the Court;

4. *Establishes* a committee (composed of the President of the fifth session of the General Assembly, the Chairman of the Fourth Committee, and the present Chairman of the Interim Committee) to confer with the Union of South Africa concerning measures necessary to implement the advisory opinion of the International Court of Justice, to report its findings and make its recommendations to the next regular session of the General Assembly.

DOCUMENT A/C.5/439

Financial implications of draft resolution I in the report of the Fourth Committee (A/1643) : report of the Secretary-General

[Original text : English]
[8 December 1950]

1. At its 196th meeting on 4 December 1950 the Fourth Committee adopted a draft resolution which, *inter alia*, proposed the establishment of a commission for South West Africa composed of ten experts appointed for their qualifications and expert knowledge and chosen on the basis of equitable geographical distribution. This commission would assist the General Assembly in the consideration of the annual reports, petitions and all other matters relating to the Mandated Territory of South West Africa in accordance with instructions and procedures laid down by the General Assembly in the exercise of its functions of control over the administration of South West Africa, meeting at such time and place as might be determined by the Secretary-General.

2. In accordance with rule 152 of the rules of procedure of the General Assembly the following estimates are submitted on the assumption that the commission would meet at Lake Success in the first part of the year 1951 for a period of about three weeks :

	<i>US dollars</i>
Travel of members	9,000
Subsistence of members	6,250
Local transportation	1,080
Contractual printing	4,510
TOTAL	20,840

3. Provision is made for travel expenses for ten members chosen on the basis of equitable geographical distribution.

4. Provision is made for ten members of the commission at \$25 per day for 21 days, plus an average of 5 days for travel time.

5. It would be necessary to hire three cars at \$20 per day for about 18 days. Should the commission meet during the second part of the year, it would not be necessary to provide for local transportation, as they would then meet at the permanent Headquarters in New York City.

6. Provision is made for printing the report of the commission in five languages, estimated at about 48 English text pages.

7. Should the General Assembly approve the draft resolution as recommended by the fourth Committee, it would be necessary to add \$16,330 to section 1 of the budget estimates for 1951, “ The General Assembly, Commissions and Committees ”, and \$4,510 to section 25, “ Official Records ”.

DOCUMENT A/1643

Report of the Fourth Committee

[Original text : English]
[8 December 1950]

1. The General Assembly, at its 285th plenary meeting on 26 September 1950, decided to refer the item entitled "Question of South West Africa : advisory opinion of the International Court of Justice" to the Fourth Committee for consideration and report.

2. The general debate on the item began at the 190th meeting of the Committee, and continued until the 196th meeting.

3. Five draft resolutions and a number of amendments thereto were submitted for the consideration of the Committee. The draft resolutions fell into two groups as follows :

I. Three draft resolutions concerning the implementation of the advisory opinion of the International Court of Justice (A/C.4/L.116/Rev.1 submitted by Brazil, Cuba, Mexico, Syria and Uruguay; A/C.4/L.121 submitted by India, Indonesia and the Philippines; and A/C.4/L.124/Rev.1 submitted by Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States of America and Venezuela).

II. Two draft resolutions concerning the application of the International Trusteeship System to South West Africa (A/C.4/L.122 submitted by India, Indonesia and the Philippines; and A/C.4/L.128 submitted by Cuba, Ecuador, Guatemala, Mexico and Uruguay).

4. The Committee considered the draft resolutions from its 195th to its 198th meetings as referred to in detail below.

I. IMPLEMENTATION OF THE ADVISORY OPINION OF THE INTERNATIONAL COURT OF JUSTICE

5. The delegations of Brazil, Cuba, Mexico, Syria and Uruguay submitted a draft resolution which in its revised form (A/C.4/L.116/Rev.1) read as follows :

" The General Assembly,

" Considering that the General Assembly by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and urged the Government of the Union of South Africa to submit a trusteeship agreement for the Territory,

" Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338 (IV) of 6 December 1949, reached the conclusion that the Territory of South West Africa is still a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

« Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa, acting with the consent of the United Nations,

" Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa,

" Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports and the petitions should be submitted,

" Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the obligation to transmit petitions from the inhabitants of the Territory of South West Africa,

" Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by article 7 of the Mandate for South West Africa,

« 1. Decides that the Government of the Union of South Africa should continue to administer the Territory of South West Africa in accordance with the Mandate conferred by the Principal Allied and Associated Powers upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa;

" 2. Requests the Government of the Union of South Africa to submit to the United Nations, before 1 June 1951, a report on the administration of the Territory of South West Africa during the years 1947, 1948, 1949 and 1950 in accordance with the questionnaire adopted by the Permanent Mandates Commission of the League of Nations and also, in due course, reports relating to the subsequent years;

" 3. Requests the Government of the Union of South Africa to transmit to the Secretary-General, with such additional observations as it may deem necessary, all petitions relating to the Territory of South West Africa;

" 4. Establishes a Commission for South West

Africa to assist the General Assembly in the consideration of the annual reports, petitions and all other matters relating to the Mandated Territory of South West Africa in accordance with the following instructions and procedures which the General Assembly laid down in the exercise of its functions of control over the administration of South West Africa;

“(a) The Commission for South West Africa shall be composed of ten experts appointed on the basis of their qualifications and expert knowledge by... *

“(b) The Commission for South West Africa shall hold the meetings necessary for the accomplishment of its task; its first meeting shall be held on 1 July 1951;

“(c) The Commission for South West Africa shall decide upon its own rules of procedure and for that purpose shall, as far as possible, follow the procedure adopted in that matter by the Permanent Mandates Commission of the League of Nations for consideration of reports and petitions;

“(d) The agenda of the first session of the Commission for South West Africa shall include consideration of the Act adopted by the Parliament of the Union of South Africa regarding representation of South West Africa in that Parliament the text of which was transmitted to the Secretary-General of the United Nations by the South African delegation on 11 July 1949.³ The Commission shall give its opinion on the extent to which that law, or any other measure taken by the Union of South Africa with regard to the Territory after the last report submitted to the League of Nations, conforms with the provisions of the Mandate for South West Africa and with the purposes of the mandate system as set forth in Article 22 of the Covenant of the League of Nations and in the Mandate itself;

“(e) The Government of the Union of South Africa shall be invited to delegate a special representative to the Commission for South West Africa in accordance with the rules of procedure established by the Permanent Mandates Commission of the League of Nations;

“5. *Recommends* that the Commission for South West Africa should submit annual reports to the General Assembly for consideration. Such reports shall contain an analysis of conditions in the Mandated Territory and observations, conclusions and recommendations regarding the fulfilment by the Mandatory Power of the obligations set forth in the Mandate.

6. The delegations of India, Indonesia and the Philippines submitted a draft resolution (A/C.4/L.121) reading as follows :

“*The General Assembly,*

“*Recalling* its previous resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947,

* « After adoption of the resolution the countries will be chosen by the Fourth Committee on the basis of equitable geographical distribution. »

³ See *Official Records of the General Assembly, Fourth Committee, Annex, document A/929.*

227 (III) of 26 November 1948, 337 (IV) and 338 (IV) of 6 December 1949 concerning the Territory of South West Africa, and, in particular, that by resolution 338 (IV) the General Assembly considered that it was desirable that the General Assembly, for its further consideration of the question, should obtain an advisory opinion of the International Court of Justice on its legal aspects,

“*Noting* that the International Court of Justice rendered an advisory opinion on the international status of South West Africa on 11 July 1950, and

“*Noting* that it is the opinion of the Court :

“(a) That South West Africa is a territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

“(b) That the Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted, and the reference to the Permanent Court of International Justice to be replaced by a reference to the International Court of Justice, in accordance with article 7 of the Mandate and Article 37 of the Statute of the Court,

“1. *Declares* that it is incumbent upon the Government of the Union of South Africa, pending the determination of the future status of South West Africa by agreement between the Union of South Africa and the United Nations, to promote to the utmost in the administration of the territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate;

“2. *Calls* upon the Government of the Union of South Africa to submit to the General Assembly in 1951 a report, for the consideration of the next session of the Assembly, on the administration of the Territory during the years 1947 to 1950 containing full information with regard to the Territory and indicating the measures taken to carry out the obligations assumed under the Mandate;

“3. *Calls* upon the Union of South Africa to transmit to the Secretary-General all petitions received by it which relate to the Territory and people of South West Africa;

“4. *Establishes* an *Ad Hoc* Committee on South West Africa to examine the annual report and the petitions relating to the Territory and to present its observations thereon to the General Assembly; the *Ad Hoc* Committee shall advise the Assembly on all matters relating to South West Africa; and perform such other functions as may be entrusted to it by the General Assembly. The *Ad Hoc* Committee on South West Africa shall consist of ten specially qualified persons selected by the following Member States :... It shall meet at such time and place as may be determined by the Secretary-General. Its procedure in

the consideration of the annual report and of petitions shall conform as far as possible to the procedure followed by the Mandates Commission of the League of Nations and shall otherwise conform to the rules of procedure of the Committees of the General Assembly;

" 5. *Invites* the Government of the Union of South Africa to designate a duly authorized representative who should be prepared to offer to the *Ad Hoc* Committee on South West Africa any supplementary explanations or supplementary information as the Committee may request."

7. The delegations of Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States of America and Venezuela submitted a draft resolution which in its revised form (A/C.4/L.124/Rev.1) read as follows :

" *The General Assembly,*

" *Having requested,* by its resolution 338 (IV) of 6 December 1949, the International Court of Justice to render an advisory opinion on the following questions :

" ' What is the international status of the Territory of South West Africa and what are the international obligations of the Union of South Africa arising therefrom, in particular :

" ' (a) Does the Union of South Africa continue to have international obligations under the Mandate for South West Africa and, if so, what are those obligations ?

" ' (b) Are the provisions of Chapter XII of the Charter applicable and, if so, in what manner, to the Territory of South West Africa ?

" ' (c) Has the Union of South Africa the competence to modify the international status of the Territory of South West Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the Territory ? '

" 1. *Takes note* of the advisory opinion of the Court rendered on 11 July 1950 to the effect :

" ' *On the General Question :*

" ' ...

" ' That South West Africa is a territory under the international Mandate assumed by the Union of South Africa on 17 December 1920 :

" ' *On Question (a) ,*

" ' ...

" ' That the Union of South Africa continues to have the international obligations stated in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa as well as the obligation to transmit petitions from the inhabitants of that Territory, the supervisory functions to be exercised by the United Nations, to which the annual reports and the petitions are to be submitted, and the reference to the Permanent Court of International Justice to be replaced by a reference to the International Court of Justice, in accordance with Article 7 of the Mandate and Article 37 of the Statute of the Court;

" ' *On Question (b) :*

" ' ...

" ' That the provisions of Chapter XII of the Charter are applicable to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System;

" ' ...

" ' That the provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System;

" ' *On Question (c) :*

" ' ...

" ' That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations ' ;

" 2. *Accepts and endorses* the advisory opinion of the International Court of Justice with respect to South West Africa;

" 3. *Urges* the Government of the Union of South Africa to take the necessary steps to give effect to the opinion of the Court;

" 4. *Establishes* a Committee (composed of the President of the Trusteeship Council, the Chairman of the Fourth Committee, and the present Chairman of the Interim Committee) to confer with the Union of South Africa concerning measures necessary to implement the advisory opinion of the International Court of Justice, to report its findings and make its recommendations to the next regular session of the General Assembly."

8. At the 195th meeting, the delegation of Denmark proposed that the Committee should consider first the joint draft resolution of Denmark, El Salvador, Iraq, Norway, Peru, Thailand, the United States of America and Venezuela (A/C.4/L.124/Rev.1). The proposal was rejected in a tie-vote by 21 votes to 21, with 4 abstentions.

9. During the discussion on the draft resolutions, the delegations of India, Indonesia and the Philippines stated that they would be ready to withdraw their draft resolution (A/C.4/L.121) if the sponsors of the draft resolution set forth in document A/C.4/L.116/Rev.1 would accept certain amendments proposed orally by the representative of India on behalf of the sponsors. The delegations of Brazil, Cuba, Mexico, Syria and Uruguay accepted the proposed amendments and consequently the draft resolution set forth in document A/C.4/L.121 was withdrawn. Subsequently, the amendments were submitted in writing (A/C.4/L.129) as follows :

" 1. Replace paragraph 1 of the operative part by the following text :

" ' 1. *Declares* that it is incumbent upon the Government of the Union of South Africa, pending the determination of the future status of South West Africa by agreement between the Union of South Africa

and the United Nations, to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate'.

" 2. Replace the second sentence of paragraph 4 (b) of the operative part by the following text :

" 'It shall meet at such time and place as may be determined by the Secretary-General'.

" 3. Delete paragraph 4 (e) of the operative part ;

" 4. Insert a paragraph after paragraph 4 of the operative part reading as follows :

" '5. *Invites* the Government of the Union of South Africa to designate a duly authorized representative who should be prepared to offer to the Commission for South West Africa any supplementary explanations or supplementary information as the Committee may request'.

" 5. Change the number of paragraph 5 of the operative part to paragraph 6.

" 6. Add at the end of paragraph 6 of the operative part the following text :

" '... The Commission shall advise the Assembly on all matters relating to South West Africa, and perform such other functions as may be entrusted to it by the General Assembly'."

10. At the 196th meeting the Committee voted upon the modified joint draft resolution as follows :

First paragraph of the preamble : the paragraph was voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Belgium, France, Greece, Union of South Africa.

Abstaining : Argentina, Australia, Canada, Chile, Colombia, Denmark, El Salvador, Ethiopia, Iraq, Israel, Netherlands, New Zealand, Norway, Peru, Sweden, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

The paragraph was adopted by 28 votes to 4, with 19 abstentions.

The remainder of the preamble : the remaining paragraphs were voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, China, Cuba, Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Denmark, France, Greece, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining : Argentina, Byelorussian Soviet Socialist Republic, Canada, Chile, Colombia, Czechoslovakia, El Salvador, Ethiopia, Iraq, Israel, Netherlands, New Zealand, Nicaragua, Norway, Peru, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Venezuela.

The paragraphs were adopted by 22 votes to 9, with 20 abstentions.

Paragraph 1 of the operative part : the paragraph was voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Denmark, France, Greece, Netherlands, Norway, Sweden, Thailand, Union of South Africa.

Abstaining : Argentina, Canada, Chile, Colombia, El Salvador, Ethiopia, Iraq, Israel, New Zealand, Nicaragua, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

The paragraph was adopted by 27 votes to 10, with 14 abstentions.

Paragraph 2 of the operative part : the paragraph was voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, Denmark, France, Greece, Netherlands, New Zealand, Norway, Peru, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining : Argentina, Chile, Colombia, Dominican Republic, El Salvador, Ethiopia, Iraq, Israel, Nicaragua, United States of America, Venezuela.

The paragraph was adopted by 26 votes to 14, with 11 abstentions.

Paragraphs 3 and 4 of the operative part, up to and including sub-paragraph (b) of paragraph 4 : the paragraphs were voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Argentina, Australia, Belgium, Canada, Chile, Denmark, France, Greece, Israel, Netherlands, New Zealand, Norway, Peru, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining : Colombia, Dominican Republic, El Salvador, Ethiopia, Iraq, Nicaragua.

The paragraphs were adopted by 26 votes to 19, with 6 abstentions.

Sub-paragraph 4 (c) of the operative part : the sub-paragraph was voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, China, Cuba, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Yemen, Yugoslavia.

Against : Argentina, Australia, Belgium, Canada, Chile, Denmark, France, Greece, Israel, Netherlands, New Zealand, Nicaragua, Norway, Peru, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining : Byelorussian Soviet Socialist Republic, Colombia, Czechoslovakia, Dominican Republic, El Salvador, Ethiopia, Iraq, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

The sub-paragraph was adopted by 21 votes to 20, with 10 abstentions.

Sub-paragraph 4 (d) of the operative part : the sub-paragraph was voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, China, Cuba, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Yemen, Yugoslavia.

Against : Argentina, Australia, Belgium, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, El Salvador, France, Greece, Israel, Netherlands, New Zealand, Norway, Peru, Poland, Sweden, Thailand, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining : Colombia, Dominican Republic, Ethiopia, Iraq, Nicaragua.

The sub-paragraph was rejected by 25 votes to 21, with 5 abstentions.

Paragraphs 5 and 6 of the operative part : the paragraphs were voted upon by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Argentina, Australia, Belgium, Canada, Chile, Denmark, El Salvador, France, Greece, Israel, Netherlands, New Zealand, Nicaragua, Norway, Peru, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining : Colombia, Dominican Republic, Ethiopia, Iraq.

The paragraphs were adopted by 26 votes to 21, with 4 abstentions.

The draft resolution as a whole as modified was voted by roll-call as follows :

In favour : Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia,

Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, Chile, Denmark, El Salvador, France, Greece, Iraq, Israel, Netherlands, New Zealand, Nicaragua, Norway, Peru, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Abstaining : Argentina, Colombia, Dominican Republic, Ethiopia.

The draft resolution as a whole as modified was adopted by 26 votes to 21, with 4 abstentions.

11. The Chairman announced that if and when the General Assembly approved the draft resolution, the Fourth Committee would meet to take the action required under paragraph 4 (a) of the resolution.

12. The text of the draft resolution is reproduced at the end of the present report as draft resolution I.

13. The Chairman ruled that in view of the adoption of the draft resolution, no vote should be taken on the draft resolution set forth in document A/C.4/L.124/Rev.1.

II. APPLICATION OF THE INTERNATIONAL TRUSTEESHIP SYSTEM TO SOUTH WEST AFRICA

14. The delegations of India, Indonesia and the Philippines submitted a draft resolution (A/C.4/L.122) reading as follows :

" The General Assembly,

" Reaffirming its previous resolution 65 (I) of 14 December 1946 and 141 (II) of 1 November 1947 recommending that the Territory of South West Africa be placed under the International Trusteeship System,

" Having noted the conclusions of the International Court of Justice :

" (a) That the provisions of Chapter XII of the Charter are applicable to the Territory of South West Africa in the sense that they provide a means by which the Territory may be brought under the Trusteeship System,

" (b) That the provisions of Chapter XII of the Charter do not impose on the Union of South Africa a legal obligation to place the Territory under the Trusteeship System,

" (c) That the Union of South Africa acting alone has not the competence to modify the international status of the Territory of South West Africa and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

" Having noted further that the Court, in its advisory opinion, did not feel called upon to pronounce

on the political or moral duties which the foregoing considerations may involve,

“ 1. *Endorses* the further conclusions of the Court that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter;

“ 2. *Requests* the *Ad Hoc* Committee on South West Africa to examine the provisions and working of the South West Africa Affairs Amendment Act, 1949, and make a report thereon to the next session of the General Assembly. ”

15. The delegations of Cuba, Ecuador, Guatemala, Mexico and Uruguay submitted a draft resolution (A/C.4/L.128) reading as follows :

“ *The General Assembly,*

“ *Considering* that the General Assembly by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and invited the Government of the Union of South Africa to propose for the consideration of the General Assembly a trusteeship agreement for the aforesaid Territory,

“ *Considering* that the International Court of Justice, duly consulted by the General Assembly in pursuance of resolution 338 (IV) of 6 December 1949, delivered the opinion that the Territory of South West Africa is under the international mandate assumed by the Union of South Africa on 17 December 1920,

“ *Considering* that, in accordance with Articles 75, 77, sub-paragraph 1 a, 79 and 80, paragraph 2, of the Charter of the United Nations, the Trusteeship System has been applied to all former mandated territories with the sole exception of the Territory of South West Africa,

“ *Considering* that under the terms of the Charter of the United Nations it is clear that the International Trusteeship System takes the place of the former Mandates System instituted by the League of Nations, and further that there is no specific provision indicating the permanent co-existence of the Mandates System with the International Trusteeship System,

“ 1. *Reiterates* its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 to the effect that the Territory of South West Africa be placed under the International Trusteeship System;

“ 2. *Reiterates* its earlier invitations to the Government of the Union of South Africa requesting the said Government to submit to the General Assembly not later than 1 June 1950 a draft trusteeship agreement for the Territory of South West Africa;

“ 3. *Invites* the Trusteeship Council to examine the draft trusteeship agreement when submitted by the

Union of South Africa and to present a report thereon to the sixth session of the General Assembly. ”

16. In the course of the discussion, the delegations of India, Indonesia and the Philippines stated that they would be ready to withdraw their draft resolution (A/C.4/L.122) if the sponsors of the draft resolution set forth in document A/C.4/L.128 would accept an amendment to the effect that paragraphs 2 and 3 of the operative part should be replaced by the following text :

“ *Reiterates* that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter ”.

On the acceptance of that amendment, the delegations of India, Indonesia and the Philippines withdrew their draft resolution.

17. The delegation of the Union of Soviet Socialist Republics submitted an amendment (A/C.4/L.126) to the draft resolution proposed by India, Indonesia and the Philippines. After that draft resolution had been withdrawn, the delegation of the Union of Soviet Socialist Republics introduced the same amendment (A/C.4/L.130) to the draft resolution proposed by Cuba, Ecuador, Guatemala, Mexico and Uruguay. That amendment proposed the insertion after paragraph 1 of the operative part, of a paragraph reading as follows :

“ 2. *Notes* that the action of the Union of South Africa in adopting a law on the incorporation of South West Africa in the Union of South Africa constitutes a violation of the Charter of the United Nations; ”

18. Following a suggestion made by the Rapporteur, the sponsors modified the third paragraph of the preamble to read as follows :

“ *Considering* that, in accordance with Articles 75, 77, sub-paragraph 1 a, 79 and 80, paragraph 2, of the Charter of the United Nations, the Trusteeship System has been applied to all mandated territories which have not achieved independence, with the sole exception of the Territory of South West Africa ”.

19. The joint draft resolution as modified and the amendment thereto were voted upon at the 198th meeting as follows :

Insertion of new paragraph : the amendment to the effect that a new paragraph should be added after paragraph 1 of the operative part, proposed by the delegation of the Union of Soviet Socialist Republics, was voted upon by roll-call as follows :

In favour : Byelorussian Soviet Socialist Republic, Czechoslovakia, Guatemala, Haiti, Indonesia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against : Argentina, Australia, Belgium, Canada, Chile, Denmark, France, Greece, Netherlands, New Zealand, Norway, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Afghanistan, Brazil, Burma, China, Cuba, Dominican Republic, Ecuador, Egypt, India, Iran, Iraq,

Israel, Lebanon, Liberia, Mexico, Pakistan, Peru, Philippines, Saudi Arabia, Syria, Uruguay, Venezuela.

The amendment was rejected by 16 votes to 9, with 22 abstentions.

First paragraph of the preamble: the paragraph was voted upon by roll-call as follows:

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yugoslavia.

Against: Belgium, France, Sweden, Union of South Africa.

Abstaining: Argentina, Australia, Canada, Chile, Denmark, Greece, Israel, Netherlands, New Zealand, Norway, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America.

The paragraph was adopted by 30 votes to 4 with 13 abstentions.

Second paragraph of the preamble: the paragraph was voted upon by roll-call as follows:

In favour: Afghanistan, Brazil, Burma, China, Cuba, Dominican Republic, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Peru, Philippines, Saudi Arabia, Syria, Uruguay, Venezuela, Yugoslavia.

Against: Belgium, Sweden, Union of South Africa.

Abstaining: Argentina, Australia, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, France, Greece, Israel, Netherlands, New Zealand, Norway, Poland, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

The paragraph was adopted by 25 votes to 3, with 19 abstentions.

Third and fourth paragraphs of the preamble and paragraphs 1 and 2 of the operative part: The paragraphs were voted upon by roll-call as follows:

In favour: Afghanistan, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Cuba, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Canada, France, Greece, Netherlands, Norway, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Chile, Denmark, Israel, New Zealand, Peru, United States of America, Venezuela.

The paragraphs were adopted by 27 votes to 11, with 8 abstentions.

The draft resolution as a whole was voted upon by roll-call as follows:

In favour: Afghanistan, Brazil, Burma, Byelorussian

Soviet Socialist Republic, China, Cuba, Czechoslovakia, Ecuador, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Canada, France, Greece, Netherlands, Norway, Peru, Sweden, Thailand, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Chile, Denmark, Dominican Republic, Israel, New Zealand, United States of America, Venezuela.

The draft resolution as a whole was adopted by 27 votes to 12, with 8 abstentions.

20. The text of the draft resolution is reproduced at the end of the present report as resolution II.

21. The Fourth Committee therefore recommends to the General Assembly the adoption of the following resolutions:

QUESTION OF SOUTH WEST AFRICA

Draft resolution I

The General Assembly,

Considering that the General Assembly, by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and urged the Government of the Union of South Africa to submit a trusteeship agreement for the Territory,

Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338 (IV) of 6 December 1949, reached the conclusion that the Territory of South West Africa is still a territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports and the petitions should be submitted,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to be subject to the obligation to transmit petitions from the inhabitants of the Territory of South West Africa,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by article 7 of the Mandate for South West Africa,

1. *Declares* that it is incumbent upon the Government of the Union of South Africa, pending the determination of the future status of South West Africa by agreement between the Union of South Africa and the United Nations, to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate;

2. *Requests* the Government of the Union of South Africa to submit to the United Nations, before 1 June 1951, a report on the administration of the Territory of South West Africa during the years 1947, 1948, 1949 and 1950 in accordance with the questionnaire adopted by the Permanent Mandates Commission of the League of Nations and also, in due course, reports relating to the subsequent years;

3. *Requests* the Government of the Union of South Africa to transmit to the Secretary-General, with such additional observations as it may deem necessary, all petitions relating to the Territory of South West Africa;

4. *Establishes* a Commission for South West Africa to assist the General Assembly in the consideration of the annual reports, petitions and all other matters relating to the Mandated Territory of South West Africa in accordance with the following instructions and procedures which the General Assembly laid down in the exercise of its functions of control over the administration of South West Africa :

(a) The Commission for South West Africa shall be composed of ten experts appointed on the basis of their qualifications and expert knowledge by... *

(b) The Commission for South West Africa shall hold the meetings necessary for the accomplishment of its task; it shall meet at such time and place as may be determined by the Secretary-General;

(c) The Commission for South West Africa shall decide upon its own rules of procedure and for that purpose shall, as far as possible, follow the procedure adopted in that matter by the Permanent Mandates Commission of the League of Nations for the consideration of reports and petitions;

* After adoption of the resolution, the countries will be chosen by the Fourth Committee on the basis of equitable geographical distribution.

5. *Invites* the Government of the Union of South Africa to designate a duly authorized representative who should be prepared to offer to the Commission for South West Africa any supplementary explanations or supplementary information as the Commission may request;

6. *Recommends* that the Commission for South West Africa should submit annual reports to the General Assembly for consideration. Such reports shall contain an analysis of conditions in the Mandated Territory and observations, conclusions and recommendations regarding the fulfilment, by the Mandatory Power, of the obligations set forth in the Mandate. The Commission shall advise the Assembly on all matters relating to South West Africa, and perform such other functions as may be entrusted to it by the General Assembly.

Draft resolution II

The General Assembly,

Considering that the General Assembly by its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 recommended that the Mandated Territory of South West Africa be placed under the International Trusteeship System and invited the Government of the Union of South Africa to propose, for the consideration of the General Assembly, a trusteeship agreement for the aforesaid Territory,

Considering that the International Court of Justice, duly consulted by the General Assembly in pursuance of resolution 338 (IV) of 6 December 1949, delivered the opinion that the Territory of South West Africa is under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that in accordance with Articles 75, 77 sub-paragraph 1 a, 79 and 80, paragraph 2, of the Charter of the United Nations the Trusteeship System has been applied to all mandated territories which have not achieved independence, with the sole exception of the Territory of South West Africa,

Considering that, under the terms of the Charter of the United Nations, it is clear that the International Trusteeship System takes the place of the former Mandates System instituted by the League of Nations and, further, that there is no specific provision indicating the permanent co-existence of the Mandates System with the International Trusteeship System,

1. *Reiterates* its resolutions 65 (I) of 14 December 1946, 141 (II) of 1 November 1947, 227 (III) of 26 November 1948 and 337 (IV) of 6 December 1949 to the effect that the Territory of South West Africa be placed under the International Trusteeship System;

2. *Reiterates* that the normal way of modifying the international status of the Territory would be to place it under the Trusteeship System by means of a trusteeship agreement in accordance with the provisions of Chapter XII of the Charter.

DOCUMENT A/1651**Financial implications of draft resolution I in the report of the Fourth Committee (A/1643) : thirty-fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions**

[Original text : English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/439) on the financial implications of draft resolution I proposed by the Fourth Committee in document A/1643.

2. The commission for South West Africa envisaged under paragraph 4 of the draft resolution is to be composed of ten experts appointed by Member States on the basis of their qualifications and expert knowledge.

3. The members of the commission will thus be serving, not in a personal capacity, but rather as representatives nominated by Governments. Their status will approximate most closely to that of representatives serving on commissions of the Economic and Social Council, in respect of whom travelling expenses, but not subsis-

tence allowances, are payable out of United Nations funds (General Assembly resolution 231 (III), paragraph 4). In these circumstances, the Advisory Committee sees no justification for the proposed payment of subsistence allowances.

4. The Advisory Committee further considers that the session of the commission scheduled for the first part of 1951 might conveniently be held at the permanent Headquarters, instead of at Lake Success, with a consequent saving on the item for local transportation.

5. On the basis of the observations in paragraph 3 and 4 above, the Advisory Committee recommends for approval an appropriation of \$14,000, representing a reduction of \$6,840 on the figure submitted.

DOCUMENT A/1662**Financial implications of draft resolution I in the report of the Fourth Committee (A/1643) : report of the Fifth Committee**

[Original text : English]
[11 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter of 6 December 1950 to the Chairman (A/C.5/435), the Fifth Committee, at its 278th meeting on 11 December 1950, considered the financial implications of draft resolution I proposed by the Fourth Committee on the question of South West Africa (A/1643).

2. The Fifth Committee had before it a report of the Secretary-General (A/C.5/439), in which he estimated that, on the assumption that the proposed commission for South West Africa would meet at Lake Success in the first part of 1951 for a period of about three weeks, additional provision would need to be made under section 1 of the budget estimates for 1951 in the amount of \$16,330, and under section 25 in the amount of \$4,510.

3. The Advisory Committee on Administrative and Budgetary Questions, in its thirty-fourth report of 1950 (A/1651), noted that the members of the proposed com-

mission for South West Africa would be serving, not in a personal capacity, but rather as representatives nominated by Governments, and accordingly, in conformity with General Assembly resolution 231 (III), expressed the opinion that no justification existed for payment of subsistence allowance. The Advisory Committee further considered that the session of the commission might conveniently be held at the permanent Headquarters instead of at Lake Success, with a consequent saving on the item for local transportation. On the basis of these observations, it recommended approval of an appropriation of \$14,000, representing a reduction of \$6,840 on the estimates submitted by the Secretary-General.

4. The Fifth Committee approved, without objection, the Advisory Committee's recommendations, and therefore decided to inform the General Assembly that adoption of draft resolution I proposed by the Fourth Committee would involve an additional appropriation under sections 1 and 25 of the 1951 budget in the total amount of \$14,000.

DOCUMENT A/1681

Brazil, Denmark, Peru, Syria, Thailand and United States of America : draft resolution

[Original text : English]
[12 December 1950]

The General Assembly,

Considering that the International Court of Justice, duly consulted by the General Assembly pursuant to resolution 338 (IV) of 6 December 1949, reached the conclusion that the Territory of South West Africa is a Territory under the international Mandate assumed by the Union of South Africa on 17 December 1920,

Considering that the International Court of Justice is of the opinion that the Union of South Africa continues to have the international obligations laid down in Article 22 of the Covenant of the League of Nations and in the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the functions of supervision over the administration of the Territory of South West Africa by the Union of South Africa should be exercised by the United Nations, to which the annual reports and the petitions from the inhabitants of the Territory are to be submitted,

Considering that, in accordance with the opinion of the International Court of Justice, the Union of South Africa is under an obligation to accept the compulsory jurisdiction of the Court as provided by Article 37 of the Statute of the International Court of Justice, by Article 80, paragraph 1, of the Charter of the United Nations and by Article 7 of the Mandate for South West Africa,

Considering that the International Court of Justice is of the opinion that the Union of South Africa acting alone is not competent to modify the international status of the Territory of South West Africa, and that the competence to determine and modify the international status of the Territory rests with the Union of South Africa acting with the consent of the United Nations,

Considering that the Government of the Union of South Africa should continue to administer the Territory

of South West Africa in accordance with the Mandate conferred by the Principal Allied and Associated Powers upon His Britannic Majesty to be exercised on his behalf by the Government of the Union of South Africa,

Considering that it is incumbent upon the Government of the Union of South Africa to promote to the utmost in the administration of the Territory the material and moral well-being and social progress of its inhabitants as a sacred trust of civilization, subject to the existing Mandate, and to give effect to the obligations which it assumed under the Mandate;

1. *Accepts* the advisory opinion of the International Court of Justice with respect to South West Africa;

2. *Urges* the Government of the Union of South Africa to take the necessary steps to give effect to the opinion of the International Court of Justice, including the transmission of reports on the administration of the Territory of South West Africa and of petitions from the inhabitants of the Territory;

3. *Establishes* a Committee of five consisting of the representatives of Syria, Thailand, United Kingdom, United States of America and Uruguay, to confer with the Union of South Africa concerning the procedural measures necessary for implementing the advisory opinion of the International Court of Justice;

4. *Authorizes* the Committee, as an interim measure, pending the completion of its task referred to in paragraph 3, to examine in accordance with the procedure of the former Mandates System, the report on the administration of the Territory of South West Africa, covering the period since the last report, as well as petitions and any other matters relating to the Territory that may be transmitted to the Secretary-General, and to submit a report thereon to the next regular session of the General Assembly.

DOCUMENT A/1688

Cuba : amendments to the draft resolution contained in document A/1681

[Original text : French]
[12 December 1950]

1. Paragraph 2 of the operative part : delete the words "from the inhabitants of the Territory" and replace them by the words "from communities or sections of the population of the Territory".

2. Paragraph 3 of the operative part : at the end of the paragraph, add the words, "and to submit a report thereon to the next regular session of the General Assembly".

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/603	Report of the Trusteeship Council covering its second and third sessions, 29 April 1947 - 5 August 1948		See <i>Official Records of the General Assembly, Third Session, Supplement No. 4.</i>
A/929	Letter from Mr. J. R. Jordaan, deputy permanent representative of the Union of South Africa to the United Nations, addressed to the Secretary-General		See <i>Official Records of the General Assembly, Fourth Session, Fourth Committee, Annex.</i>
A/1362	Note by the Secretary-General transmitting the advisory opinion of the International Court of Justice on the international status of South West Africa		Mimeographed document only. For the document transmitted by the Secretary-General, see <i>International status of South West Africa, Advisory Opinion: I. C. J. Reports 1950</i> , p. 128.
A/1643	Report of the Fourth Committee	3	
A/1651	Financial implications of draft resolution I in the report of the Fourth Committee (A/1643): thirty-fourth report of the Advisory Committee on Administrative and Budgetary Questions	11	
A/1657	Denmark, El Salvador, Iraq, Norway, Peru, Thailand, United States of America and Venezuela: draft resolution		Replaced by document A/1681.
A/1661	Union of Soviet Socialist Republics: amendment to draft resolution II proposed by the Fourth Committee (A/1643)		Incorporated in the record of the 322nd plenary meeting.
A/1662	Financial implications of draft resolution I in the report of the Fourth Committee (A/1643): report of the Fifth Committee	11	
A/1681	Brazil, Denmark, Peru, Syria, Thailand and United States of America: draft resolution	12	
A/1688	Cuba: amendments to the draft resolution contained in document A/1681	12	
A/1721	Question of South West Africa		See resolution 449 (V).
A/C.4/95 A/C.4/95/Add.1	Question of South West Africa: communication received by the Secretary-General: memorandum on South West Africa by the Reverend Michael Scott, with a preface by Freda Troupe		See <i>Official Records of the General Assembly, Second Session, Fourth Committee, annex 3 d.</i>
A/C.4/96	Question of South West Africa: communications received by the Secretary-General: letter from the Reverend Michael Scott transmitting petitions from inhabitants of South West Africa		See <i>Official Records of the General Assembly, Second Session, Fourth Committee, annex 3 e.</i>
A/C.4/97	Question of South West Africa: communications received by the Secretary-General: cablegram from the Reverend Michael Scott.		See <i>Official Records of the General Assembly, Second Session, Fourth Committee, annex 3 f.</i>
A/C.4/125	Proposed new trusteeship agreements: draft report of the Fourth Committee on its consideration of the draft resolution on trusteeship agreements for Non-Self-Governing Territories submitted by the delegation of India (A/C.4/98)		See <i>Official Records of the General Assembly, Second Session, Fourth Committee, annex 5 c.</i>
A/C.4/185	Statement by the representative of the Union of South Africa at the 194th meeting of the Fourth Committee, on 4 December 1950		Mimeographed document only.
A/C.4/L.57 and A/C.4/L.57/Corr.1	Communications received by the Secretary-General		See <i>Official Records of the General Assembly, Fourth Session, Fourth Committee, Annex.</i>
A/C.4/L.66	Documents submitted by the Reverend Michael Scott		<i>Ditto.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/C.4/L.116 and Corr.1	Brazil, Cuba, Mexico and Uruguay : draft resolution		Same text as document A/C.4/L.116/Rev.1.
A/C.4/L.116/Rev.1	Brazil, Cuba, Mexico, Syria and Uruguay : draft resolution		See document A/1643.
A/C.4/L.116/Rev.2			French only.
A/C.4/L.121	India, Indonesia and Philippines : draft resolution		See document A/1643.
A/C.4/L.122	India, Indonesia and Philippines : draft resolution		<i>Ditto.</i>
A/C.4/L.124 and Add.1	Denmark, El Salvador, Iraq, Norway, Peru, Thailand, United States of America and Venezuela : draft resolution	1	
A/C.4/L.124/Rev.1 and A/C.4/L.124/Rev.1/Corr.1	Denmark, El Salvador, Iraq, Norway, Peru, Thailand, United States of America and Venezuela : revised draft resolution		See document A/1643.
A/C.4/L.125	Working paper prepared by the Secretariat		Mimeographed document only.
A/C.4/L.126	Union of Soviet Socialist Republics : amendment to the joint draft resolution proposed by India, Indonesia and Philippines (A/C.4/L.122).		Same text as document A/C.4/L.130.
A/C.4/L.128	Cuba, Ecuador, Guatemala, Mexico and Uruguay : draft resolution		See document A/1643.
A/C.4/L.129	India, Indonesia and Philippines : amendment to the joint draft resolution of Brazil, Cuba, Mexico, Syria and Uruguay (A/C.4/L.116/Rev.1)		<i>Ditto.</i>
A/C.4/L.130	Union of Soviet Socialist Republics : amendment to the joint draft resolution of Cuba, Ecuador, Guatemala, Mexico and Uruguay (A/C.4/L.128)		See document A/1643.
A/C.4/L.132	Draft report of the Fourth Committee		Same text as document A/1643, with the exception of the amendments made at the 199th meeting of the Fourth Committee.
A/C.5/435	Letter dated 6 December 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document only.
A/C.5/439	Financial implications of draft resolution I in the report of the Fourth Committee (A/1643) : report of the Secretary-General	2	
A/Inf/40/Add.4	Review of communications received relating to General Assembly matters		Mimeographed document only.

UNITED NATIONS



**OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
FIFTH SESSION**

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VOLUME II

1950

NEW YORK

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38	Status of budgetary authorizations for the financial year 1950: (<i>a</i>) statement of 1950 budget expenses to 30 June 1950; (<i>b</i>) advances from the Working Capital Fund: report of the Secretary-General; (<i>c</i>) unforeseen and extraordinary expenses for 1950: report of the Secretary-General; (<i>d</i>) supplementary estimates for the financial year 1950: report of the Secretary-General
39	Budget estimates for the financial year 1951: (<i>a</i>) budget estimates prepared by the Secretary-General; (<i>b</i>) salary, allowance and leave system of the United Nations; (<i>c</i>) reports of the Advisory Committee on Administrative and Budgetary Questions
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44	United Nations Joint Staff Pension Fund: annual report of the United Nations Staff Pension Committee
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49	Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions: report of the Secretary-General
50	Reparation for injuries incurred in the service of the United Nations: report of the Secretary-General (A/1347)
51	Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act
52	Report of the International Law Commission on the work of its second session (A/1316)

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60	Development of a twenty-year programme for achieving peace through the United Nations
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76	Intervention of the Central People's Government of the People's Republic of China in Korea

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Question of the representation of China in the United Nations
 Question of the representation of China in the United Nations (*continued*)
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Agenda item 36 : Headquarters of the United Nations

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DOCUMENT A/1392/Rev.1

Report of the Secretary-General

[Original text : English]
[26 September 1950]

I. INTRODUCTION

1. Pursuant to paragraph 3 of resolution 350 (IV) adopted by the General Assembly on 24 November 1949, the following progress report on the permanent Headquarters is submitted to the fifth regular session of the General Assembly.

2. It will be recalled that the General Assembly decided, on 14 December 1946, at the second part of the first session (resolution 100 (I)), to establish the permanent Headquarters in New York City. Architectural plans were approved at the second regular session by resolution 182 (II) of 20 November 1947, when the Secretary-General was authorized to proceed with construction and with furnishing the Headquarters on receipt of an interest-free loan of \$US 65 million which he was to negotiate and conclude with the Government of the United States of America. At the third session of the Assembly in 1948, the Secretary-General reported (A/627)¹ that the loan had been concluded, with \$25 million available for immediate use in the preliminary stages of construction, which were then beginning. At the fourth session, the Secretary-General reported (A/1009)² to the

Assembly that the entire \$65 million had been made available in July 1949 and that the construction programme was well advanced; excavation had been completed ahead of schedule in February 1949, and the contractors had made good progress on the first unit of work, the Secretariat office building, and on the foundations for the complete project.

II. DESCRIPTION OF PROJECT

A. Secretariat building

3. The Secretariat building is now in use by some members of the staff. The first offices to be occupied were opened considerably ahead of schedule, on 21 August 1950, that is to say, about eighteen months after the contract for the construction of the building was signed with the contractors. This is a good construction record and there is widespread interest in the building, both as a permanent workshop for the United Nations Secretariat and as an architectural achievement. It may be considered appropriate, therefore, to include here certain interesting facts about the building and its construction.

4. Excavation for all the buildings in the project was begun in September 1948, and was completed within five months. Digging and blasting down to thirty-

¹ See *Official Records of the General Assembly, Third Session, Plenary Meetings, Annexes*.

² *Ibid.*, Fourth Session, Fifth Committee, Annex, vol. I.

one foot (9.45 m)³ below street level, the excavators removed 150,000 cubic yards (114,675.75 cu. m) of earth and 65,000 cubic yards (49,692.83 cu. m) of rock. Concrete piers—carried to rock at an average depth below grade of thirteen feet (3.96 m), but some as much as forty feet (12.19 m)—were then cast to receive the steel frame.

5. Steel erection for the Secretariat building was started in April 1949, and was completed in twenty-three weeks. The three derricks employed placed an average of 580 tons (526,167.47 kgs) of structural steel per week.

6. In about the same length of time, 5,400 windows and glass spandrels, and 2,000 tons (1,814,370.60 kgs) of marble were set to enclose the building on the four sides.

7. Vertical transportation in the Secretariat building is provided by eighteen highspeed elevators, two service elevators, a freight elevator and eight glass-enclosed moving stairs. Six of the passenger elevators will terminate at the 15th floor, six at the 27th floor and six at the 38th floor. The service elevators will serve the basement and all thirty-nine floors, while the freight elevator will service the second and third basement floors, where mechanical facilities will be housed. Elevators and stairways are centrally located in the building in order to provide the maximum amount of perimeter lighting. The building will also have an electric dumbwaiter system in a vertical conveyor system extending from the third basement to the 39th floor. In addition, there will be a pneumatic tube system with a central station in the third basement and tube connexions to stations on the 10th and 15th floors, as well as to the library and the conference area.

8. The many problems that have arisen from both an engineering and a construction standpoint, and the necessity of keeping within the available budget, has necessitated exceptionally close contact and co-operation between the designers, engineers, general contractors, sub-contractors and workmen associated with the project. As a result of such co-operation, every problem that has arisen has been successfully solved and the building will be completed, with the necessary installations, well ahead of schedule.

B. Conference area and meeting halls

9. To the east of the Secretariat building, and joined to it, is a seven-storey building comprising the conference area and meeting halls. This structure will house three of the principal organs, the Security Council, the Economic and Social Council and the Trusteeship Council, as well as other conference and committee facilities. Construction on this unit is making good progress; the structural steel has been erected and construction of the building is expected to reach the final stage by July 1951.

10. The conference area, which will be connected with both the General Assembly building and the Secre-

tariat offices, is approximately 400 feet (121.92 m) long and 183 feet (55.78 m) wide, and contains seven storeys, including two basement levels, one concourse floor, three floors above the First Avenue entrance level, and a restaurant and cafeteria space directly over the Council Chambers.

11. The Council Chambers for the three Councils are on the upper level; these rooms are to be 72 feet (21.95 m) wide and 135 feet (41.15 m) long, with 24 feet (7.32 m) ceilings. The Chambers will be completely equipped with facilities for technical services, including simultaneous interpretation booths and Press, radio, television and film booths, with essential work spaces. In addition to office space for secretariat services conveniently placed adjacent to the chambers, there is a main delegates' lounge at the north side of the area, and a smaller lounge primarily for the Security Council to the south of the chambers.

12. Each of the chambers has seating accommodation for approximately 120 members of the Press, and there are 400 public seats. The Security Council Chamber provides for 21 seats for representatives at the table, 84 advisers, 32 observers, and 16 members of the Secretariat. The Trusteeship Council Chamber will accommodate 21 representatives, 84 advisers, 5 petitioners, 14 special advisers, 32 observers, and 16 members of the Secretariat.

13. Facilities in the Economic and Social Council Chamber are planned for 23 representatives, 92 advisers, 14 representatives from specialized agencies, 32 observers, 16 representatives from non-governmental organizations, and 16 members of the Secretariat.

14. On the level directly below the Council Chambers are three large conference rooms of about the same size, 135 feet (41.15 m) long, 72 feet (21.95 m) wide and 18 feet (5.48 m) high. These conference rooms are designed to meet the needs of main committees of the General Assembly. These rooms will have facilities for 70 representatives at the table, with 2 advisers for each; this capacity can be expanded if necessary for as many as 85 representatives and 170 advisers. There will be 88 seats for members of the Press, and 170 seats for the general public, and there will be facilities for all technical and public information services. A fourth conference room somewhat larger than these rooms will be located in the General Assembly building.

15. In addition to these conference rooms, there are six smaller committee rooms, each of which will accommodate about 27 representatives, with 28 seats for advisers or members of the Press or the public.

16. The building is cantilevered over the Franklin Delano Roosevelt Drive and the service road leading to the garage. The exterior of the building will be of Portland stone and glass, trimmed with marble matching the Secretariat building. The connexion with the General Assembly building will be by a metal and glass corridor of three levels and, at the meeting hall end of the corridor, two automatic elevators will service all seven floors of the building. In addition to forming

³ Equivalent metric measurements are given in parentheses.

a horizontal corridor, this connexion will also contain a monumental stairway and an escalator, for use chiefly by the public arriving through the General Assembly building and circulating to the public seating in the Council Chambers and conference rooms. Along the west wall of the meeting-hall area on all floors there will be a special corridor giving easy and ready access to the various conference rooms, Council Chambers and small committee rooms.

17. The main delegates' lounge on the delegates' level in the north area is 36 feet (10.97 m) wide, 175 feet (53.34 m) long and 24 feet (7.32 m) high, exclusive of the bay window, which projects 10 feet (3.05 m). This very impressive room will be decorated in a restrained and subdued manner and will have an acoustical ceiling, carpeted floor, comfortable furniture and subdued lighting. The room will contain a lounge area, bar and a writing-room provided with telephone booths and a call system.

18. The principal dining area at the Headquarters is located on the roof level, directly above the Council Chambers, containing a delegates' restaurant seating 300 people, private dining rooms, and a Secretariat cafeteria seating 400 people. Both the restaurant and cafeteria are easily accessible from all parts of the conference area and from all elevators in the Secretariat building by way of the fourth floor.

C. *The General Assembly building*

19. The last major building in the present construction programme is the General Assembly building, a structure with subtle curves, sloping form and shallow dome which will contrast effectively with the rectangular lines of the Secretariat building and the conference area. This permanent home of the General Assembly is expected to be completed well in advance of the seventh session in 1952, but not in time for the sixth session in 1951. Structural steel is now being erected and progress is good.

20. The building measures 380 feet (115.82 m) long and 160 feet (48.77 m) wide. The north end, which is the principal public entrance, has a facade of 75 1/2 feet (23.01 m) in height supporting the roof, which slopes gradually downward to 53 1/2 feet (16.31 m) at the southern facade. The east and west walls of the building are to be faced with an English Portland stone, "St. Paul's White Bed", with facias, panels and trimmings in marble matching the north and south walls of the Secretariat building. On the north facade translucent marble panels, set into marble piers, are designed to give the main entrance and public lobby a subdued and cathedral-like lighting. The exterior design is accented on the roof by a shallow, tilted dome covering the delegates' area in the Assembly auditorium.

21. There are five levels in the passageway connecting the General Assembly building to the conference area. In the two lower levels of the Assembly building there will be radio studios, committee rooms, maintenance areas, recording rooms, and a master control room which

will be the nerve centre of a vast and complicated communications system serving the entire Headquarters. Also in these lower levels will be the fourth large conference room for Assembly Committees. The seating capacity in this room provides for 75 representatives at the table and 225 advisers, 16 representatives of specialized agencies, 16 members of the Secretariat and 2 additional places. The number of representatives can later be increased to 83 and the advisers to 249, if necessary.

22. The principal delegates' entrance will be on the west side of the building, off First Avenue. Circulation for the public and the delegations is planned in such a manner as to provide convenient access to and from all meeting rooms, lobbies and the other buildings without interference with each other. The delegates' lobby, separated from the public area by a partition, will provide coat rooms and information facilities conveniently situated; stairs, escalators and elevators will serve delegations going to the Assembly auditorium.

23. The General Assembly auditorium consists of a circular-shaped area, over 100 feet (30.48 m) in diameter, and capped with the shallow dome, under which restrained and quiet lighting effects can be achieved, with supplementary lighting available for television and photography. The entire building is to be equipped with an air-conditioning system of the latest design, and the auditorium itself will be equipped with all sound devices and with motion-picture projection facilities.

24. The auditorium will provide seating accommodation for 360 representatives, 234 members of the Press, 276 observers and 800 members of the general public. The number of seats for representatives can be increased, if necessary, by at least 40.

25. A generous working area will be available for members of the Press, radio and television, who will have their own office space, lounge, dispatch rooms and other essential requirements. Public information and technical services are to be located off the main floor of the auditorium, with a direct view of delegations and of the speaker's rostrum.

D. *Garage*

26. A 1,500-car underground garage is an important feature of the Headquarters project. The garage, built in three levels, is constructed partly under the General Assembly building and partly under the landscaped garden area. It extends from the Manhattan office building north to about 60 feet (18.29 m) beyond the north facade of the General Assembly building. In the opposite direction it extends from the west wall of the Secretariat building to the United Nations westerly property line along First Avenue.

27. Numerous entrances and exits have been planned to provide a maximum degree of flexibility in entering and leaving the garage, as well as the speediest possible circulation through it. Two ramps, one exit and one entrance, are in the Secretariat court, and entrance to the garage is also provided from 42nd Street with a service road paralleling the City's Franklin D. Roosevelt

Drive. There is another ramp at 48th Street, in addition to three entrances and exits from the service road at the lowest garage level. Interior ramps connect the three levels of the garage with each other and provide sufficient and easy movement of cars, as well as internal circulation throughout this vast area. The total area provided for parking is about 600,000 square feet (55,739.82 sq. m).

E. Landscaping

28. The landscaping plans for the site have not been finalized but it is intended to provide as much green open space as possible, with planting confined to small areas and appropriate trees placed around the site in an informal manner.

29. The landscaping plans will take into consideration the principal entrance to the site from 47th Street, which will form a kind of plaza resulting from the City's street-widening programme for 47th Street between First and Second Avenues.

30. The placement of the United Nations flags will probably be on First Avenue in front of the delegates' entrance to the General Assembly. The space in front of the Secretariat building, leading to the garages, has a suitable place for a fountain.

F. Delegation building

31. The Headquarters plans, as developed in 1947 and approved by the General Assembly at its second session in November of that year by resolution 182 (II), included, in addition to the buildings for the principal organs of the United Nations, a building on the north portion of the site for the offices of delegations, specialized agencies and non-governmental organizations. Since the requirements for this building were not definite at that time, only preliminary plans were made, and the financial arrangements for the whole project did not include funds for its construction. In 1948 and 1949, some further thought was given to this building, as it appeared that one or more of the specialized agencies might possibly decide to establish headquarters on the Manhattan site. A preliminary investigation was made of the requirements of delegations early in 1949, and the majority of the Members having delegations in New York City expressed an interest in the building. It was thought that reasonable rentals might be paid by delegations, specialized agencies and non-governmental organizations which would provide income to repay any construction loan that might be made. The fact that there would be no land cost seemed to be an important consideration, making a solid financial plan possible.

32. The early plans envisaged a building 73 feet (22.25 m) wide and 399 feet (121.62 m) long, approximately 300 feet (91.44 m) high, containing 20 floors of office space, in addition to two basements and an underground garage on two levels for 500 cars. The 20 floors of office space would have totalled about 450,000 net square feet (41,804.87 sq m).

33. The exterior of the building was to have been similar in design to the Secretariat building, with the

east and west facades in marble and the north and south facades in metal and glass.

34. The question of developing the plan for the delegation building was discussed with the Headquarters Advisory Committee in 1949, but no further action was taken, as the Committee did not recommend a continuation of the studies. In fact none of the specialized agencies has shown any interest to date in seeking accommodation on the site, although a number of delegations have expressed a desire for office space there. In view of financial exigencies and other considerations, nothing further has been done during the past year. Nevertheless, the construction of such a building should still be considered for the future, and the development of the site cannot be considered complete without it.

G. Library

35. The Manhattan office building, a seven-storey building acquired from the City of New York at the time of the acquisition of the Headquarters site, will become the United Nations Library, and will be adapted to house from 250,000 to 300,000 books. All floors except the 7th, which will remain the Headquarters of the Military Staff Committee, will be given over to library services. Extensive alterations, including changes in the building structure and the installation of air-conditioning, lighting and plumbing systems are being undertaken. Book stacks will be installed, and incorporated into these will be reinforcement steel struts to strengthen the existing floor slabs in the building in order to accommodate the additional floor loads required for the book stacks. A passageway will be constructed between the Secretariat building and the Library to provide easy access from the Secretariat building and the conference area.

36. A pneumatic tube system will be installed between the Secretariat building and the Library to provide efficient and rapid transportation of books and documents, as well as a new vertical chain conveyor for transporting books between floors of the library building.

III. NEW YORK CITY'S PART IN ESTABLISHING THE UNITED NATIONS PERMANENT HEADQUARTERS

37. While the original Headquarters Committee of the United Nations was considering several possible sites for the permanent headquarters, Mayor William O'Dwyer appointed a committee, of which Robert Moses was chairman, to draw up a plan for the Headquarters to be located at Flushing Meadow Park. The other members of this Committee, appointed in September 1946, were Winthrop W. Aldrich, James A. Burke, John W. Davis, Frederick H. Ecker, James A. Farley, James J. Lyons, Charles G. Meyer, Nelson A. Rockefeller, Arthur Hays Sulzberger, Thomas J. Watson and Grover A. Whalen.

38. A board of design, composed of distinguished engineers and architects, was appointed by this Committee to prepare a plan which called for the use of most of the park area formerly occupied by the World's Fair, and a generously landscaped setting for the United Nations buildings. In submitting this plan to the

United Nations, Mayor O'Dwyer offered to donate the site with all of its existing improvements, to add others and to provide contiguous land without cost to the United Nations. He also assured the United Nations of full tax exemption and an international, extra-territorial status.

39. Meanwhile, Mr. John D. Rockefeller Jr. made his generous offer of \$US 8,500,000 for the purchase of most of the land between First Avenue and the East River from 42nd to 48th Streets. This, however, was contingent upon the co-operation of the City of New York. Certain parcels of land which could not be purchased had to be condemned and paid for by the City, and a number of other conditions met. Specifically, these included the closing of the blocks between 42nd and 47th Streets east of First Avenue, a grant of the exclusive rights for the waterfront and land under water opposite the United Nations site, and the transfer of the City playground north of 42nd Street. In addition, the City agreed to widen and reconstruct First Avenue, including a through-traffic tunnel, to widen and reconstruct 42nd and 47th Streets between First and Second Avenues as dignified approaches from the west, to provide additional zoning restrictions in the neighbourhood, to grant tax exemption, to transfer the City Housing Authority building to the United Nations at the actual cost of construction, and to grant an easement over Franklin D. Roosevelt Drive. Due to increased costs of construction, the total value of the New York City contributions is now estimated at \$26,500,000. First estimates were in the neighbourhood of \$23 million.

40. At the outset of the undertaking, the City Bureau of Real Estate took over the troublesome problem of tenant relocation, since construction could not begin until the site was cleared. In view of the critical housing shortage that existed at that time, this involved rehabilitation of old, abandoned buildings off the site. Business relocation included the transfer of important railroad and other water-front terminals to City land elsewhere, involving major readjustments in City services and co-ordination with the services of private utility companies.

41. In addition to its own work on the outskirts and on access and approaches to the Headquarters site, the City has done everything possible to co-operate with and to assist the United Nations in carrying on work within the site. As a result, policy questions have been quickly and amicably settled and the work has proceeded smoothly at all times.

IV. FINANCIAL REPORT

A. Budget

42. It will be recalled that when the preliminary plans of the Headquarters project were first submitted to the General Assembly in 1947 (A/311)⁴, cost estimates were

\$84,831,450. This figure was revised downward to a total of \$65 million and a tentative budget was submitted in A/311/Add.1/Rev.1, dated 6 November 1947.

43. The present budget reflects decisions taken since 1947 regarding plans and construction contracts. It differs in form from that submitted in November 1947 only in a rearrangement of main headings. At the time the 1947 preliminary estimates were submitted, the type of construction contract to be awarded was not known. However, after plans were further developed and construction prices studied, it was deemed to be in the best interests of the United Nations to award a single contract covering complete construction of the Secretariat building, including lower-level facilities, and the foundations for all the buildings.

44. The budget for the planning, construction and furnishing of the permanent Headquarters, together with other expenditures necessary to the establishment of the permanent Headquarters, is as follows :

Summary of permanent Headquarters budget

	<i>US dollars</i>
Secretariat building and foundations	25,105,000
This includes all costs of the construction of the Secretariat office building, together with the foundations for all the other structures on the site.	
Demolition and excavation	847,500
This includes total cost of demolishing all the structures on the site at the time of its acquisition, i.e. 318,500 US dollars And the excavation contract which provided for the major excavation required in preparation for construction, i.e. 529,000 US dollars	
Tenant relocation	659,000
At the time of the acquisition of the site there were 51 families residing in two apartment houses near 48th Street, and the United Nations had the responsibility for assisting these people in finding new quarters. This item includes the rehabilitation of properties at 54th Street and Second Avenue, into which most of the residential tenants from the site moved. A substantial reduction in this amount will be realized when the property is sold and the proceeds of the sale transferred to the United Nations by the City of New York.	
Manhattan office building	1,544,000
This item includes the cost of the acquisition and alteration of the Manhattan office building which, in 1947, was being constructed by the New York Housing Authority for its own use. In order to round out the site, the City agreed to transfer this building on a lease-purchase basis.	
Landscaping	1,000,000
This includes paving and planting within the site.	
	29,155,500

⁴ See *Official Records of the General Assembly, Second Session, Supplement No. 8*, p. 90.

	<i>US dollars</i>
Carry Over.....	29,155,500
Furniture and fixtures	1,000,000
This estimate contemplates the use of all available equipment at Lake Success and Flushing Meadow which can be adapted to the new buildings.	
Relocation of Franklin D. Roosevelt Drive .	2,900,000
This item includes the cost of work done by the City, in co-operation with the United Nations, in relocating the Franklin D. Roosevelt Drive in order to provide more area for the United Nations and in order to provide the best possible access to the site from public streets.	
Communications	860,000
This includes the cost of designing, acquiring and installing communications equipment for the simultaneous translation system, sound reinforcement system and special equipment. It also includes the rehabilitation and the adaptation of present equipment to the new Headquarters.	
Administrative costs	649,000
This item includes salaries of administrative and clerical personnel, special consultants on legal and insurance matters.	
Architectural design and planning	2,246,000
This includes salaries of personnel engaged in design research, drafting and related work, together with costs of architectural supplies.	
Engineering and supervision	3,139,500
This includes engineering consultant fees, engineering drafting costs, testing and supervision of construction.	
Title search relating to the acquisition of the site	20,000
This item includes special legal fees paid at the time of the acquisition of the site.	
Meeting halls and covering for the drive ...	12,000,000
This item includes the cost of the construction contract for the Council Chambers and conference and committee rooms, including the restaurant area and the structure which extends the site over the Franklin D. Roosevelt Drive along the eastern side of the project.	
South parking garage and alterations to the Interborough Rapid Transit vent	2,030,000
This includes the construction of about half the three-storey underground parking garage and the alterations necessary to the Interborough Rapid Transit ventilation structure which is located on the site and which remains the property of New York City. The cost of the south parking garage is 1,955,000 US dollars The cost of the alteration of the subway ventilation structure, which could not be moved, is estimated at 75,000 US dollars	
General Assembly and north parking garage .	11,000,000
This includes the cost of the construction of the General Assembly auditorium and the northern portion of the three-storey underground parking garage.	
TOTAL.....	65,000,000

45. It is estimated that since 1947, when the \$65 million maximum project cost was approved, building and construction costs have risen approximately 11.5 per cent. In order to keep costs within the approved budget, it has therefore been necessary to make many readjustments, changes and substitutions. Less expensive finishing materials, for example, have had to be substituted, certain items omitted, the completion of some of the less urgently required facilities deferred, and reductions made in the amounts originally budgeted for furniture, landscaping and telecommunications.

B. Construction receipts and expenditures

(1) Schedule of receipts under the Loan Agreement with the United States Government

46. Under the procedure specified in the Loan Agreement with the United States Government, twelve requests for advances have been issued to date and funds received as follows :

<i>Request No.</i>	<i>Received</i>	<i>US dollars</i>
1	23 September 1948	2,694,819.39
2	2 February 1949.....	3,504,415.12
3	11 March 1949.....	1,772,700.00
4	2 May 1949	1,994,000.00
5	24 June 1949.....	1,500,000.00
6	22 August 1949	3,049,000.00
7	16 September 1949	3,500,000.00
8	31 October 1949	4,600,000.00
9	6 January 1950	5,278,300.00
10	21 March 1950	4,848,559.54
	(Net refund of \$551,440.46)	
11	20 June 1950	4,400,000.00
12	16 August 1950	4,000,000.00

Total advances to date under United States Loan Agreement

41,141,794.05

Prior to the receipt of funds under the Loan Agreement, advances aggregating \$2,961,023.21 were issued from the United Nations Working Capital Fund. This sum has been refunded out of the loan proceeds.

(2) Status of expenditures

47. On 31 July 1950, a total sum of \$36,560,968.65 had been expended for permanent Headquarters construction and related purposes. This amount includes \$1,244,830.76 for the purchase and alteration of the Manhattan office building. The final instalment of \$298,800.00 for the purchase of the Manhattan building will become due to the City of New York on 1 July 1951, according to the terms of a lease-purchase agreement under which the building was acquired by the United Nations.

A brief summary of expenditures to 31 July 1950 follows :

	<i>US dollars</i>
Secretariat building and foundations	21,699,466.38
Demolition and excavation	844,986.98
Tenant relocation	653,700.95
Manhattan office building	1,244,830.76
East River Drive—easements	2,487,069.38
	<hr/>
	26,930,054.45

	<i>US dollars</i>
<i>Carry Over</i>	26,930,054.45
Administrative and legal	356,672.39
Architectural design and planning	1,818,134.21
Engineering and supervision	2,661,842.40
Meeting halls and covering over East River Drive	3,008,263.83
South parking garage and Interborough Rapid Transit vent shaft	1,299,901.37
General Assembly Hall and north parking garage	486,100.00
	36,560,968.65

48. The balance of funds available under the Loan Agreement, \$23,858,205.95, will be required to complete construction. Repayments of the loan are due in instalments over a period of thirty years, beginning with a payment of \$1 million on 1 July 1951.

C. Procedures and controls

49. The principal officers of the Headquarters Planning Office are the Director of Planning, the Deputy Director of Planning, the Co-ordinator of Construction, the Assistant Co-ordinator of Construction, the Executive Officer, the Comptroller and the representative of the Legal Department.

50. Throughout the administration of the planning and construction programme, adequate financial controls and safeguards have been enforced. Separate budgetary and expenditure accounting records are maintained by the Headquarters Planning Office, which is a unit in the Department of Administrative and Financial Services. Generally speaking, the procedures followed by the Bureau of Finance with regard to the obligating and expending of funds have been followed by the Headquarters Planning Office. All contracts are subject to review and approval by the representative of the Legal Department and by the Comptroller of the Headquarters Planning Office. Accounts and records are examined regularly by the Inspection Service of the Secretariat and by the Board of Auditors.

51. In accordance with the provisions of the Loan Agreement with the Government of the United States (U.S. Public Law 903, approved 11 August 1948) under which the sum of \$65 million has been made available for the construction of the Headquarters, requisitions for funds are drawn as needed. These requisitions are submitted to the United States Mission to the United Nations and carry the signatures and certification of duly authorized officers of the United Nations. Advances are deposited into two accounts, the United Nations No. 3 and No. 4 accounts in the Chase National Bank of New York City. These accounts were opened exclusively for the Headquarters construction project. The No. 3 account contains funds for engineering, planning, design and administrative purposes; the No. 4 account has been opened in accordance with agreements with the prime contractor, Fuller-Turner-Walsh-Slattey, Inc., and withdrawals from this account are limited to payments to and for the account of this company.

52. All expenditures of the construction loan funds are processed by the Comptroller's office of the Headquarters Planning Office. A pre-audit is made of every proposed disbursement to determine the propriety of the item as a charge in accordance with the terms of contracts, purchase orders or other obligatory documents. In the case of charges relating to the building construction contracts, a further check on the correctness of the item is furnished through inspection and approval by qualified engineers and inspectors attached to the Headquarters Planning Office staff.

53. By special legislation of the City of New York, purchases of materials, supplies and services for the permanent Headquarters are exempt from the city sales and compensating use tax and, under the regulations of the City governing the application of this exemption, the United Nations is required to make payments for materials, supplies and services direct to vendors. This procedure applies to all contracts and sub-contracts and provides a direct means of assurance that the United Nations receives the full benefit of all tax savings to which it is entitled.

54. All major architectural and engineering service contracts are controlled by periodic audits of the various firms by the Headquarters Planning Office.

55. Monthly requisitions for progress payments to the prime contractor are examined independently by inspectors and auditors under the supervision of the Co-ordinator of Construction and the Comptroller. All recommendations and approvals for payments are certified by either the Director of Planning, the Deputy Director of Planning, or the Executive Officer.

56. All cheques drawn on funds deposited in the No. 3 and No. 4 accounts require the signatures of two authorized officers, the Comptroller or his duly authorized representative, and the Director of Planning or his duly authorized representative.

57. The Loan Agreement with the United States Government itself imposes an element of control over the use of the funds by prescribing within its terms :

- (a) The general purposes for which the funds may be used,
- (b) Time limits within which funds obtained under each request must be disbursed.

V. PROCUREMENT CONSIDERATIONS

58. A primary consideration in the planning and construction of the Headquarters project from its beginning early in 1947 has been the urgent need to provide suitable permanent accommodation for the various organs of the United Nations, thus increasing the efficiency of the work of the Organization. Of equal importance has been the necessity for keeping expenditures within the fixed budget of \$65 million, set in 1947 at a time when the costs of construction, materials and labour were rising.

59. Quality, price and delivery guarantees have been of first importance in all procurement, and a policy of competition between qualified contractors and suppliers has been consistently followed; competition has as a rule been keen, and the prestige of the United Nations Headquarters has been attractive to contractors and suppliers.

60. At the fourth session of the General Assembly, during the discussion of the Secretary-General's report on the Headquarters (A/1009)⁵, attention was drawn to the subject of world-wide procurement. In accordance with wishes expressed at that time, efforts have been made to develop a more completely international procurement programme both for day-to-day operations and in the establishment of the permanent Headquarters. Letters of inquiry were sent to the governments of all Member States, accompanied by lists of items which those States might be able to supply. Representatives of the Secretary-General have visited many countries to investigate possible sources of supply and to discuss with manufacturers and suppliers both the immediate and the long-range needs of the Organization. As a result of careful consideration, certain materials can be more widely procured, particularly such items as furnishings, furniture, electronics equipment, floor coverings, special glass, marble and special interior finishes. Indeed, considerable purchases have already been made in 1950 and it is thought that about 75 per cent of all interior furnishings will come from outside the United States.

VI. ART AND DECORATION

A. Board of Art Advisers

61. Early in 1950 the Secretary-General decided, after consultation with members of the Headquarters Advisory Committee, that the appointment of a Board of Art Advisers was an appropriate step in the formulation of a programme which would result in significant artistic treatment of the buildings and grounds consistent with the architecture and over-all site plan. The Board was appointed in March, and consists of Mr. Wallace K. Harrison (United States of America), Chairman, Mr. Jacques Carlu (France), Mr. Miguel Covarrubias (Mexico) and Mr. Howard Robertson (United Kingdom).

62. The terms of reference of the Board of Art Advisers are as follows:

(a) To assist the Secretary-General in establishing an appropriate policy for guidance on the type of decor required for the United Nations permanent Headquarters site and buildings, ensuring that all art work in the Headquarters buildings and on the site is in keeping with the architectural design.

(b) To study and evaluate all offers, proposals and donations of works of art from governments, organizations and individuals, and to advise the Secretary-General regarding acceptance or rejection of specific offers.

(c) To propose artists who may be appointed to execute sculpture, murals and other works of art at appropriate locations incorporated in the architectural plans.

B. Gifts

63. Many offers of gifts have been received from governments, organizations of various kinds, commercial concerns and individuals. The Secretary-General has, therefore, requested the Board of Art Advisers to consider the best way of dealing with these offers, and to make recommendations. At its first meeting, the Board decided that it was premature and unnecessary to make specific recommendations on most of the miscellaneous offers already received. However, the Board reached two important conclusions: first, that no gifts should be accepted which could be interpreted as having commercial significance or advertising value to the donor; second, that portraits of national and international figures might be acceptable, subject to the provision that they should form part of a non-permanent exhibition and that they should be considered as works of art, regardless of the personalities involved.

64. Gifts from the governments of Member States for the Headquarters buildings and grounds would be welcomed, and the Secretary-General addressed a letter on this subject in April 1950 to all Members, attaching a list of suggestions for the guidance of those governments interested in making donations which would be representative of the culture of their countries. Many representatives have since made informal inquiries regarding various decorative schemes and plans, as well as the dimensions of rooms and spaces suitable for wall and floor coverings, furnishings and art objects. It would be advantageous if firm offers could be received within the next few months. In this connexion it may be stated, *inter alia*, that the Governments of Norway, Sweden and Denmark have indicated their intention of supplying some of the interior furnishings, as well as the interior design, for the three Council Chambers. Architects and artists of Norway are working on the Security Council Chamber plans; designers in Sweden are concerned with the Economic and Social Council Chamber decorations, while a Danish architect is preparing a scheme for the Trusteeship Council Chamber. Recently the Chairman and two members of the Board of Art Advisers visited Oslo, Stockholm and Copenhagen for consultations relating to these plans.

65. Another significant offer, which was suggested informally by the Mayor and the Co-ordinator of Construction of the City of New York, was for a decorative fence and memorial gateway for the site, to be presented by the people of the City of New York. The acceptance of such a gift was agreed to in principle by members of the Headquarters Advisory Committee, and a preliminary design was approved by the Board of Art Advisers at their June meeting.

66. Some non-governmental organizations have expressed interest in donating items for the embellishment of the site, including a fountain, trees, and international gardens.

⁵ *Ibid.*, Fourth Session, Fifth Committee, 206th meeting.

VII. TRANSFER FROM LAKE SUCCESS AND FLUSHING TO MANHATTAN

67. As of 1 October 1950, almost 1,000 members of the Secretariat will have moved to their new offices in the Secretariat building at the permanent Headquarters; they are drawn largely from the Departments of Economic Affairs, Social Affairs, and Administrative and Financial Services, together with the necessary service personnel from the Department of Conference and General Services. It is at present planned to vacate the premises at Lake Success as soon as practicable after the conclusion of the fifth session of the General Assembly, the main objective being to centralize all activities in Manhattan at the earliest possible date.

VIII. HEADQUARTERS ADVISORY COMMITTEE

68. Various phases of the problems connected with the Headquarters project have been discussed many times throughout the year with members of the Headquarters Advisory Committee. While the Committee has held only one formal meeting this year, the advice of members has been requested freely on matters of policy whenever important decisions had to be made. The Secretary-General wishes to express his sincere thanks for the

steadfast assistance and constant advice given to him by the Committee and it is his hope that the Committee will be continued in the future.

IX. DRAFT RESOLUTION PROPOSED FOR ADOPTION BY THE GENERAL ASSEMBLY

69. The Secretary-General has the honour to submit for the consideration of the General Assembly at its fifth regular session the following draft resolution :

HEADQUARTERS OF THE UNITED NATIONS

The General Assembly

1. *Takes note* of the report of the Secretary-General on the permanent Headquarters of the United Nations;

2. *Decides* that the Headquarters Advisory Committee, established by General Assembly resolution 182 (II) of 20 November 1947, shall be continued with the existing membership;

3. *Requests* the Secretary-General to report to the General Assembly at its sixth regular session on the progress of construction of the Headquarters.

DOCUMENT A/1634

Report of the Fifth Committee

[Original text : English]
[6 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 264th meeting held on 14 November 1950, considered the progress report on the permanent Headquarters of the United Nations (A/1392/Rev.1) submitted by the Secretary-General, pursuant to paragraph 3 of General Assembly resolution 350 (IV).

2. Prior to discussion of the progress report, the Committee was informed by the Assistant Secretary-General in charge of Administrative and Financial Services, on behalf of the Secretary-General, that it would be difficult to complete the construction and equipment of the Headquarters, including alterations to the present Manhattan office building to make it suitable as a library within the \$65 million loan authorization. In addition to the cost of Library alterations, for which a provision of \$500,000 under section 19 of the budget had been requested, it had been found necessary, in order to accommodate the Secretariat of the United Nations International Children's Emergency Fund, the Technical Assistance Administration and the liaison staffs of certain specialized agencies, to complete, at a cost of approximately \$360,000, three of the five floors in the Secretariat building which it had been intended to leave unfinished. These circumstances, and the fact that costs had risen

so sharply since 1947 when the \$65 million maximum project cost had been approved, made it impossible to guarantee that total expenditure would not ultimately somewhat exceed this maximum, although it was anticipated that such additional funds as might be needed would be relatively small. While every effort would be made to complete the project within the original provision, the exact total cost of the work which was due to be completed before 1953 could not be forecast at this time, and since part of the funds received under the \$65 million loan were still available, the Secretary-General had decided not to proceed with any request for immediate supplementary appropriations, but to suggest that action by the General Assembly at its fifth session should be limited to adoption of the following draft resolution :

" The General Assembly

" 1. *Takes note* of the report of the Secretary-General on the permanent Headquarters of the United Nations;

" 2. *Decides* that the Headquarters Advisory Committee, established by General Assembly resolution 182 (II) of 20 November 1947, shall be continued with the existing membership;

“ 3. *Requests* the Secretary-General to report to the General Assembly at its sixth regular session on the progress of construction of the Headquarters.”

3. Delegations which, during the Committee's consideration of the 1951 budget estimates, had questioned the propriety of including a provision under section 19 for library construction purposes, expressed their approval of the procedure suggested by the Secretary-General.

4. The representative of Cuba recalled that the Headquarters plans drawn up in 1947 provided for a building at the northern end of the site to house delegation offices, specialized agencies and non-governmental organizations. The Headquarters Advisory Committee had discussed the construction of such a building but, in the absence of instructions from the General Assembly, had made no recommendation. In view of the interest shown by a majority of the delegations in maintaining permanent offices in New York, the Cuban representative proposed that the Secretary-General, in addition to reporting on the progress of construction of the Headquarters, should also be requested to submit to the sixth regular session of the General Assembly “ definite plans and methods of financing the construction of a delegation building”. In order to make it clear that such a request was not intended to prejudice the final decision of the General Assembly or to involve any financial commitment, the representative of Canada proposed, and the Cuban representative agreed, that the words “ definite plans” should be replaced by the words “ tentative plans”. Such a change, moreover, recognized the fact that due to cost increases and unforeseen contingencies, initial plans had frequently to be considerably modified. It was indicated, on behalf of the Secretary-General, that acceptance of the Cuban amendment to the Secretary-General's draft resolution would not involve additional budgetary provision. The amendment was then adopted by 26 votes to none, with 17 abstentions, following which the Secretary-General's draft resolution, as amended, was adopted unanimously.

5. It was the understanding of the Fifth Committee that these votes did not in any way bind the General Assembly or prejudice its ultimate decision. They should not, therefore, be considered as a first step towards the construction of a delegation building, but simply as a formal request to the Secretary-General for information

and suggestions, on the basis of which the matter might be more fully considered by the General Assembly at its next regular session.

6. Information supplementing that contained in the Secretary-General's report was given by the Director of Headquarters Planning, in response to questions put to him by a number of delegations, concerning working facilities for delegations in the Secretariat building or conference area; seating arrangements in the General Assembly Hall; restaurant and cafeteria capacity; garage facilities and arrangements; and procurement policy with respect to non-United States purchases. The Committee was further informed that the total construction programme was approximately two-thirds completed. The Secretariat building was in process of completion; all necessary contracts had been placed for the construction of the conference area and the General Assembly building, and approximately three-quarters of the materials required for the latter project had been purchased. Preliminary plans for a delegation building already existed and it would not be difficult to elaborate them to such a point as to enable an estimate of construction costs to be established.

7. Consequent on the above considerations, the Fifth Committee recommends to the General Assembly the adoption of the following resolution :

HEADQUARTERS OF THE UNITED NATIONS

The General Assembly

1. *Takes note* of the report of the Secretary-General on the permanent Headquarters of the United Nations (A/1342/Rev.1);

2. *Decides* that the Headquarters Advisory Committee, established by General Assembly resolution 182 (II) of 20 November 1947, shall be continued with the existing membership;

3. *Requests* the Secretary-General to report to the General Assembly at its sixth session on the progress of construction of the Headquarters and to submit tentative plans and methods of financing the construction of a delegation building.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observation and reference to other source</i>
A/1392	Report of the Secretary-General		Superseded by A/1392/Rev.1
A/1392/Rev.1	Report of the Secretary-General	1	
A/1634	Report of the Fifth Committee	9	<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 461 (V)</i>
A/1713	Resolution adopted by the General Assembly at its 320th plenary meeting on 12 December 1950		
A/C.5/L.92	Draft report of the Fifth Committee		Same as A/1634



Agenda item 37 : Financial report and accounts, and reports of the Board of Auditors : (a) United Nations, for the financial year ended 31 December 1949; (b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949; (c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950

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(c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950		
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(a) United Nations, for the financial year ended 31 December 1949

DOCUMENT A/1398

Report of the Board of Auditors on the accounts of the United Nations for the financial year ended 31 December 1949 : note by the Secretary-General

[Original text : English]
[27 September 1950]

1. The Secretary-General has examined the report of the Board of Auditors to the General Assembly on the audit of the accounts of the United Nations for the year

ended 31 December 1949 (A/1256),¹ and makes the fol-

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 6, p. 27-34.*

lowing comments on the various matters referred to therein :

7. *Overtime pay*²

2. The Board points out that overtime pay amounting to \$US254,244 was compensated in cash, although the administrative staff rules contemplate that, whenever practicable, settlement should be by grant of compensatory leave. The greater portion of the stated amount represents overtime pay earned during the General Assembly period when, as a result of the sustained workload, it is not possible to grant compensatory leave within the limited time (i. e. the current or succeeding period) stipulated in the rules. Nevertheless, efforts will continue to be made to restrict settlement in cash to the minimum, and consideration will be given to a change in the rules to provide for extension of the time during which settlement by way of compensatory leave can be made.

8. *Exceptional payments to staff members*

3. It is the normal practice to record payments which are a concession to the recipient as *ex gratia* within the provisions of financial regulation 26 when it is clearly established that no legal liability exists.

4. Exceptional payments which were not dealt with in this way would generally be "marginal" cases where it could not be absolutely determined that no legal liability existed. It is probable that cases of this nature will be largely eliminated with the establishment of the more precise rules covering the social security scheme for staff members.

16-20. *Expenditure in excess of appropriations*

5. The Board draws attention to the fact that obligations incurred under section 27 of the budget (The International Court of Justice—Salaries and expenses of members of the Court) exceed the appropriation by \$8,349.29. The report sets forth in detail the circumstances leading to this over-obligation, which is closely related to the matter of payments to members of the Court, dealt with in paragraphs 11 to 15 of the Board's report.

6. According to General Assembly resolution 252 B (III) on the Working Capital Fund, provision is required to be made in the budget estimates to reimburse the Working Capital Fund for advances used to meet unforeseen expenses. No request for a supplemental appropriation with respect to the expenses for experts for the Corfu Channel case, originally met from the Working Capital Fund, was received from the Court. The Secretary-General did not question this, as he assumed that the

devaluation of the florin in September 1949 would result in a sufficient balance, after paying the salaries of the members of the Court in the amounts fixed in General Assembly resolutions 19 (I) and 85 (I), to cover the expenses of the Corfu case.

7. When the decision of the President of the Court, to pay members of the Court salaries and allowances in the amounts fixed in the budget for 1949, became known to the Secretary-General, he requested the concurrence of the Advisory Committee on Administrative and Budgetary Questions to a transfer of funds, in accordance with the appropriation resolution (resolution 356 (IV)). The Advisory Committee did not concur.

21. *Assessments on Members*

8. The report observes that while Members' contributions for 1949 were computed in accordance with financial regulation 17, no deduction was made in respect of savings effected in 1948 in liquidating prior obligations; the Board then suggests that further consideration be given to financial regulation 17 in order to provide that estimated lapsings in appropriations at the close of the year should be taken into account in computing contributions, and points out that if this had been permissible the assessments on Members would have been approximately \$1,352,000 less. It is, however, to be noted that in making assessments for the year 1950, credit was given to Members on account of estimated saving in liquidating prior years' obligations, and also as a result of supplementary estimates which involved a reduction in the original assessments. As a result, the net amount of surplus as of 31 December 1949 not yet applied against contributions is only \$784,164.92.

22. *Miscellaneous income*

9. The variations between the detailed estimates of income and actual receipts are explained in paragraph 6 of the financial report. The Board's comments in paragraph 22 lead to the suggestion that supplementary estimates need not provide for any adjusted estimate of income. There would appear to be no objection to adopting the method proposed, and accordingly to take into account actual income at as late a date in the year as possible.

25. *Provision of services to specialized agencies*

10. The problem of establishing scales of charges for services rendered to other agencies which will be acceptable to the agencies and still afford adequate reimbursement to the United Nations has proved difficult to solve, but negotiations are continuing. It is because of the difficulties in arriving at agreements on acceptable scales of charges that services tend to be duplicated by separate agencies in Geneva. This ques-

² The numbers preceding sub-titles in the present document relate to the corresponding paragraphs in the report of the Board of Auditors.

tion also is constantly before the Administrative Committee on Co-ordination and its subsidiary Consultative Committee on Administrative Questions, and a good

deal of study has already been given to various aspects of the problem, both in the Committees and at the administrative level.

DOCUMENT A/1446

Report of the Fifth Committee

[Original text : English]
[18 October 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting held on 26 September 1950, the Fifth Committee considered, at its 237th meeting held on 2 October 1950, the financial report and accounts of the United Nations for the financial year ended 31 December 1949 and the report thereon of the Board of Auditors (A/1256). The Committee also had before it the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its second report for 1950 (A/1312, par. 311 to 319) ³ and a note by the Secretary-General (A/1398), both pertaining to the report of the Board of Auditors.

2. The Fifth Committee took note of the fact that, with regard to a number of points raised in the report of the Board of Auditors, corrective action had been taken by the Secretary-General. It noted also the assurance given on his behalf that, in connexion with the provision of services to specialized agencies at the Geneva Office of the United Nations, efforts would be continued, in consultation with the Advisory Committee on Administrative and Budgetary Questions and with the Administrative Committee on Co-ordination, to eliminate duplication of services on the basis of the proposals advanced by the Board of Auditors. In response to questions raised by a number of delegations, certain

additional information was furnished to the Committee in the course of the discussion by the Chairman of the Board of Auditors, the Chairman of the Advisory Committee and the Assistant Secretary-General in charge of Administrative and Financial Services. It was the sense of the Committee as a whole that appreciation should be recorded of the manner in which the auditors had consistently discharged their important responsibilities under the chairmanship of Mr. Watson Sellar of Canada.

3. In the light of the suggestions and observations made during the discussion, the Fifth Committee decided to recommend to the General Assembly the adoption of the following resolution :

UNITED NATIONS FINANCIAL REPORT AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1949, AND REPORT OF THE BOARD OF AUDITORS

The General Assembly

1. *Accepts* the financial report and accounts of the United Nations for the financial year ended 31 December 1949, and the certificate of the Board of Auditors;

2. *Concurs* in the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

³ See *Official Records of the General Assembly, Fifth Session, Supplement No. 7.*

(b) United Nations International Children's Emergency Fund, for the financial year ended 31 December 1949

DOCUMENT A/1336

Note by the Secretary-General

[Original text : English]
[24 August 1950]

1. The General Assembly, on 11 December 1946, adopted resolution 57 (I), paragraph 6 of which provides that the Secretary-General shall submit to the General Assembly an annual audit of the accounts of the United Nations International Children's Emergency Fund.

2. The audit of the accounts of the Fund for the year ended 31 December 1949 was carried out by the

Board of Auditors of the United Nations. The financial report and statements of the Fund and the report of the Board of Auditors are submitted to the General Assembly herewith as annexes to the present document.

3. These reports were submitted to the Committee on Administrative Budget of the Fund, which reported thereon (E/ICEF/R.60/Add.1) to the Executive Board

of the Fund. In respect of the financial report, the Committee on Administrative Budget "drew attention to the low ratio of UNICEF administrative costs, since the beginning of operations, to total relief expenditures. From the inception of UNICEF in December 1946 to 31 December 1949, expenditures for administration amounted to \$US4,114,767.72 net, or 4.32 per cent of the funds expended or committed for relief operations (\$95,206,880.16). The Committee pointed out that while the ratio had been even lower at the end of 1948, the Administration had advised the Executive Board that, with the expansion of the geographic areas covered by the Fund and the increase in UNICEF supplies to country medical programmes, it could be expected that the cost of procurement, finance, accounting and general administrative supervision would increase over earlier periods".

4. In relation to the report of the Board of Auditors, the Committee made the following comment :

"The report of the Administration on the action taken concerning recommendations made by the Board of Auditors was studied in detail. The Committee noted that the Administration had undertaken to clarify and adjust a number of problems raised by the auditors. The Committee discussed the question

of indemnities and *ex gratia* payments referred to by the auditors in paragraph 17 of their report. The Committee suggested that in those cases in which (United Nations Provisional) Financial Regulation 26 is applicable, a report might be made to the Committee on Administrative Budget and the Executive Board..."

5. As indicated in its report to the eleventh session of the Economic and Social Council (E/1737),⁴ the Executive Board of UNICEF approved the recommendations of the Committee on Administrative Budget as contained in the Committee's report, taking note of the financial report and accounts and the report of the Board of Auditors.

6. In accordance with established practice, the report of the Board of Auditors on the accounts of the Fund has also been submitted to the Advisory Committee on Administrative and Budgetary Questions, which will submit to the General Assembly any observations which it has to make on the report.

⁴ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 11.*

ANNEX I

FINANCIAL REPORT OF THE THIRD FINANCIAL PERIOD ENDED 31 DECEMBER 1949

I. The accounts of the United Nations International Children's Emergency Fund for the third financial period, which ended on 31 December 1949, are presented herewith, including, in accordance with the provisions of the financial rules of the Fund, the following statements :

1. Statement of assets and liabilities.
2. Statement of income and expenditure.
3. Statement of obligations incurred : operational services.
4. Statement of obligations incurred : administrative costs.
5. Schedule " A "—contributions from governments.
6. Schedule " B "—UNICEF share in campaigns of United Nations Appeal for Children.
7. Schedule " C "—contributions from United Nations Relief and Rehabilitation Administration.
8. Schedule " D "—supplies distributed.

II. The financial report presents the balance sheet of the Fund as at 31 December 1949. It does not reflect programme allocations made by the Executive Board which, as at 31 December 1949, totalled over \$141,000,000, i. e., exceeded by about \$11 million the contributions of \$130,123,928.60 actually received by UNICEF as at that date. The excess of allocations was programmed against additional contributions pledged by governments, but not

transferred to UNICEF as at 31 December 1949. The potential financial resources of the Fund, and the allocation of these resources to specific programmes, are treated in reports of the Executive Director to the Programme Committee and to the Executive Board of UNICEF. By April 1950, the total of contributions and pledges to UNICEF since the inception of the Fund amounted to about \$148,300,000, of which \$138,426,248.79 were actually received. The Executive Board made further programme allocations in March 1950, and the total of allocations amounts now to over \$145 million.

III. The statement of assets and liabilities shows funds with banks and the United Nations totalling \$33,543,816.36. These funds, as explained in paragraph II above, are fully committed under programme allocations made by the Executive Board. Investments under the control of the United Nations were short-term US Treasury bills and certificates extended from month to month. Income from investments amounted to \$411,727.87 per 31 December 1949, as per the statement of income and expenditure. Funds in foreign currency are shown in dollar equivalent according to rates of exchange current per 31 December 1949 as quoted by the International Monetary Fund.

IV. *Relief operations*

Funds expended and committed on relief operations since the inception of UNICEF amount to \$95,206,880.16 as per the following computation :

	<i>US dollars</i>
Supplies distributed (released from central and regional warehouses in the recipient countries) as shown in the statement of income and expenditure	70,825,576.95
Commodities which had actually been shipped to receiving countries, but not yet distributed ("in transit" and "in warehouses overseas"), as shown in the statement of assets and liabilities	11,241,084.26

<i>Account</i>	<i>Obligations incurred</i>		
	<i>Liquidated by disbursements \$</i>	<i>Unliquidated \$</i>	<i>Total \$</i>
Contractual printing	15,951.85	1,695.23	17,647.08
Maintenance and operation of transportation equipment	32,693.20	4,769.86	37,463.06
Freight, cartage and express	9,631.22	7.65	9,638.87
Insurance	5,672.65	83.33	5,755.98
External audit costs	8,810.65	9,675.50	18,486.15
Miscellaneous supplies and contractual services	11,138.25	1,943.80	13,082.05
Hospitality	3,937.63		3,937.63
	<u>457,669.19</u>	<u>50,630.97</u>	<u>508,300.16</u>
<i>Permanent equipment</i>			
Office furniture and fixtures	5,956.40	895.55	6,851.95
Office equipment	10,093.73	1,826.33	11,920.06
Purchase of transportation equipment	13,644.66	1,725.00	15,369.66
Alteration and improvement to leased premises	852.61	90.19	942.80
	<u>30,547.40</u>	<u>4,537.07</u>	<u>35,084.47</u>
	<u>2,355,719.67</u>	<u>174,174.58</u>	<u>2,529,894.25</u>
<i>Less : Miscellaneous income (Staff Assessment Plan)</i>			
Established posts	200,940.25		200,940.25
Experts and consultants	5,735.24		5,735.24
Temporary assistance	14,296.76		14,296.76
Overtime	2,836.87		2,836.87
Termination Pay and commutation of annual leave	3,054.83		3,054.83
	<u>226,863.95</u>		<u>226,863.95</u>
	<u>2,128,855.72</u>	<u>174,174.58</u>	<u>2,303,030.30</u>

Certified correct :
 (Signed) Stanley SROKA
 Comptroller

Approved :
 (Signed) E. J. R. HEYWARD
 for Director

AUDIT CERTIFICATE

The above accounts have been examined in accordance with our directions. We have obtained all the information and explanations that we have required, and we certify, as the result of the audit, that, in our opinion, the above accounts are correct, subject to the observations in our report.

(Signed) Watson SELLAR, *Canada*
 Antonio ORDOÑEZ CEBALLOS, *Colombia*
 Otto F. REMKE, *Denmark*

SCHEDULE A

CONTRIBUTIONS FROM GOVERNMENTS FOR THE PERIOD FROM INCEPTION TO 31 DECEMBER 1949

Country	National currency		US\$ equivalent	US\$
Australia	£ A	2,720,000.00 500,000.00	\$3.224 equals £ A 1 £2.24 equals £ A 1	8,769,280.00 1,420,000.00
Austria	Sch.	313,072.01	Sch. 10 equals \$1.00	31,307.21
Belgium	B. Fr.	434,000.00	\$0.0228 equals B. Fr. 1	9,895.20
Bulgaria	Levas	2,707,521.00	Levas 450 equals \$1.00	6,016.71
Canada	Can. \$	5,200,000.00 985,400.00	Can. \$1.00 equals \$1.00 Can. \$1.10 equals \$1.00	5,200,000.00 895,818.18
Czechoslovakia	Cz. Kr.	55,000,000.00	Cz. Kr. 50 equals \$1.00	1,100,000.00
Denmark	D. Kr.	2,000,000.00	\$0.20837 equals D. Kr. 1	416,740.00
Dominican Republic	Rd. \$	120,000.00	Rd. \$ 1.00 equals \$1.00	120,000.00
Finland	F. Mks	5,000,000.00	F. Mks 136 equals \$1.00	36,764.70
France	F. Fr.	20,000,000.00 44,000,000.00 206,000,000.00 4,200,000.00	F. Fr.119.107 equals \$1.00 F. Fr. 214.40 equals \$1.00 F. Fr. 300. equals \$1.00 F. Fr. 350. equals \$1.00	167,916.24 205,223.88 686,666.66 12,000.00
Greece	Dr.	100,000,000.00	Dr. 10,000 equals \$1.00	10,000.00
Hungary	Ft. Sw. Fr.	189.80 79,752.20	Ft. 11.67 equals \$1.00 \$0.234 equals Sw. Fr. 1	16.26 18,662.02
Iceland	Ice. Kr.	250,000.00 In kind	Ice. Kr. 6.5 equals \$1.00	38,461.54 40,281.00
India	Rs.	200,000.00	\$0.30225 equals R 1	60,450.00
Israel				25,000.00
Italy	Lira	503,291,950.00	Lira 575 equals \$1.00	875,290.35
Luxembourg		US\$ in kind		5,000.00 3,000.00
Netherlands	Gldrs.	15,500.00	Gldrs. 2.65 equals \$1.00	5,849.06
Newfoundland	Can. \$	100,050.00	Can. \$1.00 equals \$1.00	100,050.00
New Zealand	£Nz	250,000.00 100,000.00	\$3.24 equals £NZ1 \$4.03 equals £NZ1	810,000.00 403,000.00
Norway	N. Kr.	452,648.22	\$0.2015 equals N. Kr. 1	91,208.62
Pakistan	Rs.	10,000.00	\$0.30225 equals R 1	3,022.50
Poland	Zl	333,000,000.00 in kind	Zl 400 equals \$1.00	832,500.00 200,000.00
Singapore	£S	2,333.6 s. 8 d.	\$4.03 equals £S 1	9,403.33
Sweden	Sw. Kr.	14,766.55 46,919.00	Sw. Kr. 3.6 equals \$1.00 Sw. Kr. 5.18 equals \$1.00	4,101.82 9,057.72
Switzerland	Sw. Fr.	9,155,369.02	\$0.234 equals Sw. Fr. 1	2,142,356.35
Thailand		in kind		85,475.00
Union of South Africa	£ SA	100,000.00 US\$	\$4.03 equals £ SA 1	403,000.00 40,275.00
United Kingdom	£	100,000.00	\$4.03 equals £ 1	403,000.00
United States of America				60,273,502.31
Uruguay	Ps.	1,519,000.00	Ps. 1,519 equals \$1.00	1,000,000.00
Venezuela		US\$		100,000.00
Yugoslavia	Dinars	28,914,367.66 in kind	Dinars 50 equals \$1.00	578,287.35 10,421.60
				TOTAL
				87,358,300.61

SCHEDULE B

UNICEF SHARE IN UNAC CAMPAIGNS FOR THE PERIOD FROM INCEPTION TO 31 DECEMBER 1949

Country	National currency		US\$ equivalent	US\$
Australia	£A	575,483.17 s. 3 d. 75.10 s. 3 d.	\$3.224 equals £A1 \$2.24 equals £A1	1,855,359.94 169.15
Belgium	B. Fr.	5,000,000.00 859,181.26	£0.0228 equals B. Fr. 1 \$0.02 equals B. Fr. 1	114,000.00 17,183.63
Canada	Can. \$	1,085,000.00 75,000.00	Can.\$1.00 equals \$1.00 Can.\$1.00 equals \$1.00	1,085,000.00 68,181.82
Chile	Ch.\$	256,404.39 700,000.00	Ch.\$100. equals \$1.00 Ch.\$94. equals \$1.00	2,564.04 7,446.81
Cuba		200,000.00	Ch.\$ 99. equals \$1.00	2,020.20
Czechoslovakia	Cz. Kr.	15,540,098.60	Cz. Kr. 50 equals \$1.00	53,839.60
Dominican Republic				310,801.97
East Indonesia	Gldrs.	47,900.00	Gldrs. 3.81 equals \$1.00	11,041.58
Ecuador				12,572.18
Finland	F. Mks	300,000.00 2,700,000.00	F. Mks 136 equals \$1.00 F. Mks 231 equals \$1.00	2,205.88 11,688.31
France	F. Frs.	18,268,305.00 8,454,208.00	F. Frs. 300 equals \$1.00 F. Frs. 350 \$1.00	60,894.35 24,154.84
Greece	Dr.	78,125,150.00 13,075,644.00	Dr. 10,000 equals \$1.00 Dr. 15,000 equals \$1.00	7,812.52 871.71
Guatemala				6,211.63
Honduras				11,428.00
Iceland	Kr.	3,247,464.37	Kr. 6.5 equals \$1.00	499,609.90
Italy	Lira	18,979,256.00 1,641,157.00	Lira 625 equals \$1.00 Lira 575 equals \$1.00	30,366.81 2,854.18
Liberia				1,000.00
Liechtenstein				2,000.00
Luxembourg	Sw. Fr.	3,078.34	\$0.234 equals Sw. Fr. 1	720.33
	Frs.	149,919.65 80.35	\$0.02 equals Fr. 1 \$0.0228 equals Fr.1	2,998.39 1.83
Monaco	F. Frs.	944,410.00	F. Frs. 350 equals \$1.00	2,698.31
Morocco	Frs.	100,000.00	Frs. 350 equals \$1.00	285.72
Mozambique				73,056.96
Netherlands	Gldrs.	71,000.00	Gldrs. 2.65 equals \$1.00	26,792.42
New Zealand	£NZ	391,553.10 s. 10 d. 50.00	\$4.03 equals £NZ1 \$3.20 equals £NZ1	1,577,960.77 160.00
Nicaragua	Cord.	19,101.87	C. 5.2925 equals \$1.00	3,609.23
Norway	N. Kr.	1,070,546.23 498.21	\$0.2015 equals N. Kr. 1 \$0.14 equals N. Kr. 1	215,715.05 69.75
Pakistan	Rs.	16,257.00	\$0.30225 equals R 1	4,913.68
Panama				2,500.00
Philippines	Ps.	120,641.96	Ps. 2 equals \$1.00	60,320.98
San Marino	Lira	523,320.00	Lira 625 equals \$1.00	837.31
Sweden	Sw. Kr.	1,105,197.97 153,041.03	Sw. Kr. 3.60 equals \$1.00 Sw. Kr. 5.18 equals \$1.00	306,999.38 29,544.59
Switzerland	Sw. Frs.	740,439.00	\$0.234 equals Sw. Fr. 1	173,262.73
Thailand	Bs.	717,133.11	Bs. 23.25 equals \$1.00	30,844.43
Tunisia	Frs.	10,000.00	Frs. 350 equals \$1.00	28.57

Country	National currency		US\$ equivalents	US\$
Union of South Africa	£S.A.	385,058. 7 s. 9 d.	\$4.03 equals £SA1	1,551,785.30
United Kingdom	£	360,000.00	\$4.03 equals £1	1,450,800.00
		1,893. 2 s. 10 d.	\$2.80 equals £1	5,300.79
U. K. Colonial Territories	£	23,000.00	\$4.03 equals £1	92,690.00
		10,000.00	\$2.80 equals £1	28,000.00
United States of America				618,356.78
Venezuela				17,044.75
Yugoslavia	Dinars	3,000,000.00	Dinars 50 equals \$1.00	60,000.00
Private contributions (including U. N. Secretariat, delegations, and specialized agencies)				171,254.27
				<u>10,722,941.76</u>
			TOTAL	

SCHEDULE C

CONTRIBUTIONS FROM UNITED NATIONS RELIEF AND REHABILITATION ADMINISTRATION FOR THE PERIOD FROM INCEPTION TO 31 DECEMBER 1949

National currency		US\$	US\$ equivalent	US\$
Australian sterling	£A	8,972.13 s. 11 s.	\$3.224 equals £A1	28,927.97
Belgian francs	B. Fr.	704.00	\$0.0228 equals B. Fr. 1	16.05
Canadian dollars	Can \$	2,084,038.31	Can. \$1.00 equals \$1.00	2,084,038.31
Danish crowns	D. Kr.	55,634.18	\$0.20837 equals D. Kr. 1	11,592.51
French francs	F. Fr.	2,042,978.00	F. Fr. 300 equals \$1.00	6,809.92
Algerian francs (19,500) and Moroccan francs (3,000) exchanged for French francs 22,275 converted 300 to \$1.00				74.25
Indian rupees	Rs.	2,124.10	\$0.30225 equals R 1	641.99
Italian lire	Lira	1,204,800.00	Lira 575 equals \$1.00	2,095.30
Netherlands florins	D Fl.	166,969.07	D. Fl. 2.65 equals \$1.00	63,007.20
		197,729.38	D. Fl. 3.80 equals \$1.00	52,034.05
New Zealand sterling	£NZ	6,837. 0 s. 2 d.	\$4.03 equals £NZ 1	27,553.14
Norwegian crowns	N. Kr.	5.45	\$0.2015 equals N. Kr. 1	1.10
		55,652.81	\$0.14 equals N. Kr. 1	7,791.39
South African sterling	SA£	8,280. 6 s. 11 d.	\$4.03 equals £SA1	33,369.79
United Kingdom sterling	£	414,493.18 s. 9 d.	\$2.80 equals £1	1,160,583.03
		1,292,220. 8 s. 2 d.	\$4.03 equals £1	5,207,648.24
United States of America dollars				22,359,917.48
Proceeds of realization of marine claims (assigned to UNICEF on 1 September, 1948)				299,403.13
			TOTAL	<u>31,345,504.85</u>

SCHEDULE D

STATEMENT OF SUPPLIES DISTRIBUTED FOR THE PERIOD FROM INCEPTION TO 31 DECEMBER 1949

Country	US \$	Country	US \$
Albania	322,401.62	India	142,404.00
Austria	4,247,414.60	Indonesia	28,184.32
Bulgaria	3,667,244.04	Italy	12,132,579.37
China	1,652,333.36	Japan	136,756.79
Czechoslovakia	3,961,283.92	Middle East.....	8,147,308.69
Ecuador.....	41,300.84	Pakistan	17,792.29
Finland	1,115,099.81	Philippines	247,802.26
France	975,733.90	Poland	11,511,996.72
Germany	517,716.89	Romania	7,129,363.42
Greece	5,574,801.79	Thailand.....	15,043.66
Hong Kong	9,461.45	Yugoslavia	7,199,015.21
Hungary.....	2,008,155.19	Unallocated charges.....	24,382.81
		TOTAL	70,825,576.95

ANNEX II

REPORT OF THE BOARD OF AUDITORS TO THE GENERAL ASSEMBLY ON THE AUDIT OF THE 1949 ACCOUNTS OF THE UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND

1. The General Assembly, by resolution 57 (I) of 11 December 1946, established an International Children's Emergency Fund to which would be credited any assets made available by UNRRA and any voluntary contributions by governments, voluntary agencies or individuals. In accordance with the resolution, the Fund is administered by an Executive Director, who is appointed by the Secretary-General, and it is his duty to carry out policies established by the Executive Board named by the resolution. The Executive Board is responsible for the "determination of programmes and allocation of funds", subject to such principles as may be laid down by the Economic and Social Council and its Social Commission. The Secretary-General is required to submit annually to the General Assembly an audit of the accounts of the Fund.

2. Examinations of the 1949 accounts of the Fund were made at New York Headquarters and the Paris Office, to the extent considered necessary, by officers of the *Contralor General de Colombia*. The following statements were submitted by the Executive Director for audit certification:

(a) Statement of assets and liabilities as at 31 December 1949;

(b) Statement of income and expenditure for the period from inception to 31 December 1949;

(c) Statement of obligations incurred (operational services) for the year ended 31 December 1949;

(d) Statement of obligations incurred (administrative costs) for the year ended 31 December 1949.

Certificates were given by the Board of Auditors subject to the observations in this report.

3. In accordance with the provisions of General Assembly resolution 347 (IV), the Board is drawing to the attention of the Executive Director various matters relating to internal audit and control.

4. The financial statements indicate that, as at 31 December 1949, the resources of the Fund approximated \$51,600,000, of which over \$33,500,000 was held in cash or short-term securities. The balance was represented

mainly by \$9,700,000 in deposits with suppliers and inventories of commodities totalling \$11,100,000 (less unliquidated obligations of \$3 million). The financial statements for 1948 recorded \$58,500,000 as the principal of the Fund. Therefore, in a comparison, there is an apparent reduction of \$6,900,000 in resources during the year. This was due to the substantially increased volume of distributions by the Fund during the year, exceeding the income recorded for the year.

5. However, in 1948, various holdings in non-convertible currencies were not taken into calculation in computing the principal of the Fund for purposes of financial statements. Instead, they were listed at nominal values of \$1, whereas at 31 December 1948 such currencies had a value of about \$7,100,000, if calculated at the then ruling rates of exchange applicable to convertible currencies. During 1949, the practice was adopted of recording all currencies held by the Fund at ruling rates. For a true comparison between 1948 and 1949, it is therefore necessary to take into calculation the \$7,100,000 above mentioned. Using this formula, the principal of the Fund as at 31 December 1948 was approximately \$65,600,000. When this is compared with \$51,600,000 at the end of 1949, it will be observed that the real over-all reduction in the year approximated \$14 million.

INCOME

6. Stated in round figures, income received during 1949 was \$39,900,000, as compared with \$59,000,000 in 1948, or a decrease of \$19,100,000. Governments contributed approximately \$26,300,000, of which about \$18,150,000 was received from the Government of the United States of America. It is the practice to record contributions only when the amounts are actually received, and no exception is made in the case of contributions by the United States, notwithstanding its "matching" undertaking to pay \$72 for every \$28 contributed by other governments. As at 31 December 1949, contributions received from other countries to the amount of \$3,700,000 had not been matched by the United States, and the proportionate amount of

\$9,500,000 due from that country was not entered as an asset, as it might have been, for purposes of the year-end financial statements. A list of contributions by all governments, from the Fund's inception to 31 December 1949, is given as schedule "A" to the statement of income and expenditure.

7. During 1949, the programme *Aide suisse à l'Europe* succeeded the programme *Don suisse*. By a joint agreement between the authorities involved and the International Committee of the Red Cross, credits in various forms were made available to the Fund. These were recorded in the 1949 accounts at an estimated value of \$407,000, but early in 1950 it was established that the actual value was \$523,680. The real amount is, therefore, \$116,680 greater than is reflected in the financial statements.

8. The income credit from UNRRA assets was about \$8,075,000. To a considerable extent, this credit resulted from the conversion (in the books of account) into dollars of approximately £ 1,600,000 non-convertible sterling and other non-convertible currencies which had actually been transferred from UNRRA in previous years. Among other transfers from UNRRA were outstanding marine claims, the settlement of which was entrusted, by the Secretary-General, to five firms of admiralty attorneys specializing in that branch of the law. The practice is to credit income with net proceeds, as realized. Almost \$300,000 has been realized by the Fund to 31 December 1949 from this source. Neither the United Nations nor UNICEF records the estimated realizable value of the remaining claims receivable in financial statements, but the Fund maintains suitable records of the claims.

9. Schedule "B" to the statement of income and expenditure lists the UNICEF share in United Nations Appeal for Children campaigns, giving \$4,917,000 as the income for 1949. This includes the conversion into United States dollars of moneys received in previous years but, in the past, recorded at nominal value because of non-convertible stipulations.

10. General Assembly resolution 57 (I) limits expenditures to those programmes and allocations of funds which are established by an Executive Board composed of representatives of Members nations. In other words, no executive discretion is enjoyed with respect to the application of income. During the 1949 audit, a transaction was noted which the Board regards as in conflict with the spirit of the resolution of the General Assembly. In the course of carrying out an approved programme in Finland, a supplementary health programme was added at a cost of \$3,521. However, instead of an allocation of funds being sought from the Executive Board, the cost was defrayed by applying money resulting from sales of spoiled fish in Finland. In the financial statements, miscellaneous income is stated at the net amount after deducting \$3,531, and consequently miscellaneous income is understated by that amount. The amount involved is not large but, from the viewpoint of principle, the action taken has importance because the practice, if tolerated, can result in the Executive Board being by-passed.

EXPENDITURE

11. In summary form, a comparison of expenditures in 1949 with those of the previous year is :

	1949	1948
	US \$	
Supplies distributed	42,457,000	28,026,000
Participation in special relief programmes .	1,917,000	1,921,000
Administrative costs	2,283,000	1,445,000
Operational services	93,000	62,000
Difference in exchange	108,000	26,000
	46,858,000	31,480,000

12. *Supplies distributed.* To the end of 1948 distributions in Middle East areas approximated \$355,000; in 1949, the value was about \$7,794,000. The following is a listing of countries outside the Middle East which received aid in excess of \$1 million in 1949, together with the corresponding value of aid to the end of 1948 :

	1949	1948
	US \$	
Austria	1,930,000	2,315,000
Bulgaria	2,225,000	1,440,000
China	1,280,000	370,000
Czechoslovakia	2,455,000	1,505,000
Greece	3,725,000	1,850,000
Hungary	1,095,000	915,000
Italy	7,495,000	4,635,000
Poland	4,415,000	7,095,000
Romania	4,405,000	2,625,000
Yugoslavia	3,710,000	3,490,000

13. Resolution 57 (I) of the General Assembly governing the operations of the Fund stipulates that :

"The Fund shall not engage in activity in any country except in consultation with, and with the consent of, the Government concerned."

During the year, the Government of Hungary requested that the Fund's mission be withdrawn, and activities in that country ceased in August. The last warehouse report was for the period to 31 July 1949, when the commodities on hand represented \$325,000. For purposes of financial statements, it has been assumed that the commodities were distributed during the financial year. The Government of Romania also requested that the Fund's mission be closed, and effect was given to the request in December. The last report observed in the audit, with respect to commodities in warehouses in that country, was that for the period ended 31 October 1949. At that time, the value was \$1,046,000. As in the case of Hungary, it was assumed, for accounting purposes, that the supplies were distributed before 31 December. The agreements with both countries provide that :

"The Government will furnish the Fund with such records, reports and information as to the operations of the approved plan as the Fund may find necessary to the discharge of its responsibilities."

As final warehouse reports were not received from either Hungary or Romania, distribution figures set out in the financial statements are subject to this qualification.

14. Towards the close of the year, changes in mission personnel and in accounting practices were taking place in Yugoslavia. As a result, the last warehouse report on file when the accounts were closed for the year was that for the period ended 30 November, and the financial statements do not reflect the value of commodities distributed in December.

15. *Administrative costs.* Strictly regarded from the accounting viewpoint, the amount of \$2,282,559 shown for administrative costs in the statement of income and expenditure is under-stated by \$226,864, and miscellaneous income is understated by an equivalent amount. This resulted when the original salary allotments, which had been approved by the Committee on Administrative Budget

on a "net salary basis", were not subsequently revised to give effect to the staff assessment plan introduced as from 1 January 1949, as a result of resolution 239 (III) of the General Assembly adopted during the first part of the third session. Although this procedure varied from that followed by the United Nations, it does not affect the actual administrative costs of the Fund.

16. The agreement with the Government of China provides that :

"The Government will, in agreement with the Fund, make arrangements for and sustain the cost of, expenses incurred in the currency of China, with respect to the housing, subsistence and travel of the officers to be provided by the Fund... and the establishment, maintaining and equipping of the office to be used for the authorized activities of the officers and office above mentioned."

In the audit it was observed that expenses to a net total¹ of \$65,520 had been borne by the Fund in 1949 for services which were, by the agreement, to be provided by the Government of China without cost to the Fund.

17. Some exceptional payments to staff members were noted. The Board recognizes that the nature of the Fund's activities may require that consideration be sometimes given to making exceptional payments: nevertheless, when such payments are made to staff members, a risk is taken that the precedents may later be relied upon in less worthy circumstances. It is suggested that when it is decided to make a payment which is, in fact, a concession to the recipient, the payment should be listed as one made by relying on provisional financial regulation 26, which reads :

"The Secretary-General may make such *ex gratia* payments as he deems to be necessary in the interests of the United Nations, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts."

18. *Operational services.* The practice is to draw a budgetary distinction between administrative costs, which totalled \$2,283,000, and those for operational services, which amounted to \$93,000. A review of items listed under the latter heading indicates that, as a rule, they are similar to charges to administrative costs. The items might be combined.

19. *Difference in exchange.* Due to the fact that, in 1949, numerous countries devalued their currencies in relation to the United States dollar (the currency in which the accounts of the Fund are stated) the Fund adjusted the value of its non-dollar monetary assets as at 31 December 1949 in this manner :

(a) To the extent that deposits in local currencies were already earmarked to discharge contracts in effect as of September 1949, the conversion into dollars was at the rate of exchange applicable prior to devaluation, and

(b) The remaining free balances were valued by use of the new rates which became effective after devaluation.

The accounting effect was that \$107,764 was charged to expenditure as "difference in exchange".

UNVOUCHED EXPENDITURES

20. Resolution 347 (IV) requires that the Board of Auditors draw attention to "expenditures not properly substantiated". It was not possible, during examinations at the Paris office, to scrutinize vouchers relating to expenditures of certain missions. The amounts involved are :

Czechoslovakian mission, \$56,109; Middle East Areas mission, \$137,892; German missions, \$49,419; and unstated small amounts in connexion with the mission in Austria and the Trieste post office. Contrary to the usual procedure, vouchers had been retained by the missions, instead of being forwarded monthly to the Paris office. The Board was informed that the practice has been that vouchers in these missions are examined by an internal auditor of the Fund.

21. With respect to a payment of \$970 made by the Paris office, no supporting documentation was produced, but it was noted that the action taken was ratified at a later date, in writing, by the Executive Director. The transaction involved an arrangement for photographic services which was cancelled.

LOSSES OF SUPPLIES

22. Health authorities of each country in which distributions are made have the power to condemn food, if they are of the opinion that it is unfit for human consumption. The records indicate that a considerable quantity of skim milk was declared unfit to be issued to children by the authorities of one country, partly as a result of stocks in storage being damaged by a flash flood and partly because of souring and moulding when containers were left open in various distributing centres. An amount of approximately \$30,000 was credited to the programme of the country concerned. The spoiled milk was sold for baking purposes, and the amount allowed as a credit to the country's programme was more than recovered.

23. Health officers of another country declared a quantity of horsemeat, valued at about \$17,000, as being unfit for human consumption. Tests by officers of the Fund established that a portion of the food had, during the canning process, come into contact with oil. However, as bacteriological tests showed no spoilage, and as the balance of the shipment was readily consumed in another country, no claim was made against the vendor, but an allowance of half the amount was credited to the programme of the country concerned.

CONTROL OVER EXPENDITURES

24. Obligations were incurred from time to time under a few heads of expenditure beyond the amounts which had been authorized by the Committee on Administrative Budget. The over-obligated balances at the year-end were regularized by further authorizations granted after the close of the year. The view of the Board of Auditors remains the same as expressed in its 1948 report (A/963, annex II, para. 13)⁶.

"Although the year-end statements of obligations incurred do not record any allotment as having been over-spent, the allotment system, as an expenditure control safeguard, could not, and did not, function efficiently because of long delays in fixing and recording budgetary sums."

It was noted that the actual over-all expenditures on administration were approximately 11.5 per cent less than had been authorized to be spent up to the time the authorizations were adjusted to actual expenditures subsequent to the close of the year.

⁶ See *Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex, vol. I, p. 137.*

INSURANCE ON COMMODITIES

25. The Board suggests that consideration be given to making budgetary provision for the cost of self-insuring commodities in transit and in warehouses overseas. Using New York Headquarters' transactions, the situation may be illustrated by stating that a total of approximately \$485,000 has been paid out in insurance premiums on commodities, while recoveries on claims have approximated \$150,000. In the year under review, premiums for marine insurance amounted to \$109,000, for war risk insurance about \$49,000, and for insurance on commodities warehoused \$19,000—a total of about \$177,000. In view of the insurance experience to date and the fact that risks are widely distributed, the establishment of a self-insurance scheme might be advantageous, and an amount equivalent to premium costs might be set aside to provide a special fund for that purpose.

STATEMENT OF ASSETS AND LIABILITIES

26. Up to 31 December 1948, the accounting practice was to record, as charges to "Goods Shipped Account", the contract amounts due in respect of goods shipped, on the basis of shipping reports. Later, if necessary, the accounts were adjusted when the covering invoices were received. The procedure was changed in 1949, entries being made only after the invoices were received. Such a system has practical advantages, and it is regarded as satisfactory from the audit point of view, provided year-end adjusting entries are carefully prepared on the basis of shipping advices, etc. These entries would record, in summary form, the value of shipments made to the close of the year which had not previously been individually recorded.

27. The Board finds that not all year-end adjusting entries were made which were necessary to permit preparation of a Statement of assets and liabilities as at 31 December 1949 that is technically correct from the accounting point of view. The amount of \$51,583,214 shown for the principal of the Fund is not affected; but had adjusting entries been made with respect to all shipments during the year which were noted in the audit as unrecorded,

(a) The amount of \$9,695,900 shown for "deposits with suppliers" would have been \$1,211,631 less;

(b) The amount of \$8,388,276 shown for "inventories of commodities in warehouses overseas" would have been \$238,673 more; and

(c) The amount of \$2,785,633 shown for "unliquidated obligations—commodity purchases" would have been \$972,958 less.

Moreover, the amount of \$11,598,837 shown in the footnote to the statement, in respect of outstanding commodity contracts, would have been \$2,223,541 less; that is to say \$9,375,296.

STATEMENT REQUIRED BY PROVISIONAL FINANCIAL
REGULATION 24

28. *Inventories of expendable supplies.* In accordance with the provisions of the regulation, statements of inventories of expendable supplies were submitted for examination at Headquarters and at the Paris office. The statements, listing quantities only, were test-checked to inventory cards and found to be in order. Receipts and issues were test-checked and the outcome was satisfactory.

29. *Inventories of furniture and equipment.* Lists were submitted by Headquarters and the Paris office. Test-checks were made of items and reconciliations made between the lists and inventory records. The manner of recording and the system of internal control were found to be adequate, except that, in the case of equipment in the charge of the European missions, inventory reports provided to the Paris office did not in all cases clearly distinguish between items which are the property of UNICEF and those which have been loaned by the countries in which missions are located, and no suitable inventory control record is maintained at the Paris office in this respect.

30. The audit was facilitated in every way by officers of the Fund, both at the New York Headquarters and at the Paris office. Full opportunity was afforded to examine records, vouchers and papers, for all of which the members of the Board express their appreciation.

(Signed) Watson SELLAR, *Canada (Chairman)*

Antonio ORDOÑEZ CEBALLOS, *Colombia*

Otto F. REMKE, *Denmark*

25 May 1950

DOCUMENT A/1413

Fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]

[30 September 1950]

1. In accordance with its terms of reference, the Advisory Committee on Administrative and Budgetary Questions has considered the report of the Board of Auditors on the accounts of the United Nations International Children's Emergency Fund for the year ended 31 December 1949 (A/1336).

2. Income received by the Fund during 1949 amounted (in round figures) to \$US39,900,000,⁷ against

⁷ This figure is exclusive of "matching" contributions of \$US9,500,000 made by the United States of America after the end of 1949.

a corresponding figure for 1948 of \$59 million. Expenditure in 1949, by comparison with the previous year, was as follows:

	1949	1948
	US \$	
Supplies distributed.....	42,457,000	28,026,000
Participation in special relief programmes	1,917,000	1,921,000
Administrative costs.....	2,283,000	1,445,000
Operational services	93,000	62,000
Difference in exchange	108,000	26,000
	<hr/>	<hr/>
	46,858,000	31,480,000

3. The Board of Auditors has drawn attention in paragraph 25 of its report to the heavy expenditure incurred by the Fund for the insurance of commodities in transit and in warehouses overseas. Since the inception of the Fund, payments in respect of insurance premiums have amounted to approximately \$485,000, against a figure of approximately \$150,000 recovered on claims. In view of the fact that the volume of annual shipments is in the neighbourhood of \$30 million, and that the risks are widely distributed, the Advisory Committee recommends that the Administration of the Fund give further and careful consideration to the Auditor's suggestion concerning the establishment of a self-insurance scheme. Provision for such a scheme might be made through an appropriation to a special fund of an amount equivalent to the cost of commercial insurance.

4. The Advisory Committee notes that net proceeds

of claims receivable under UNRRA's marine insurance policies amounted at the end of 1949 to almost \$300,000, a figure which rose by the end of August 1950 to \$373,000, representing 19.5 per cent of the book value of the claims submitted. Further claims outstanding under these policies are estimated at a total face value of \$5,500,000.

5. As regards the various recommendations made by the Board of Auditors, the Advisory Committee was informed that the Administration of the Fund had already taken appropriate action on all points except the one concerning the introduction of a self-insurance scheme.

6. Apart from the above observations, the Advisory Committee has no special comment to offer on the report and accounts.

DOCUMENT A/1447 and Corr.1

Report of the Fifth Committee

[Original text: English]
[18 October 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting held on 26 September 1950, the Fifth Committee considered, at its 237th meeting held on 2 October 1950, the financial report and accounts of the International Children's Emergency Fund for the financial year ended 31 December 1949, and the report thereon by the Board of Auditors (A/1336). The Committee also considered the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its fourth report of 1950 pertaining to the report of the Board of Auditors (A/1413).

2. In the course of discussion of the Auditors' report, several members supported the recommendation of the Advisory Committee that the Administration of the Fund should give further consideration to the Auditors' proposal concerning the establishment of a self-insurance scheme for commodities in transit and in warehouses overseas. In the opinion of the Advisory Committee, provision for such a scheme might be made through an appropriation to a special fund of an amount equivalent to the cost of commercial insurance. Doubt was expressed by some members of the Fifth Committee that such a scheme would, in fact, be of any real advantage at this stage; accordingly, it was urged that the situation should be carefully reviewed before any change in existing insurance arrangements was decided upon. The Committee was informed, on behalf of the Adminis-

tration of the Fund, that the recommendation of the Advisory Committee would be brought to the attention of the Executive Board of the Fund.

3. After receiving certain additional information from the Chairman of the Board of Auditors, the Chairman of the Advisory Committee and the Deputy Director of the Fund regarding matters to which the Board of Auditors had called attention, the Fifth Committee decided to recommend to the General Assembly the adoption of the following resolution:

UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND: FINANCIAL REPORT AND ACCOUNTS FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1949, AND REPORT OF THE BOARD OF AUDITORS

The General Assembly

1. *Accepts* the financial report and accounts of the United Nations International Children's Emergency Fund for the financial year ended 31 December 1949, and the certificate of the Board of Auditors;

2. *Takes note* of the observations of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

(c) United Nations Relief for Palestine Refugees, for the period 1 December 1948 to 30 April 1950

DOCUMENT A/1354

Financial report and accounts, and report of the Board of Auditors

[Original text : English]
[11 September 1950]

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NOTE BY THE SECRETARY-GENERAL

1. The United Nations Relief for Palestine Refugees was established by resolution 212 (III) adopted by the General Assembly on 19 November 1948. In paragraph 7 of that resolution, the General Assembly :

“ *Instructs* the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to establish regulations for the administration and supervision of the Fund ”.

2. Regulation 29 of the regulations established in accordance with the provision quoted above provides :

“ The accounts of the Fund shall be audited by the Board of Auditors and a separate report thereon shall be submitted to the General Assembly ”.

3. Pursuant to the provisions of resolution 302 (IV) adopted by the General Assembly on 8 December 1949, establishing the United Nations Relief and Works Agency for Palestine Refugees in the Near East, arrangements were made for the transfer of the Palestine Refugee Fund to the administration of that Agency as at 30 April 1950. Except for residual liquidation questions, the activities of UNRPR were terminated as at that date.

4. There are attached to the present report the financial report and accounts and the report of the Board of Auditors covering the period of operations of UNRPR from 1 December 1948 to 30 April 1950.

5. In accordance with the practice which has been followed in regard to the reports of the Board of Auditors on the accounts of the United Nations, these reports have also been transmitted to the Advisory Committee on Administrative and Budgetary Questions for consideration and report to the General Assembly.

FINANCIAL REPORT FOR THE PERIOD OF OPERATIONS
1 DECEMBER 1948—30 APRIL 1950

1. The accounts of the United Nations Relief for Palestine Refugees for the period of operations 1 Decem-

ber 1948—30 April 1950 are presented herewith. The accounts comprise the following principal statements, duly certified by the Board of Auditors :

(a) Statement of assets and liabilities as of 30 April 1950,

(b) Statement of income and expenditure for the period from the commencement of operations to 30 April 1950,

Together with supporting schedules.

2. The operations of the Palestine Refugee Fund for the period 1 December 1948—30 June 1949 were the subject of a report to the fourth session of the General Assembly (A/1060, para 155 *et seq.*).⁸ The accounts of the Fund for that period were also submitted to the General Assembly, together with the report of the Board of Auditors on the interim audit of the accounts (A/1060/Add.1).

Financing the operations

3. For the period from 1 July 1949 to the end of the programme, the financing of UNRPR operations was met from three major sources :

	<i>US dollars</i>
(a) Cash advances from the Working Capital Fund of the United Nations	4,500,000
(b) Loan from the International Refugee Organization of £1,000,000 sterling.	2,800,000
(c) Cash donations by Governments and others	11,311,615

The first of these is covered by General Assembly resolution 302 (IV), paragraph 14 of which authorizes the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions to advance funds not exceeding \$5 million from the Working Capital Fund. It was necessary to call forward a total of \$4,500,000, which amount was outstanding at 30 April 1950, the date on which UNRPR terminated its operations. This amount becomes a liability of

⁸ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex*, vol. II.

the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and will be repayable by that Agency under the terms of paragraph 14 of the resolution, which states that such sums are "to be repaid not later than 31 December 1950 from the voluntary governmental contributions" to the programme requested in paragraph 13.

4. Under the terms of paragraph 15 of the same resolution, an interest-free loan of £1 million sterling (\$US2,800,000) was negotiated with IRO. This amount was outstanding as at 30 April 1950 and, according to the agreement dated 18 January 1950 between IRO and the Secretary-General, this sum to be repaid as follows :

" £500,000 on or before 30 June 1950, and £500,000 on or before 31 July 1950, or at such later dates as, at the request of the United Nations, the Director-General of the International Refugee Organization may specify ".

5. Cash donations by Governments and others for the period from 1 July 1949 to 30 April 1950 amounted to the equivalent of \$US11,311,615. The major items consisted of \$8 million from the United States of America; 442,664,409 French francs (\$1,674,487) from France; £100,000 (\$403,226) from the United Kingdom; £E90,000 (\$334,334) from the Egyptian Government; £Pal.100,000 (\$329,290) from the Hashemite Kingdom of the Jordan. Total donations in cash for the entire period of operations amounted to \$23,980,118. A complete list of the donors, with the amount of contributions in national currencies and the equivalent in US dollars, will be found in schedule A attached to the financial statements which are annexed to the present report.

6. Various contributions were made by Governments and others in the form of commodities and services. These were valued by the respective donors and entered on the records of the Fund. The total amount for the period from 1 July 1949 to 30 April 1950, in the various national currencies converted into US dollars at the official rate of exchange, was \$2,334,068. For the period from the commencement of operations to 30 June 1949, contributions of this nature amounted to \$1,762,850, making the total for the entire period \$4,096,918. A complete list of the contributors, the kind of commodity donated, and the recorded value in US dollars will be found in schedule B of the financial statements already referred to.

7. In addition to the commodities donated, direct aid and services were rendered by the Near East Governments for the period from 1 July 1949 to 30 April 1950, to a value of \$3,526,473. The value of this type of aid for the period from the commencement of operations to 30 June 1949 was \$4,865,321, making the total for the entire period \$8,391,794. Those Near East Governments which gave this aid are listed in schedule C of the financial statements, together with the recorded value of the aid in US dollars. Explanatory notes are appended to the schedule, giving the manner in which the various amounts were computed.

8. Total contributions in cash, plus contributions in kind and direct aid and services rendered, to the pro-

gramme for the entire period therefore amounted to \$36,468,830.

Expenditures

9. Total expenditures charged on the books of the Fund for the entire period, amounting to \$39,115,975, are summarized as follows :

	<i>US dollars</i>
Relief supplies distributed	22,844,620
Operational expenses	6,714,719
Depreciation of equipment	171,579
Insurance on automotive equipment..	25,901
Grants to national charitable organiza- tions	450,608
Expenditures incurred by governments in the Near East	8,391,794
Administratives expenses.....	506,407
Losses in transit and on exchange....	10,347
	39,115,975

10. In order to obtain a more realistic conception of the expenditures and the relative percentages, the following table has been prepared. It indicates that out of a total of \$39,115,975, the refugees received food, shelter, blankets, medical and public health services (including transport costs), and aid by the local governments to the extent of 88.83 per cent. It indicates, also, that the operational costs of the operative agencies, including termination costs, absorbed 8.25 per cent and the administrative expenses of UNRPR headquarters and field offices accounted for 1.29 per cent. The operational, administrative, and termination costs together aggregated 9.54 per cent.

<i>Item</i>	<i>Amount</i> <i>US dollars</i>	<i>Percentage</i>
Basic foods	18,673,545	47.74
Medical and public health pro- gramme	2,003,789	5.12
Shelter, blankets	3,404,368	8.70
Transport	2,176,244	5.56
Aid by local Governments.....	8,391,794	21.45
Miscellaneous—Local	102,288	.26
UNRPR. Administra- tion	473,492	
Termination	33,117	
	506,609	1.29
Carried forward	35,258,637	90.12
Agencies :		
Operational costs ...	3,121,570	
Termination costs ..	103,234	8.25
Depreciation of equipment.....	171,579	.45
Donations to national charitable or- ganizations.....	450,608	1.15
Losses in transit and on exchange..	10,347	.03
	39,115,975	100.00

These figures do not take into account the United Nations International Children's Emergency Fund supplies for the period of approximately \$9 million, which were distributed by the UNRPR operating agencies, nor the capital cost of automotive, operating, office and medical equipment, which amounted to \$678,725. They do, however, include an amount of \$171,579, representing depreciation of that equipment. Included

also is an amount of \$450,608 as donations to national charitable organizations.

Financial position at time of turnover to the United Nations Relief and Works Agency for Palestine Refugees in the Near East

11. As noted above, the total expenditures for the seventeen-month period of operations amounted to \$39,115,975, against total income from contributions in cash, kind, and direct aid and services and from miscellaneous income of \$36,471,894. Expenditures, therefore, exceeded income by \$2,644,081. This deficit was financed, under the authority of the General Assembly, by advances from the United Nations Working Capital Fund and by a loan from the International Refugee Organization. Liabilities of UNRPR totalling \$7,761,785 were assumed by UNRWAPRNE at the time of the transfer of responsibility for the programme to the latter agency. \$7,300,000 of this total related to the advance from the Working Capital Fund (\$4,500,000) and the loan from IRO (\$2,800,000). Against these liabilities, assets totalling \$5,117,704 were also transferred to UNRWAPRNE, of which cash on hand and at banks totalled \$3,411,966.

12. In this respect, it is noted that resolution 302 (IV) continued UNRPR until 1 April 1950, or to such other date as might be agreed between the Secretary-General and the Director of UNRWAPRNE for the transfer of UNRPR assets and liabilities to that agency. The resolution contained, in paragraph 6, an estimate of \$54,900,000 as the amount required for the programme for the period 1 January 1950 to 30 June 1951; and, in paragraph 13, a request urging Member States to make voluntary contributions to provide the supplies and funds required as set out in paragraph 6 of the resolution. The programme was treated as a whole in that resolution and there was no separate financial provision for UNRPR operations as distinct from UNRWAPRNE operations.

13. As at 31 December 1949, UNRPR income exceeded its expenditures to that date. From 1 January 1950, UNRPR began to operate against the \$54,900,000 estimate approved by the General Assembly. The \$4,500,000 advance from the Working Capital Fund and the \$2,800,000 loan from IRO were called forward during the period 1 January 1950 to 30 April 1950. These funds were necessary to finance expenditures relating to the \$54,900,000 approved programme. Therefore, in incurring expenditures during that period and accepting the advances and the loan, UNRPR was, in fact, acting as the agent of its successor.

General financial administration

14. The financing of the UNRPR programme has been carried out through the headquarters finance office of UNRPR in Geneva. As soon as the quarterly budgets had been approved at Lake Success, this office advanced to the three operating agencies and to the two field offices sufficient funds to meet each monthly programme under the approved quarterly budget. These advances accounted for the major portion of the UNRPR disbursements, although certain expenditures were made directly from the Geneva finance office. Advances for local purchases by the field offices were made by the Finance Officer, after taking into consideration the value of contributions received in kind.

15. The Geneva office of UNRPR has made direct disbursements for the major part of automotive and operating equipment for the use of the three operating agencies. It has also purchased tents and blankets, etc., from that part of the United Kingdom contribution which was not converted into Middle East currencies.

16. The administrative expenses of the Geneva office have been paid by the United Nations European Office and reimbursed to it monthly. A comparable arrangement existed with United Nations Headquarters for payment of expenditures authorized for or by the Lake Success Liaison Office of UNRPR.

LETTER OF TRANSMITTAL OF THE REPORT OF THE BOARD OF AUDITORS TO THE PRESIDENT OF THE GENERAL ASSEMBLY

Lake Success, 2 August 1950

I have the honour to transmit the financial statements which were submitted by the Acting Director of United Nations Relief for Palestine Refugees, for the period from the commencement of operations (as of 1 December 1948) to 30 April 1950, as of which latter date the assets and liabilities were transferred to United Nations Relief and Works Agency for Palestine Refugees in the Near East. These statements have been examined and certified by the Board of Auditors.

In accordance with the requirement contained in the regulations for the administration and supervision of the fund administered by United Nations Relief for Palestine Refugees, I have the honour to present the report of the Board on the audit of the accounts for the indicated period.

(Signed) Ian STEVENSON
for Chairman, Board of Auditors

FINANCIAL STATEMENTS

for the period from the commencement of operations (as of 1 December 1948) to 30 April 1950

- | | |
|---|---|
| <p>1. Statement of assets and liabilities as of 30 April 1950</p> <p>2. Statement of income and expenditure for the period from the commencement of operations (as of 1 December 1948) to 30 April 1950</p> | <p>3. Schedules of the statement of income and expenditure :</p> <p>A — Contributions received in cash</p> <p>B — Contributions received in kind</p> <p>C — Direct contributions by Governments in the Near East.</p> |
|---|---|

1. STATEMENT OF ASSETS AND LIABILITIES AS OF 30 APRIL 1950

<i>Assets</i>	<i>US \$</i>	<i>Liabilities</i>	<i>US \$</i>
Cash on hand and at banks.....	3,411,966	Accounts payable	401,468
Due from operational agencies	159,814	Provision for termination costs (other than those to be incurred by operational agencies, deducted contra)	33,117
Less : Provisions for termination costs	<u>103,796</u>	Advances from United Nations Working Capital Fund	4,500,000
Accounts receivable	3,710	(These advances are repayable not later than 31 December 1950, from the voluntary governmental contributions requested under paragraph 13 of General Assembly Resolution 302 (IV))	
Inventories of relief supplies in the charge of operational agencies, at cost or (in the case of contributed supplies) estimated value	899,180	Loan from International Refugee Organization	2,800,000
Relief supplies in transit	159,669	(This loan is one of £1,000,000 Sterling, repayable—from the contributions paid into the Special Fund in accordance with paragraph 16 of General Assembly Resolution 302 (IV)—as follows : £500,000 on or before 30 June 1950, and £500,000 on or before 31 July 1950, or at such later dates as, at the request of the United Nations, the Director-General of the International Refugee Organization may specify.)	
Sugar receivable from United Nations International Childrens Emergency Fund, under commodity exchange and loan agreements ..	10,388	Deferred credit—Advance contributions received <i>re</i> municipal water projects	24,200
Advances for refugees' weaving project, initiated by operational agency	21,577		
Prepaid expenses	23,050		
Duties and taxes recoverable in respect of purchases of gasoline and kerosene—estimated	25,000		
Equipment, at cost or (in the case of contributed items) estimated value at time of acquisition :			
Automotive equipment	521,086		
Operating equipment	54,626		
Office equipment	58,690		
Medical equipment	<u>44,323</u>		
	678,725		
Less : Provision for depreciation	<u>171,579</u>		
Total assets	5,177,704		
Excess of expenditure over income, per statement of income and expenditure	<u>2,644,081</u>		
	7,761,785		<u>7,761,785</u>

Note : As of 30 April 1950, the assets were taken over and the liabilities assumed, by the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Certified correct :

James E. M. BROWN
Chief Finance Officer

Approved :
R. H. R. PARMINTER
Acting Director

AUDIT CERTIFICATE

We have audited the accounts maintained by United Nations Relief for Palestine Refugees, with respect to the transactions of the Fund established pursuant to General Assembly Resolution 212 (III) of 19 November 1948, for the period from the commencement of operations (as of 1 December 1948) to 30 April 1950. We have obtained all the information and explanations that we have required. As the result of the audit, we certify, subject to the observations in our report dated 31 July 1950, that, in our opinion, the above statement of assets and liabilities presents a true and correct view of the state of the Fund's affairs as at 30 April 1950, and the related statement of income and expenditure correctly summarizes the operations for the period, according to the best of our information and the explanations given to us and as shown by the books of the Fund.

(Signed) Ian STEVENSON, *Canada*
Luis CUERVO, *Colombia*
Otto REMKE, *Denmark*

2. STATEMENT OF INCOME AND EXPENDITURE FOR THE PERIOD FROM THE COMMENCEMENT OF OPERATIONS
(AS OF 1 DECEMBER 1948) TO 30 APRIL 1950

INCOME

	US \$	US \$
Contributions received in cash (Schedule A)	23,980,118	
Contributions received in kind (Schedule B)	4,096,918	
Direct contributions by governments in the Near East (Schedule C)	8,391,794	
	<hr/>	
Miscellaneous income	36,468,830	
	3,064	
	<hr/>	
TOTAL INCOME		36,471,894

EXPENDITURE

Relief supplies distributed :

Food (less sales of containers)	18,673,545	
Blankets and clothing	2,140,534	
Tents	1,263,833	
Medical supplies	514,189	
Public health supplies	150,230	
Fuel	102,289	
	<hr/>	
		22,844,620

Operational expenses (incurred by operational agencies) :

Personnel costs (exclusive of those relating to public health services) including <i>per diem</i> allowances at field stations	2,510,727	
Public health services	1,080,056	
Travel	310,903	
Communications	109,188	
Erection and maintenance of camps	266,511	
Transportation costs, including operation and maintenance of automotive equipment	1,985,345	
Port and shipping charges	136,500	
Local warehousing	28,559	
Miscellaneous	286,930	
	<hr/>	
		6,714,719

Depreciation of equipment :

Automotive equipment	161,309	
Operating equipment	3,299	
Office equipment	4,100	
	<hr/>	
Medical equipment	2,871	
		171,579

Insurance on automotive equipment

25,901

Grants to national charitable organizations operating relief services in the Near
East

450,608

Expenditures incurred by Governments in the Near East (Schedule C) :

Relief supplies and services provided to refugees	7,200,756	
Transportation, warehousing and other services provided to UNRPR	1,191,038	
	<hr/>	
		8,391,794

Administrative expenses :

Headquarters :

Personnel costs	168,854	
Travel	27,443	
Communications	19,275	
Transportation	6,198	
Public relations	8,415	
Miscellaneous	9,397	
	<hr/>	
		239,582

Field offices :

Personnel costs (including <i>per diem</i> allowances to internationally recruited staff members at field stations)	179,278	
Travel	19,380	
Transportation	28,244	
Communications	13,435	
Insurance	12,717	
Office expenses	8,649	
Miscellaneous	5,122	
	<hr/>	
		266,825

506,407

Losses in transit.....	10,154	
Loss on exchange (See Schedule A, Note 2).....	193	
		39,115,975
TOTAL EXPENDITURE.....		
Excess of expenditure over income		2,644,081

Note : Included among the amounts shown for operational expenses and Headquarters' administrative expenses in the above statement, are estimated termination costs (to be incurred subsequent to 30 April 1950) to a total of \$136,913, including \$103,796 estimated for the termination costs to be incurred by the operational agencies.

Certified correct :
 (Signed) James E. M. BROWN
 Chief Finance Officer

Approved :
 (Signed) R. H. R. PARMINTER
 Acting Director

3. SCHEDULES TO THE STATEMENT OF INCOME AND EXPENDITURE

A. CONTRIBUTION RECEIVED IN CASH DURING THE PERIOD FROM THE COMMENCEMENT OF OPERATIONS (AS OF 1 DECEMBER 1948) TO 30 APRIL 1950

Contributor	Contribution	Recorded value in US\$
<i>Members of United Nations :</i>		
United States of America	\$US16,000,000	16,000,000
United Kingdom	£1,100,000 Sterling	4,435,484 ¹
France	482,064,409 French francs	1,826,002 ²
Egypt	£130,000 Egyptian	499,623
Pakistan	£54,058 Egyptian	223,380
India	230,800 rupees	69,666
Lebanon	£70,000 Lebanese	32,373 ³
Syria	£35,145 Syrian	16,070 ³
Dominican Republic	\$US10,000	10,000
Yemen	£21,569 Lebanese (proceeds of sale of grain)	9,863
Afghanistan	£2,000 Sterling	5,600
Israel	£300 Israeli	1,209
		23,129,270
<i>Other Governments :</i>		
Hashemite Kingdom of Jordan	£100,000 Palestinian	329,290 ³
Eire	£24,000 Sterling	96,774 ⁴
Switzerland	200,000 Swiss francs	46,593
Bahrein	111,686 rupees and £823 Egyptian	35,812
		508,469
<i>Other contributors :</i>		
Kuwait Oil Company Limited	£25,000 Sterling	100,806
World Health Organization	\$US100,000	100,000
UNESCO.....	£11,241 Egyptian; £8,230 Palestinian and £2,200 Sterling	65,081
UNICEF	£2,122 Egyptian; \$US2,000 and £593 Syrian	10,082
United Nations Mediator for Palestine.....	\$US5,526	5,526
Shell Oil Company	£1,000 Egyptian	4,132
American Mission, Cairo	£916 Egyptian	3,785
Dhanran Women's Club	\$US2,000	2,000
Sudan Red Cross Society.....	£375 Egyptian	1,331
International Refugee Organization	£242 Egyptian	1,002
Sundry other contributors (to value of under \$US1,000 each).....	Various currencies	48,634
		342,379
	TOTAL	23,980,118

¹ This amount comprises an outright contribution of £1,000,000, together with a supplementary contribution of £100,000 which was made subject to the proviso that £90,000 be paid over to the British Red Cross Society and £10,000 to the Save the Children Fund, towards their relief work among the refugees.

² At the request of the Government of France, this contribution was valued at the rate of 264 francs to \$US1, rather than at the bank rates of exchange ruling on the dates the several portions of the contribution were made available (other contributions were converted into US dollars at the official rates of exchange at the time the donations were received). To 30 April 1950, the French contribution had been utilized—and the expenditures charged at the rate mentioned—except for 208,394 French francs remaining at 30 April 1950. This balance was adjusted to the bank rate on that date (349.70 French francs to \$US1) for purposes of transfer to UNRWA—resulting in a recorded loss on exchange of \$193.45.

³ As at 30 April 1950, additional contributions were regarded as due from the Hashemite Kingdom of Jordan (\$40,000 Palestinian), the Government of Lebanon (£46,099 Lebanese), and the Government of Syria (£21,389 Lebanese), under agreements requiring them to contribute towards the cost of port, shipping and transport charges incurred.

⁴ This contribution was subject to the proviso that it be used for the purchase of a certain shipment of oatmeal, half of which was to be delivered to the Catholic Relief Committee for Palestine.

B. CONTRIBUTIONS RECEIVED IN KIND DURING THE PERIOD FROM THE COMMENCEMENT OF OPERATIONS
(AS OF 1 DECEMBER 1948) TO 30 APRIL 1950

<i>Contributor</i>	<i>Contribution</i>	<i>Recorded value in US \$</i>
<i>Members of United Nations :</i>		
Canada	Canned fish; dried peas; flour	1,040,616
Australia	Wheat	325,806
Belgium	Textiles; medical supplies; canned beans; operating equipment	441,180
New Zealand	Dehydrated vegetables; dried peas; canned meat; canned butter; powdered skimmed milk; medical supplies	320,732
Turkey	Tents	206,333
Sweden	Powdered skimmed milk; tents	90,218
Saudi Arabia	Gasoline; kerosene; gas oil	142,356
Norway	Smoked fish; canned fish; cod liver oil	60,475
Greece	Dried fruit	38,221
Israel	Flour; jam; sugar	50,000
France	Dates; figs	41,378
Union of South Africa	Canned fish; canned meat	39,687
Yugoslavia	Wheat; barley	35,200
Venezuela	Canned foods; blankets; clothing	14,925
Luxembourg	Canned vegetables; barley	5,209
Egypt	School books; tents	4,067
		<u>2,856,403</u>
<i>Other Governments :</i>		
Indonesia	Rice; sugar	93,396
Italy	Textiles	27,764
Switzerland	Medical supplies	21,771
		<u>142,931</u>
<i>Other contributors :</i>		
International Refugee Organization	Blankets; tents; clothing; soap; operating, auto- motive and office equipment	834,009
Superior Council of Arab League	Clothing; blankets	88,788
The American National Red Cross	Medical supplies; ambulances	70,200
American Middle East Relief Inc.	Medical supplies	39,638
American Friends Service Committee	Used clothing	25,547
Friends Service Council in London	Used clothing	10,000
International Union for Child Welfare	Tents	8,468
Municipality of Gaza	Ambulance	3,000
Council of British Societies for relief abroad....	Powdered buttermilk	2,851
S. A. Zionist Federation	Shipping space (for canned fish)	2,413
Church Mission Societies	Used clothing; blankets; medical supplies	2,478
Swedish Red Cross Society	Medical supplies	2,228
Netherlands Red Cross Society	Medical supplies	1,636
Sundry other contributors (to value of under \$US1,000 each)	Used clothing, etc.	6,328
		<u>1,097,584</u>
	TOTAL ¹	4,096,918

Note : The contributions were recorded at the valuations placed upon them by the contributors concerned.

In addition, contributions to the Palestine refugee relief programme were made by :

(i) The Government of Denmark—which made available directly to the Danish Red Cross and the Save the Children Fund, funds for commodities and equipment totalling \$130,480, and

(ii) The Government of Sweden—which made available directly to the Swedish Red Cross and the Save the Children Fund, funds for commodities and equipment totalling \$14,239.

These contributions were made to the organizations specifically for their Palestine refugee relief work and were so notified to UNRPR by the Governments.

C. DIRECT CONTRIBUTIONS BY GOVERNMENTS IN THE NEAR EAST DURING THE PERIOD FROM THE COMMENCEMENT OF OPERATIONS
(AS OF 1 DECEMBER 1948) TO 30 APRIL 1950

Contributor	Recorded value in US \$		
	Aid to refugees	Services to UNRPR	Total
Egypt	1,531,314	787,048	2,318,362 ²
Syria	2,309,101		2,309,101 ¹
Lebanon	1,000,094	270,448	1,270,542 ³
Hashemite Kingdom of Jordan	933,481		933,481 ⁴
Iraq	892,598		892,598 ⁵
Israel	534,168	133,542	667,710 ⁶
TOTAL	7,200,756	1,191,038	8,391,794

¹ Calculated as follows : \$1,923,050 confirmed by Egyptian Government for period from 1 December 1948 to 30 June 1949; \$253,616 estimated by operational agency concerned, for period from 1 July to 31 December 1949; and \$141,696 estimated for period from 1 January to 30 April 1950, on basis of latest confirmed monthly average.

² Calculated as follow : \$1,851,853 confirmed by Syrian Government for period from 1 December 1948 to 31 December 1949; and \$457,248 estimated for period from 1 January to 30 April 1950, on basis of latest confirmed monthly average.

³ Calculated as follows : \$1,058,378 confirmed by Lebanese Government for period from 1 December 1948 to 31 December 1949; and \$212,164 estimated for period from 1 January to 30 April 1950, on basis of latest confirmed monthly average.

⁴ Calculated as follows : \$858,689 confirmed by Hashemite Kingdom of Jordan for period from 1 December 1948 to 28 February 1950 (except December 1949); \$22,400 estimated by operational agency concerned, for December 1949; and \$52,392 estimated for period from 1 March to 30 April 1950, on basis of latest confirmed monthly average.

⁵ Calculated as follows : \$718,870 confirmed by Iraqi Government for period from 1 December 1948 to 31 December 1949; and \$173,728 estimated for period from 1 January to 30 April 1950, on basis of latest confirmed monthly average.

⁶ Calculated as follows : \$113,104 confirmed by Israeli Government, as to the value of services to UNRPR during period from 1 December 1948 to 31 December 1949; \$20,438 estimated for value of services to UNRPR during period from 1 January to 30 April 1950, on basis of latest confirmed monthly average; and \$534,168 estimated for value of aid to refugees during period from 1 December 1948 to 30 April 1950, on basis of the ratio of 80 : 20 between "aid to refugees" and "services to UNRPR" which ratio had been used by other Governments in making estimates of their contributions).

REPORT OF THE BOARD OF AUDITORS

1. General Assembly resolution 212 (III) of 19 November 1948 authorized the Secretary-General to establish a fund from contributions received for the aid of Palestine refugees, and requested him to appoint a director of United Nations Relief for Palestine Refugees. The resolution instructed the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to establish regulations for the administration and supervision of the Fund.

2. The regulations include the requirements that "the accounts of the Fund shall be audited by the Board of Auditors of the United Nations and a separate report thereon shall be submitted to the General Assembly". In accordance with this requirement, an audit has been made of the accounts maintained by United Nations Relief for Palestine Refugees for the period from the commencement of operations (as of 1 December 1948) to 30 April 1950. As of the latter date, the assets and liabilities of the Fund were transferred to the United Nations Relief and Works Agency for Palestine Refugees in the Near East, in conformity with the direction contained in resolution 302 (IV) of 8 December 1949.

3. An audit certificate is given, subject to the observations in this report, to the statement of assets and lia-

bilities as of 30 April 1950, submitted by the Acting Director of United Nations Relief for Palestine Refugees. The certificate also embraces the related statement of income and expenditure for the period from the commencement of operations to 30 April 1950.

4. The regulations for the administration and supervision of the Fund include the provision that the Director shall be responsible to the Secretary-General, among other things, for :

"The appointment of an operational agency or agencies to assume complete responsibility for the implementation of a relief programme in the field and for the distribution of supplies donated under United Nations auspices",
And further provide that :

"The agreement or agreements entered into with the said agency or agencies will recognize their complete autonomy and independence in the performance of this task".

Although the operational agencies provided monthly summaries showing the amounts disbursed by them, under prescribed expenditure headings, they were not required to submit vouchers in support of disbursements made by them on behalf of the Fund; and the agreements provided that the accounts maintained by them be audited by accredited auditors appointed by them.

Accordingly, no examination was made by the Board, of vouchers relating to the operational expenses shown in the statement of income and expenditure as having been incurred by the operational agencies.

5. Copies of reports made periodically by the agencies' auditors were furnished to the Chief Finance Officer of the Fund, and were made available to the Board. In the cases of two of the agencies, the reports cover disbursements made during the period from the commencement of operations to 30 April 1950 (and in one of these cases, additional expenditures incurred but not yet paid were also audited). The reports made up to 24 July 1950 by the auditors of the third agency cover disbursement during the period from the commencement of operations to 30 September 1949. With respect to the accounts maintained by one of the operational agencies, the auditors' report for the period from 1 January to 30 April 1950 includes the following comments (repeating similar observations made in their report with respect to the period from 1 July to 31 December 1949):

“Philadelphia and Geneva: Only monthly statements are received from these offices, which are not supported by vouchers”.

“Gaza: As on previous occasions the vouchers examined by us were not altogether satisfactory. In some cases statements of expenses were unsigned and not supported by invoices or receipts, and in others cash payments were completely unsupported”.

“Acre: A considerable number of vouchers in support of petty cash expenditure could not be produced to us, including staff salaries receipts for the month of April 1950”.

6. The regulations for the administration and supervision of the Fund include the requirement that “the accounts of the special fund shall be accompanied by statements showing... full details of all known losses and shortages”. An amount of \$10,154 is shown for “losses in transit”, in the statement of income and expenditure. This amount represents losses which occurred in the transportation of supplies which had been shipped as contributions in kind. We were informed that notifications of the shortages had been given to

the contributors concerned, for such action as they might deem advisable. The greater part of the supplies was purchased locally, and since payments were made for these on the basis of the quantities actually delivered to the operational agencies, no losses in transit could occur so far as the Fund was concerned. With respect to supplies (mainly tents and blankets) purchased abroad, no losses occurred while such supplies were in transit to the ports of delivery.

7. Information provided is to the effect that when delivery of supplies—whether purchased or contributed—was accepted by the operational agencies on behalf of the Fund, the supplies were at once checked either into the main port warehouses, operated by the agencies or into the charge of trucking contractors for delivery to regional warehouses. Transportation of supplies between the main port warehouses and the regional warehouses, and between the regional warehouses and the distributing centres, was also by trucking contractors. These contractors were held accountable in all cases for supplies placed in their charge, so that no losses could occur so far as the Fund was concerned.

8. No losses of supplies in their charge were reported to officers of the Fund by the operational agencies. Audit reports made by auditors of two of the agencies indicate that their test-examinations of accounting records for warehoused stores showed such records to have been satisfactorily maintained and the stocks properly accounted for to the extent tested. It was learned from an officer of the third agency that, although accounting records were maintained with respect to warehoused stores, these accounts had not been made subject to audit by the agency's auditors.

9. The audit was facilitated by the willing co-operation and assistance of officers and employees of the Fund, for which the members of the Board wish to record their appreciation.

(Signed) Ian STEVENSON, *Canada*
Luis CUERVO, *Colombia*
Otto F. REMKE, *Denmark*

31 July 1950

DOCUMENT A/1414

Fifth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[30 September 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the report (A/1354) on the audit of the accounts maintained by the United Nations Relief for Palestine Refugees for the period 1 December 1948 to 30 April 1950, which the Board of Auditors has submitted to the General Assembly in accordance with paragraph 29 of the provisional regu-

lations for the administration and supervision of the Palestine Refugee Fund.

2. The statement of income and expenditure for the period under review shows that total income amounted to \$36,471,894, against a total expenditure of \$39,115,975, or an excess of expenditure over income of \$2,644,081.

3. As from 30 April 1950, the assets and liabilities of the Palestine Refugee Fund were transferred to the United Nations Relief and Works Agency for Palestine Refugees in the Near East. On that date, advances outstanding from the Working Capital Fund of the United Nations, under the terms of paragraph 14 of General Assembly resolution 302 (IV), amounted to \$4,500,000. The Advisory Committee was informed that of this amount, \$2 million has since been repaid, and liquidation of the balance of \$2,500,000 is expected in the near future.

4. The agreements with the three operational agencies which are responsible for the implementation of

UNRPR relief programmes in the field provided that the audit of accounts maintained by the agencies should be performed by accredited auditors of their own appointment.

5. Certain irregularities in the field accounts were brought to the notice of the Board of Auditors. In a few cases, supporting vouchers were not produced or were found to be incomplete. The Committee, however, understands that these cases, relating mainly to petty cash, represented an inconsiderable amount.

6. The Advisory Committee has taken note of the report of the Board of Auditors, which discloses no other points on which the Committee desires to offer comment.

DOCUMENT A/1448

Report of the Fifth Committee

[Original text: English]
[18 October 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting held on 26 September 1950, the Fifth Committee considered, at its 237th meeting held on 2 October 1950, the financial report and accounts of the United Nations Relief for Palestine Refugees for the period 1 December 1948 to 30 April 1950 and the report of the Board of Auditors (A/1354). The Committee also had before it the observations of the Advisory Committee on Administrative and Budgetary Questions as set forth in its fifth report of 1950, pertaining to the report of the Board of Auditors (A/1414).

2. There being no discussion on these reports, the Fifth Committee decided to recommend to the General Assembly the adoption of the following resolution :

UNITED NATIONS RELIEF FOR PALESTINE REFUGEES :
FINANCIAL REPORT AND ACCOUNTS FOR THE PERIOD
1 DECEMBER 1948 TO 30 APRIL 1950, AND REPORT
OF THE BOARD OF AUDITORS

The General Assembly

1. *Accepts* the financial report and accounts of the United Nations Relief for Palestine Refugees for the period 1 December 1948 to 30 April 1950, and the certificate of the Board of Auditors;

2. *Takes note* of the report of the Advisory Committee on Administrative and Budgetary Questions with respect to the report of the Board of Auditors.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
A/1256	Financial Report and Accounts for the year ended 31 December 1949 and report of the Board of Auditors		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 6.</i>
A/1312 and Corr.1 and Add.1	Advisory Committee on Administrative and Budgetary Questions : second report of 1950 to the General Assembly		<i>Ibid., Supplement No. 7.</i>
A/1336	United Nations International Children's Emergency Fund : financial report and accounts for the financial year ended 31 December 1949, and report of the Board of Auditors : note by the Secretary-General	3	
A/1354	United Nations Relief for Palestine Refugees : financial report and accounts for the period 1 December 1948 to 30 April 1950, and report of the Board of Auditors . . .	18	
A/1398	Report of the Board of Auditors on the accounts of the United Nations for the year ended 31 December 1949 : note by the Secretary-General	1	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/1413	United Nations International Children's Emergency Fund : fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	16	
A/1414	United Nations Relief for Palestine Refugees : fifth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	26	
A/1446	United Nations : report of the Fifth Committee	3	
A/1447 and Corr.1	United Nations International Children's Emergency Fund : report of the Fifth Committee	17	
A/1448	United Nations Relief for Palestine Refugees : report of the Fifth Committee	27	
A/1482	Resolution adopted by the General Assembly at its 302nd ple- nary meeting on 3 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 450 (V).</i>
A/1483	Resolution adopted by the General Assembly at its 302nd ple- nary meeting on 3 November 1950		<i>Ibid., No. 451 (V).</i>
A/1484	Resolution adopted by the General Assembly at its 302nd ple- nary meeting on 3 November 1950.		<i>Ibid., No. 452 (V).</i>



Agenda item 38 : Status of budgetary authorizations for the financial year 1950 : (a) statement of 1950 budget expenses to 30 June 1950; (b) advances from the Working Capital Fund : report of the Secretary-General; (c) unforeseen and extraordinary expenses for 1950 : report of the Secretary-General; (d) supplementary estimates for the financial year 1950 : report of the Secretary-General

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(b) Advances from the Working Capital Fund :		
A/1322	Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : report of the Secretary-General	14
A/1445	Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : seventh report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	15
Fifth Committee :		
A/C.5/L.51	Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : draft resolution submitted by the Secretary-General	16
Plenary meetings (final phase) :		
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(b) and (c) Advances from the Working Capital Fund and unforeseen and extraordinary expenses for 1950 :		
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(d) Supplementary estimates for the financial year 1950		
Fifth Committee :		
A/C.5/398	Tax equalization; staff assessment plan : report of the Secretary-General	21
A/C.5/409 and Corr.1	Report of the Secretary-General	23
A/1583	Twenty-fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	31
Plenary meetings (final phase) :		
A/1677	Report of the Fifth Committee	34
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(a) Statement of 1950 budget expenses to 30 June 1950**DOCUMENT A/1305****Report of the Secretary-General**

[Original text: English]
[29 July 1950]

1. In its report to the second regular session of the General Assembly concerning the Provisional Financial Regulations (A/495),¹ the Fifth Committee requested that a statement should be submitted annually showing expenses for the current financial year for a period of six to nine months.

2. Pursuant to that request, statements covering the first six months of 1948 and 1949 were submitted in previous years, and a similar statement covering the first six months of 1950 is submitted herewith. An additional column showing the approved 1950 estimates is included in the present statement in order to facilitate a comparison between expenses in the first half of the year and estimates for the full financial year.

3. The 1950 appropriations were voted under 29 sections (resolution 356 (IV) of 10 December 1949), while the 1951 estimates are arranged under 32 sections (Budget estimates for the financial year 1951, A/1267).² In order to provide comparability between the estimates for the two years, the 1950 approved estimates are shown in document A/1267 arranged according to the 1951 pattern. The expenses for the first six months of 1950 in the statement attached are correspondingly arranged.

4. The attached statement reflects expenses as recorded to 30 June 1950, projected in some instances to 30 June where recorded expenses fell short of this date: for example, payroll charges recorded in the accounts only to the end of the thirteenth pay period, 24 June 1950.

5. For evident reasons, expenses during the second half of the year will not correspond with expenses shown for the first half of the year under the various headings. For example, the United Nations Commission for Eritrea has completed its mission in the field and no expenses will be incurred in this connexion in the second half of 1950; expenses for the fifth session of the General Assembly are shown for the first six months period at \$95,652 against estimates of \$582,655; salary accounts are normally heavier during the last half of the year in reflection of delayed recruitment and within-grade increments. The rate of expenditures for the International Centre for Training in Public Administration, under section 29 of the attached statement, which has been low in the first half of the year, will increase appreciably in coming months, since a number of fellowships

and scholarships have been awarded and arrangements for a seminar later in the year are nearing completion.

6. No expenditures have been incurred against the appropriation of \$8 million for an international régime for the Jerusalem area.

7. Subject to the observations and reservations above, expenses for the first six months of 1950 as shown in the attached statement stand at \$21,054,856 against appropriations voted of \$49,641,773. In accordance with past practice, estimates of anticipated total expenses to 31 December 1950 will be provided in connexion with the supplementary estimates for 1950.

8. Miscellaneous income as shown in the books at 30 June 1949 stood at \$2,610,881, as compared with estimated miscellaneous income included in the 1950 budget resolution (356 (IV)) of \$5,091,740.

STATEMENT OF 1950 BUDGET EXPENSES TO 30 JUNE 1950

1950
approved estimate Expenses to
30 June 1950
(US dollars)

A. UNITED NATIONS**PART I. SESSIONS OF THE
GENERAL ASSEMBLY,
THE COUNCILS, COM-
MISSIONS AND COM-
MITTEES***Section 1. The General Assem-
bly, commissions
and committees***Chapter I. The General Assem-
bly session**

(i) Travel of representatives	154,140	75,016 ^a
(ii) Local transportation	83,360	30
(iii) Temporary assistance	180,200	4,696
(iv) Travel and subsistence of staff	12,025	15
(v) Consultants	1,400	—
(vi) Maintenance of other equipment	9,730	—
(vii) Radio services	14,500	—
(viii) Telephone services	11,100	2,384
(ix) Contractual services for maintenance of premises	13,000	—
(x) Supplies for maintenance of premises	8,200	615
(xi) Utilities	30,000	12,084
<i>Carried forward</i>	517,655	94,840

¹ See *Official Records of the General Assembly, Second Session, Plenary Meetings, Annex 30*, p. 1621.

² *Ibid.*, Fifth Session, Supplement No. 5.

^a Represents expenses in connexion with the 1949 session of the General Assembly.

	1950 approved estimate	Expenses to 30 June 1950 (US dollars)		1950 approved estimate	Expenses to 30 June 1950 (US dollars)
<i>Brought forward</i>	517,655	94,840	<i>Section 3. The Economic and Social Council, Commissions and Committees</i>		
(xii) Loss on cafeteria	15,000	—	Chapter I. The Economic and Social Council ^a		
(xiii) Miscellaneous supplies and services	10,000	512	(i) Local transportation	8,280	3,162
(xiv) Overtime and night differential	40,000	300		8,280	3,162
	<u>582,655</u>	<u>95,652</u>	Chapter II. Social Commission		
Chapter II. Advisory Committee on Administrative and Budgetary Questions			(i) Travel and subsistence of members	10,530	7,288
(i) Travel and subsistence of members	53,750	27,596	(ii) Local transportation	1,900	1,662
(ii) Local transportation	6,480	4,233		<u>12,430</u>	<u>8,950</u>
	<u>60,230</u>	<u>31,829</u>	Chapter III. Commission on Human Rights		
Chapter III. Committee on Contributions			(i) Travel and subsistence of members	10,530	6,710
(i) Travel and subsistence of members	11,450	8,607	(ii) Consultants	— ^b	570
(ii) Local transportation	1,320	—	(iii) Local transportation	3,300	2,805
	<u>12,770</u>	<u>8,607</u>		<u>13,830</u>	<u>10,085</u>
Chapter IV. International Law Commission			Chapter IV. Sub-Commission on Prevention of Discrimination and Protection of Minorities		
(i) Travel and subsistence of members	31,280 ^a	34,537	(i) Travel and subsistence of members	13,260	10,848
(ii) Consultants	4,000	—	(ii) Consultants	—	—
(iii) Temporary assistance ...	2,600	—	(iii) Local transportation	1,020	1,020
(iv) Travel and subsistence of staff	10,000 ^a	11,256		<u>14,280</u>	<u>11,868</u>
	<u>47,880</u>	<u>45,793</u>	Chapter V. Sub-Commission on Freedom of Information and of the Press		
Chapter V. Special Committee on information transmitted under Article 73e of the Charter			(i) Travel and subsistence of members	21,350	5,491
(i) Local transportation	1,280	—	(ii) Travel and subsistence of Headquarters staff	19,830	16,001
	<u>1,280</u>	—	(iii) Rental of telecommunications equipment	1,560	—
Chapter VI. Board of Auditors			(iv) Freight, cartage and express	500	377
(i) External audit costs	42,000	25,983	(v) Communications services	250	17
Chapter VII. Interim Committee of the General Assembly	—	—		<u>43,490</u>	<u>21,886</u>
Chapter VIII. Administrative Tribunal			Chapter VI. Commission on the Status of Women		
(i) Travel and subsistence of members	18,240	4,844	(i) Travel and subsistence of members	8,770	7,085
(ii) Local transportation	900	—	(ii) Local transportation	1,360	816
	<u>19,140</u>	<u>4,844</u>		<u>10,130</u>	<u>7,901</u>
TOTAL, section 1	<u>765,955</u>	<u>212,703</u>	Chapter VII. Commission on Narcotic Drugs		
<i>Section 2. The Security Council, commissions and committees</i>	—	— ^b	(i) Travel and subsistence of members	8,770	—
			<i>Carried forward</i>	8,770	—

^a Adjustment required.

^b Expenses for the Security Council, Commissions and Committees, including only contractual printing, are shown under section 25.

^a Expenses for the eleventh session, held at Geneva, are charged to the Working Capital Fund.

^b Adjustment required.

	1950 approved estimate (US dollars)		1950 Expenses to estimate 30 June 1950 (US dollars)		1950 approved estimate (US dollars)		Expenses to estimate 30 June 1950 (US dollars)	
Brought forward	8,770	—						
(ii) Consultants	2,580	—						
(iii) Local transportation	2,640	—						
	13,990	—						
Chapter VIII. Population Commission								
(i) Travel and subsistence of members	7,020	4,422						
(ii) Consultants	1,800	—						
(iii) Local transportation	1,020	612						
	9,840	5,034						
Chapter IX. Economic and Employment Commission								
(i) Travel and subsistence of members	8,770	6,400						
(ii) Local transportation	880	880						
	9,650	7,280						
Chapter X. Sub - Commission on Economic Development								
(i) Travel and subsistence of members	6,470	5,126						
(ii) Local transportation	440	68						
	6,910	5,194						
Chapter XI. Sub - Commission on Employment and Economic Stability								
(i) Travel and subsistence of members	6,750	—						
(ii) Local transportation	440	—						
	7,190	—						
Chapter XII. Statistical Commission								
(i) Travel and subsistence of members	7,020	5,551						
(ii) Local transportation	900	765						
	7,920	6,316						
Chapter XIII. Sub - Commission on Statistical Sampling								
(i) Travel and subsistence of members	4,820	—						
(ii) Consultants	1,080	—						
(iii) Local transportation	440	—						
	6,340	—						
Chapter XIV. Fiscal Commission	—	—						
Chapter XV. Transport and Communications Commission								
(i) Travel and subsistence of members	8,770	6,578						
(ii) Local transportation	1,360	816						
	10,130	7,394						
			Chapter XVI. Interim Co-ordinating Committee for International Commodity Arrangements					
			(i) Travel and subsistence of members	3,190	—			
			(ii) Local transportation	150	—			
			(iii) Travel and subsistence of staff	700	149			
				4,040	149			
			Chapter XVII. Committee of Experts on Uniform System of Road Signs and Signals					
			United Nations Commodity Conference	6,600	—			
			Ad Hoc Committee on Slavery .	13,500	8,834			
			Meeting of Experts on Tropical Housing and Town Planning .	20,000	—			
			Ad Hoc Committee on Statelessness	—	^b 5,080			
			Conference on Declaration of Death of Missing Persons ...	—	^b 1,020			
			Technical Assistance Conference	—	^b 187			
			TOTAL, section 3	218,550	110,340			
			Section 3a. Permanent Central Opium Board and Narcotic Drugs Supervisory Body					
			Chapter I. Permanent Central Opium Board and Narcotic Drugs Supervisory Body					
			(i) Travel and subsistence of members	21,900	8,204			
			TOTAL, section 3a.	21,900	8,204			
			Section 3b. Regional Economic commissions					
			Chapter I. Economic Commission for Europe					
			(i) Travel and subsistence of staff	2,850	1,355			
			Chapter II. Economic Commission for Asia and the Far East					
			(i) Travel and subsistence of staff	3,800	2,103			
			(ii) Local transportation	1,000	485			
				4,800	2,588			

^a 1949 and 1951, but not 1950.

^a 1951 only.

^b Adjustment required.

	1950 approved estimate	Expenses to 30 June 1950 (US dollars)		1950 approved estimate	Expenses to 30 June 1950 (US dollars)
Chapter III. Economic Commission for Latin America			PART II. INVESTIGATIONS AND INQUIRIES		
(i) Travel and subsistence of staff	22,970 ^a	24,393	Section 5. Investigations and Inquiries		
(ii) Rental of telecommunication equipment	1,560	—	Chapter I. United Nations Special Committee on the Balkans ...	772,200	405,680
(iii) Freight, cartage and express	500	413	Chapter II. United Nations Commission for India and Pakistan	702,200	307,694
(iv) Communication services ..	300	—	Chapter III. United Nations Commission for Indonesia	400,000	176,811
(v) Miscellaneous expenses ..	— ^a	246	Chapter IV. Repatriation of Greek children ..	50,000	—
	<u>25,330</u>	<u>25,052</u>	Chapter V. United Nations Conciliation Commission for Palestine	692,000	387,587
TOTAL, section 3b	<u>32,980</u>	<u>28,995</u>	Chapter VI. United Nations Commission on Korea	290,300	145,613
Section 4. The Trusteeship Council, commissions and committees			Chapter VII. United Nations Commissioner for Libya	243,900	156,440
Chapter I. The Trusteeship Council			Chapter VIII. United Nations Advisory Council for Italian Somaliland ...	80,000	52,952
(i) Travel and subsistence of staff	43,745	38,729	Chapter IX. United Nations Commission for Eritrea	112,100 ^a	114,902
(ii) Local transportation ...	2,400	2,010	TOTAL, section 5	<u>3,342,700</u>	<u>1,747,679</u>
(iii) Simultaneous interpretation equipment	3,700	—	Section 5a. United Nations Field Service	337,000	7,492
(iv) Communications services.	800	751	TOTAL, section 5a	<u>337,000</u>	<u>7,492</u>
(v) Miscellaneous expenses ..	1,000	429	Section 5b. International régime for the Jerusalem area		
	<u>51,715</u>	<u>41,949</u>	(i) Operating costs	8,000,000	—
Chapter II. 1951 Visiting Mission	—	—	TOTAL, section 5b	<u>8,000,000</u>	—
Chapter III. 1950 Visiting Mission to the Pacific			TOTAL, PART II	<u>11,679,700</u>	<u>1,755,171</u>
(i) Travel and subsistence of members	26,400	20,590	PART III. HEADQUARTERS, NEW YORK		
(ii) Local transportation ...	3,000	636	Section 6. Executive Office of the Secretary-General		
(iii) Hospitality	1,500	—	Chapter I. Salaries and wages		
(iv) Temporary assistance ...	1,200	—	(i) Established posts	413,640	188,866
(v) Travel and subsistence of staff	30,200	22,788	Carried forward	413,640	188,866
(vi) Miscellaneous expenses ..	7,600	1,654			
	<u>69,900</u>	<u>45,668</u>			
Chapter IV. 1949 Visiting Mission to West Africa					
(i) Travel and subsistence of members	2,500 ^a	3,557			
(ii) Local transportation ...	500	—			
(iii) Travel and subsistence of staff	8,000	2,281			
(iv) Temporary assistance ...	1,000	—			
(v) Miscellaneous expenses ..	500	283			
	<u>12,500</u>	<u>6,121</u>			
TOTAL, section 4	<u>134,115</u>	<u>93,738</u>			
TOTAL, PART I	<u>1,173,500</u>	<u>453,985</u>			

^a Adjustment required.

^a Adjustment required.

	1950 <i>approved estimate</i>	<i>Expenses to 30 June 1950</i> (US dollars)		1950 <i>approved estimate</i>	<i>Expenses to 30 June 1950</i> (US dollars)
<i>Brought forward</i>	413,640	188,866	<i>Brought forward</i>	127,410	57,020
(ii) Consultants	3,000	1,130	(iii) Overtime and night differ- ential	1,000	—
(iii) Temporary assistance ...	24,500	11,619		<u>128,410</u>	<u>57,020</u>
(iv) Overtime and night differ- ential	3,500	1,437	Chapter II. Other departmen- tal expenses		
	<u>444,640</u>	<u>203,052</u>	(i) Travel on official busi- ness	100	—
Chapter II. Other departmen- tal expenses				<u>100</u>	<u>—</u>
(i) Travel on official busi- ness	19,000	17,661	TOTAL, section 8	<u>128,510</u>	<u>57,020</u>
(ii) Housing accommodation for the Secretary-General.	15,000	7,960			
	<u>34,000</u>	<u>25,621</u>	Section 9. <i>Technical Assistance Administration</i>	—	— ^a
TOTAL, section 6	<u>478,640</u>	<u>228,673</u>	Section 10. <i>Department of Eco- nomic Affairs</i>		
Section 6a. Library			Chapter I. Salaries and wages		
Chapter I. Salaries and wages			(i) Established posts	2,003,700	924,215
(i) Established posts	380,500	186,070	(ii) Consultants	43,000	15,180
(ii) Consultants	900	685	(iii) Temporary assistance ...	27,000 ^b	32,130
(iii) Temporary assistance ...	36,000	31,170	(iv) Overtime and night differ- ential	5,000	4,597
(iv) Overtime and night differ- ential	2,500	745		<u>2,078,700</u>	<u>976,122</u>
	<u>419,900</u>	<u>218,670</u>	Chapter II. Other departmen- tal expenses		
Chapter II. Other departmen- tal expenses			(i) Travel on official busi- ness	51,500	19,528
(i) Travel on official busi- ness	2,370	153		<u>51,500</u>	<u>19,528</u>
(ii) Contractual library ser- vices	15,600 ^a	20,737	TOTAL, section 10	<u>2,130,200</u>	<u>995,650</u>
	<u>17,970</u>	<u>20,890</u>	Section 11. <i>Department of So- cial Affairs</i>		
TOTAL, section 6a	<u>437,870</u>	<u>239,560</u>	Chapter I. Salaries and wages		
Section 7. <i>Department of Secu- rity Council Affairs</i>			(i) Established posts	1,354,300	620,807
Chapter I. Salaries and wages			(ii) Consultants	42,300	19,850
(i) Established posts	724,100	326,224	(iii) Temporary assistance ...	40,000	19,806
(ii) Consultants	4,000	—	(iv) Overtime and night differ- ential	4,400	3,361
(iii) Temporary assistance ...	35,000	10,026		<u>1,441,000</u>	<u>663,824</u>
(iv) Overtime and night differ- ential	6,000	1,832	Chapter II. Other departmen- tal expenses		
	<u>769,100</u>	<u>338,082</u>	(i) Travel on official busi- ness	23,750	12,726
Chapter II. Other departmen- tal expenses				<u>23,750</u>	<u>12,726</u>
(i) Travel on official busi- ness	5,700 ^a	6,120	TOTAL, section 11	<u>1,464,750</u>	<u>676,550</u>
	<u>5,700</u>	<u>6,120</u>	Section 12. <i>Department of Trus- teeship and Infor- mation from Non- Self - Governing Territories</i>		
TOTAL, section 7	<u>774,800</u>	<u>344,202</u>	Chapter I. Salaries and wages		
Section 8. <i>Military Staff Com- mittee secretariat</i>			(i) Established posts	805,300	392,912
Chapter I. Salaries and wages			<i>Carried forward</i>	805,300	392,912
(i) Established posts	126,290	57,020			
(ii) Temporary assistance ...	1,120	—			

^a Adjustment required.^a 1951 only.^b Adjustment required.

	1950 <i>approved estimate</i> <i>(US dollars)</i>	<i>Expenses to</i> <i>30 June 1950</i> <i>(US dollars)</i>		1950 <i>approved estimate</i> <i>(US dollars)</i>	<i>Expenses to</i> <i>30 June 1950</i> <i>(US dollars)</i>
<i>Brought forward</i>	805,300	392,912	<i>Section 15. Conference and General Services</i>		
(ii) Consultants	4,000	—	Chapter I. Salaries and wages		
(iii) Temporary assistance ...	9,900	6,403	<i>Bureau of General Services</i>		
(iv) Overtime and night differential	2,500	1,262	(i) Established posts	1,605,740	822,830
	<u>821,700</u>	<u>400,577</u>	(ii) Consultants	15,000	5,755
Chapter II. Other departmental expenses			(iii) Temporary assistance ...	41,000	25,652
(i) Travel on official business	11,400	8,937	(iv) Overtime and night differential	43,900	16,159
	<u>11,400</u>	<u>8,937</u>	<i>Bureau of Documents</i>		
TOTAL, section 12	<u>833,100</u>	<u>409,514</u>	(i) Established posts	5,333,960	2,541,381
			(ii) Consultants	6,000	—
			(iii) Temporary assistance ...	40,000 ^a	77,355
			(iv) Overtime and night differential	74,100	19,964
				<u>7,159,700</u>	<u>3,509,096</u>
<i>Section 13. Department of Public Information</i>			Chapter II. Other departmental expenses		
Chapter I. Salaries and wages			(i) Travel on official business	9,500	8,746
(i) Established posts	1,942,110	939,022		<u>9,500</u>	<u>8,746</u>
(ii) Consultants	9,000	6,163			
(iii) Temporary assistance ...	30,000	24,090			
(iv) Overtime and night differential	6,020	879			
	<u>1,987,130</u>	<u>970,154</u>	TOTAL, section 15	<u>7,169,200</u>	<u>3,517,842</u>
Chapter II. Other departmental expenses					
(i) Travel on official business	19,000	16,443	<i>Section 16. Administrative and Financial Services</i>		
(ii) Teletype and telecommunications services	6,470	2,997	Chapter I. Salaries and wages		
(iii) Radio services	379,740	306,842	(i) Established posts	2,420,410	1,187,272
(iv) Photographic supplies and services	49,400	13,917	(ii) Consultants	37,000	17,100
(v) Motion picture supplies and services	248,400	92,600	(iii) Temporary assistance ...	83,120	73,755
(vi) Travel and subsistence of representatives of national and international organizations	14,670	386	(iv) Overtime and night differential	92,750	38,316
(vii) Newspapers and periodicals and news agency services	4,500	2,380		<u>2,633,280</u>	<u>1,316,443</u>
	<u>722,180</u>	<u>435,565</u>	Chapter II. Other departmental expenses		
TOTAL, section 13	<u>2,709,310</u>	<u>1,405,719</u>	(i) Travel on official business	24,500	14,449
				<u>24,500</u>	<u>14,449</u>
			Chapter III. Overseas recruiting programme		
<i>Section 14. Department of Legal Affairs</i>			(i) Honoraria and temporary assistance	11,000	1,813
Chapter I. Salaries and wages			(ii) Travel on official business	4,460	75
(i) Established posts	384,640	170,886	(iii) Miscellaneous supplies and services	4,300	2,779
(ii) Consultants	5,000	90		<u>19,760</u>	<u>4,667</u>
(iii) Temporary assistance ...	7,500	3,808	Chapter IV. Administrative Committees		
(iv) Overtime and night differential	1,000	856	(i) International Civil Service Advisory Board	15,000	5,842
	<u>398,140</u>	<u>175,640</u>	(ii) Investments Committee.	2,900	2,193
Chapter II. Other departmental expenses			(iii) United Nations Staff Pension Committee	800	799
(i) Travel on official business	5,700	4,874		<u>18,700</u>	<u>8,834</u>
	<u>5,700</u>	<u>4,874</u>			
TOTAL, section 14	<u>403,840</u>	<u>180,514</u>			

^a Adjustment required.

	1950 approved estimate (US dollars)		1950 Expenses to 30 June 1950 (US dollars)		1950 approved estimate (US dollars)		1950 Expenses to 30 June 1950 (US dollars)	
Chapter V. Junior professional trainee programme					<i>Brought forward</i>	464,850		306,525
(i) Salaries and wages	55,000		6,955		(v) Air freight	58,900		25,822
	<u>55,000</u>		<u>6,955</u>			523,750		332,347
TOTAL, section 16	<u>2,751,240</u>		<u>1,351,348</u>		Chapter II. Rental and maintenance of premises			
Section 17. Common staff costs					(i) Rental of premises	400,700		375,932
Chapter I. Recruitment and initial organization costs					(ii) Supplies for maintenance of premises	106,500		53,220
(i) Travel and removal of staff and dependents	370,920		195,492		(iii) Contractual services for maintenance of premises .	122,500		97,835
(ii) Installation payments ...	123,300		49,085		(iv) Utilities	233,000		218,374
(iii) Termination payments ..	180,000		116,943		(v) Alterations to premises ..	7,500		1,140
(iv) Local staff transportation	32,500		30,088			870,200		746,501
(v) Rental allowances	405,400		206,714		Chapter III. Stationery and supplies			
(vi) Losses on housing projects	28,000		3,150		(i) Stationery and office supplies	139,050		60,497
	<u>1,140,120</u>		<u>601,472</u>		(ii) Internal reproduction supplies	233,750		85,660
Chapter II. Staff benefit costs						372,800		146,157
(i) Contributions, Joint Staff Pension Fund	1,760,000		882,611		Chapter IV. Rental and maintenance of equipment			
(ii) Expatriation allowances .	475,000		241,530		(i) Telecommunications supplies	58,700		47,657
(iii) Children's allowances, education grants and related travel	285,000		184,050		(ii) Operation and maintenance of telecommunications equipment	297,000		118,106
(iv) Contributions, medical and group life insurance ..	66,000		30,235		(iii) Rental of office and other equipment	21,000		17,420
(v) <i>Ex gratia</i> payments	11,000		2,938		(iv) Maintenance of office and other equipment	20,200		15,756
(vi) Workmen's compensation	35,000		25,000		(v) Operation and maintenance of transportation equipment	37,000		23,244
(vii) Travel on home leave ...	883,020		768,100			433,900		222,183
	<u>3,515,020</u>		<u>2,134,464</u>		Chapter V. Other supplies and services			
Chapter III. Staff training and welfare					(i) Insurance	32,500		31,450
(i) Staff training	42,000		17,143		(ii) Miscellaneous supplies and services	12,500		7,655
(ii) Intern training	30,000		14,900		(iii) Periodicals and newspapers	17,100		11,130
(iii) Staff welfare	7,300		6,483			62,100		50,235
	<u>79,300</u>		<u>38,526</u>		TOTAL, section 18	<u>2,262,750</u>		<u>1,497,423</u>
TOTAL, section 17	<u>4,734,440</u>		<u>2,774,462</u>					
Section 18. Common services					Section 18a. Transfer to the permanent Headquarters	—		— ^a
Chapter I. Telephone and postal services, and freight, cartage and express					Section 19. Permanent equipment			
(i) Telephone services (excluding long distance) ...	150,000		132,326		Chapter I. Furniture, fixtures and office equipment			
(ii) Cable, telegraph, wireless and long distance telephone	120,850		47,141		(i) Furniture and fixtures ...	22,500		4,479
(iii) Postal services	156,000		112,682		<i>Carried forward</i>	22,500		4,479
(iv) Freight, cartage and express (excluding air freight)	38,000		14,376					
<i>Carried forward</i>	464,850		306,525					

^a 1951 only.

	1950 <i>approved estimate</i> (US dollars)	<i>Expenses to estimate</i> 30 June 1950 (US dollars)		1950 <i>approved estimate</i> (US dollars)	<i>Expenses to estimate</i> 30 June 1950 (US dollars)
<i>Brought forward</i>	22,500	4,479	<i>Brought forward</i>	88,800	46,540
(ii) Office equipment	37,620	22,954	(vi) Photographic supplies and services	1,350	160
(iii) Telecommunications equipment	19,800	8,963		90,150	46,700
	<u>79,920</u>	<u>36,396</u>	Chapter III. Secretariat of the Permanent Central Opi- um Board and Nar- cotic Drugs Sup- ervisory Body		
Chapter II. Library books and equipment			Salaries and wages		
(i) Library books and maps .	36,000	33,870	(i) Established posts	47,500	24,130
(ii) Library equipment	3,600	1,193	(ii) Temporary assistance ...	1,500	—
	<u>39,600</u>	<u>35,063</u>	Other expenses		
Chapter III. Information ser- vices equipment			(iii) Travel on official busi- ness	2,660	—
(i) Photographic and motion picture equipment	13,500	8,876		<u>51,660</u>	<u>24,130</u>
	<u>13,500</u>	<u>8,876</u>	Chapter IV. Economic Com- mission for Eu- rope		
Chapter IV. Other permanent equipment			Salaries and wages		
(i) Transportation equip- ment	48,000	39,441	(i) Established posts	959,550	447,840
(ii) Improvements to pre- mises	7,500	550	(ii) Consultants	30,000	4,655
(iii) Miscellaneous equipment .	10,800	6,181	(iii) Temporary assistance ...	20,000	13,945
	<u>66,300</u>	<u>46,172</u>	(iv) Overtime and night diffe- rential	1,200	355
TOTAL, section 19	<u>199,320</u>	<u>126,507</u>	Other expenses		
TOTAL, PART III	<u>26,477,970</u>	<u>13,804,984</u>	(v) Travel on official busi- ness	33,250	18,057
				<u>1,044,000</u>	<u>484,852</u>
PART IV. UNITED NATIONS OFFICE AT GENEVA			Chapter V. Common staff costs		
Section 20. <i>United Nations Of- fice at Geneva</i>			(i) Travel and removal ex- penses of staff and depen- dents	36,700	14,773
Chapter I. General services			(ii) Installation payments ...	40,000	12,880
Salaries and wages			(iii) Termination payments ..	25,000	7,598
(i) Established posts	1,628,440	811,626	(iv) Contributions—Staff Pen- sion Fund	304,400	150,865
(ii) Consultants	500	—	(v) Expatriation allowances .	116,400	55,278
(iii) Temporary assistance ...	82,000 ^a	99,298	(vi) Travel on home leave ...	38,610	15,348
(iv) Casual labour	58,000	32,394	(vii) Children's allowances, education grants and re- lated travel	56,000	27,564
(v) Overtime and night diffe- rential	26,000	5,562	(viii) Contributions — medical and group life insurance ..	22,000	5,333
Other expenses			(ix) <i>Ex gratia</i> payments	1,000	12
(vi) Travel on official busi- ness	9,500	3,689	(x) Staff welfare	7,800	6,925
	<u>1,804,440</u>	<u>952,569</u>		<u>647,910</u>	<u>296,576</u>
Chapter II. Information ser- vices			Chapter VI. Common services		
Salaries and wages			(i) Telephone services (ex- cluding long distance) ...	14,000	4,923
(i) Established posts	79,000	43,835	(ii) Cable, telegraph, wireless communication and long distance telephone	24,500	6,584
(ii) Temporary assistance ...	500	—	(iii) Postal services	34,000	19,468
(iii) Overtime and night diffe- rential	500	9	(iv) Air freight	2,200	223
Other expenses			(v) Freight, cartage and ex- press	5,000	1,196
(iv) Travel on official busi- ness	1,900	449	(vi) Contractual services for maintenance of premises .	44,000	18,735
(v) Radio services	6,900	2,247	(vii) Utilities	60,000	18,173
<i>Carried forward</i>	<u>88,800</u>	<u>46,540</u>	(viii) Stationery and supplies ..	28,000	11,665
			<i>Carried forward</i>	<u>211,700</u>	<u>80,967</u>

^a Adjustment required.

	1950 approved estimate		1950 approved estimate		
	Expenses to 30 June 1950 (US dollars)		Expenses to 30 June 1950 (US dollars)		
<i>Brought forward</i>	211,700	80,967	<i>Brought forward</i>	78,670	30,738
(ix) Supplies for internal re- production	87,750	52,037	(vi) Contributions — medical and social insurance	2,000	1,144
(x) Rental of office and other equipment	4,500	2,199		80,670	31,882
(xi) Operation and mainten- ance of transportation equipment	6,000	951	Chapter III. Other expenses		
(xii) Insurance	9,000 ^a	9,252	(i) Travel on official busi- ness	31,450	14,618
(xiii) Miscellaneous supplies and services	6,250	3,492	(ii) Travel on home leave ...	8,070	11,145
(xiv) Cafeteria	4,500	249	(iii) Postal services	21,120	7,484
	<u>329,700</u>	<u>149,147</u>	(iv) Communications services.	39,790	10,012
Chapter VII. Permanent equipment			(v) Radio, photographic and motion picture supplies and services	5,900	3,124
(i) Furniture and fixtures ...	37,800	20,864	(vi) Rental and maintenance of premises and equip- ment	51,400	19,947
(ii) Office equipment	33,300	24,417	(vii) Stationery and office sup- plies	17,370	3,603
(iii) Telecommunications equipment	36,000	30,644	(viii) Supplies for internal re- production	15,850	4,091
(iv) Library books and maps .	19,800	8,022	(ix) Operation and mainte- nance of transportation equipment	8,250	3,368
(v) Improvements to pre- mises	10,600 ^a	11,060	(x) Freight, cartage and ex- press	18,790	4,649
(vi) Miscellaneous equipment.	8,550	3,079	(xi) Miscellaneous supplies and services	21,700	7,566
	<u>146,050</u>	<u>98,086</u>	(xii) Insurance	—	134
TOTAL, section 20	<u>4,113,910</u>	<u>2,052,060</u>		<u>239,690</u>	<u>89,741</u>
Section 20a. <i>Office of the High Commissioner for Refugees</i>	—	— ^b	Chapter IV. Permanent equip- ment		
TOTAL, PART IV	<u>4,113,910</u>	<u>2,052,060</u>	(i) Furniture and fixtures ...	10,690	2,320
PART V. INFORMATION CEN- TRES (EXCLUSIVE OF THE INFORMATION SERVICES AT GENEVA)			(ii) Radio, photographic and motion picture equip- ment	2,700	118
Section 21. <i>Information centres</i>			(iii) Library books and maps .	11,160	3,153
Chapter I. Salaries and wages				<u>24,550</u>	<u>5,591</u>
(i) Established posts	404,520	179,888	TOTAL, section 21 (PART V)	<u>794,520</u>	<u>330,540</u>
(ii) Temporary assistance ...	13,640	8,712			
(iii) Casual labour	28,620	13,625	PART VI. REGIONAL ECONO- MIC COMMISSIONS (OTHER THAN ECO- NOMIC COMMISSION FOR EUROPE)		
(iv) Overtime and night diffe- rential	2,830	1,101	Section 22. <i>Economic Commis- sion for Asia and the Far East</i>		
	<u>449,610</u>	<u>203,326</u>	Chapter I. Salaries and wages		
Chapter II. Common staff costs			(i) Established posts	187,400	93,388
(i) Travel and removal ex- penses of staff and depen- dents	6,010	2,020	(ii) Consultants	40,000 ^a	41,267
(ii) Installation and termina- tion payments	3,880	789	(iii) Temporary assistance ...	170,300	84,717
(iii) Contributions—Staff Pen- sion Fund	48,000	20,634	(iv) Overtime	500	1,720
(iv) Children's allowances, education grants and re- lated travel	11,100	3,919		<u>398,200</u>	<u>221,092</u>
(v) Expatriation allowances .	9,680	3,376	Chapter II. Bureau of Flood Control	79,000	35,506
<i>Carried forward</i>	78,670	30,738		<u>79,000</u>	<u>35,506</u>

^a Adjustment required.^b 1951 only.^a Adjustment required.

	1950 <i>approved estimate</i> <i>(US dollars)</i>	<i>Expenses to</i> <i>30 June 1950</i> <i>(US dollars)</i>		1950 <i>approved estimate</i> <i>(US dollars)</i>	<i>Expenses to</i> <i>30 June 1950</i> <i>(US dollars)</i>
Chapter III. Common staff costs			<i>Brought forward</i>	39,710	13,566
(i) Travel and removal of staff and dependants	16,978	13,716	(iv) Children's allowances, education grants and related travel	8,000	2,508
(ii) Installation and termination payments	9,000 ^a	13,215	(v) Expatriation allowances .	10,000	3,160
(iii) Contributions — Staff Pension Fund	39,562	13,353	(vi) Staff welfare	2,000	271
(iv) Children's allowances, education grants and related travel	9,600	7,618		<u>59,710</u>	<u>19,505</u>
(v) Expatriation allowances .	16,000	10,862	Chapter III. Other expenses		
(vi) Medical insurance	2,000	—	(i) Travel on official business	25,650	23,951
(vii) Staff welfare	—	—	(ii) Travel on home leave ...	9,500	4,380
	<u>93,140</u>	<u>58,764</u>	(iii) Communications services .	7,500	3,311
Chapter IV. Other expenses			(iv) Contractual services for maintenance of premises .	9,500	5,117
(i) Travel on official business	46,120	24,264	(v) Stationery and office supplies	6,000	5,150
(ii) Travel on home leave	25,200	4,443	(vi) Operation and maintenance of transportation equipment	1,500	184
(iii) Communications services.	10,000	7,509	(vii) Freight, cartage and express	2,500 ^a	3,899
(iv) Freight, cartage and express	4,930	1,723	(viii) Miscellaneous supplies and services	2,000	1,079
(v) Contractual services for maintenance of premises .	5,000	1,804		<u>64,150</u>	<u>47,071</u>
(vi) Stationery and office supplies	4,800 ^a	7,779	Chapter IV. Permanent equipment		
(vii) Operation and maintenance of transportation equipment	3,500	2,234	(i) Furniture and fixtures ...	4,050	3,003
(viii) Miscellaneous supplies and services	900	2,485	(ii) Library books and maps .	1,800	749
(ix) Insurance	—	465		<u>5,850</u>	<u>3,752</u>
	<u>100,450</u>	<u>52,706</u>	TOTAL, section 23	<u>507,710</u>	<u>243,451</u>
Chapter V. Permanent equipment			TOTAL, PART VI	<u>1,182,100</u>	<u>615,829</u>
(i) Furniture and fixtures ...	1,800	3,489	PART VII. HOSPITALITY		
(ii) Library books and maps .	1,800	821	Section 24. Hospitality	20,000	5,402
	<u>3,600</u>	<u>4,310</u>	TOTAL, section 24 (PART VII)	<u>20,000</u>	<u>5,402</u>
TOTAL, section 22	<u>574,390</u>	<u>372,378</u>	PART VIII. CONTRACTUAL PRINTING		
Section 23. <i>Economic Commission for Latin America</i>			Section 25. <i>Official Records</i>		
Chapter I. Salaries and wages			Chapter I. The General Assembly, commissions and committees ..	434,500	201,800
(i) Established posts	208,640	78,432	Chapter II. The Security Council, commissions and committees	253,070	37,686
(ii) Consultants	110,000	48,255	Chapter III. The Economic and Social Council, commissions and committees .	105,180	14,449
(iii) Temporary assistance ...	58,860	40,184	Chapter IV. The Trusteeship Council, commissions and committees	34,700 ^a	34,877
(iv) Overtime	500 ^a	6,252		<u>827,450</u>	<u>288,812</u>
	<u>378,000</u>	<u>173,123</u>	<i>Carried forward</i>		
Chapter II. Common staff costs					
(i) Travel and removal expenses of staff and dependents	9,710	2,945			
(ii) Installation and termination payments	3,000	2,552			
(iii) Contributions—Staff Pension Fund	27,000	8,069			
<i>Carried forward</i>	<u>39,710</u>	<u>13,566</u>			

^a Adjustment required.

^a Adjustment required.

	1950 <i>approved estimate</i> 30 June 1950 (US dollars)		1950 <i>approved estimate</i> 30 June 1950 (US dollars)	
<i>Brought forward</i>	827,450	288,812		
Chapter V. Committees and commissions of investigation and inquiry	67,500	13,122	Chapter V. Publications related to the technical programmes ..	31,430
Chapter VI. Permanent Central Opium Board and Narcotic Drugs Supervisory Body	14,850	726		—
Chapter VII. United Nations Scientific Conference on the Conservation and Utilization of Resources	9,000	6,631	TOTAL, section 26	922,900
TOTAL, section 25	918,800	309,291	TOTAL, PART VIII	1,841,700
				758,604
<i>Section 26. Publications</i>			PART IX. OPERATIONAL PROGRAMMES	
Chapter I. Publications of Headquarters' Departments			<i>Section 27. Advisory Social Welfare Functions</i>	
(i) Executive Office of the Secretary-General	1,430	153	Chapter I. Advisers	
(ii) Department of Security Council Affairs	9,220	4,969	(i) Salaries, wages and other staff expenses	165,000
(iii) Department of Economic Affairs	230,650	84,585	(ii) Travel	12,350 ^a
(iv) Department of Social Affairs	138,510	66,620	(iii) Other expenses	1,000
(v) Department for Trusteeship and Information from Non-Self-Governing Territories	24,510	12,084		178,350
(vi) Department of Public Information	313,970	157,297	Chapter II. Fellowships	
(vii) Department of Legal Affairs	94,300	82,910	(i) Stipends	214,000
(viii) Conference and General Services	14,720	2,676	(ii) Travel	114,250
(ix) Administrative and Financial Services	3,700	—	(iii) Other expenses	14,250
	831,010	411,294		342,500
Chapter II. Publications of the United Nations Office at Geneva			Chapter III. Equipment	
(i) General services	11,500	4,731	(i) Photographic and motion picture supplies	27,000
(ii) Information services	910	55	(ii) Prosthetic devices	18,000
(iii) Economic Commission for Europe	27,780	22,493	(iii) Literature	1,900 ^a
	40,190	27,279		46,900
Chapter III. Publications of the Economic Commission for Asia and the Far East	6,450	4,800	Chapter IV. Regional seminars	
	6,450	4,800	(i) Salaries and wages and other staff expenses	19,000
Chapter IV. Publications of the Economic Commission for Latin America ..	13,820	5,940	(ii) Travel	19,000
	13,820	5,940	(iii) Other expenses	4,750
				42,750
			TOTAL, section 27	610,500
				283,590
			<i>Section 28. Technical Assistance for Economic Development</i>	
			Chapter I. Comprehensive missions	
			(i) Experts and other staff including travel	102,600 ^a
			(ii) Travel on official business	11,400
			(iii) Other expenses	6,000
				120,000
			Chapter II. Experts	
			(i) Experts and other staff including travel	108,000
			<i>Carried forward</i>	108,000
				27,746

^a Adjustment required.

	1950 <i>approved estimate</i>	<i>Expenses to 30 June 1950</i> (US dollars)		1950 <i>approved estimate</i>	<i>Expenses to 30 June 1950</i> (US dollars)
<i>Brought forward</i>	108,000	27,746	<i>Section 31. Amortization of Headquarters construction loan</i>	—	— ^a
(ii) Travel on official business	<u>9,500</u>	<u>131</u>	TOTAL, PART X	<u>533,768</u>	<u>533,768</u>
	117,500	27,877			
Chapter III. Fellowship programme					
(i) Stipends	109,740	41,751	B. INTERNATIONAL COURT OF JUSTICE		
(ii) Travel	76,000	21,003	PART XI. INTERNATIONAL COURT OF JUSTICE		
(iii) Other expenses	<u>4,750</u>	<u>1,110</u>	<i>Section 32. The International Court of Justice</i>		
	190,490	63,864	Chapter I. Salaries and expenses of the members of the Court		
Chapter IV. Training institutes and seminars			(i) Salaries of the President, Vice-President and Judges	311,770	108,553
(i) Experts and staff including travel	<u>44,000</u>	<u>15,643</u>	(ii) Duty allowances of the Vice-President	3,780	—
	44,000	15,643	(iii) Contributions to the Pension Fund for members of the Court	100	—
Chapter V. Dissemination of technical data, etc.			(iv) Journeys on duty	2,000	—
(i) Experts and other staff including travel	<u>5,000</u>	—	(v) Annual journeys and journeys on leave	10,000	3,046
	5,000	—	(vi) Removal expenses on arrival and departure	1,000	—
TOTAL, section 28	<u>476,990</u>	<u>244,469</u>	(vii) Miscellaneous expenses .	<u>200</u>	—
<i>Section 29. International Centre for Training in Public Administration</i>				328,850	111,599
Chapter I. Seminars on problems of public administration			Chapter II. Salaries, wages and expenses of Registry		
(i) Subsistence allowances ..	36,000	—	(i) Salary and allowance of Registrar	17,230	4,605
(ii) Travel	3,800	—	(ii) Salaries of permanent staff	121,330	49,566
(iii) Other expenses	<u>1,500</u>	—	(iii) Salaries of temporary staff	36,400	14,152
	41,300	—	(iv) Overtime	965	58
Chapter II. Fellowships and scholarships			(v) Contribution to the Pension Fund	15,670	7,822
(i) Fellowships	17,100	—	(vi) Medical aid	160	—
(ii) Scholarships	69,000	—	(vii) Family allowances and education grants	4,200	1,870
(iii) Travel	5,700	—	(viii) Indemnities provided for in the staff regulations ...	150	—
(iv) Other expenses	<u>1,900</u>	—	(ix) Statutory medical examinations	100	—
	93,700	—	(x) Travel on duty	9,000	846
Chapter III. Assistance to International Institute of Public Administration			(xi) Travel on home leave ...	1,700	1,518
(i) Assistance to International Institute of Public Administration	<u>10,000</u>	<u>5,000</u>	(xii) Removal expenses on arrival and departure ...	1,000	22
TOTAL, section 29	<u>145,000</u>	<u>5,000</u>	(xiii) Travel expenses of temporary staff	2,500	704
TOTAL, PART IX	<u>1,232,490</u>	<u>533,059</u>	(xiv) Miscellaneous expenses ..	<u>300</u>	<u>62</u>
				210,705	81,225
PART X. SPECIAL EXPENSES			Chapter III. Common services		
<i>Section 30. Transfer of the assets of the League of Nations to the United Nations</i>			(i) Contributions to the Carnegie Foundation	<u>12,620</u>	<u>3,158</u>
(i) Transfer of the assets of the League of Nations to the United Nations	<u>533,768</u>	<u>533,768</u>	<i>Carried forward</i>	12,620	3,158
TOTAL, section 30	<u>533,768</u>	<u>533,768</u>			

^a 1951 only.

	1950 <i>approved estimate</i> (US dollars)	<i>Expenses to 30 June 1950</i>		1950 <i>approved estimate</i> (US dollars)	<i>Expenses to 30 June 1950</i>
<i>Brought forward</i>	12,620	3,158	<i>Brought forward</i>	44,760	13,843
(ii) Amortization of cost of installation in new premises	2,620	—	(x) Miscellaneous expenses .	— ^a	1,345
(iii) Supplementary amortization	2,620	—		<u>44,760</u>	<u>15,188</u>
(iv) Cost of distribution of documents	800	139	Chapter IV. P e r m a n e n t equipment		
(v) Supplies	7,000	2,492	(i) Furniture and installation of additional fittings.	3,800	2,380
(vi) Postal, telegraph and telephone services	2,450	2,512	(ii) Library	4,000	1,062
(vii) Welfare of staff	100	3		<u>7,800</u>	<u>3,442</u>
(viii) Printing expenses	16,150	5,380	TOTAL, section 32 (PART XI)	<u>592,115</u>	<u>211,454</u>
(ix) Cost of administration of funds of the Court	400	159	GRAND TOTAL	<u>49,641,773</u>	<u>21,054,856</u>
<i>Carried forward</i>	44,760	13,843			

^a Adjustment required.

(b) Advances from the Working Capital Fund

DOCUMENT A/1322

Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : [report of the Secretary-General

[Original text : English]
[22 August 1950]

1. In accordance with a decision taken by the Council of the Food and Agriculture Organization at its ninth session held in Rome during May 1950, the Director-General of the FAO has submitted to the Secretary-General an application for a loan of \$US 800,000 from the Working Capital Fund of the United Nations, for the purpose of financing in part the costs of the projected transfer of FAO headquarters from Washington, D. C. to Rome. The balance of the amount needed for financing the expenses of the move will be available from FAO's accumulated reserves.

2. The relevant decision of the Council of the Food and Agriculture Organization, as set out in the report of its ninth session,³ was as follows :

" Taking into account the decision of the Conference that the unspent balance of the second and third financial years (now estimated at approximately \$420,000) should be used to defray in part the expense connected with the transfer of headquarters to Rome, a balance of approximately \$800,000 will have to be provided from other sources.

" The Council considers that the most practical way of obtaining this amount is for the Director-General to apply to the United Nations for a loan from its Working Capital Fund, to be repaid over a period of four years.

" The Council therefore recommends that the Director-General should forthwith apply, through the Secretary-General of the United Nations, to the United Nations General Assembly for authority to be given to the Secretary-General to grant a loan of approximately \$800,000 to FAO.

" At the same time, the Director-General should take advantage of the very generous offer of the Italian Government to consider the possibility of making such a loan to FAO and should enter into negotiations with that Government to obtain terms as favourable as possible. In the event of a loan being granted by the United Nations, it would then be unnecessary for FAO to take advantage of this further instance of the generosity of the Italian Government, which has already helped in many ways to facilitate the early transfer of FAO to Rome. If, however, the loan from the United Nations is not available, or if it is granted for a shorter period than four years, the Director-General should then take advantage of the offer of the Italian Government so that the repayment liabilities of the organization, in respect of any sums borrowed, do not exceed \$200,000 a year, whether the loan is provided wholly by the United Nations, partly by the United Nations and partly by the Italian Government, or wholly by the Italian Government."

3. The Council's request was formally communicated to the Secretary-General in a letter addressed to him on 31 May 1950 by the Director-General of the Food and Agriculture Organization. The attention of the General

³ See Report of the Council of the Food and Agriculture Organization, Ninth Session, 8-17 May 1950.

Assembly is called to the fact that the conditions relating to loans to specialized agencies have customarily been included in the terms of the resolution concerning advances from the Working Capital Fund and have provided, *inter alia*, that such loans should normally be repayable within a period of two years. The draft resolution on the Working Capital Fund which the Advisory Committee on Administrative and Budgetary Questions has proposed for adoption by the General Assembly, A/1312 (chapter I, appendix III⁴) contains a similar provision with respect to 1951. The application submitted on behalf of the Food and Agriculture Organization, however, seeks authorization for repayment of the \$800,000 requested in equal annual instalments over a four-year period commencing with 1951. The Council of FAO has recommended that in framing the

⁴ See *Official Records of the General Assembly, Fifth Session, Supplement No. 7*, page 15.

budget of the organization for 1951 and for each of the three following years, the first charge should be a sum of \$200,000 for payment of such instalments.

4. In a subsequent communication to the Secretary-General, the Director-General of FAO states that the final decision regarding the financing of the move of FAO headquarters to Rome will be taken by the FAO Conference which is to convene in Washington on 6 November 1950. The hope is expressed that it will be found possible for the loan application to be considered and disposed of by the General Assembly prior to this date.

5. The Secretary-General therefore submits the application of the Food and Agriculture Organization for a loan of \$800,000, including the question of repayment terms and conditions, to the General Assembly for a decision, in connexion with its consideration of the draft resolution on the Working Capital Fund under item 39 of the provisional agenda (A/1293).

DOCUMENT A/1445

Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : seventh report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[17 October 1950]

1. In accordance with a decision taken by the Fifth Committee at its 247th meeting on 13 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General (A/1322) on the application of the Food and Agriculture Organization for a loan of \$800,000 from the Working Capital Fund of the United Nations.

2. The Advisory Committee takes note that the above amount represents the estimated balance of expenditure relating to the transfer to Rome of the headquarters of FAO, and that the Council of the latter organization proposes that repayment of the loan be made over a period of four years, in equal annual instalments of \$200,000.

3. The draft resolution relating to the Working Capital Fund for the year 1951 submitted by the Advisory Committee (A/1312, chapter I, appendix III) makes provision for the granting of loans to specialized agencies in the initial stages of their existence and " pending receipt by the agencies concerned of sufficient contributions under their own budgets ". It is further provided that such loans shall normally be repayable within two years.

4. The Advisory Committee, having regard to the exceptional circumstances which underlie the application from FAO, recommends that the General Assembly should approve the granting of a loan of \$800,000 to FAO, subject to repayment within a maximum period

of four years, and subject also to the following recommendations :

(a) In view of the considerations set forth in paragraph 3 above, specific authorization for the loan should be included in the resolution relating to the Working Capital Fund (1951) to be adopted by the General Assembly;

(b) Any balance of the loan outstanding at the end of a period of two years from the date of the granting of the loan should bear interest, at a rate to be agreed between the Secretary-General of the United Nations and the Director-General of FAO;

(c) The Council of FAO should make every effort to arrange for the repayment of the loan within a shorter term than four years.

5. In making these recommendations, the Committee has taken under consideration the purpose for which the Working Capital Fund of the United Nations was established, as well as the probability that heavy withdrawals beyond those normally required for the financing of budgetary appropriations may have to be made during the early months of 1951.

6. Finally, the Advisory Committee considers that, if approved by the General Assembly, the proposed loan should in no way constitute a precedent for the submission of other applications of a similar nature.

7. A draft paragraph to give effect to the above recommendation is submitted herewith, for inclusion

in the draft resolution relating to the Working Capital Fund (1951) :

“ 4. The Secretary-General is authorized to advance from the Working Capital Fund :

“ (a) ...

“ (b) ...

“ (c) ...

“ (d) ...

[*new paragraph*]

“ (e) A loan to the Food and Agriculture Organization of the United Nations to an amount not exceeding \$800,000, to finance the removal of its headquarters to Rome. Such a loan shall be repayable within a maximum period of four years, in annual instalments of not less than \$200,000. Interest, at a rate to be determined between the United Nations and the Food and Agriculture Organization, shall be payable on any balance of the loan outstanding at the end of a period of two years from the date on which the loan is made.

“ (f) ...

DOCUMENT A/C.5/L.51

Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : draft resolution submitted by the Secretary-General

[*Original text : English*]
[18 October 1950]

The General Assembly,

Having considered the request submitted by the Food and Agriculture Organization of the United Nations to the Secretary-General for a loan of \$800,000 from the Working Capital Fund of the United Nations for the purpose of financing part of the costs of the transfer of the Food and Agriculture Organization Headquarters from Washington, D. C. to Rome.

Desirous of facilitating the work of the Food and Agriculture Organization of the United Nations,

Authorizes the Secretary-General to advance from the Working Capital Fund, as a loan to the Food and Agriculture Organization of the United Nations, sums not exceeding \$800,000 to finance the removal of its headquarters to Rome. Such a loan shall be repayable within a maximum period of four years, in annual instalments of not less than \$200,000. Interest, at a rate to be determined between the United Nations and the Food and Agriculture Organization, shall be payable on any balance of the loan outstanding at the end of a period of two years from the date on which the loan is made.

DOCUMENT A/1498

Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : report of the Fifth Committee

[*Original text : English*]
[10 November 1950]

1. In a report dated 22 August 1950 (A/1322), the Secretary-General informed the General Assembly of an application addressed to him by the Director-General of the United Nations Food and Agriculture Organization, in accordance with a decision taken by the Council of the Organization at its ninth session, for a loan of \$800,000 from the Working Capital Fund of the United Nations, for the purpose of financing in part the costs of the projected transfer of FAO headquarters from Washington, D. C. to Rome, Italy. In transmitting this request, the Secretary-General called the General Assembly's attention to the fact that the conditions relating to loans to specialized agencies had customarily been included in the terms of the resolution concerning advances from the Working Capital Fund and had provided, *inter alia*, that such loans should normally be repayable within a

period of two years. The resolution relating to the Working Capital Fund for 1950 adopted by the General Assembly at its fourth regular session on 10 December 1949 (resolution 358 (IV)) had contained such a provision, and a similar provision had been recommended for inclusion in the draft Working Capital Fund resolution proposed by the Advisory Committee on Administrative and Budgetary Questions, for adoption by the General Assembly at its fifth session (A/1312, chapter I, appendix III). The application submitted on behalf of the Food and Agriculture Organization, however, sought authorization for repayment of the \$800,000 requested in equal annual instalments over a four-year period commencing with 1951. The General Assembly was informed that in framing the budget of the organization for 1951 and for each of the three following

years, it had been recommended by the Council of FAO that the first charge should be a sum of \$200,000 for payment of such instalments. The Secretary-General had accordingly submitted the loan application of FAO, including the question of repayment terms and conditions, to the General Assembly for decision in connexion with its consideration of the draft resolution on the Working Capital Fund under item 39 of its agenda.

2. Pursuant to the instructions of the General Assembly at its 285th plenary meeting, the Fifth Committee considered the request of FAO at its 251st meeting on 19 October 1950. In addition to the report of the Secretary-General (A/1322), it had before it the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as set forth in its seventh report of 1950 (A/1445). The attention of the Fifth Committee was also called, prior to its discussion of this matter, to the further report submitted by the Secretary-General, under item 38 of the agenda, on advances from the Working Capital Fund and unforeseen and extraordinary expenses for 1950 (A/1432).

3. The Advisory Committee, in its report on the FAO loan application, observed that the draft resolution relating to the Working Capital Fund for the year 1951 which it had proposed in its second report for 1950 (A/1312) provided for the granting of loans to specialized agencies in the initial stages of their existence and "pending receipt by the agencies concerned of sufficient contributions under their own budgets", subject to such loans being normally repayable within two years. In view, however, of the exceptional circumstances underlying the application from FAO, it recommended that the General Assembly should approve the granting of a loan of \$800,000 subject to repayment within a maximum period of four years and to the following conditions :

(a) Specific authorization for the loan should be included in the resolution relating to the Working Capital Fund (1951) to be adopted by the General Assembly;

(b) Any balance of the loan outstanding at the end of a period of two years from the date of the granting of the loan should bear interest, at a rate to be agreed between the Secretary-General of the United Nations and the Director-General of FAO;

(c) The Council of FAO should make every effort to arrange for the repayment of the loan within a shorter term than four years.

4. The Fifth Committee was advised that, in making these recommendations, the Advisory Committee had taken under consideration the purpose for which the Working Capital Fund of the United Nations was established, as well as the probability that heavy withdrawals beyond those normally required for the financing of budgetary appropriations might have to be made during the early months of 1951. Note was taken also of the Advisory Committee's opinion that, if approved by the General Assembly, the proposed loan should in no way constitute a precedent for the submission for other applications of a similar nature.

5. It was explained to the Committee that in recommending the inclusion in the Working Capital Fund resolution for 1951 of an appropriate paragraph specifically authorizing the loan, the Advisory Committee had understood that no advance from the Working Capital Fund would, in fact, be required by FAO until after 31 December 1950. Subsequently, however, the Secretary-General had been informed that it might be necessary for FAO to enter into expenditure commitments relating to the transfer of its headquarters prior to 1951 and that FAO was desirous, therefore, of being able to utilize loan moneys for that purpose during 1950, should the need arise. In those circumstances and in order that final decisions regarding the financing of and arrangements for the move might be taken by the FAO Conference which is to commence in Washington, D. C. on 6 November 1950, the Secretary-General, with the concurrence of the Chairman of the Advisory Committee, proposed to the Fifth Committee the adoption of a separate draft resolution (A/C.5/L.51), authorizing him to advance from the Working Capital Fund, as a loan to FAO, sums not exceeding \$800,000 on terms and conditions recommended by the Advisory Committee.

6. Though certain delegations expressed some doubt as to the procedure followed and maintained that such requests should be considered together with the resolution on the Working Capital Fund, no objection was raised with respect to the substance of the draft resolution submitted by the Secretary-General. This was approved, after a brief discussion, by 34 votes to 1, with 5 abstentions.

7. The Fifth Committee therefore recommends to the General Assembly the adoption of the following resolution :

ADVANCES FROM THE WORKING CAPITAL FUND : APPLICATION OF THE UNITED NATIONS FOOD AND AGRICULTURE ORGANIZATION FOR A LOAN FROM THE FUND

The General Assembly,

Having considered the request submitted by the United Nations Food and Agriculture Organization to the Secretary-General for a loan of \$800,000 from the Working Capital Fund of the United Nations for the purpose of financing part of the costs of the transfer of the Food and Agriculture Organization from Washington, D.C. to Rome,

Desirous of facilitating the work of the United Nations Food and Agriculture Organization,

Authorizes the Secretary-General to advance from the Working Capital Fund, as a loan to the United Nations Food and Agriculture Organization, sums not exceeding \$800,000 to finance the removal of its headquarters to Rome. Such a loan shall be repayable within a maximum period of four years, in annual instalments of not less than \$200,000. Interest, at a rate to be determined between the Secretary-General of the United Nations and the Director-General of the Food and Agriculture Organization, shall be payable on any balance of the loan outstanding at the end of a period of two years from the date on which the loan is made.

(b) and (c) Advances from the Working Capital Fund and unforeseen and extraordinary expenses for 1950

DOCUMENT A/1432 and Corr.1

Report of the Secretary-General

[Original text : English]

[7 October 1950]

1. The General Assembly at its fourth session authorized the Secretary-General to take the following action under the terms of resolution 357 (IV) and 358 (IV) respectively :

(a) To enter, under certain conditions, into commitments to meet unforeseen and extraordinary expenses during the year 1950;

(b) To advance funds from the Working Capital Fund for the above-mentioned purposes, as well as to finance various revolving funds, to make loans to specialized agencies and to make advances for certain other purposes.

2. Following the procedure adopted last year, the present report is divided into three parts, as follows :

	<i>Paragraphs</i>
I. Unforeseen and extraordinary expenses	3 - 5
II. Revolving funds and recoverable advances	6 - 7
III. Loans to specialized agencies ...	8 - 9

I. UNFORESEEN AND EXTRAORDINARY EXPENSES

3. By the terms of resolution 357 (IV) (Unforeseen and extraordinary expenses) :

“ The Secretary-General, with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, and subject to the financial regulations of the United Nations, is authorized to enter into commitments to meet unforeseen and extraordinary expenses; provided that the concurrence of the Advisory Committee shall not be necessary for :

“ (a) Such commitments not exceeding a total of \$2,000,000 if the Secretary-General certifies that they relate to the maintenance of peace and security or to urgent economic rehabilitation;

“ (b) Such commitments as may be necessary to provide for reasonable expenses for the proposed Economic Commission for the Middle East, should the Economic and Social Council decide that this Commission shall be created in 1950;

“ (c) Such commitments as may be necessary to provide for expenses of meetings of the Economic and Social Council should the Council, having reconsid-

ered the question of its place of meeting in the light of the debates in the General Assembly, confirm its decision to hold its eleventh session at Geneva;

“ (d) Such commitments, duly certified by the President of the International Court of Justice, relating to expenses occasioned :

“ (i) By the designation of *ad hoc* judges (Statute, Article 31),

“ (ii) By the appointment of assessors (Statute, Article 30) or of witnesses and experts (Statute, Article 50),

“ (iii) By the holding of sessions of the Court away from The Hague (Statute, Article 22), and which do not exceed \$24,000, \$25,000 and \$75,000 respectively, under each of these three headings ”.

4. In September 1950, the Secretary-General obtained the concurrence of the Advisory Committee on Administrative and Budgetary Questions for an advance from the Working Capital Fund for the purchase of some of the permanent equipment included in the budget estimates for 1951, the procurement of which is necessitated by the earlier move of the Secretariat into the new Headquarters. The Secretary-General is now entering into commitments which are expected to total \$315,000 and will provide for the purchase and delivery by 31 December 1950 of office furniture and equipment amounting to \$198,500, reproduction equipment such as offset presses totalling \$60,000, library equipment including book-stacks and shelving amounting to \$43,800 and photographic and motion picture equipment not exceeding \$12,000. The Secretary-General will submit supplementary estimates for 1950 to cover these commitments and the 1951 budget estimates will be correspondingly reduced. An exception will, however, be requested for the programme of library equipment, for which a reduction of \$27,300 only will be proposed instead of \$34,800, in order to complete the purchase of the total equipment in 1951 instead of in 1952 and to benefit by the reduction in price which would be gained under the procurement contract now in process of completion.

5. Commitments during 1950 were also entered into by the Secretary-General under sub-paragraphs (a) and (c) of the above-mentioned resolution. These commitments, the details of which are noted below, total \$442,300. The Secretary-General will submit supplementary estimates for 1950 to cover these commitments, as it is not possible to absorb them within the 1950 regular budget appropriations.

(a) *Commitments relating to the maintenance of peace and security or to urgent economic rehabilitation* (sub-paragraph (a) of the resolution)

After the outbreak of hostilities in Korea, and acting under the authorization of the Security Council with respect to United Nations forces to repel the aggression in South Korea, the Secretary-General appointed a personal representative together with staff, in addition to the regular members and staff of the United Nations Commission on Korea. An aeroplane had to be purchased and additional offices opened in Tokyo and Pusan. This expansion of the United Nations activities in Korea in the interest of the maintenance of international peace and security necessitated unforeseen expenditure estimated to reach a total of \$300,000 by the end of the present year, of which about \$50,000 was to be provided for staff to organize and supervise relief for civilian war refugees in Korea. Accordingly, the Secretary-General authorized an advance of \$300,000 in August 1950 for the above purpose, as a charge on the Working Capital Fund.

(b) *Commitments in respect of the eleventh session of the Economic and Social Council at Geneva* (sub-paragraph (c) of the resolution)

The Economic and Social Council, at its tenth session, confirmed its decision taken at the ninth session to hold its eleventh session at Geneva. Accordingly, in May 1950 the Secretary-General authorized the advance of sums up to \$142,300 from the Working Capital Fund to finance the eleventh session of the Economic and Social Council at Geneva.

II. REVOLVING FUNDS AND RECOVERABLE ADVANCES

6. The Secretary-General is authorized under General Assembly resolution 358 (IV) to advance from the Working Capital Fund :

“(a) Such sums as may be necessary to finance budgetary appropriations pending receipt of contributions; sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose” [paragraph 4 (a) of the resolution];

“(b) Such sums as, together with net sums outstanding for the same purposes, do not exceed \$250,000 to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities. Advances in excess of the total of \$250,000 may be made with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall submit, with the annual accounts, an explanation of the outstanding balance of the revolving fund at the end of each year” [paragraph 4 (c) of the resolution];

“(c) Such sums as, together with the sums previously advanced and outstanding for the same purpose, do not exceed \$500,000 to continue the Staff Housing Fund in order to finance advance rental payment, guarantee deposits and working capital

requirements for housing the staff of the Secretariat. Such advances shall be reimbursed to the Working Capital Fund following the recovery of the rental advances, guarantee deposits and working capital advances” [paragraph 4 (e) of the resolution].

7. Advances made during 1950 under each of the above items are dealt with *seriatim* below :

(a) *Advances to finance budgetary appropriations pending receipt of contributions*

Advances under this head amounted to \$4,492,193 at 31 March, \$5,690,667 at 31 May and \$7,838,210 at 31 July, and reached \$9,354,594 at the end of August 1950. These advances have since been repaid, following the receipt of contributions from Members.

(b) *Advances to continue revolving funds to finance miscellaneous self-liquidating purchases and activities*

The position of advances made under this head as at 31 August 1950 was as follows :

Purpose	Limit of outstanding amounts authorized by the Secretary-General as at 31 August 1950 (In US dollars)	Actual outstanding amount as at 31 August 1950
(i) Advances to finance on a reimbursable basis travel and related expenses of members of certain commissions of investigation, conciliation, etc., operating in the field	30,000	5,335
(ii) Advances to finance on a reimbursable basis travel of additional representatives to the General Assembly, the Councils and Commissions, and additional local transportation for delegations	100,000	46,047
(iii) Empire State Building operating account	20,000	7,538
(iv) Operating capital for the cafeteria	25,000	25,000
(v) Revolving fund to finance travel of staff loaned to specialized agencies and other bodies (as approved from time to time)	41,000	20,408
(vi) Revolving fund to finance miscellaneous self-liquidating purchases and activities (as approved from time to time).	12,250	1,916
	228,250	106,244

(i) *Advances to finance on a reimbursable basis travel and related expenses of members of certain commissions of investigation, conciliation, etc., operating in the field*

(ii) *Advances to finance on a reimbursable basis travel of additional representatives to the General Assembly, the Councils and Commissions, and additional local transportation for delegations*

As a matter of convenience to Members, and in order to ensure priority of transportation, the United Nations

has arranged, at the request of the Governments concerned, for travel for Members' "extra" representatives to the General Assembly and for representatives to Councils, to commissions of investigation, conciliation, etc., operating in the field and more generally to all United Nations organs for which transportation fares are borne by governments. In such cases, Members agree to reimburse the United Nations for costs of travel.

(iii) *Empire State Building operating account*

This fund provides for payment of rental and for miscellaneous alterations made to space occupied by delegations in the Empire State Building. Such payments are reimbursable by delegations, according to the space occupied.

(iv) *Operating capital for the cafeteria*

This fund is used to finance inventory supplies in the cafeteria, lounges and merchandising counters at Lake Success and Flushing Meadows.

(v) *Revolving fund to finance travel of staff loaned to specialized agencies and other bodies (as approved from time to time)*

This fund provides for travel expenses of United Nations staff members who are loaned to specialized agencies, etc., for short periods of time on a reimbursable basis.

(vi) *Revolving fund to finance miscellaneous self-liquidating purchases and activities (as approved from time to time)*

This fund is used to finance miscellaneous self-liquidating purchases, e.g., standard equipment, such as shirts and shoes for resale to guards; books, photographic postcards concerning the United Nations for resale by the United Nations bookshop, etc.

(c) *Advances to continue Staff Housing Fund in order to finance advance rental payments, guarantee deposits, etc.*

Actual outstanding advances on 31 August 1950 under this head stood at \$407,545, accounted for primarily by the \$400,000 guarantee deposit made by the United Nations in respect of the Parkway Village apartment project made available for occupancy by the United Nations Secretariat and delegation personnel. The balance of \$7,545 represents advance rental payments in connexion with similar apartment units made available in the Great Neck housing project.

III. — LOANS TO SPECIALIZED AGENCIES

8. The General Assembly, by resolution 358 (IV), paragraph 4 (d), authorized the Secretary-General to advance from the Working Capital Fund, subject to certain conditions, "loans to specialized agencies and preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations to finance their work, pending receipt by the agencies concerned of sufficient contri-

butions under their own budgets." Loans to specialized agencies authorized at 31 August 1950 stood as follows:

<i>Agency</i>	<i>Amount US dollars</i>
(a) International Trade Organization — Interim Commission	346,490
(b) Preparatory Commission of the Inter-Governmental Maritime Organization.....	15,000

(a) *International Trade Organization—Interim Commission*

By resolution 244 (III), the General Assembly provided that the expenses of the United Nations Conference on Trade and Employment until the creation of the Interim Commission of the International Trade Organization at Havana, amounting to \$779,642, should be borne by the United Nations. This sum did not include loans amounting to \$166,490 made in 1948 to the Interim Commission. The resolution provided for additional loans to the Interim Commission not exceeding \$30,000 for the period 1 November 1948 to 31 December 1948, and not exceeding \$344,843 for the period 1 January to 31 December 1949. The resolution further requested the Secretary-General, in making such loans, to indicate that all loans already made, and those which might be made under the resolution, should be repayable within two years from the date the loans were made. Subsequently, the General Assembly, by resolution 358 (IV), paragraph 4 (d), authorized the Secretary-General to grant an extension of one year to the Interim Commission of the International Trade Organization for the repayment of the 1948 loans. The status of outstanding loans to the Interim Commission, including the loans amounting to \$166,490, already made under the Working Capital Fund authorization for 1948, was as follows at 31 August 1950:

<i>Date of authorization</i>	<i>Amount US dollars</i>	<i>Date when repayments are due</i>
April 1948	86,490	July 1951
July 1948	80,000	July 1951
December 1948	30,000	November 1951
March 1949	100,000	December 1951
August 1949	50,000	—
	346,490	

Of the total of \$346,490 authorized, advances amounting to \$264,013 had been made up to 31 August 1950. It is to be noted that the dates of repayments are reckoned with reference to the dates on which funds commenced to be drawn under each separate authorization.

(b) *Preparatory Commission of the Inter-Governmental Maritime Consultative Organization*

The loan authorized for the Preparatory Commission of the Inter-Governmental Maritime Consultative Organization has been credited to that organization on the books of the United Nations, but not advanced in cash. In view of the small amount of Secretariat work envisaged by the Preparatory Commission, services are provided by the United Nations Secretariat on a reimbursable basis. Charges approved to 31 August 1950 have amounted to \$1,352.

9. *United Nations Relief and Works Agency for Palestine Refugees in the Near East*

The General Assembly, by resolution 358 (IV), paragraph 4 (g), authorized the Secretary-General to advance from the Working Capital Fund, "in consultation with the Advisory Committee on Administrative and Budgetary Questions, such sums up to \$5,000,000 for assistance to Palestine refugees, in accordance with the provisions of the resolution [302 (IV)] adopted by the General Assembly at its 273rd plenary meeting on 8 Decem-

ber 1949." Accordingly, the Secretary-General, with the concurrence of the Advisory Committee, has made advances to the United Nations Relief and Works Agency for Palestine Refugees at its request, amounting to \$4,500,000 up to the end of August 1950. The Agency, during the same period, has made a partial repayment of \$2,000,000, leaving an outstanding balance of \$2,500,000. It is expected that in accordance with the terms of General Assembly resolution 302 (IV), this balance will be repaid not later than 31 December 1950.

(d) Supplementary estimates for the financial year 1950

DOCUMENT A/C.5/398

Tax equalization; staff assessment plan : report of the Secretary-General

[Original text : English]
[8 November 1950]

1. By General Assembly resolution 239 (III), a staff assessment plan was installed in the United Nations at the beginning of the calendar year 1949 which provided that :

(a) The salaries and wages of the staff would be fixed on a gross basis; and that

(b) An assessment (comparable to a national income tax) would be levied by the United Nations on all such salaries and wages (including certain allowances).

2. Members which had not already done so were requested by the General Assembly to :

"... take the necessary action, legislative or other, to exempt their nationals employed by the United Nations from national income taxation with respect to their salaries and emoluments paid to them by the United Nations, or in any other manner to grant relief from double taxation to such nationals."

A list showing the status of the action of Members in this regard as at 22 September 1950 is attached as annex A. In summary, thirty-eight Members have acceded to the Convention on Privileges and Immunities, but three of these Members have taken reservation as to section 18 (b) regarding exemption from national income taxation. While Canada has taken this reservation, the necessary action has been taken to grant relief from double taxation. Twenty-one Members had not acceded to the Convention as at 22 September 1950. Of this latter group, Argentina had notified the Secretary-General that persons considered to have diplomatic status would be exempted from national income taxation.

3. The General Assembly, in order to provide equity among the staff, has authorized the Secretary-General to reimburse any national taxes paid by them on payments received from the United Nations. This authorization has been granted on a year-to-year basis, pending

the necessary action by all of the Members to grant United Nations staff members relief from national taxation.

4. In 1946, 1947 and 1948, the General Assembly made budgetary appropriations to cover such reimbursement for the following years, but in 1949 no request for an appropriation was made for the financial year 1950 in view of the expectation that the national governments concerned would take appropriate action by the end of the year. However, in order to insure the Secretary-General's authority to reimburse income taxes if necessary, the Secretary-General was authorized, by resolution 358 (IV) of the General Assembly, to advance from the "Working Capital Fund

"(f) Such sums, if any, as may be necessary to reimburse staff members for national income taxes paid by them in respect of payments received from the United Nations during 1950, or in respect of prior years for which reimbursement had not previously been made".

The Secretary-General has not yet found it necessary to make advances from the Working Capital Fund to reimburse staff members for national income taxes paid in respect of 1950 income.

5. The United States has not yet acted to exempt staff members of that nationality from national income taxation, or to provide for a system of offsets against national taxes of payments by the staff under the staff assessment scheme. Consequently, the Secretary-General believes it prudent to request an appropriation while the General Assembly is in session, to permit him to reimburse staff members in respect of taxes imposed on them with regard to their 1950 earnings.

6. Supplementary estimates for the financial year 1950 are being prepared and will be submitted separately. The expenditure under this item during the financial year

1949 was \$1,169,522. This expenditure arose primarily as a result of national income taxes levied by the United States authorities. It is anticipated that an expenditure in an amount of approximately \$1,117,000 will arise for 1950. However, should some relief from United States taxation be granted later in the year, then the supplementary estimates would be affected accordingly.

7. In order to maintain for another year the Secretary-General's authority to equalize the net salaries of staff members performing similar work, it is proposed that the General Assembly extend to 1951 the authorization to reimburse national income taxes paid by the staff with respect to United Nations income. A draft resolution authorizing advances from the Working Capital Fund for this purpose is attached as annex B.

ANNEX A

PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

1. *Members which had deposited their Instruments of Accession to the General Convention with the United Nations as at 22 September 1950 :*

United Kingdom	17 September 1946	Sweden	28 August 1947	Pakistan	22 September 1948
Dominican Republic	7 March 1947	Afghanistan	5 September 1947	Belgium	25 September 1948
Liberia	14 March 1947	Philippines	28 October 1947	Chile	15 October 1948
Iran	8 May 1947	Nicaragua	29 November 1947	Luxembourg	14 February 1949
Honduras	16 May 1947	New Zealand ⁵	10 December 1947	Australia	2 March 1949
Panama	27 May 1947	Greece	29 December 1947	Lebanon	10 March 1949
Guatemala	7 July 1947	Poland	8 January 1948	Iraq	15 September 1949
El Salvador	9 July 1947	Canada ⁶	22 January 1948	Israel	21 September 1949
Ethiopia	6 August 1947	Iceland	10 March 1948	Costa Rica	26 October 1949
Haiti	6 August 1947	Netherlands	19 April 1948	Brazil	15 December 1949
France	18 August 1947	India	13 May 1948	Bolivia	23 December 1949
Norway	18 August 1947	Denmark	10 June 1948	Yugoslavia	30 June 1950
		Egypt	17 September 1948	Turkey ⁷	22 August 1950

⁵ *New Zealand*: With the reservation that exemption from rates imposed by any law in New Zealand or taxation imposed on salaries and emoluments by any law in New Zealand shall not extend to a person who is a British subject and who is domiciled and employed in New Zealand.

⁶ *Canada*: With the reservation that exemption from taxation imposed by any law in Canada on salaries and emoluments shall not extend to a Canadian citizen residing or ordinarily resident in Canada. Relief from the effects of double taxation, by way of a tax credit, is provided in section 38 (3) of the Income Tax Act, as amended in 1949.

⁷ *Turkey*: With the reservations that "(b) Income obtained from businesses and undertakings outside the political activity of the United Nations and of a commercial nature shall be subject to the provisions

of our laws on direct taxation; (c) When goods belonging to the United Nations imported into Turkey under customs exemptions are sold in Turkey they shall be subject to import duties and charges in accordance with Article 4 of the Customs Law; (d) Purchases of land and immovables in Turkey by the United Nations are subject to the conditions of purchase applied to foreigners. All goods bought by the United Nations which are not exported but utilized and consumed in Turkey are also subject to the provisions of the laws concerning goods of the same kind; (e) Turkish nationals entrusted by the United Nations with a mission in Turkey as officials of the Organization are subject to the taxes payable by their fellow citizens. They must make an annual declaration of their salaries in accordance with the provisions set forth in chapter 4, section 2 of Law No. 5421 concerning income tax."

2. *Members which had not deposited their Instruments of Accession to the General Convention with the United Nations as at 22 September 1950 :*

Argentina	Ecuador	Ukrainian Soviet Socialist Republic
Burma	Mexico	Union of South Africa
Byelorussian Soviet Socialist Republic	Paraguay	Union of Soviet Socialist Republics
China	Peru	United States of America
Colombia	Saudi Arabia	Uruguay
Cuba	Syria	Venezuela
Czechoslovakia	Thailand	Yemen

3. *Members which had formally notified the Secretary-General of exemption of United Nations staff members from national income taxation :*

Argentina: "If these persons are considered to have diplomatic status."

ANNEX B

DRAFT PARAGRAPH, TO BE INCLUDED IN THE RESOLUTION ON THE WORKING CAPITAL FUND

The General Assembly

Resolves that the Secretary-General is authorized to advance from the Working Capital Fund :

Such sums, if any, as may be necessary to reimburse

staff members for national income taxes paid by them in respect of payments received from the United Nations during 1951, or in respect of prior years for which reimbursement had not previously been made.

DOCUMENT A/C.5/409 and Corr. 1

Report of the Secretary-General

[Original text: English]
[17 November 1950]

1. In order to meet the expenses of the Organization for the financial year 1950, the General Assembly, by resolution 356 (IV) adopted on 10 December 1949, approved appropriations in the amount of \$49,641,773.

2. This total included an appropriation of \$8 million for the establishment of a permanent international régime for the Jerusalem area and for the protection of the Holy Places. No expenditures have been incurred so far under this section, and funds required, if any, up to the end of 1950 to carry out General Assembly resolution 303 (IV) could be met from the Working Capital Fund as relating to the maintenance of peace and security. It will therefore be proposed later in this document that the appropriation for Jerusalem be cancelled.

3. If the \$8 million specifically provided for Jerusalem is excluded, the budget appropriation approved by the General Assembly for 1950 amounts to \$41,641,773. Making allowance both for additional requirements not contemplated in the original budget estimates and for savings during the year, it is estimated that the total requirements for 1950 will be \$44,520,773.

4. Accordingly, supplementary estimates are submitted herewith for net additional requirements in the amount of \$2,879,000. A sizable part of this amount is due to the \$1,117,000 provision being requested for reimbursement of national income taxation paid or to be paid by staff members on salaries and allowances received from the United Nations in respect of the year 1950, in accordance with paragraph 4 (f) of resolution 358 (IV) concerning the Working Capital Fund.

5. The remainder of the supplementary estimates (\$1,762,000) is due to various inescapable items of expenditure for which provision was not made in the 1950 budget as approved by the General Assembly. The main items are the additional outlay in connexion with Korea and Libya (\$770,000), the extra costs of holding the eleventh session of the Economic and Social Council in Geneva (\$157,800) in accordance with paragraph (c) of resolution 357 (IV) concerning unforeseen and extraordinary expenses, the unbudgeted expenses incurred by the International Court of Justice in the Colombian-Peruvian Asylum Case under the provisions of paragraph (d) of the same resolution 357 (IV)

(\$14,500), the costs of holding conferences on tin and grain at Geneva (\$74,000), the expenses to be incurred in 1950 as a result of advance procurement of equipment \$315,000) for which equivalent amounts will be deleted from the 1951 estimates, and the expenses incurred in 1950 in connexion with the move to the permanent Headquarters (\$484,700). As a result of the reductions made in the Secretary-General's original estimates for 1950, only a small fraction of these unforeseen and extraordinary expenses can be covered by surpluses in the existing appropriations.

6. The following Table 1 shows, by section, the original appropriations approved by the General Assembly, the transfers subsequently made under the terms of paragraph 4 (iv) of resolution 356 (IV) and the adjusted 1950 appropriations.

7. Table 2 shows, by section, the adjusted 1950 appropriations, the anticipated net deficits or surpluses and the revised appropriations requested.

8. Annexes A and B present explanations for the deficiencies and savings appearing under the various sections of the 1950 budget.

9. Annex C contains a draft appropriation resolution adjusted, by section, to the new amounts.

10. The following comparison may be made between the original and adjusted obligations of Members with regard to the 1950 budget, excluding the specific provision for Jerusalem under which no expenditures were made :

	<i>Appropriation resolution 356 (IV)</i>	<i>Present draft appropriation resolution</i>
	<i>(In US dollars)</i>	
Total appropriation	41,641,773	44,520,773
Miscellaneous income	5,091,740	5,091,740
NET	36,550,033	39,429,033

11. As a result of the changes proposed, the provisions relating to an international régime for the Jerusalem area would be cancelled, and a net additional amount of \$2,879,000 would be provided for other purposes. In accordance with the financial regulations, these changes would be reflected in the assessment of contributions for 1951.

TABLE 1

COMPARISON BETWEEN THE ORIGINAL AND THE ADJUSTED 1950 APPROPRIATIONS

Section	Original 1950 Appropriations (resolution 356 (IV))	Apportionment of the reductions under		Transfers approved by the Advisory Committee	Adjusted 1950 appropriations
		Section 28 Contractual printing	Section 29 Devaluation of currencies		
(In US dollars)					
1. The General Assembly, commissions and committees.	1,326,960	(84,640)	(57,750)	(12,745)	1,171,825
2. The Security Council, commissions and committees .	357,600	(61,800)	(29,700)	(154,000)	112,100
3. The Economic and Social Council, commissions and committees	325,390	(26,680)	(22,990)	—	275,720
a) Permanent Central Opium Board and Narcotic Drugs Supervisory Body	39,900	—	(3,150)	—	36,750
b) Regional economic commissions	53,560	(3,020)	(3,150)	—	47,390
4. The Trusteeship Council, commissions and committees	175,750	(5,550)	(6,530)	12,745 ^a	176,415
5. Special conferences	53,600	—	(1,000)	63,000 ^b	115,600
6. Investigations and inquiries	3,417,700	—	(7,500)	—	3,410,200
a) United Nations Field Service	337,000	—	—	—	337,000
b) International régime for the Jerusalem area and the protection of the Holy Places.	8,000,000	—	—	—	8,000,000
7. Executive Office of the Secretary-General.	512,000	—	(1,070)	—	510,930
(a) Library	449,500	—	(130)	—	449,370
8. Department of Security Council Affairs	841,200	(300)	(780)	(47,000)	793,120
9. Military Staff Committee secretariat	144,800	—	—	(16,000)	128,800
10. Department of Economic Affairs	2,450,000	(7,200)	(14,650)	(97,310)	2,330,840
11. Department of Social Affairs	1,689,500	(4,200)	(8,540)	(58,710)	1,618,050
12. Department of Trusteeship and Information from Non-Self-Governing Territories	935,000	(800)	(1,890)	(16,000)	916,310
13. Department of Public Information	3,264,250	(9,500)	(28,470)	48,000 ^c	3,274,280
14. Department of Legal Affairs	527,300	(2,900)	(5,260)	—	519,140
15. Department of Conference and General Services	8,731,200	(500)	(1,280)	(1,233,400)	7,496,020
16. Department of Administrative and Financial Services	1,720,000	(100)	(1,940)	1,169,400 ^d	2,887,360
17. Common staff costs	3,888,000	—	(30,080)	130,000 ^e	3,987,920
18. Common services	2,110,300	—	(60,400)	50,000 ^f	2,099,900
19. Permanent equipment	241,800	—	(17,880)	—	223,920
20. The European Office (excluding direct costs, chapter III, secretariat of Permanent Central Opium Board and Drug Supervisory Body)	4,141,990	(1,200)	(39,960)	34,000 ^g	4,134,830
Chapter III, The secretariat (direct costs) of the Permanent Central Opium Board and Drug Supervisory Body	53,410	—	(140)	—	53,270
21. Information centres (other than information services, European Office)	839,550	—	(45,030)	(48,000)	746,520
22. Economic Commission for Asia and the Far East	686,850	(210)	(5,800)	85,000 ^h	765,840
23. Economic Commission for Latin America	525,500	(450)	(3,520)	(15,000)	506,530
24. Hospitality	20,000	—	—	—	20,000
25. Advisory social welfare functions	635,900	—	(25,400)	(9,000)	601,500
(a) Technical assistance for economic development	539,000	(920)	(29,660)	—	508,420
(b) International Centre for Training in Public Administration	149,500	—	(4,500)	(12,000)	133,000
(c) Technical Assistance Administration	—	—	—	127,020 ⁱ	127,020
26. Transfers of the assets of the League of Nations to the United Nations	533,768	—	—	—	533,768
27. The International Court of Justice	634,765	(800)	(41,850)	—	592,115
28. Global reduction on provisions for contractual printing	(210,770)	210,770	—	—	—
29. Global reduction on account of devaluation of certain currencies	(500,000)	—	500,000	—	—
TOTALS	49,641,773	—	—	—	49,641,773

EXPLANATORY NOTES

- ^a Additional costs of the Trusteeship Council session in Geneva.
^b Costs of holding a Tin Conference (\$20,000) and printing of documents relating to the UNSCCUR Conference (\$43,000).
^c Costs of additional radio services in connexion with the Korean situation.
^d Transfer of the Buildings Management Services from Conference and General Services (\$1,213,400) and transfer of the International

- Centre for Training in Public Administration to the Technical Assistance Administration (\$4,000).
^e Adjustment of the provisions for various accounts in the section to actual requirements.
^f Advance procurement of paper for internal reproduction.
^g Costs of holding a Grain Conference.
^h Expenses incurred in connexion with unforeseen activities.
ⁱ Transferred from sections 10, 11 and 16 to establish the Technical Assistance Administration.

TABLE 2
REVISED APPROPRIATION REQUIREMENTS FOR 1950

Section	1950 Appropriations as adjusted under paragraph 4, resolution 356 (IV)	Deficiencies	Surpluses	Revised 1950 appropriations
1. The General Assembly, commissions and committees	1,171,825	106,000	—	1,277,825
2. The Security Council, commissions and committees	112,100	—	—	112,100
3. The Economic and Social Council, commissions and committees	275,720	—	—	275,720
(a) Permanent Central Opium Board and Narcotic Drugs Supervisory Body	36,750	—	—	36,750
(b) Regional economic commissions	47,390	—	10,000	37,390
4. The Trusteeship Council, commissions and committees	176,415	—	9,400	167,015
5. Special conferences	115,600	—	31,700	83,900
6. Investigations and inquiries	3,410,200	770,000	—	4,180,200
(a) United Nations Field Service	337,000	—	—	337,000
(b) Permanent international régime for the Jerusalem area and protection of the Holy Places	8,000,000	—	8,000,000	—
7. Executive Office of the Secretary-General	510,930	—	—	510,930
(a) Library	449,370	—	—	449,370
8. Department of Security Council Affairs	793,120	—	23,000	770,120
9. Military Staff Committee secretariat	128,800	—	5,000	123,800
10. Department of Economic Affairs	2,330,840	—	20,000	2,310,840
11. Department of Social Affairs	1,618,050	—	10,000	1,608,050
12. Department of Trusteeship and Information from Non-Self-Governing Territories	916,310	—	—	916,310
13. Department of Public Information	3,274,280	—	—	3,274,280
14. Department of Legal Affairs	519,140	—	—	519,140
15. Conference and General Services	7,496,020	—	40,000	7,456,020
16. Administrative and Financial Services	2,887,360	—	—	2,887,360
17. Common staff costs	3,987,920	1,117,000	—	5,104,920
18. Common services	2,099,900	78,400	—	2,178,300
(a) Transfer to the permanent Headquarters	—	484,700	—	484,700
19. Permanent equipment	223,920	327,000	—	550,920
20. The European Office (excluding direct costs, chapter III, secretariat of Permanent Central Opium Board and Drug Supervisory Body)	4,134,830	125,900	—	4,260,730
Chapter III, The secretariat (direct costs) of the Permanent Central Opium Board and Drug Supervisory Body	53,270	—	—	53,270
21. Information centres (other than information services, European Office)	746,520	—	15,000	731,520
22. Economic Commission for Asia and the Far East	765,840	13,000	—	778,840
23. Economic Commission for Latin America	506,530	6,600	—	513,130
24. Hospitality	20,000	—	—	20,000
25. Advisory social welfare functions	601,500	—	—	601,500
(a) Technical assistance for economic development	508,420	—	—	508,420
(b) International Centre for Training in Public Administration	133,000	—	—	133,000
(c) Technical Assistance Administration	127,020	—	—	127,020
26. Transfer of assets of the League of Nations to the United Nations	533,768	—	—	533,768
27. The International Court of Justice	592,115	14,500	—	606,615
		3,043,100	8,164,100	
TOTALS	49,641,773	5,121,000		44,520,773

ANNEX A

ADDITIONAL REQUIREMENTS

Section 1. The General Assembly, commissions and committees

A review of the status of section 1, The General Assembly, commissions and committees, reveals a probable total deficiency in this section at the end of 1950 amounting to \$106,000. This deficiency arises as follows :

(a) A deficiency of \$67,000 is expected in the account for contractual printing by the end of the year. A considerable quantity of the official records of the first, second and third sessions of the General Assembly have been printed during the course of the year at a cost of \$65,000 and a further quantity will be printed by the end of 1950 at a

cost of \$30,000. These expenses cannot be entirely absorbed within the existing funds because :

(i) With the introduction of fascicule printing for the official records of the current session of the General Assembly, the printing programme has progressed at a much faster pace than for previous sessions. Hence a larger quantity of printing for the current session will be achieved this year.

(ii) The records and supplements of the current session are averaging 30 per cent larger in terms of pagination than corresponding records of previous sessions.

(b) A deficiency amounting to \$7,000 is anticipated in the account for local transportation by the end of 1950. The appropriation for this account was made on the following basis :

	U.S. dollars
61 cars at \$20 per 12-hour day for 60 days	73,200
6 buses at \$50 per day for 24 days	7,200
Overtime rentals, tolls and miscellaneous charges	3,000
	83,400

However, the actual costs in respect to hired cars are considerably higher than was provided for in the above figures, due to the fact that a large proportion of the delegations are using these cars for more than 12 hours each day. While these additional costs for "overtime" are charged eventually to the delegations, when reimbursement is received, it does not return to this account but is credited to the account "Miscellaneous income". Therefore, in estimating the actual requirements for this year for this account, it is necessary to base them on the total probable cost.

(c) A deficiency amounting to \$32,000 is expected in chapter 1, article 1, Travel of representatives, by the end of 1950. The expenditures in this account over the past years have steadily increased in respect of each session of the General Assembly. This increase has been due both to an increase in the number of Member Nations claiming reimbursement of travel expenses and an increase in the number of representatives for whom reimbursement was claimed.

As the above deficiencies cannot be absorbed by surpluses in other accounts in the section, a total supplementary provision of \$106,000 is requested for this section for 1950.

Section 6. Investigations and inquiries

The appropriation for section 6 of the 1950 budget, as adopted by the General Assembly (\$3,410,200), included \$317,300 for the United Nations Commission on Korea, and \$251,100 for the Office of the United Nations Commissioner in Libya. As a result of various unforeseen developments in the course of the year, it now appears that additional provisions in the amount of \$570,000 and \$215,600 will be required respectively for the Commission on Korea and the Commissioner in Libya. Detailed explanations for these deficiencies are given below.

(a) Chapter VI. United Nations Commission on Korea and United Nations Commission for the Unification and Rehabilitation of Korea

Pursuant to the resolution concerning Korea passed by the Security Council at its 479th meeting on 31 July 1950 (S/1657), the Secretary-General appointed a personal representative with staff, including experts in relief work, for liaison with the Unified Command, observation of the progress of United Nations forces in the restoration of peace and security in Korea, and assessment of requirements for relief and rehabilitation.

The additional sixty-one staff members now employed in Korea consequent to the above circumstances increased the cost of temporary assistance by \$90,000 and the cost of travel and subsistence by \$170,000. Additional travel expenses amounting to \$12,000 had to be incurred for transport of the Commission and the original staff from Seoul to Tokyo, from Tokyo to Pusan, and from Pusan to Seoul after the liberation of the Korean capital. Another \$28,000 was required for travel and subsistence of seven observers who have been serving in Korea.

Offices had to be opened in Tokyo and Pusan, and additional offices in North Korea are contemplated. The offices in Seoul require major repairs and new equipment. Expenditures which had not been foreseen for rental and improvement of premises, office furniture and equipment are estimated to total \$36,000.

A plane had to be purchased at a cost of \$40,000 in order to provide necessary transportation for the Commission members and staff between Tokyo and the various towns in Korea. Costs of operating the plane, including miscellaneous contractual support services, are estimated to reach \$80,000 by the end of the year. New motor vehicles were purchased to provide adequate local transportation at an additional cost of \$26,000.

The urgency of communications between Headquarters and Korea and the expansion in United Nations activities necessitated additional cable and other communications expenses amounting to \$15,000. Additional field and miscellaneous equipment required \$18,000. An increase of \$5,000 is expected for freight, cartage and express. Insurance costs were increased by \$10,000.

At its 294th plenary meeting held on 7 October 1950, the General Assembly adopted resolution 376 (V), which established a new United Nations Commission for the Unification and Rehabilitation of Korea to assume the functions of the Commission which had been in Korea, to represent the United Nations in bringing about a unified, independent and democratic government of all Korea, and to exercise such responsibilities in connexion with relief and rehabilitation as might be determined by the General Assembly. The resolution further provided that the new Commission should proceed to Korea and begin to carry out its functions as soon as possible. The Secretary-General was requested to provide adequate staff and facilities including technical advisers as required, and to pay travel expenses and *per diem* of a representative and alternate from each of the States members of the Commission. Accordingly, it is estimated that an additional sum of \$40,000 will be required in 1950 for travel and subsistence of the members of the new Commission.

The additional requirements explained above are summarized in the following table :

	U.S. dollars
Temporary assistance	90,000
Travel and subsistence of staff	170,000
Travel on official business (Commission and staff)	12,000
Travel and subsistence of observers	28,000
Rental and improvement of premises, office furniture and equipment	36,000
Plane (purchase)	40,000
Operation of plane	80,000
Motor vehicles	26,000
Cables and other communication expenses	15,000
Field and miscellaneous equipment	18,000
Freight, cartage and express	5,000
Insurance	10,000
	530,000
Travel and subsistence of members of new Commission ..	40,000
Total additional requirement	570,000
Original appropriation	317,300
Total estimated expenditure	887,300

Supplementary estimates of \$570,000 are therefore submitted under chapter VI, section 6 of the 1950 budget. Of this sum \$300,000 is required to reimburse the Working Capital Fund, from which under provisions of resolution 357 (IV), paragraph (a), concerning unforeseen and extraordinary expenses relating to maintenance of peace and security, the Secretary-General had authorized in July 1950 an advance of \$300,000 to finance the unforeseen expenditure.

(b) Chapter VII. Office of the United Nations Commissioner in Libya

When the original estimates were prepared in 1949, the requirements of the newly established office of the United Nations Commissioner in Libya were not fully known. It was only after the Commissioner assumed his duties in Libya that deficiencies in the original estimates were found.

The scope of travel and the size of staff required by the Commissioner for the discharge of his functions exceeded those originally envisaged when the budget estimates of \$251,000 were submitted. It was learned that the three territories of Libya (Tripolitania, Cyrenaica and the Fezzan) had no administrative ties. United Nations offices had therefore to be opened, not only in Tripoli, but also in Benghazi, the capital of Cyrenaica. An office in Sebha, the administrative centre of Fezzan, is also contemplated. Additional expenses were required for rental of premises (\$3,000) and for furniture, fixtures and equipment (\$2,800).

In the discharge of his responsibility to assist the Libyan people and the Administering Powers in the establishment of Libyan unity and independence, the Commissioner, with the advice of his Council, asked for technical staff to survey the technical requirements in the fields of agriculture, finance, and economics. To achieve the objective of General Assembly resolution 289 A (IV) concerning Libya, it was necessary to provide legal and technical advisers. It was also found necessary to obtain additional interpreters and translators in order that documents could be reproduced in the Arabic language for the Libyan members of the Council for Libya. The additional staff requirements increased the cost of temporary assistance by \$70,000 beyond the appropriated amount. Travel and subsistence for this new staff created an additional requirement of \$86,500. A sum of \$10,000 was required for salaries and travel of consultants.

The Commissioner and members of the Council and the staff had to travel frequently between Tripolitania, Cyrenaica and Fezzan. The distance between the three territories and the lack of adequate transportation facilities necessitated the chartering of a plane at an additional cost which will reach \$33,000 by the end of the year. It was also essential to buy motor vehicles at a cost of about \$5,900 to provide adequate local transportation for members of the Council and the staff. Extensive tours had to be made in territories lacking adequate accommodations, and thus an additional \$4,400 was required for miscellaneous and field equipment. These additional requirements, totalling 215,600, are summarized in the following table :

	US dollars
Rental of premises	3,000
Furniture and fixtures	2,800
Temporary assistance	70,000
Travel and subsistence of staff	86,500
Consultants	10,000
Charter of plane	33,000
Motor vehicles	5,900
Miscellaneous field equipment	4,400
	<u>215,600</u>
Original appropriation	<u>251,000</u>
Total estimated expenditures	<u>466,600</u>

Supplementary estimates of \$215,600 are therefore submitted under chapter VII, section 6, of the 1950 budget.

The aggregate supplementary estimates under chapters VI and VII of section 6 are \$785,600. This total can be reduced by \$15,600 from overall savings expected from other missions. Hence a supplementary appropriation of \$770,000 is requested under section 6.

Section 17. Common staff costs

Authority was granted to the Secretary-General by General Assembly resolution 358 (IV), paragraph 4 (f), to advance funds from the Working Capital Fund for reimbursement to staff members for national income taxes paid by them in respect of payments received from the United Nations during 1950 or in respect of prior years for which reimbursement had not previously been made.

No provision was made in the 1950 original estimates for section 27 for reimbursement of national income taxation paid by United States staff members in respect of payments received from the United Nations during 1950. It was hoped that during 1950 the United States Government would have acted to exempt staff members of that nationality from national income taxation or to provide for a system of offsets against national taxes of the payments by the staff under the Staff Assessment Plan. This action, however, has not yet been taken. A separate report on tax equalization has been submitted by the Secretary-General to the Fifth Committee (A/C.5/398). The Secretary-General proposes that funds necessary to cover the obligations for United States tax reimbursement be appropriated under the 1950 budget.

The expected requirements for United States federal income tax reimbursement in respect of 1950 payments to staff members are \$1,024,000. The estimate is based on the expenditures for such tax reimbursement in respect of 1949 salaries and emoluments, adjusted for increases during 1950 in the pay of staff members who are United States citizens. The expected requirement for New York State income tax reimbursement in respect of salaries and emoluments paid during 1950 is estimated to be \$93,000. An amount of \$1,117,000 will therefore be required for this purpose.

Other minor deficiencies may occur in some other accounts in this section, but these deficiencies can be absorbed by surpluses in other accounts in this section, provided that the Secretary-General may transfer funds between accounts in the section. As no savings are expected to result from these adjustments, this request is for the full amount of \$1,117,000 required for the reimbursement of national income taxes. It is understood that this amount will not be available for transfer to any other account in the section.

Section 18. Common services

A review of the status of section 18, Common services, reveals a probable deficiency in this section at the end of 1950 of \$78,400. This deficiency arises as follows :

(a) A deficiency of \$22,400 is expected in chapter II, article I, Rental of premises. The cost of services provided by local authorities in connexion with the Lake Success premises increased by approximately \$15,000 for the year. Also, at the expiration of the lease of the former warehouse, adequate accommodations could be found only at a higher rental.

(b) A deficiency of \$26,000 is anticipated in chapter I, article III, Postal services, as the actual expenditures for

1950 are expected to amount to approximately \$182,000. Postal expenditures for this year have undoubtedly been influenced by the increased overseas activities of the Organization, but the deficiency is due mainly to under-budgeting in this account for 1950. In 1949, the actual expenditure for this account was \$179,811.

(c) A deficiency of \$30,000 is anticipated in chapter I, article I, Telephone services. This deficiency is the result of the following factors :

(i) Effective 1 May 1950, the New York Public Utilities Commission approved a general 8 per cent rate increase for telephone services. This rate increase will cause an additional expenditure of \$9,000 not provided for in the original appropriation.

(ii) Because of the partial occupancy of the Headquarters in 1950 and the consequent separation of staff between Lake Success and Manhattan, the telephone traffic from Lake Success will increase during the last three months in 1950 in order to maintain contact necessary for daily operations. The additional expenditures estimated in this respect will amount to \$5,000.

(iii) "Normal" expenses, although \$6,000 less than the comparable figure for 1949, will exceed the budget estimate by \$16,000.

Section 18a. Transfer to the permanent Headquarters

This is a special section which is proposed to be established to cover expenditures of a non-recurring nature incurred during 1950 through the move of the Secretariat from Lake Success to the permanent Headquarters in Manhattan. During August and September 1950, approximately 1,000 staff members were transferred to the permanent Headquarters, and by 31 December a further 1,500 will be transferred. These actions give rise to the following unforeseen additional maintenance and service costs :

(a) Temporary assistance

Additional temporary assistance staff are required during 1950 by the Department of Conference and General Services to assist in the special task of preparing the Secretariat to move. Such tasks include the sorting and screening of documentation, both at Lake Success and in the warehouse, to determine what should be moved to the new building and what should be discarded, and the packaging and labeling of equipment, stores, documents and library publications in preparation for transfer. The anticipated expenditures in respect of this staff are expected to amount to \$40,000. In addition, extra temporary staff are required by the Buildings Management Service for maintenance and security purposes at the permanent Headquarters. Such staff include eighteen junior guards for security and traffic control, fifteen fireguards, nineteen maintenance men for general maintenance services, and two additional telephone operators. The cost of this staff for the period August to December 1950 is estimated at \$60,000. Therefore, the supplementary requirements in this connexion will amount to a total of \$100,000.

(b) Telephone services (excluding long distance)

Telephone instruments were installed during August and September in the new building at a total cost of \$30,500. The rental charges on these instruments and on the tie lines which had to be established between the permanent Headquarters and Lake Success for the period September to December 1950 would require a further \$48,000. There-

fore, the total additional expenditures in this connexion will amount to \$78,500.

(c) Supplies for maintenance of premises

With the partial occupancy of the Secretariat building in September 1950 it has been necessary to procure expendable miscellaneous supplies for maintenance purposes at a cost of \$17,500. In addition, it was necessary to purchase a special fluid for the heating and air conditioning plant at a cost of \$12,000. The total expenditures under this heading are therefore estimated at \$29,500.

(d) Contractual services for maintenance of premises

It is anticipated that the following expenditures will be incurred in respect to contractual services at the permanent Headquarters for the period September to December 1950 :

	<i>US dollars</i>
Custodial cleaning covering both day and night cleaning	55,000
Elevator operation	39,000
Elevator maintenance	6,000
Window cleaning	5,000
Electrical maintenance	4,000
	<hr/>
	109,000

In addition, certain other contractual services were necessary to facilitate the initial occupancy. The cost of these services totalled \$15,700 and included such items as the installation of additional fire extinguishers, certain changes in electrical insert requirements, the erection of a temporary wood ramp for the south entrance, the erection of temporary partitions, and the removal and replacement of certain partitions to allow for the installation of office machines and equipment. Therefore, the total anticipated expenditures under this heading for 1950 will amount to \$124,700.

(e) Utilities

Expenditures in connexion with light, heat, power and water for the period September to December 1950, incurred through the partial occupancy of the new Headquarters, are estimated as follows :

	<i>US dollars</i>
Electricity	51,000
Steam	22,000
Water	3,000
	<hr/>
	76,000

The total additional cost for utilities, therefore, is expected to amount to \$76,000.

(f) Miscellaneous supplies and services

The additional expenditures anticipated under this account are expected to amount to approximately \$16,000. These expenditures arise largely due to the fact that a considerable quantity of shelving presently being used at Lake Success has to be modified in size and shape so that it can be installed in the new Headquarters.

(g) Freight, cartage and express

The cost of moving 1,000 staff members from Lake Success to the new Headquarters was approximately \$30,000. As it is now planned to transfer a further 1,500 staff members by 31 December 1950, the total expenditures under this heading are estimated at \$60,000.

Therefore, the total supplementary requirements for 1950 requested for this section amount to \$484,700.

Section 19. Permanent equipment

A review of the status of accounts in section 19, Permanent equipment, made at 1 October 1950, revealed a probable deficiency in this section at the end of 1950 of \$327,000. This net deficiency results from the following actions taken during the course of the year :

(a) The advance move of part of the Secretariat to the new Headquarters in Manhattan made it necessary to procure in 1950 certain furniture and equipment which had been originally included in the budget estimates for 1951. As it was found impossible to cover the cost through budgetary savings, the Secretary-General obtained the concurrence of the Advisory Committee on Administrative and Budgetary Questions in advancing from the Working Capital Fund sums up to \$315,000 for this procurement. The details of the procurement and the extent to which the original estimates for 1951 have since been reduced are explained in document A/C.5/385.⁸

(b) With the advance move, it also became necessary to procure certain equipment for the efficient operation of the new building, including fire and safety equipment, a tractor with snow-plough attachment, and miscellaneous maintenance equipment.

The total deficiency of \$331,000 resulting from the actions mentioned above can be reduced to \$327,000, due to small surpluses in a number of other accounts in this section, provided that the Secretary-General may transfer funds between accounts in this section during the remaining months of this year. Hence the additional funds required for this section for 1950 will be \$327,000.

Section 20. United Nations Office at Geneva

In order that the budget of the United Nations Geneva Office may reflect the expenditures relating to all conferences and meetings held at Geneva for which provision was not included in the original Geneva budget, supplemental funds in the amount of \$125,900 are requested in this section. This request is attributable to the following :

(a) *Economic and Social Council*

By its resolution 357 (IV) relating to unforeseen and extraordinary expenses, the General Assembly authorized the Secretary-General to enter into such commitments as might be necessary to provide for the expenses for holding a session of the Economic and Social Council in Geneva in 1950, should the Council confirm its decision to hold its eleventh session there. The Council having taken such confirmatory action during its tenth session, the Secretary-General authorized advances from the Working Capital Fund to meet the additional costs of holding the Council's session in Geneva. The actual expenditures were :

	<i>US dollars</i>
Temporary assistance	80,500
Travel and subsistence of staff	73,000
Communications services	2,000
Rental of simultaneous interpretation equipment	1,800
Freight, cartage and express	500
	157,800

The item relating to travel and subsistence of staff is properly chargeable to section 3, Economic and Social Council, commissions and committees thereof, and funds

⁸ See fascicule on agenda item 39.

are available from savings in this section to cover the charge. Funds totalling \$84,800 to cover the remaining articles need to be provided in section 20.

(b) A further sum of \$41,100 is requested as a transfer from section 4 (\$9,400) and section 5 (\$31,700) to cover expenditures for temporary assistance, cables, freight, and rental of simultaneous interpretation equipment relating to meetings of the Trusteeship Council and the Tin Conference, as these expenditures should properly be included under section 20 (United Nations Office at Geneva). Funds in equal amounts are surrendered under sections 4 and 5.

Section 22. Economic Commission for Asia and the Far East

Earlier this year, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions, funds totalling \$85,000 were transferred to this section to provide for :

(a) The additional costs of a Transport Section set up in accordance with the Economic and Social Council's resolution 270 A (X) (\$39,000);

(b) The costs of applying a 10 per cent plus salary differential to compensate for living conditions in Bangkok (\$33,000); and

(c) Additional common staff costs amounting to \$13,000 in connexion with the additional posts set up during the year.

At that time it was expected that the increased expenditures on official travel (\$13,000), overtime (\$2,000), communications services (\$2,750), stationery and office supplies (\$2,650), and other miscellaneous supplies and services (\$700) resulting from the decision to move forward the dates of the sixth and seventh sessions of the ECAFE (Council resolution 270 C (X)) could be absorbed in the section. It is now clear that the full requirements of the priority programmes on which the Commission is engaged will not permit of savings to the extent hoped for, and that additional funds will be necessary to cover these items. Consequently, supplementary funds in the amount of \$13,000 are requested in this section.

Section 23. Economic Commission for Latin America

The Advisory Committee on Administrative and Budgetary Questions has already concurred in the transfer of \$15,000 from this section on the basis of anticipated savings. It is now apparent that a sum of \$6,600 must be restored to the section to permit the initiation, during 1950, of the study on immigration in relation to economic development which was assigned high priority by the Commission at its third session (E/CN.12/191)⁹ and subsequently by the Economic and Social Council at its eleventh session (resolution 301 (XI)). This study will be carried out in conjunction with the International Labour Organisation and the agencies concerned, and the amount requested is to cover costs of a working party set up by the Commission. Restoration of an amount of \$6,600 is accordingly requested in this section.

Section 27. The International Court of Justice

In accordance with Article 36 of the Statute of the International Court of Justice, the Government of Colombia

⁹ See *Official Records of the Economic and Social Council, Fifth Year, Eleventh Session, Supplement No 9.*

requested the International Court of Justice to deal with the Colombian-Peruvian Asylum Case. The Court began the oral hearings on 16 September 1950. As neither of the Parties to this case had a judge of its nationality upon the Bench, both Parties had proceeded to choose a judge as provided in paragraph 2 of Article 31 of the Statute of the Court.

In accordance with General Assembly resolution 357 (IV), paragraph *d* (i), the Secretary-General has authorized withdrawals from the Working Capital Fund to cover commitments relating to expenses occasioned by the designation

of *ad hoc* judges. The total expenditure involved is now estimated at \$14,500 for this year.

In accordance with paragraph 4 (*b*) of General Assembly resolution 358 (IV) on the Working Capital Fund, the Secretary-General has now to make provision in the budget estimates for reimbursing the Working Capital Fund. As no surpluses are expected in this section, the Secretary-General now proposes that the full amount of \$14,500 be appropriated under the 1950 budget to reimburse the Working Capital Fund.

ANNEX B

SURPLUSES SURRENDERED

<i>Section</i>	<i>US dollars</i>	<i>Section</i>	<i>US dollars</i>
3b. <i>Regional economic commissions</i>	10,000	6b. <i>Permanent international régime for the Jerusalem area for the protection of the Holy Places</i>	8,000,000
The surplus surrendered represents small savings in the individual accounts making up the section, mainly printing.			
4. <i>The Trusteeship Council, commissions and committees</i>	9,400	As already stated in paragraph 2 of the present report, no expenditures in respect of this section have been made to date, and it is the Secretary-General's intention to finance all necessary expenditures which might occur in connexion with Jerusalem and the Holy Places during the remainder of 1950 through withdrawals from the Working Capital Fund as related to the maintenance of peace and security. Maintenance of the budgeted amount is therefore not required.	
This amount may be surrendered as a result of the proposed transfer to section 20, United Nations Office at Geneva, of temporary assistance, cable, freight and rental of simultaneous interpretation equipment charges on account of the Geneva session of the Trusteeship Council. As has been explained in annex A, supplemental provision in this amount has been requested in section 20.			
5. <i>Special conferences</i>	31,700	8. <i>Department of Security Council Affairs</i> ...	23,000
The amount represents the additional costs of the Tin Conference convened at Geneva which, as explained in annex A, will be charged to section 20, United Nations Office at Geneva. Funds in the equivalent amount have been requested under section 20.			
		9. <i>Military Staff Committee secretariat</i>	5,000
		10. <i>Department of Economic Affairs</i>	20,000
		11. <i>Department of Social Affairs</i>	10,000
		15. <i>Conference and General Services</i>	40,000
		21. <i>Information centres</i>	15,000
		The above surpluses are due primarily to delayed recruitment and turnover of staff.	

ANNEX C

DRAFT APPROPRIATION RESOLUTION

The General Assembly

Resolves that

1. The amount of \$ US 49,641,773 appropriated for the financial year 1950 by resolution 356 (IV), adopted on 10 December 1949, is reduced by \$5,121,000, as follows :

<i>Section</i>	<i>1950 appropriation as adjusted under paragraph 4, resolution 356 (IV)</i>	<i>Supplementary appropriation, increase or decrease</i>	<i>Revised amounts of appropriation</i>
		<i>(In US dollars)</i>	
1. The General Assembly, commissions and committees	1,171,825	+ 106,000	1,277,825
2. The Security Council, commissions and committees	112,100	—	112,100
3. The Economic and Social Council, commissions and committees . . .	275,720	—	275,720
(a) Permanent Central Opium Board and Drug Supervisory Body .	36,750	—	36,750
(b) Regional economic commissions	47,390	— 10,000	37,390
4. The Trusteeship Council, commissions and committees	176,415	— 9,400	167,015
5. Special conferences	115,600	— 31,700	83,900
6. Investigations and inquiries	3,410,200	+ 770,000	4,180,200
(a) United Nations Field Service	337,000	—	337,000
<i>Carried forward</i>	5,683,000	+ 825,900	6,507,900

Section	1950 appropriation as adjusted under paragraph 4, resolution 356 (IV)	Supplementary appropriation, increase or decrease	Revised amounts of appropriation
	(In US dollars)		
Brought forward	5,683,000	+ 825,900	6,507,900
(b) International régime for the Jerusalem area and the protection of the Holy Places	8,000,000	— 8,000,000	—
7. Executive Office of the Secretary-General	510,930	—	510,930
(a) Library	449,370	—	449,370
8. Department of Security Council Affairs	793,120	— 23,000	770,120
9. Military Staff Committee secretariat	128,800	— 5,000	123,800
10. Department of Economic Affairs	2,330,840	— 20,000	2,310,840
11. Department of Social Affairs	1,618,050	— 10,000	1,608,050
12. Department of Trusteeship and Information from Non-Self-Governing Territories	916,310	—	916,310
13. Department of Public Information	3,274,280	—	3,274,280
14. Department of Legal Affairs	519,140	—	519,140
15. Conference and General Services	7,496,020	— 40,000	7,456,020
16. Administrative and Financial Services	2,887,360	—	2,887,360
17. Common staff costs	3,987,920	+ 1,117,000	5,104,920
18. Common services	2,099,900	+ 78,400	2,178,300
(a) Transfer to the permanent Headquarters	—	+ 484,700	484,700
19. Permanent equipment	223,920	+ 327,000	550,920
20. The European Office (excluding direct costs, chapter III, Secretariat of Permanent Central Opium Board and Drug Supervisory Body) . Chapter III, Secretariat (direct costs) of the Permanent Central Opium Board and Drug Supervisory Body	4,134,830	+ 125,900	4,260,730
53,270	—	53,270	
21. Information centres (other than information services, European Office)	746,520	— 15,000	731,520
22. Economic Commission for Asia and the Far East	765,840	+ 13,000	778,840
23. Economic Commission for Latin America	506,530	+ 6,600	513,130
24. Hospitality	20,000	—	20,000
25. Advisory social welfare functions	601,500	—	601,500
(a) Technical Assistance for Economic Development	508,420	—	508,420
(b) International Centre for Training in Public Administration ..	133,000	—	133,000
(c) Technical Assistance Administration	127,020	—	127,020
26. Transfer of the assets of the League of Nations to the United Nations .	533,768	—	533,768
27. The International Court of Justice	592,115	+ 14,500	606,615
TOTAL	49,641,773	— 5,121,000	44,520,773

DOCUMENT A/1583

Twenty-fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[2 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the supplementary estimates for the year 1950 submitted by the Secretary General in document A/C.5/409.

2. The gross total of the items comprising these supplementary estimates is \$3,043,100.

3. The Secretary-General anticipates savings of \$164,100 on the original 1950 budget of \$41,641,773,¹⁰ and accordingly requests an additional appropriation of \$2,879,000.

4. As regards the amount of \$8 million appropriated

¹⁰ This figure is exclusive of \$8 million for the establishment of a permanent international régime for the Jerusalem area.

under General Assembly resolution 356 (IV) of 10 December 1949 for the establishment of a permanent international régime for the Jerusalem area, the Advisory Committee concurs in the proposal of the Secretary-General that since no commitments have so far been entered into for this purpose and no call for payment has been made on Member States, the appropriation for 1950 should be cancelled.

5. On the details of the supplementary estimates, the Committee offers the following observations:

(i) Section 6. *Investigations and inquiries*

The following estimates have been submitted:

	<i>US dollars</i>
(a) Chapter VI, United Nations Commission on Korea and United Nations Commission for the Unification and Rehabilitation of Korea.	570,000
(b) Chapter VII, Office of the United Nations Commissioner in Libya.....	215,600

	<i>US dollars</i>
Trusteeship Council, sixth session (part of expenses)	9,400
Conference on Tin	31,700

As regards Korea, the Advisory Committee, while not proposing a reduction in the present estimate, considers that there is scope for substantial economy during 1951 in various accounts, and particularly in those relating to the operation of a chartered aircraft, the purchase of motor vehicles and the travelling and subsistence expenses of staff members. For this purpose, it appears desirable to the Committee that a high official of the Secretariat should be assigned during the coming year to make a thorough inspection of the offices of the United Nations Commission for the Unification and Rehabilitation of Korea, the United Nations Commission for India and Pakistan, and possibly other United Nations missions, in order to satisfy himself that the expenditure is under adequate control and that administrative arrangements are not in excess of actual requirements.

In its twelfth report of 1950 (A/1479)¹¹ on the 1951 estimates for the Office of the United Nations Commissioner in Libya, the Advisory Committee suggested that in view of the rate of expenditure during the first nine months, the revised figure for 1950 (\$466,600) might prove to be an over-estimate.

The above supplementary estimates under section 6 amount to a total of \$785,600, against which offsetting savings of \$15,600 are anticipated on other chapters. The Committee accordingly recommends a supplementary appropriation for section 6 of \$770,000.

(ii) *Section 17. Common staff costs*

Authority was granted to the Secretary-General by paragraph 4 (f) of General Assembly resolution 358 (IV) of 10 December 1949 to advance funds from the Working Capital Fund for the purpose of reimbursing staff members for national income taxes paid by them in respect of payments received from the United Nations during 1950 or in respect of prior years for which reimbursement had not previously been made.

The Secretary-General proposes that the necessary provision for such reimbursement should be included in the 1950 budget, and the Committee accordingly recommends a supplementary appropriation of \$1,117,000 for section 17.

(iii) *Section 20. United Nations Office at Geneva*

The Secretary-General has requested a supplementary provision of \$125,900 (including \$41,100 surrendered under sections 4 and 5), to cover the following expenses :

	<i>US dollars</i>
Economic and Social Council, eleventh session (part of expenses authorized under General Assembly resolution 357 (IV), paragraph (c)).	84,800

During October 1950, the Advisory Committee concurred in the transfer of \$34,000 to section 20 in connexion with an *ad hoc* meeting on grain to be held for an estimated period of five weeks. The actual duration of the meeting was one week, and some savings are likely to accrue on this account.

Subject to the above reservation, the Committee recommends a supplementary appropriation of \$125,900 for section 20.

(iv) *Section 27. The International Court of Justice*

The Secretary-General has submitted a supplementary estimate of \$14,500 for the reimbursement of advances made from the Working Capital Fund, under the terms of General Assembly resolution 357 (IV), paragraph d (i), in respect of allowances paid to *ad hoc* judges.

The Committee, while recommending the above estimate for approval, desires at the same time to point out that savings may result on chapter II (Salaries, wages and expenses of the Registry) of this section through an appropriate adjustment of the salary differential. Pending the completion of a cost-of-living survey at The Hague, a provisional rate of minus 15 per cent has been applied, since 1 January 1950, to the salaries of the Registrar and the permanent staff. In view, however, of the fact that the result of the survey indicates that the cost of living at The Hague is approximately 32 per cent lower than at Headquarters, early action should, in the opinion of the Committee, be taken in this matter.

(v) *The Committee also recommends for approval the following supplementary estimates :*

<i>Section</i>	<i>US dollars</i>
1. The General Assembly, commissions and committees	106,000
18. Common services	78,400
a. Transfer to permanent Headquarters ...	484,700
19. Permanent equipment	327,000
22. Economic Commission for Asia and the Far East	13,000
23. Economic Commission for Latin America..	6,600

6. In its report on the 1950 budget estimates (A/934, paragraphs 143 and 158),¹² the Committee recommended that no transfers should be made between accounts within section 17 or section 19. In accordance with a request by the Secretary-General (A/C.5/409, annex A), the Committee proposes that this restriction should now be removed.

7. Subject to the above observations, the Advisory Committee recommends that the draft appropriation resolution attached as annex B to the present report should be approved.

¹¹ See fascicule on agenda item 21.

¹² See *Official Records of the General Assembly, Fourth Session, Supplement N° 7.*

ANNEX A

FINANCIAL YEAR 1950

	<i>US dollars</i>
Appropriations authorized under General Assembly resolution 356 (IV), paragraph 1	49,641,773
Less :	
Appropriation for the establishment of a permanent international régime for the Jerusalem area	8,000,000
	<u>41,641,773</u>
Supplementary estimates (A/C.5/409, Table 2)	3,043,100
Less :	
Savings on the 1950 appropriations (A/C.5/409, Table 2)	164,100
	<u>2,879,000</u>
Estimated gross amount, as revised in respect of the year 1950	44,520,773
Miscellaneous income (estimated)	5,091,740
Estimated net amount, as revised, in respect of the year 1950	<u>39,429,033</u>

ANNEX B

DRAFT RESOLUTION RELATING TO SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1950

The General Assembly

Resolves that for the financial year 1950 :

1. The amount of \$US 49,641,773 appropriated for the financial year 1950 by resolution 356 A (IV), adopted on 10 December 1949, is reduced by \$8,000,000 through

the cancellation of the appropriation for the establishment of a permanent international régime for the Jerusalem area and protection of the Holy Places;

2. The residual amount of \$41,641,773 appropriated by the said resolution is increased by \$2,879,000 as follows :

<i>Section</i>	<i>Amount appropriated as adjusted under paragraph 4 of resolution 356 A (IV)</i>	<i>Supplementary appropriation, increase or decrease</i>	<i>Revised amount of appropriation</i>
			<i>(In US dollars)</i>
1. The General Assembly, commissions and committees.	1,171,825	+ 106,000	1,277,825
2. The Security Council, commissions and committees.	112,100	—	112,100
3. The Economic and Social Council, commissions and committees.	275,720	—	275,720
a) Permanent Central Opium Board and Narcotic Drugs Supervisory Body	36,750	—	36,750
b) Regional economic commissions.	47,390	— 10,000	37,390
4. The Trusteeship Council, commissions and committees.	176,415	— 9,400	167,015
5. Special conferences.	115,600	— 31,700	83,900
6. Investigations and inquiries.	3,410,200	+ 770,000	4,180,200
a) United Nations Field Service.	337,000	—	337,000
7. Executive Office of the Secretary-General.	510,930	—	510,930
a) Library.	449,370	—	449,370
8. Department of Security Council Affairs.	793,120	— 23,000	770,120
9. Military Staff Committee secretariat.	128,800	— 5,000	123,800
10. Department of Economic Affairs.	2,330,840	— 20,000	2,310,840
11. Department of Social Affairs.	1,618,050	— 10,000	1,608,050
12. Department of Trusteeship and Information from Non-Self-Governing Territories.	916,310	—	916,310
13. Department of Public Information.	3,274,280	—	3,274,280
14. Department of Legal Affairs.	519,140	—	519,140
15. Conference and General Services.	7,496,020	— 40,000	7,456,020
16. Administrative and Financial Services.	2,887,360	—	2,887,360
17. Common staff costs.	3,987,920	+ 1,117,000	5,104,920
18. Common services.	2,099,900	+ 78,400	2,178,300
a) Transfer to the permanent Headquarters.	—	+ 484,700	484,700
Permanent equipment.	223,920	+ 327,000	550,920
20. United Nations Office at Geneva (excluding direct costs, chapter III, Secretariat of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body) . Chapter III, Secretariat (direct costs) of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body.	4,134,830	+ 125,900	4,260,730
53,270	—	53,270	
21. Information centres (exclusive of the information services in Geneva)	746,520	— 15,000	731,520
22. Economic Commission for Asia and the Far East.	765,840	+ 13,000	778,840
23. Economic Commission for Latin America.	506,530	+ 6,600	513,130
24. Hospitality.	20,000	—	20,000
25. Advisory social welfare functions.	601,500	—	601,500
a) Technical assistance for economic development.	508,420	—	508,420
b) International Centre for Training in Public Administration.	133,000	—	133,000
c) Technical Assistance Administration.	127,020	—	127,020
26. Transfer of the assets of the League of Nations to the United Nations.	533,768	—	533,768
27. The International Court of Justice.	592,115	+ 14,500	606,615
TOTAL	<u>41,641,773</u>	<u>+ 2,879,000</u>	<u>44,520,773</u>

3. Miscellaneous income to be appropriated in aid of the above expenditure under paragraph 2, part A of resolution 356 (IV) is estimated at \$5,091,740.

4. Amounts not exceeding the appropriations granted by paragraph 2 shall be available for the payment of obligations in respect of goods supplied and services rendered during the period 1 January 1950 to 31 December 1950.

DOCUMENT A/1677

Report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 275th meeting held on 5 December 1950, considered the question of supplementary estimates for the financial year 1950. The Committee had before it a report of the Secretary-General (A/C.5/409 and Corr.1), together with the twenty-fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1583), which had reviewed the estimates as submitted by the Secretary-General.

2. The gross total of the items comprising the supplementary estimates amounted to \$3,043,100. The Secretary-General, however, anticipated savings of \$164,100 on the original 1950 appropriation of \$41,641,773 (exclusive of \$8,000,000 for the establishment of a permanent international régime for the Jerusalem area), and, accordingly additional requirements for which a supplementary appropriation was sought were limited to an amount of \$2,879,000. As regards the amount of \$8,000,000 appropriated under General Assembly resolution 356 (IV) of 10 December 1949 in connexion with Jerusalem, the Advisory Committee concurred in a proposal of the Secretary-General that, since no commitments had so far been entered into for this purpose and no call for payment had been made on Member States, the appropriation for 1950 should be cancelled.

3. Of the total supplementary provision requested, an amount of \$1,117,000 was required for reimbursement of national income taxes paid by staff members in respect of income received from the United Nations during 1950 or in respect of prior years for which reimbursement had not previously been made. Provision for such reimbursement was requested by the Secretary-General in accordance with paragraph 4 (f) of resolution 358 (IV) relating to the Working Capital Fund for 1950. The position regarding tax reimbursement was the subject of a separate report made by the Secretary-General to the Fifth Committee (A/C.5/398). The remainder of the supplementary estimates (\$1,620,000) was stated by the Secretary-General to be due to various inescapable items of expenditure for which provision had not been made in the 1950 budget as approved by the General Assembly; the main items comprise : additional outlay in connexion with Korea and Libya (\$770,000); the extra costs (\$157,800) of holding the eleventh session of the Economic and Social Council in Geneva (this expenditure having been met by an advance from the Wor-

king Capital Fund in accordance with the authorization granted by the General Assembly at its fourth session); the unbudgeted expenses (\$14,500) incurred by the International Court of Justice in the Colombian-Peruvian Asylum dispute under the provisions of paragraph (d) of resolution 357 (IV); the costs of holding conferences on tin and grain at Geneva (\$74,000); the expenses to be incurred in 1950 as a result of advance procurement of equipment (\$315,000) for which equivalent amounts will be deleted from the 1951 budget estimates; and the expenses incurred in 1950 in connexion with the move to the permanent Headquarters (\$484,700).

4. The Fifth Committee took note of the fact that the Advisory Committee, while not proposing a reduction in the supplementary appropriation requested for the United Nations Commission on Korea, considered nevertheless that there should be scope for a substantial economy in 1951 on various accounts and, particularly, in relation to the operation of a chartered aircraft, the purchase of motor vehicles, and the travel and subsistence expenses of staff members. The Fifth Committee therefore concurred in the suggestion of the Advisory Committee that for this purpose it would be desirable for a high official of the Secretariat to be assigned during the coming year to make a thorough inspection of the offices of the United Nations Commission for the Unification and Rehabilitation of Korea, the Mission to India-Pakistan, and possibly other United Nations missions in the field in order to satisfy himself that expenditures are under adequate control and that administrative arrangements are not in excess of actual requirements.

5. It was also noted that, in the opinion of the Advisory Committee, the revised figure for 1950 in connexion with the United Nations mission in Libya might prove to be an over-estimate and that in the case of the amount of the supplementary provision recommended for section 20 (United Nations Office at Geneva) the fact that the *ad hoc* meeting on grain was of considerably shorter duration than anticipated should lead to certain savings on this account. Finally, the Advisory Committee, while recommending approval of a supplementary appropriation for the purpose of reimbursing advances made from the Working Capital Fund in respect of allowances paid to *ad hoc* judges of the International Court of Justice, pointed out that savings might result in chapter II of section 27 (Salaries and Expenses of the Registry) through an appropriate adjustment of the

salary differential. In this connexion, attention was called to the fact that, pending the completion of a cost-of-living survey at The Hague, a provisional rate of minus 15 per cent had been applied since 1 January 1950 to the salaries of the Registrar and the permanent staff of the Court. In view of the fact, however, that the result of the survey indicated that the cost of living at The Hague was approximately 32 per cent lower than at Headquarters, the Advisory Committee was of the opinion that early action should be taken in this matter.

6. In reply to a question raised by the representative of Brazil, it was stated, on behalf of the Secretary-General, that any expenditure which the United Nations might be called upon to incur in future in connexion with the General Assembly resolution concerning the establishment of a permanent international régime for the Jerusalem area could be met from the Working Capital Fund, although it was anticipated that this matter would be reviewed by the General Assembly at its current session and that the financial implications of any new decision taken would in due course be considered by the Fifth Committee.

7. The representative of the Union of Soviet Socialist Republics expressed the objection of his delegation to the provision of funds for reimbursement of national income taxes on the grounds that this expenditure was properly chargeable to only a few and that, since the adoption by the United Nations of a staff assessment plan, ample time had elapsed for the Member States concerned to make appropriate arrangements in the matter. The U.S.S.R. representative stated further that, for reasons which had been given in the First Committee, it would be necessary for his delegation to vote against the supplementary appropriations requested under section 6 in connexion with the United Nations Commission on Korea and the Office of the United Nations Commissioner in Libya.

8. The Fifth Committee accordingly agreed to take separate votes on these particular items with the following results :

9. The Advisory Committee's recommendation for a supplementary appropriation of \$770,000 under section 6 was adopted by 34 votes to 4, with 1 abstention.

10. The Advisory Committee's recommendation for a supplementary appropriation of \$117,000 under section 17 (in respect of reimbursement of national income taxes) was adopted by 31 votes to 4, with 4 abstentions.

11. The remaining supplementary appropriations, as recommended by the Advisory Committee, were approved unanimously.

12. The draft resolution as a whole, as proposed by the Advisory Committee (Annex B of A/1583), with the deletion of paragraph 4 thereof, the inclusion of which, it was pointed out by the Chairman of the Advisory Committee, had been rendered unnecessary as the result of the adoption of new Financial Regulations, was then approved by 36 votes to 4.

13. The Fifth Committee therefore recommends to the General Assembly the adoption of the following resolution :

DRAFT RESOLUTION RELATING TO SUPPLEMENTARY ESTIMATES FOR THE FINANCIAL YEAR 1950

The General Assembly

Resolves that for the financial year 1950 :

1. The amount of \$US 49,641,773 appropriated by resolution 356 (IV), adopted on 10 December 1949, is reduced by \$8 million through the cancellation of the appropriation for the establishment of a permanent international régime for the Jerusalem area and protection of the Holy Places;

2. The residual amount of \$41,641,773 appropriated by the said resolution is increased by \$2,879,000 as follows :

<i>Section</i>	<i>Amount appropriated as adjusted under paragraph 4 of resolution 356 (IV)</i>	<i>Supplementary appropriation, increase or decrease</i>	<i>Revised amount of appropriation</i>
		<i>(In US dollars)</i>	
<i>Part I. Sessions of the General Assembly, the councils, commissions and committees</i>			
1. The General Assembly and commissions and committees thereof .	1,171,825	+ 106,000	1,277,825
2. The Security Council and commissions and committees thereof ..	112,100	—	112,100
3. The Economic and Social Council and commissions and committees thereof	275,720	—	275,720
(a) Permanent Central Opium Board and Narcotic Drugs Supervisory Body	36,750	—	36,750
(b) Regional economic commissions	47,390	— 10,000	37,390
4. The Trusteeship Council and commissions and committees thereof .	176,415	— 9,400	167,015
TOTAL, PART I	1,820,200	+ 86,600	1,906,800
<i>Part II. Special conferences, investigations and inquiries</i>			
5. Special conferences	115,600	— 31,700	83,900
6. Investigations and inquiries	3,410,200	+ 770,000	4,180,200
(a) United Nations Field Service	337,000	—	337,000
TOTAL, PART II	3,862,800	+ 738,300	4,601,100

	<i>Amount appropriated as adjusted under paragraph 4 of resolution 356 (IV)</i>	<i>Supplementary appropriation, increase or decrease</i>	<i>Revised amount of appropriation</i>
		<i>(In US dollars)</i>	
<i>Part III. Headquarters, New York</i>			
7. Executive Office of the Secretary-General	510,930	—	510,930
(a) Library	449,370	—	449,370
8. Department of Security Council Affairs	793,120	— 23,000	770,120
9. Military Staff Committee secretariat	128,800	— 5,000	123,800
10. Department of Economic Affairs	2,330,840	— 20,000	2,310,840
11. Department of Social Affairs	1,618,050	— 10,000	1,608,050
12. Department of Trusteeship and Information from Non-Self-Governing Territories	916,310	—	916,310
13. Department of Public Information	3,274,280	—	3,274,280
14. Department of Legal Affairs	519,140	—	519,140
15. Conference and General Services	7,496,020	— 40,000	7,456,020
16. Administrative and Financial Services	2,887,360	—	2,887,360
17. Common staff costs	3,987,920	+ 1,117,000	5,104,920
18. Common services	2,099,900	+ 78,400	2,178,300
(a) Transfer to the permanent Headquarters	—	+ 484,700	484,700
19. Permanent equipment	223,920	+ 327,000	550,920
TOTAL, PART III	<u>27,235,960</u>	<u>+ 1,909,100</u>	<u>29,145,060</u>
<i>Part IV. United Nations Office at Geneva</i>			
20. United Nations Office at Geneva (excluding direct costs, chapter III, Secretariat of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body)	4,134,830	+ 125,900	4,260,730
Chapter III, Secretariat (direct costs) of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body	53,270	—	53,270
TOTAL, PART IV	<u>4,188,100</u>	<u>+ 125,900</u>	<u>4,314,000</u>
<i>Part V. Information centres</i>			
21. Information centres (other than information services, European Office)	746,520	— 15,000	731,520
TOTAL, PART V	<u>746,520</u>	<u>— 15,000</u>	<u>731,520</u>
<i>Part VI. Regional Economic Commissions (other than the Economic Commission for Europe)</i>			
22. Economic Commission for Asia and the Far East	765,840	+ 13,000	778,840
23. Economic Commission for Latin America	506,530	+ 6,600	513,130
TOTAL, PART VI	<u>1,272,370</u>	<u>+ 19,600</u>	<u>1,291,970</u>
<i>Part VII. Hospitality</i>			
24. Hospitality	20,000	—	20,000
TOTAL, PART VII	<u>20,000</u>	<u>—</u>	<u>20,000</u>
<i>Part VIII. Technical programmes</i>			
25. Advisory Social Welfare Functions	601,500	—	601,500
(a) Technical Assistance for Economic Development	508,420	—	508,420
(b) International Centre for Training in Public Administration	133,000	—	133,000
(c) Technical Assistance Administration	127,020	—	127,020
TOTAL, PART VIII	<u>1,369,940</u>	<u>—</u>	<u>1,369,940</u>
<i>Part IX. Special expenses</i>			
26. Transfer of the assets of the League of Nations to the United Nations	533,768	—	533,768
TOTAL, PART IX	<u>533,768</u>	<u>—</u>	<u>533,768</u>
<i>Part X. The International Court of Justice</i>			
27. The International Court of Justice	592,115	+ 14,500	606,615
TOTAL, PART X	<u>592,115</u>	<u>+ 14,500</u>	<u>606,615</u>
GRAND TOTAL	<u>41,641,773</u>	<u>+ 2,879,000</u>	<u>44,520,773</u>

3. Miscellaneous income to be appropriated in aid of the above expenditure under paragraph 2 of resolution 356 (IV) is estimated at \$5,091,740.

Check list of documents

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A/1432 and Corr.1	Advances from the Working Capital Fund and unforeseen and extraordinary expenses for 1950 : report of the Secretary-General	18	
A/1445	Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : seventh report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	15	
A/1498	Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : report of the Fifth Committee	16	
A/1521	Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 457 (V).</i>
A/1583	Supplementary estimates for the financial year 1950 : twenty-fourth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	31	
A/1677	Supplementary estimates for the financial year 1950 : report of the Fifth Committee	34	
A/1741	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 468 (V).</i>
A/C.5/398	Tax equalization; staff assessment plan : report of the Secretary-General	21	
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A/C.5/L.51	Application of the United Nations Food and Agriculture Organization for a loan from the Working Capital Fund : draft resolution submitted by the Secretary-General	16	
A/C.5/L.61	Draft report of the Fifth Committee		Same as A/1498.
A/C.5/L.84	Draft report of the Fifth Committee		Mimeographed document only.
A/C.5/L.101	Draft report of the Fifth Committee		Same as A/1677.



Agenda item 39 * : Budget estimates for the financial year 1951 : (a) budget estimates prepared by the Secretary-General; (b) salary, allowance and leave system of the United Nations; (c) reports of the Advisory Committee on Administrative and Budgetary Questions

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DOCUMENT A/C.5/369

Survey of the effectiveness of the programme of public information

[Original text : English]
[27 September 1950]

INTRODUCTION

1. During the discussion of the budget for the Department of Public Information in the Fifth Committee at the second session of the General Assembly (1947), the request was made that the Secretary-General should make a special survey of the results of the programme of public information and report to the third session of the General Assembly.¹ Such a survey was made and presented to the third session of the General Assembly (1948) through document A/C.5/223, dated 18 September 1948.² In addition to the report on the effectiveness of the Department's work and the results reached, this document also contained, as an annex, the recommendations of an Advisory Committee of Public Information Experts. A special report on the activities carried out jointly with the United Nations Educational, Scientific and Cultural Organization to promote teaching on the United Nations in Member States and territories was also attached.

2. Although no official request for a special survey of this part of the Secretariat's work has subsequently been made during the following sessions of the General Assembly, it has been felt that a similar up-to-date summary of the present work of the Department of Public Information, and the results achieved, would be useful, in addition to the explanations given in the printed budget estimates, which by necessity must be very brief.

3. The Department of Public Information has therefore prepared the following special survey of the United Nations programme of public information, as of 1 June 1950.

4. Furthermore, and in compliance with suggestions made during the first session of the General Assembly in 1946 (resolution 13 (I)) the Department has, with the approval of the Secretary-General, convened a number of regional expert advisory groups on public information which have met during the months of March, April and May, 1950, at the United Nations Information Centres in the various regions of the world. For technical reasons, it did not prove possible to call such committees in all areas which are presently covered by the Centres, but a series of most valuable suggestions and recommendations have been received and are now being studied by the Department.

General remarks

5. During its four years of operations, the Department of Public Information has been constantly guided by resolution 13 (I) adopted at the first session of the General Assembly (1946) at its 31st meeting which said, in part :

"... that the United Nations cannot achieve the purposes for which it has been created unless the peoples of the world are fully informed of its aims and activities".

6. The first task of the Department was to establish services and facilities for the representatives at Head-

¹ See *Official Records of the General Assembly, Second Session, Fifth Committee*, 62nd and 63rd meetings.

² *Ibid.*, *Third Session, Annex*, pages 15-52.

quarters of existing outside information agencies, on whose co-operation the first Expert Advisory Committee (1945-46) had recommended that the Department should primarily rely. A comprehensive machinery for this purpose was created in 1946 and 1947 and has since been consolidated. Detailed information on these services is given below. The fact cannot be denied, however, that independent outside coverage of United Nations activities still remains limited. The reasons for this are many and complex, but the main causes, besides the general political situation, seem to be the distances, expenses and currency problems involved.

7. The second task which the Department was authorized to undertake, namely that of providing supplementary services, particularly to regions outside the Headquarters area, has therefore become considerably more important than was anticipated at the outset. In 1947-48, the emphasis in the United Nations public information programme was shifted to this task of supplying supplementary material to the public through all information media and other recognized channels throughout the entire world in a maximum number of languages. The larger part of the Department's efforts are now geared in this direction, as shown later in this survey.

8. Today it can be said that an international machinery capable of undertaking a world-wide dissemination of public information on the United Nations has been firmly established and is carrying out its mandate according to the policy laid down by the General Assembly.

9. The methods employed in the work may, of course, vary in accordance with the circumstances prevailing in the various areas. But the general pattern adopted was framed to meet the main requirements of most regions, and it has therefore been possible to prepare the Department's activities and go through with its plans in a determined way, particularly over the last two years.

10. Essential roles in the execution of the Department's policy and in the fulfilment of its tasks, especially with regard to their world-wide character, are played by its Radio Division and the Information Centres, of which special mention should be made. In collaboration with the national broadcasting systems of Member States, the Radio Division has developed extensive services in some thirty languages, ranging from brief news summaries to full feature productions, for the use of networks and independent broadcasting stations in these countries, the majority of which are now co-operating actively with the Department in this respect. From the figures given later in this report, it can be derived that the listeners to the United Nations radio programmes must now be counted in hundreds of millions. The demand for these objective reports on United Nations aims and activities has, in fact, grown to an extent which it is difficult to satisfy fully. As to the Information Centres, sixteen such offices or sub-offices are functioning as of this date, with two more to be opened during 1950. Requests for information material of all kinds coming in to the Information Centres have increased to such an extent

that priorities have had to be established, in accordance with each region's most urgent needs. The Centres are manned by small staffs and the workload is correspondingly heavy. It may be noted that the demand for services is not less in areas with especially well-developed information media. In fact, the reverse has proved to be the case. On the other hand, there are still regions which are not yet covered by any Centre. It is proposed that this be remedied gradually, as such further consolidation of the network of Information Centres undoubtedly would serve the interests of the Organization.

11. It remains the policy of this Department first of all to render services to what are called the "re-disseminators" of public information. This, it is felt, will in the long run encourage the feeling of responsibility toward the United Nations of the existing outside information media. At the same time, and as a necessary supplement, the Department has endeavoured to provide model types of fully-finished information material, in the media of radio, films, visual aids and publications. These independent, internationally objective and comprehensive productions have proved to be very popular, and have, it is felt, no doubt served to promote a more enlightened discussion of United Nations affairs. The aim of the Department is to stimulate a similar approach by outside information agencies, as far as possible. United Nations productions of this nature have been widely accepted, as exemplified by the special professional recognitions cited in chapter II, and are now brought to the public in practically all Member States through regular public information outlets.

12. Special efforts have continuously been made to enlist direct support and assistance in the dissemination of information by non-governmental organizations and other private groups. Not only the various United Nations Associations, but also a great number of other organizations with very large memberships, have joined in this work. Although the servicing of these groups has put new and heavy burdens on the various divisions, these new outlets have been most welcome, since the steadily growing demand for objective information material on the United Nations could not otherwise be met. The Department is therefore doing its utmost to try to have this system of voluntary helpers constantly expanded. Special mention may be made of the number of voluntary speakers groups and educational centres for the United Nations which have been established in many areas of the world.

13. The administrative and budgetary framework of the Department, as authorized by the first, second, third and fourth sessions of the General Assembly, has made it possible to create the machinery herein described, which is capable of taking care of the most urgent needs within the public information programme. The amount allocated for this purpose has remained approximately the same from year to year. The limitations which have been imposed do, of course, lead to the exclusion of many possibilities and potentialities which could otherwise have been exploited in the interest of the Organization. It is recognized, however, that present financial circumstances do not allow for any substantial expansion. The Depart-

ment has therefore concentrated on improving the quality of its output so as to achieve a greater impact with the same resources. At the same time, the demands facing the Department have never ceased to grow. While this in itself is a most heartening proof of the steadily increasing interest and faith in the United Nations on the part of the peoples of the world, it also creates practical problems which the Department can only hope to overcome by the greatest ingenuity in the use of funds and staff at its disposal. In this connexion the work of stimulating the distribution of information material through sales may be mentioned. The revenue in 1949 from the sales of publications was \$U S 165,000. It is estimated that the revenue from sales in 1950 will reach \$200,000, and in 1951, estimates have been set at \$230,000. Revenues from the distribution of films, photos and discs are estimated for 1951 at \$66,000. Figures for the revenue for the years 1949 and 1950 were modest due to the fact that contractual arrangements were concluded only in late 1949.

14. In the following chapters is presented a summary of the manifold activities presently being carried out by the Department of Public Information.

I. PRESS AND PUBLICATIONS BUREAU

1. The Press and Publications Bureau, which is the central production unit of the Department of Public Information, has concentrated in the past year on improving and expanding the international scope and effectiveness of its activities. It has increased the global usability of its information material on the United Nations by producing more material in the languages of specific regions and selected for specific markets.

2. The extension of the Bureau's work has been achieved without diminishing any existing services, among which those to press correspondents accredited to Headquarters continue to form a major part.

3. Organizationally, the development of the Bureau's work has been made possible, despite a slight reduction in staff compared with the previous year, by greater co-ordination and fuller mobilization of the Bureau's language and geographic resources in its two main units: Central Information and News Services, and Publications and Periodicals Services. A major organizational change has been the establishment of the Regional Services, in which are grouped special language desks for preparing copy in French, Spanish and Arabic, and the Information Centres Desk.

4. At the United Nations Headquarters, the Bureau provides extensive services and facilities to assist correspondents in all information media to report fully, accurately and rapidly on all United Nations activities. With very few exceptions, all meetings of United Nations organs are open to the correspondents; all documentation is immediately available; office space is provided for those working on a full-time basis; direct contact with delegations and Secretariat executives and experts is encouraged and assisted; Press summaries of all meetings are immediately issued by the Bureau; regular and special

Press conferences for the Secretary-General, other United Nations officials and delegations are arranged; frequent oral "briefings" are provided; liaison officers are always available to answer queries, supply information, arrange interviews, etc. Advance texts of important statements and speeches are issued whenever possible. Similar services are provided by the Geneva Information Centre concerning the United Nations activities at the European Office of the United Nations at the Palais des Nations.

5. In the early part of 1950 there were accredited to the United Nations Headquarters 400 Press correspondents from forty countries representing 200 newspapers and agencies. In addition there were eighty radio correspondents from thirteen countries representing twenty radio stations and networks, and ninety-four still photographers, six newsreel companies with a combined staff of sixty cameramen and technicians, and three television newsreel companies staffed by fifteen cameramen and technicians. Every major international news agency is among those represented as well as many important national agencies and newspapers but many other national news agencies and important newspapers in countries outside the United States are not. A little over half of the accredited correspondents serve United States agencies and papers. Dollar shortages, excessive cable costs and newsprint shortages are the three factors chiefly responsible for this somewhat disproportionate representation. Nevertheless, more than 10,000 newspapers all over the world are served in one way or another by the agencies represented and as much as 100,000 words of copy a day have been filed by cable and telegraph from Lake Success. Eighty-seven permanent correspondents representing sixteen different countries are accredited in Geneva, as well as three permanent radio correspondents and several photographers. Every major international news agency is represented in Geneva.

6. The provisions of the Headquarters Agreement between the United Nations and the United States relating to access to the United Nations Headquarters of accredited representatives of information media continue to be applied. Provisions for the families of accredited representatives of information media are under discussion with the United States authorities. At the same time, close liaison has been maintained between the Bureau and the United Nations Correspondents Association, and through the Geneva Information Centre with the United Nations Correspondents Association at the Palais des Nations, Geneva.

7. Coverage of all United Nations meetings and other activities is the main function of the Central Information and News Services of the Bureau. This is only part of the service the Bureau renders to correspondents at Headquarters; it enables the Bureau to fulfill its other important function of providing the whole Department with the basic news file for use in other media—radio and visual—or in other printed form and other languages as feature articles, publications and pamphlets.

8. Some 2,500 meetings were held at Headquarters last year. Press releases were prepared on all of these. For the more important meetings running stories are

issued while the meetings are still in session. A short summary is added to the running "takes" immediately at the end of the meeting. Individual correspondents and news agencies who are unable to cover more than one or two meetings a day at best, depend on these summaries, as does the News Desk of the United Nations Radio Division. A total of 1,195 meetings was held at the Palais des Nations in Geneva during 1949 and 780 Press releases were issued by the Geneva Centre.

9. In addition to covering Headquarters activities, the Bureau handled more than 1,000 cables from Information Officers assigned to United Nations missions in the field, Information Centres responsible for covering United Nations activities in their areas, and specialized agencies. Members of the Bureau's staff have served with Commissions in the Balkans, Kashmir, Korea, Indonesia, Palestine, Libya and Eritrea. In all cases, they have not only acted as "foreign correspondents" for the Bureau but have been responsible for Press relations on the spot and for disseminating information to the correspondents covering the activities of their particular missions in the field, as well as introducing DPI services to many information channels not previously reached.

10. Background material, "round-ups", summaries of important reports, advance texts of speeches by representatives and feature material are included in the releases issued by the Bureau, the total of which for the twelve months ending in April 1950 was 4,300.

11. The number of Press conferences and oral briefings has been higher than in previous years. Many delegations and specialized agencies have availed themselves of the Bureau's facilities for arranging Press conferences at United Nations Headquarters. Background briefings on both an individual and a collective basis are part of the daily routine.

12. Because so many activities of the United Nations are of interest to specialized information media not normally reached by the general Press agencies, the Bureau has made a beginning in building up lists of trade and technical publications to receive, on a request basis, Press releases and other material on subjects in their field. So far 665 such releases have been sent to economic, industrial, travel, medical and other technical publications. Care is taken not to duplicate any similar mailings by the specialized agencies. In other cases, individual requests have come from publications, asking either for special articles to be supplied or for the raw material on which the journal's own staff could write an article. In the first half of 1950, twenty-two such special requests were met. It is the Bureau's intention to develop this side of its activities as much as possible.

13. All news releases, as well as being issued at Headquarters in mimeographed form, are also transmitted over the Bureau's teletype service to thirty-two subscribers. These include some delegation offices as well as newspaper and news agency offices. The cost to subscribers is limited to the installation and servicing fee charged by the New York Telephone Company.

14. To meet the requirements of correspondents at Headquarters, as well as for the Department's own internal needs, temporary teletype circuits have been set up between Geneva and Lake Success to permit speedy receipt of the Geneva Centre's coverage of sessions of the Trusteeship and Economic and Social Councils.

15. Reference has already been made to the regrouping of the Regional Services unit of the Bureau. This has resulted in a more effective two-way traffic between the Centres and Headquarters, and particularly in supplying the Centres—the main re-disseminators of United Nations information away from Headquarters—with more material in a form suitable for use in the regions served by the Centres. To compensate for the inability of the Centre's small staffs to process for their own media the complete file of Headquarters releases, the Bureau now provides the Centres with a "Daily Report" which is a brief but comprehensive summary of the day's Headquarters news plus short feature material. Except during General Assembly sessions, the Daily Report is at present limited to English; but all the material is combed for news of particular interest to French, Spanish or Arabic-speaking regions, and prepared in these languages by the appropriate desks which comprise the Regional Services. On special occasions like United Nations Day, United Nations Scientific Conference on the Conservation and Utilization of Resources, or special reports, like *Major Economic Changes*, the language resources of the entire Department are drawn upon for preparing copy and as many as twenty different language versions have been produced. This does not include the languages utilized by the Centres themselves.

16. Apart from saving the time of the Centres, the Daily Report has saved \$400 to \$500 per month in mailing costs, since a number of Centres find they can rely on the Report to replace the complete production of Press releases. Regionally important releases are, of course, provided in all cases, and some of the larger Centres with reference facilities continue to get a complete file. The Centres are also provided by Regional Services with a running interpretative account of developments at Headquarters as guidance in handling inquiries from Press, radio and non-governmental organizations in their areas. To enable the Centres to reach individual specialists in various topics on which the United Nations is active, documentation guides to United Nations sessions and analysis of the resolutions resulting from such sessions are also prepared for the Centres.

17. Outstanding in the year's developments of the Bureau's activities has been the transmission of a weekly summary of United Nations information by Morse code in English, French and Spanish. This summary is monitored by the regional Centres, by United Nations missions in the field and directly by a number of newspapers in Latin America. Reproduced and distributed at the receiving end, the Morse summary is being published in newspapers in the United States, Scandinavia, France, Brazil, Honduras, Mexico, Guatemala, Ecuador, Chile, the United Kingdom, the Near East, India and North Africa among others.

18. An important vehicle for reaching the medium

and smaller newspapers not represented at United Nations Headquarters is the *Weekly News Features* prepared by the Features Section of the Bureau. This is a five-column "clipsheet" (Reproduction of selected cuttings) printed weekly in three languages: English, French and Spanish. Danish, Norwegian and Swedish versions of the same material are produced by the Copenhagen Information Centre and distributed with matrices and plastic plates furnished from Headquarters. Additional editions of the clipsheet in Arabic, Portuguese and Turkish are being launched in June 1951. Illustrations are furnished to editors in matrices, plastic plates or glossy prints. Circulation of the clipsheet is limited to newspapers that have requested it after being offered it on a trial period. Over 9,000 newspapers and magazines in forty Member countries with a total circulation exceeding 100 million copies, use this service. The English edition goes to 4,103 papers; the Spanish to 1,815; the French to 1,175. The stories are of the feature type aimed to bring out the significance of United Nations and specialized agency accomplishments.

19. Special feature lay-outs in as many as twenty languages are prepared and distributed from time to time. How extensive is the range of such productions is shown by the fact that the last lay-out was reproduced in many hundreds of newspapers in the United Kingdom, Scandinavia, Turkey, India, Pakistan, the Netherlands, Africa, Indonesia, the United States, Canada, Mexico, Brazil, Venezuela, Colombia, Chile and South-east Asia, among others. Following their use by newspapers, additional proofsheets of the picture lay-outs were distributed for exhibition purposes in schools, institutions, information centres, and public places in various parts of the world.

20. The Features Section is also responsible for the production of the *United Nations Reporter*, an eight-page monthly intended primarily for members of non-governmental organizations and educational institutions. This is printed by an outside firm. The paid circulation for the English edition in the United States and Canada was 45,000 in May 1950. In addition, Scandinavian and Dutch editions have been launched under local sponsorship without cost to the United Nations. A Spanish edition is scheduled to appear later this year, and a French edition is under preparation.

21. The *United Nations Bulletin* is issued semi-monthly and is aimed especially at editors, writers, radio commentators, teachers, governmental officials and others in a position to influence public opinion on international affairs. There are three language editions: English, French and Spanish. Arrangements are in progress for the early publication of a Russian edition. Preliminary arrangements have been made for offset printing in Paris of the English edition for distribution to English-speaking countries outside North America, and for the Spanish edition to be printed in Mexico City. These technical changes will result in considerable savings in production and mailing costs.

22. In early 1950 the combined circulation of the English, French and Spanish editions was 24,000, of which

almost half was sales circulation. Sales circulation has increased considerably during the past two years.

23. Two annual publications, the official *Yearbook of the United Nations* and *Everyman's United Nations*, are issued by the Bureau. The Yearbook is the standard authoritative work on the Organization, running to more than 1,000 pages. It is published in English by contract with a commercial publishing firm. An edition in French was produced in 1948 and another French edition is planned for 1950. *Everyman's United Nations* is a much shorter, more popular and less expensive yearbook. Both these publications in the English editions are proving to be self-supporting.

24. Other publications of the Bureau include *Basic Facts*, a simple booklet published in the five official languages and in seven other languages as well. Several other language editions are in preparation. A folder entitled *The United Nations - What It Is, What It Does and How It Works* has been issued in more than twenty languages. A series in *Reader's Digest* size and averaging sixteen pages each has been published on the work of the United Nations for human rights, for dependent peoples, for children, for the status of women, etc. New titles are added to the series as required, and most numbers are issued in English, French and Spanish, several in Russian and Chinese, and some in other additional languages.

25. The Research Section of the Bureau, which is responsible for the preparation and writing of the *Yearbook*, *Everyman's United Nations* and *Basic Facts*, also produces a series of information and reference papers, mainly in mimeographed form. Over sixty papers in this series have already been issued. The Research Section also deals with inquiries and checks material for libraries, publishers and educational institutions.

26. The Bureau has helped either in the sponsoring or in the writing of books dealing with the United Nations and published by outside houses or institutions, such as *Peace on Earth*, a symposium of twelve studies on various organs and activities of the United Nations by outstanding United Nations personalities; *What You Will See at the United Nations*, a popular illustrated guide, and studies on United Nations questions issued by the Carnegie Endowment for International Peace, the Rockefeller Foundation and the Woodrow Wilson Foundation.

27. A member of the Bureau's staff serves as Chairman of a special inter-departmental Working Party for publicizing the Universal Declaration of Human Rights. The Bureau's own contribution to this task has included the preparation of authoritative translations of the definitive text of the Declaration in thirty-three languages. More translations are in hand. Two million copies of the Declaration have been distributed, in inexpensive format. *Our Rights as Human Beings* is the first title in a series of United Nations discussion guides on achievements of the Organization in important fields. A comprehensive survey of international action in the field of human rights, up to the adoption of the Universal Declaration, is in preparation and will be published shortly under the title *These Rights and Freedoms*.

28. Throughout 1949, the Opinion Survey Section issued a weekly survey of opinion on the United Nations expressed in Press and radio of Member countries. This survey was circulated to delegations and the Secretariat, non-governmental organizations, the Press, educational leaders, speakers, etc. In all some 2,000 copies were thus distributed weekly. However, in accordance with the budgetary decisions of the fourth session of the General Assembly³ when the appropriation for this section of the DPI budget was rejected, the survey was discontinued. The last survey was issued on 27 December 1949.

II. RADIO DIVISION

1. The last two years have seen a considerable development in the activities of the Radio Division of the United Nations. United Nations programmes are now heard throughout the world, and thirty Member States of the United Nations rebroadcast United Nations programmes on a daily basis. Those countries which, for technical reasons, are difficult to reach by direct broadcast, are being increasingly serviced with transcribed programmes, and during the year 1949 United Nations radio has laid particular emphasis on its service to countries with limited national informational resources.

2. Together with its own output, United Nations Radio provides transmission facilities to accredited radio correspondents from national broadcasting systems to cover United Nations activities at Headquarters or wherever meetings are being held all over the world. In 1949 and 1950, United Nations Radio broadcast programmes in twenty-nine languages: the five official languages of the United Nations—English, French, Chinese, Russian and Spanish—and Afghani-Persian, Amharic, Arabic, Burmese, Czech, Danish, Dutch, Greek, Hebrew, Hindi, Icelandic, Indonesian-Malay, Italian, Norwegian, Persian, Polish, Portuguese, Pushtu, Serbo-Croat, Swedish, Tagalog, Thai, Turkish and Urdu. Programmes have also been transmitted to Member States over the facilities of *The Voice of America*, the Canadian Broadcasting Corporation, the British Broadcasting Corporation, *Radiodiffusion française*, *Société suisse de radiodiffusion* and by transmitters at Tangier, and from time to time via radio transmitters in other countries. Response to United Nations broadcasts has been very encouraging. The Radio Division has all along placed the main emphasis on providing programmes for relays by national radio systems rather than on creating a shortwave listening audience. Nevertheless, it receives an average of 1,000 to 1,200 letters per month from listeners from all over the world.

3. Throughout 1949 United Nations activities in the field have been increasingly reported in the United Nations radio programmes with the co-operation of the Information Centres and United Nations field missions. Radio-telephone links have been established with Geneva, London, Paris, Havana, Panama City, Sao Paulo and Montevideo; the Netherlands, Swiss and Italian

Broadcasting systems have co-operated with United Nations Radio to transmit shortwave material back to Headquarters.

4. During sessions of the General Assembly the proceedings of important meetings are broadcast every day in the morning and afternoon by shortwave to Europe and the Middle East, as well as locally in the New York area. The meetings are covered by bilingual commentators who introduce the meeting in English and French and give explanatory comments and a résumé at the end of the meeting, thus enabling national radio networks, news agencies, individual newspapers and the public at large to follow directly the full proceedings, wherever they are. During the balance of the year, the broadcasting of meetings is reduced and greater emphasis is placed on the preparation of documentary and feature programmes in the languages of Member States. All meetings of the Security Council are, however, broadcast throughout the year.

5. The output of the Radio Division is handled by four regional sections: the English-speaking region, the European and Middle Eastern service, the Trans-Pacific service, and the Latin-American service. A radio News Desk linked with the Central Editorial Services of the Department assures full broadcasting coverage of all meetings and supplies basic material for programmes in all languages. The work of the Division is co-ordinated by a central production unit under the Director.

European and Middle Eastern service

6. During 1949, the European and Middle Eastern Region has broadcast regularly in fifteen languages: Amharic, Arabic, Czech, Danish, Dutch, French, Greek, Hebrew, Icelandic, Persian, Polish, Pushtu, Russian, Serbo-Croat and Turkish, with daily broadcasts throughout the year in Arabic, Dutch, French, Greek, Hebrew, Icelandic and Pushtu, which have been rebroadcast by domestic networks in the countries concerned, as well as material in Danish and Norwegian. Broadcasts in Czech, Persian, Polish, Russian, Serbo-Croat and Turkish have been transmitted daily to the Member nations concerned, and have been recorded and extensively used as a source of United Nations news. During the fourth session of the General Assembly a special news bulletin in Italian was broadcast daily, since Italy was directly concerned with the discussions on the former Italian colonies. Special features and documentary programmes, talks, interviews and statements by members of national delegations were broadcast direct or sent by transcription to national radio organizations for rebroadcast over domestic networks.

7. The French Section has prepared many feature programmes for the use of *Radiodiffusion française*, the *Institut national belge de radiodiffusion*, *Radio Luxembourg*, *Radio-Canada*, *Station 4 VRW* in Haiti, *Société suisse de radiodiffusion* and other French-language stations throughout the world, which have been rebroadcast regularly in the countries concerned.

8. A special five-minute programme is now broad-

³ *Ibid.*, Fourth Session, Fifth Committee, 200th, 201st and 232nd meetings.

cast every day by shortwave from Headquarters at Lake Success to Paris and is relayed direct over the *Paris-Inter* network in France (fourteen stations in the major cities). A five-minute programme is broadcast every day to *Radio-Saigon*. This is rebroadcast in Indo-China, and is also heard by French-speaking listeners in other areas of the Far East. A seven-minute programme is broadcast daily to Haiti and the Caribbean area in general. This programme is relayed direct every day by *Radio Port-au-Prince*.

9. The French Section works in close contact with the Geneva Information Centre. The programme for *Paris-Inter* originates in Geneva when United Nations activities of particular interest to France are taking place there. In addition, a ten-minute news bulletin on the United Nations activities in Geneva is broadcast daily in French and English over shortwave from Geneva, and a weekly programme is broadcast on *Radio-Genève*. During the fourth session of the General Assembly a daily three-minute programme was broadcast by direct relay over *Radio-Canada*. During the balance of the year this programme is broadcast once a week.

10. A one-half hour United Nations programme in Russian is broadcast daily throughout the year from Lake Success; it is directed to the Moscow Radio but is monitored as well by the Information Centres in Moscow and Warsaw, and used as the basis for information emanating from the Centres. Excerpts from speeches by representatives of the Soviet Union have been sent by transcription to Moscow together with other material and have been welcomed by the U.S.S.R. Radio Committee.

11. A special news programme in Danish is broadcast via Canadian Broadcasting Corporation transmitters once or twice a week and is rebroadcast in Denmark.

12. The daily bulletin in Dutch is rebroadcast by the Netherlands *Radio Unie* at a peak listening time in the evening and is rebroadcast the following morning. Response to this broadcast, which has now been established for over two years, continues to increase.

13. Special programmes on Charter Day (26 June), United Nations Day (24 October) and the anniversary of the Declaration of Human Rights (10 December), were prepared in many languages of the European region and rebroadcast over national networks or stations.

14. Facilities for radio correspondents and members of delegations from Czechoslovakia, Denmark, Egypt, France, Germany, Iceland, Israel, Norway, the Netherlands, Sweden and Yugoslavia have been provided during sessions of the General Assembly and throughout the year to broadcast dispatches to their national radio organizations. Similar facilities are put at the disposal of radio correspondents in Geneva.

15. The output in the national languages of the Middle East has increased considerably throughout 1949 and 1950. A daily fifteen-minute programme in Arabic is broadcast from Headquarters. In addition, a five-minute summary in Arabic is now transmitted daily

and rebroadcast by station Sharq-el-Adna. During the sixth session of the Trusteeship Council in Geneva (January-April 1950), a fifteen-minute programme was prepared in co-operation with the Geneva Information Centre and broadcast direct from Geneva to the Middle East. Daily broadcasts in Amharic, Pushtu, Persian and Turkish are transmitted by shortwave from Headquarters, and throughout 1949-50 the bulletins in Amharic and Pushtu have been relayed by Radio Addis Ababa and Radio Kabul when reception has made this possible.

16. Throughout the year special programmes on various aspects of the United Nations, in Afghani-Persian, Arabic, Persian and Turkish are sent by transcription to radio stations in the Middle East for rebroadcast over domestic stations. These programmes have been extremely well received and widely used. In addition, interviews, talks and statements by representatives have been broadcast by shortwave and sent by transcription direct to the Middle East. Facilities have been placed at the disposal of radio correspondents from the Middle East, and particularly during the Assembly session they have broadcast regularly to their national networks. Close contact is maintained with the Information Centre in Cairo, and with the Eastern Mediterranean regional office of the World Health Organization. Considerable publicity for United Nations broadcasts in newspapers and periodicals in the Middle East has indicated the value attached to these services. The meetings of the Commission on the Status of Women held in Beirut were widely covered by the Lebanese Radio with United Nations assistance.

17. Special feature programmes on United Nations subjects, talks, interviews and statements by representatives in Czech, Danish, Dutch, Hebrew, Icelandic, Norwegian, Polish, Serbo-Croat and Swedish have been sent by transcription to national networks in the countries concerned and have been broadcast by domestic radio systems. During the sessions of the Trusteeship Council, the daily bulletin in Hebrew originated from Geneva. This programme for Israel is rebroadcast daily by *The Voice of Israel* in Jerusalem.

Latin American service

18. Throughout 1949 the Latin-American service has broadcast two hours daily by shortwave to Latin-American countries. Recently these programmes have been extended to two-and-a-half hours broadcasting time. Two hours are broadcast in Spanish, fifteen minutes in Portuguese for Brazil, seven minutes in English for the Caribbean area and seven minutes in French for Haiti, Martinique and other French-speaking areas in the Caribbean. Radio stations in eighteen Member countries rebroadcast United Nations programmes on a daily basis. Throughout 1949 the Latin-American region has developed a transcription service supplying 230 stations with recorded programmes. Major feature programmes on the work of the United Nations and specialized agencies have been produced throughout the year. In addition, four regular weekly series are broadcast direct and sent by transcription to stations throughout Latin America.

19. A script service is maintained by the Latin-American section. A weekly roundup of news is sent to fifty stations and in addition stations are serviced with feature scripts, especially prepared background material, etc. By relay and rebroadcast the Latin-American service has an average of 700 hours monthly on the air in its region.

20. Close contact is maintained with United Nations Information Centres and national radio systems in countries where United Nations activities are in progress. In co-operation with the Information Centres in Paris and Geneva, dispatches in Spanish have been broadcast by circuit from sessions of the Economic and Social Council, the Trusteeship Council, the Economic Commission for Europe and the World Health Organization.

Trans-Pacific service

21. During 1949 the Trans-Pacific service has continued its regular daily broadcasts by shortwave in Burmese, Chinese, Hindi, Indo-Malay, Tagalog, Thai and Urdu. The programmes in Tagalog, Thai and Urdu have been rebroadcast on a daily basis in the Philippines, Thailand and Pakistan, respectively. In addition to these broadcasts, short bulletins in English, French and Dutch are also broadcast in the Pacific service to the Far East. To reach India and Pakistan, a new service was tried by the use of a circuit to London, with rebroadcast from London to India and Pakistan via the British Broadcasting Corporation.

22. During recent sessions of the General Assembly time was placed at the disposal of the Indian and Pakistani delegations to broadcast dispatches back to their own countries. Throughout 1949 the Trans-Pacific service has laid emphasis on the sending of transcribed programmes to the countries in this region, since short-wave broadcasting presents many technical difficulties. At present, various new alternative ways are being explored to provide a really satisfactory service to Radio Pakistan and All-India Radio.

23. Co-operation with broadcasting authorities in the Philippines has been particularly successful. Not only the Tagalog, but also the English programme is relayed daily in the Philippines. All-India Radio and Radio Pakistan have received many feature programmes, talks, interviews, and statements by representatives in English as well as in Urdu and Hindi, and these have been rebroadcast over domestic networks.

24. Close contact has been maintained with the Information Centre in New Delhi, which has worked successfully with All-India Radio in stimulating programmes on the United Nations. Special programmes in all languages of the Trans-Pacific region have been prepared and sent by transcription on such subjects as United Nations Day, the work of the World Health Organization, the Declaration of Human Rights, genocide, etc.

English-speaking region

25. A major priority of the English region is the creation of feature programmes for adaptation in other

languages as well as for production in English. A major series of six programmes, two one hour in length and four one-half hour in length, was prepared by the English region in the autumn of 1949. This series, broadcast during the six weeks leading up to 24 October, United Nations Day, was carried coast-to-coast in the United States and Canada by the National Broadcasting Company and the Canadian Broadcasting Corporation, and transcriptions of the series were widely distributed through the British Broadcasting Corporation, the Australian Broadcasting Commission, the New Zealand Broadcasting Service, the South African Broadcasting Corporation, All-India Radio, Radio Pakistan, and several other English-language stations throughout the world.

26. *Two Billion Strong*. This half-hour documentary programme was broadcast every week for thirteen weeks over the American Broadcasting Company in the United States and sent by transcription to many English-language stations all over the world. Each programme in this series dealt with one specific aspect of United Nations affairs. This series was repeated in revised form in the latter part of 1949 at the request of the American Broadcasting Company.

27. *Memo from Lake Success*. This quarter-hour programme is broadcast every week over the CBS network (ninety-six stations) in the United States and the Trans-Canada network in Canada which covers particular aspects of the United Nations and specialized agencies activities. The programme is also prepared in a special recorded version for airmailing to South Africa, Australia and New Zealand.

28. *The United Nations Today*. This quarter-hour review of United Nations activities is broadcast five days a week over approximately 175 stations in the United States and Canada. It includes highlights of meetings, with the recorded voices of representatives as they speak on the floor of the conference rooms, interviews with United Nations personalities and eminent visitors and reports of meetings transmitted by circuit and shortwave from other parts of the world.

29. *UN Story*. This quarter-hour programme of a more informal nature is sent every week by transcription to 350 independent stations in the United States and Canada.

30. *UN Album*. This quarter-hour programme is sent every week by transcription to English-language stations throughout the world. This programme includes interviews and statements from officials of the United Nations and the specialized agencies and experts in political, social and economic fields.

31. In all, 1,500 stations in the United States carry at least fifteen minutes a week of United Nations programmes.

32. Close contact is maintained with the United Nations Information Centre in London. All programmes for the United Kingdom are routed through the Centre for submission to the BBC, and the BBC frequently requests United Nations material through the Centre.

United Nations events, such as the signing of the Dutch-Indonesian Agreement in The Hague, have been covered by telephone circuits from London by the staff of the Centre.

33. Broadcasts of United Nations programmes by both the Australian Broadcasting Commission and independent networks in Australia have been stimulated throughout 1949 by the Information Centre in Sydney. *Two Billion Strong* and *Memo from Lake Success* are carried every week over domestic stations in Australia.

34. The Information Centre in Geneva broadcasts daily news bulletins in English and French covering all United Nations activities in Geneva, and by means of Telephone circuits the meetings of the Economic and Social Council, Trusteeship Council, Economic Commission for Europe, World Health Assembly and other United Nations bodies have been fully covered in broadcasts from Headquarters. The Information Centre in Geneva, in co-operation with the specialized agencies which have their headquarters there, such as the World Health Organization, the International Refugee Organization and the International Labour Organisation, has also made recordings of interviews and statements by representatives throughout the year for transmission to United Nations Headquarters as well as to national networks.

35. A special bulletin of background information on the United Nations is sent from Lake Success to 2,500 women broadcasters in North America. Script material is sent out at regular intervals to English-language stations throughout the world.

36. In the first half of 1950 two new major series of programmes have been inaugurated: (1) A series of one-hour documentaries under the title *The Pursuit of Peace*, on the Mutual Network in the United States, and (2) A series of half-hour documentary and dramatic feature programmes on the National Broadcasting Company network in the United States. Both these series are carried in Canada and the programmes are also sent by transcription to the British Broadcasting Corporation, the Australian Broadcasting Commission, the New Zealand Broadcasting Service, the South African Broadcasting Corporation and other major English-language stations.

37. Facilities have been provided for radio correspondents and members of delegations to broadcast back to their national organizations. The BBC maintains a permanent correspondent at Lake Success throughout the year, and a team of six was sent over during the General Assembly to cover the fourth session.

38. Constant liaison is maintained with television broadcasters and many programmes about the United Nations have been stimulated, including "live" television coverage of the General Assembly, with television kinescopes being supplied to the United States as well as to other countries. With the growing importance of television in a number of Member States, all developments in this field are carefully watched and all pertinent opportunities used to have information on the United Nations disseminated also by this new medium.

United Nations Day

39. On United Nations Day, 24 October 1949, the ceremony of the laying of the cornerstone of the new Headquarters building in New York was covered in all broadcasts of United Nations Radio. On-the-spot descriptions of the scene were broadcast to all parts of the world in thirty languages. United Nations Information Centres throughout the world were responsible for stimulating special broadcasts in Member nations. These included statements by heads of States, ministers and prominent United Nations officials. A special programme translated into many languages was prepared in advance, and sent by transcription to radio organizations of the Member States for rebroadcast on United Nations Day. Over 5,000 radio kits of background material on United Nations Day were sent on request to radio stations in all parts of the world.

First Anniversary of the Universal Declaration of Human Rights

40. On 10 December 1949, the first anniversary of the signing of the Universal Declaration of Human Rights was celebrated by the holding of a concert in Carnegie Hall in New York, to which the General Assembly was invited. This concert was arranged and produced by the United Nations Radio Division, in co-operation with UNESCO. Eminent artists from many countries took part in the celebration (Sir Laurence Olivier, Yehudi Menuhin, Leonard Bernstein, the Boston Symphony Orchestra and the Collegiate Chorale). Addresses were given by Mrs. Franklin Delano Roosevelt, Chairman of the Commission of Human Rights, Ambassador Carlos P. Rómulo, President of the fourth session of the General Assembly, and Mr. Trygve Lie, Secretary-General of the United Nations. The programme was broadcast throughout the United States and Canada, televised in the United States, and also broadcast with Spanish commentaries to Latin America. Transcripts were sent to radio stations around the world.

41. In 1949 United Nations Radio was awarded several of the highest radio awards in the United States. The programme provided for the National Broadcasting Company both the Peabody award and a first award from the Ohio State Institute for Education by Radio, for contribution to international understanding; the Columbia Broadcasting System *Memo from Lake Success* broadcasts received a special award in the public affairs classification; and *Eleven Memory Street* received the first award for the best one-time broadcast of the year from the Ohio State Institute for Education by Radio.

III. FILMS AND VISUAL INFORMATION DIVISION

Films

1. Prior to 1949 the Films Division produced a series of films totalling fifteen which would serve not only to explain what the United Nations was, what its objectives were, and how it was founded on the necessity of international co-operation, but also to serve as proto-

types for producers who might be induced to make similar films. These films are still in distribution, demonstrating their durable value. Most of the prototype films were produced under contract in different countries.

2. At the beginning of 1949 the film production programme entered a new phase with a shift in emphasis to what the United Nations is doing and why. The growth of field activities undertaken by the United Nations and the specialized agencies made it possible to initiate a long-range production plan at the beginning of 1949 which provided for extensive film coverage in the field, with the material flowing into Headquarters for different types of production use. The history-in-the-making nature of the material lends itself to the development of a new type of film production known as the *UN Screen Magazine*, which is treated in a topical fashion without sacrificing long-term usefulness. Since each issue consists of up to four subjects, it is possible not only to present at one time a broad view of the Organization's activities, but also to include material that interests many different types of audiences. These characteristics of the Screen Magazine have resulted in the possibility of reaching larger audiences. Consequently the film production policy now provides for making as many Screen Magazine subjects as possible during the year, and the reduction of individual documentary films to two per year on subjects whose importance and nature require fuller treatment than is possible in the Screen Magazine.

3. The distribution of United Nations films is arranged by utilizing existing channels, commercial, non-commercial and governmental. These arrangements are negotiated directly from Headquarters or, wherever possible, by the Information Centres on the spot. In spite of the variation in film distribution practice from country to country, and even within countries as between the theatrical and non-theatrical distribution, a simplified system of distribution has been achieved in a number of countries by the Information Centres, with guidance and assistance from Headquarters. In France, for instance, principal figures in the film field established a co-operative society to assume responsibility for distributing United Nations films throughout France, while in the United Kingdom a rota system was developed whereby each major distributor takes a United Nations film in turn.

4. While increased distribution has been achieved, this has been accomplished without commensurate increase in budget requests. This result is being obtained in two ways: first, by negotiating as many distribution contracts as possible with an established distributor who can undertake the entire responsibility in his territory, thereby permitting DPI to concentrate on developing distribution in areas lacking a well-organized and well-financed distribution system; secondly, by encouraging as many distributors as possible to make language versions at their own expense, thus securing a larger number of language versions without additional cost. An example of this latter procedure is found in the Scandinavian countries, where distributors have made a total of ninety versions of United Nations films in the different Scandinavian languages.

5. Headquarters and the Centres in their territories supplement the distribution arrangements by actively publicizing and promoting the exhibition of United Nations films, not only through theatres but also through organizations and educational institutions. The constantly increasing distribution of United Nations films is a measure of the response of audiences to these efforts. During 1949 and the first half of 1950 the following United Nations films were in active distribution:

Battle for Bread;
Maps We Live By;
The People's Charter;
Searchlight on the Nations;
Clearing the Way;
Defense of the Peace;
First Steps;
Men of Good Will;
Tomorrow Begins Today;
UN at Work;
Eternal Fight;
Green Gold;
That All May Learn;
The Sea, My Native Land.

This is the United Nations: Screen Magazine No. 1: "General Assembly Acts to Make Jerusalem International Area"; "ICAO: 'Under ICAO, 25 Weatherships Promote Safety at Sea'"; "Nations Fight T.B.—25 Million Children Tested"; "East and West Unite in Voting Aid to Under-developed Countries".

Screen Magazine No. 2: "President Romulo Urges Accord on Atomic Energy"; "Unique Method of Interpretation at UN Meetings"; "UNICEF Helps Feed 6 Million Children, Clothe 2 Million".

Indian Villages series: (1) Mother; (2) Child; (3) Community: (For restricted distribution only to social workers, etc.)

In addition a few films that had not yet been released to the general public during 1949 were shown to large audiences at film festivals in Edinburgh, Cannes, Venice and Markanske Laznc (Czechoslovakia).

6. Reports on distribution are received from the Information Centres and from the distributors themselves. These reports show that during 1949 the films listed above were seen by over 120 million persons. The following figures show the estimated audiences reached through regular film distributors:

Country	Non-Theatrical	Theatrical	
Australia	257,000	nil	257,000
Burma	750,000	250,000	1,000,000
Canada	250,000	nil	250,000
Norway, Denmark and Sweden	1,000,000	250,000	1,250,000
India	1,000,000	7,000,000	8,000,000
New Zealand	500,000	2,000,000	2,500,000
Latin America	500,000	1,500,000	2,000,000
United Kingdom	2,000,000	10,000,000	12,000,000
United States	18,000,000	2,000,000	20,000,000
Israel	250,000	750,000	1,000,000
Thailand	250,000	nil	250,000
Union of South Africa	250,000	nil	250,000
Iceland	250,000	nil	250,000
Malaya	50,000	nil	50,000
			49,057,000

An additional estimated 72 million persons saw United Nations films which were distributed by Information Centres for official showings, particularly through loans to non-governmental organizations, as well as by viewings of prints supplied to Member States. This figure covers the following countries: Argentina, Austria, Brazil, China, Cuba, Czechoslovakia, Egypt, Ethiopia, France, Italy, Korea, Liberia, Netherlands, Philippines, Poland, Saudi Arabia, Switzerland, Union of Soviet Socialist Republics, Virgin Islands, West Africa, West Indies.

Aside from this distribution, the films *First Steps*, *Mother, Child* and *Community* are being widely distributed by the Department of Social Affairs to specialized audiences in the field of social welfare.

8. An increasingly important part of the efforts to disseminate United Nations information through the medium of films is the stimulating of film production by governmental or independent film producers at little or no cost to the Organization. Assistance is given in the form of research material, treatments, scripts, ideas for films and raw stock. The production resulting from these activities supplements the necessarily limited production by the Organization. An important part of this phase of film work is the distribution of footage from the United Nations Film Library to producers, largely on request. In 1949 a total of 45,065 feet was furnished to thirty-nine producers for use in productions for release to world audiences through normal channels of theatrical and non-theatrical distribution.

9. Arrangements are constantly made over the year for newsreel coverage of United Nations meetings and activities at Headquarters as well as events in the field. Such coverage was particularly heavy during the second part of the third session and the fourth session of the General Assembly. Considerable coverage by the newsreel companies was arranged for the celebration of United Nations Day. The Information Centres were instrumental in obtaining such coverage in a number of countries in Europe, Central and Latin America and India. Coverage in the United States of America was arranged directly by Headquarters. Supplementing commercial newsreel activity, the United Nations camera unit shot 48,906 feet of newsreel material which was distributed to the following countries: Australia, Belgium, Canada, Chile, Czechoslovakia, Denmark, Ecuador, Egypt, France, Haiti, India, Lebanon, Mexico, Netherlands, Pakistan, Poland, Philippines, Sweden, South Africa, United Kingdom, United States of America, Union of Soviet Socialist Republics.

A programme of special interviews with representatives has been started and has met with a gratifying response. Twenty-three representatives were interviewed on film during the fourth General Assembly and this material was sent to the following countries: Bolivia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Israel, New Zealand, Panama, Peru, Philippines, South Africa, Sweden, Uruguay.

The Information Centres are also arranging newsreel coverage of United Nations events within their territories.

10. The growth of television has resulted in a steadily increasing number of requests for United Nations newsreel film material for use on television news programmes, requests which the Department has tried to meet to the best of its ability.

Visual information

11. A new policy and programme for production and dissemination of photographs and graphic materials which was initiated in 1948 has resulted in increasing distribution possibilities. In the first years of the Organization, the photographic coverage was of a spot-news nature and photographs were distributed on a routine basis, largely as a service to other departmental media and services and to the world Press. The spot-news nature of this material was a restriction on the use of this medium as a channel for information. While maintaining this type of coverage, emphasis has since been given to the development of various types of visual aids and the use of the photo-story technique, which is particularly adapted to presenting information about the widening field activities of the Organization in pictorial form. Supplementing the limited staff resources of the Visual Information Section, a world panel of still photographers has been organized during the first half of 1950, thereby making it possible to draw on the services of professional free-lance photographers all over the world who, although not members of the Secretariat, accept and carry out assignments for the United Nations. While the panel cannot fully meet all the needs of the United Nations, it is proving a satisfactory method of keeping down costs while providing material which had hitherto been unobtainable, and thereby widening the use of this valuable pictorial medium as a channel of information.

12. The Department has constantly intensified its use of the picture-story technique to inform newspaper and magazine readers, the world over, about the work of the United Nations. It has released an average of twenty-four full-length photographic features annually since 1948, not to mention a variable number of short features, regional and special features, etc. It has maintained a daily photo-service to picture syndicates and other redistributing agencies, as well as to United Nations Information Centres, during sessions of the General Assembly. Picture-stories dealt with a wide range of subjects in 1949, from the mediation of the Kashmir conflict to the training of social workers in rural India, and each of them reached millions of readers, as evidenced by the figures given below. In an effort to rationalize further its operations in this field, the Department has recently instituted a new distribution system for its photographic features, with the threefold objective of (a) intensifying and broadening their use in the world Press; (b) providing an accurate yardstick for appraising results; and (c) narrowing the possibility of waste by releasing photographs with the best possible assurance of publication. Under this system, glossy prints are mailed out to those who have indicated their desire to use the material by completing and returning order forms to Lake Success. The first photo-sheet offered to the Press under this experimental scheme brought in requests

from forty-three countries for the actual photographs, and at this writing subsequent mailings have shown proportionally high returns from every corner of the globe. Publications in North, Central and South America which requested photo-feature No.1 represent an aggregate circulation of well over 25 million copies. To this aggregate figure must be added the total circulation of newspapers and magazines which requested the photo feature from United Nations Information Centres and commercial picture syndicates, bringing the over-all readership of one single United Nations photo release to an estimated 40 million. In the task of distributing United Nations photographs to newspapers and magazines, the Information Centres are responsible for ensuring that regional conditions are fully taken into account. Areas where no centres exist at the present time are serviced directly from Headquarters. In addition, the Department has enlisted the active co-operation of commercial picture syndicates, both international and regional, further to strengthen its distribution network. Non-governmental organizations also played a valuable part in opening new and specialized outlets for the United Nations photographs.

13. During the last two years, the DPI Photographic and Visual Information Section has also processed an ever-increasing volume of requests for United Nations photographs from editors, publishers, film-strip producers and other re-disseminators of information. In 1949, the figure reached a high of 33,000 photographs, most of which found their way into print (in newspapers, magazines, specialized publications, encyclopedias, etc.) or to the screen (animated films and film strips).

14. In the same way, spontaneous requests for United Nations visual exhibits have increased steadily since 1948. Budgetary limitations, however, have not allowed the Department to comply with all these requests. Sometimes, therefore, it is not possible to assist the non-governmental groups in their active efforts to redistribute visual information about the United Nations. To compensate partially for this, photographs in wall pictorials suitable for exhibition purposes, and special sets of photographic enlargements that could be shown successively in a number of towns and cities, have been prepared. This service, still limited in scope, has nevertheless proved extremely valuable as a complement to the Department's stimulation efforts in the field of visual information. Many commercial and non-commercial organizations have produced visual displays about the United Nations in 1949, at their own expense, using as their material the model visual aids supplied by the Department.

15. By special authorization of the Secretary-General, a United Nations exhibition was designed and constructed for the International Exposition of Port-au-Prince, Haiti, to acquaint the local population and a large number of visitors from all parts of the world with the activities of the Organization and, most particularly, with the Universal Declaration of Human Rights.

16. Another function of the Films and Visual Information Division is the stimulation of independent photo-reporting on United Nations activities and events. This responsibility is carried out through constant liaison with

accredited press photographers and correspondents stationed at Lake Success. The files of the Photo Library are easily accessible to them, and every means is used of encouraging production of pictorial features by the outside Press.

17. Film strips are acknowledged to be among the most effective teaching aids of our time. During 1949, thirteen United Nations film strips received world-wide distribution. Film strips are not released to individuals for private use, but on request only to government services, non-governmental organizations, schools and study groups, civic and religious bodies, etc. They deal with subjects which, by their very nature, lend themselves to group discussion and lead to a better, more thorough understanding of the United Nations and its problems. Eighty-two countries, including Non-Self-Governing Territories, have requested and received film strips, either directly from Headquarters or from the Information Centres. Such is the demand for United Nations film strips from different parts of the world that steps have been taken by the Department to produce versions in a number of non-official languages, some prepared by the Films and Visual Information Division, others prepared entirely by outside agencies at no cost to the United Nations. The following breakdown shows how film strips were distributed in 1949 :

Afghanistan	12	Jamaica (B.W.I.) ..	19
Alaska	52	Japan	17
Argentina	230	Korea	14
Australia	797	Lebanon	6
Bahamas	27	Leeward Islands ..	22
Belgium	61	Liberia	285
Bolivia	11	Luxembourg	3
Brazil	1,988	Malaya	7
British East Africa.	26	Mexico	649
British Guiana ...	8	Netherlands	507
British Honduras .	8	New Zealand	447
British West Africa	153	Nicaragua	12
Burma	64	Norway	12
Canada	2,631	Pakistan	113
Canal Zone	9	Panama	18
Chile	131	Paraguay	48
China	46	Peru	18
Colombia	48	Philippines	319
Costa Rica	60	Poland	87
Cuba	104	Puerto Rico	111
Czechoslovakia ...	131	Samoa	8
Denmark	763	Saudi Arabia	3
Dominican Repu- blic	53	Southern Rhodesia.	54
Ecuador	76	Sweden	6
Egypt	24	Switzerland	891
El Salvador	11	Syria	3
Ethiopia	59	Thailand	17
France	976	Turkey	127
French Africa ...	19	Ukrainian Soviet Socialist Republic	3
Germany	17	Union of South Africa	129
Greece	18	Union of Soviet So- cialist Republics	86
Guatemala	27	United Kingdom ..	2,623
Guam	10	United States of America	20,405
Haiti	3	Uruguay	35
Hawaii	121	Venezuela	3
Honduras	3	Virgin Islands ...	2
Iceland	3	Western Samoa ...	10
India	540	Yemen	3
Indonesia	13	Yugoslavia	6
Iran	27		
Iraq	16		
Israel	27		
Italy	30		

18. The United Nations Information Centres have increased their activities in the field of visual information during the past two years. They have acted as redistribution agencies for picture-stories and other photographic productions, devising in each case a distribution system that would take into account local needs of the Press, editorial practices, reading habits, etc. In some countries, e. g. the United Kingdom, United Nations photo releases are published as exclusives by leading pictorial magazines on a rota basis. In most other countries, the Centres have adopted the method of simultaneous releases with a large measure of success. The Centres are also responsible within their respective areas for the distribution of photospreads, wall pictorials and other visual aids, for the booking of photographic exhibitions, and for the distribution of United Nations film strips. In addition to these distribution responsibilities, the Centres have co-operated with Headquarters in recruiting members for the World Panel of Still Photographers and, as a rule, they have supervised photo assignments in their respective territories. They have also been very active in stimulating the use of United Nations visual material by independent information organs. As an illustration of this point, the Copenhagen Centre concluded an agreement with a Norwegian agency for the production of United Nations film strips in Norwegian, at no cost to the Organization, and steps have already been taken to conclude similar arrangements in other countries.

IV. SPECIAL SERVICES

1. Much progress has been achieved in the past two years in developing public understanding of the United Nations in various parts of the world through non-governmental organizations and educational channels. Non-governmental organizations provide a unique ready-made system through which their own membership, which runs into the hundreds of millions, and large sections of the general public can be reached. Educational institutions likewise provide a channel through which teachers and students at all levels can learn about the United Nations and spread the knowledge and understanding so gained.

2. Development of enlightened understanding through these two media is essentially a partnership activity. Non-governmental organizations and teachers in schools and colleges, in almost every Member nation, are anxious to play their part to ensure that their own governments make full use of the opportunities for peaceful co-operation which the United Nations affords. They must, therefore, be supplied with information materials in forms suitable for their use—simple expositions of how the United Nations works, and accurate facts about its activities and the problems which face it. Given proper tools, it is difficult to over-estimate the importance of the contribution which personnel in these media can make and are anxious to make to the spread of understanding about the United Nations and the promotion of enlightened support.

Working with non-governmental organizations

3. Realizing their responsibilities, non-governmental organizations in increasing numbers have been taking fundamental policy decisions, followed by concrete steps to put the principles into practice, on the subject of disseminating understanding about the United Nations.

4. Of the more than 350 international and 1,800 national organizations in seventy-eight countries with which the Department is in contact, nearly all include regular explanatory reports on current activities of the United Nations in their bulletins and journals. More important, perhaps, from the point of view of the development of public understanding is the fact that a large proportion have also produced special booklets or courses of study in different languages, designed to help their members and the general public to obtain a balanced picture of how the United Nations works and what it can achieve—even beyond that which has been achieved to date.

5. Many of the larger organizations, in addition to the production of special publications, have regular radio programmes on the United Nations. Others have produced their own visual materials, such as charts, posters, and filmstrips on United Nations subjects.

6. Almost all the organizations with which the Department works participated in the observance of United Nations Day, working together in committees and individually, arranging, special broadcasts, organizing essay contests, and providing film showings and special lectures.

7. Many organizations have devoted a special part of their annual conferences to consideration of some aspect of the work of the United Nations; others have given particular attention to working with students and school children or helping in the training of teachers and adult education leaders.

8. As its contribution to these services, the Department maintains contacts with a large number of the organizations through their resident observers at Headquarters and with the rest by correspondence. Regular conferences of international organizations are held—sometimes at Headquarters, and sometimes at other centres, as convenient—to find new ways of working together. In addition, regional conferences for the same purpose, combining representatives of international organizations and national organizations from groups of Member countries, have been held in Europe, Asia, and Latin America.

9. In a growing number of Member countries, national committees of non-governmental organizations have been formed with the express purpose of facilitating and co-ordinating their work on the national and community levels and developing public understanding of the United Nations, both among their members and throughout the general public.

10. In 1950, as many as sixty international organizations and 141 national organizations maintained observers at Lake Success. All dispatched regular news and feature bulletins for meetings and publications of their organizations. In addition to coverage by these obser-

vers, 27,614 of their members were brought to Headquarters during 1949 to see for themselves the United Nations at work. Over 4,000 a month have come during the first half of 1950.

11. By means of an international essay contest for younger members of non-governmental organizations, selected individuals are brought to United Nations Headquarters each year from Member countries for a month's first-hand study of the United Nations. In 1948 and 1949, young contest winners visited the United Nations from Belgium, Chile, Costa Rica, Denmark, France, Greece, India, the Netherlands, Pakistan, Poland, the United Kingdom and Uruguay.

Working through educational agencies

12. Progress in the promotion of teaching about the United Nations through schools and colleges is bound to be slow. Education is a national concern closely associated with tradition. Before action is possible, contacts have to be developed, not only with metropolitan authorities but often also with independent local authorities, boards of examiners, and even individual educational leaders. Nevertheless, if the process is slow, the potentialities of the medium are great.

13. To date, more than forty Member States include teaching about the United Nations in one form or another in their school or college curricula and are served in various ways by the Department. In thirty-seven Member countries so far, the majority of schools have observed United Nations Day and made it either the culmination of, or the starting point for, an appropriate course of studies.

14. As in the case of non-governmental organizations, so with educational institutions: personnel is anxious to co-operate, but needs assistance. To supply such help, the Secretariat has developed the following activities.

15. *Volunteer educational centres.* The United Nations has encouraged the setting up of what are called "Volunteer Educational Centres for the United Nations" and supplies them with appropriate and inexpensive informational materials and teaching aids. These centres, which to date have been developed mainly in teacher-training institutes, maintain reference collections which are open for consultation by teachers and pupils. Many reproduce material for redistribution and are active in the preparation of outline lessons and courses. Approximately 150 such centres have been established so far in nineteen countries.

16. *Contacts with educational leaders and textbook writers.* The Secretariat has encouraged visits of educational leaders and textbook writers, supplied them with materials, and helped them plan courses and write articles and textbooks. Following such visits, many new activities in the field of teaching about the United Nations have been initiated, and many existing school texts have been modified and new texts written in different languages.

17. *Voluntary correspondent speakers.* To meet the need for public lecturers and adult discussion group leaders, the Secretariat has set up and serves with appropriate information materials a network of Voluntary Correspondent Speakers Units (VCSU's). To date, over 250 such units have been established and are being helped by the Department in forty-five countries.

18. *Educational seminars and conferences.* To stimulate the interest of teachers in world affairs and their presentation in the classroom, the Secretariat has arranged or taken an active part in seminars organized by UNESCO, local educational agencies and non-governmental organizations. During the past year, sixteen seminars have been held in thirteen Member countries and assisted by the supplying of background information and examples of teaching aids. Where possible, members of the Secretariat of the United Nations have personally participated in their activities.

19. *Publications.* One of the key problems in developing teaching about the United Nations is the provision of materials which can be used by teachers and students. Clearly, however, it would be neither desirable nor possible for the Secretariat to attempt to produce guides for teachers and textbooks for students for all Member nations.

20. The Department has found, however, that it can help in two ways: (a) by the supplying of background information to textbook writers in different countries and (b) by the preparation of "sample" texts which local authorities can reprint and adapt for national use. During the past year, the Secretariat in co-operation with the Publication Service has produced seven such sample texts in various language editions; already, several national adaptations and editions have been produced in Member countries.

21. *Other teaching aids.* In addition to the activities described, special broadcasts, films, filmstrips, and other visual aids are prepared for the special use of schools.

22. *Helping those who come to the United Nations to see for themselves.* The Secretariat encourages visits to Headquarters of members of non-governmental organizations, teachers, writers, students or the general public and provides special facilities for them. During the past year, nearly 600,000 persons visited Headquarters.

23. Visitors fall into three categories—those who already have a background understanding and who come to attend meetings, those who come for one special day of study, and those who wish to conduct prolonged studies and may spend weeks and even months at Headquarters. To meet the needs of the first group, there is an Admissions Officer charged with the responsibility for booking and seating the general public at meetings. During the year, this unit handled more than 400,000 reservations for over 1,000 separate plenary, commission and committee meetings.

24. To meet the needs of the second group, a system of "briefings" (short lectures) and film showings has been arranged, as well as attendance at meetings and guided tours. Assisted by a volunteer unit, nearly 700 groups

totalling more than 200,000 such visitors were given special briefings, film showings, and guided tours during 1949-50.

25. For the more serious students in the third category, special lecture courses and seminars are arranged. Some are the full responsibility of the United Nations itself; some are arranged in co-operation with major universities in the vicinity. Several of these courses, which include addresses from leading United Nations officials, group discussions, conferences and visits to United Nations meetings, are part of graduate programmes of studies on the United Nations and world affairs. Allied with this activity, the Department helps various universities and colleges to organize summer courses on the United Nations, including, where possible, visits to Headquarters. During the past year, 141 such courses and institutes were held, attended by some 25,000 advanced students, teachers in training and lecturers. In addition, 1,200 individual government officials, Press groups and other public leaders from many countries were received and briefed on the United Nations and attended meetings.

26. By various devices, these facilities are made available as far as possible to teachers and students from all Member nations. Efforts are also made to contact the 25,000 students from various Member countries who come to universities and colleges in the United States for various purposes: special facilities are provided for them so that they may take advantage of the opportunity to come and study the United Nations before their return home. Furthermore, the United Nations has a system of "internship" under which selected persons with special interests in the field of the United Nations are brought to Headquarters, given special courses of training, and learn about the United Nations by working in the Secretariat for periods of three months' duration.

27. The Special Services Division is responsible for all visiting groups that come to the United Nations Headquarters. It allocates the tickets to meetings and arranges briefing programmes and motion picture showings for the general public, as well as more highly specialized or technical programmes for educational groups and non-governmental organizations. It is a matter of policy that every visitor to the United Nations shall be given the opportunity to obtain an over-all view of the activities of the Organization besides attending such meetings as may be in progress.

28. The Department of Public Information is drawing up plans for taking care of the greatly increased number of individuals expected to visit the permanent Headquarters. It regards this task as one of the most fruitful means of increasing interest in the United Nations and knowledge of its activities.

29. Associated with services to visitors is the problem of dealing with the very considerable volume of correspondence from the general public. These letters come from persons who want information direct from the Organization on its activities, problems and achievements. To meet their needs, there has been set up a Public Correspondence Unit, assisted by a specially trained group

of volunteers. During the past year, this unit has handled nearly 30,000 letters from some thirty countries.

30. *Lecture services.* Over 400 public lectures were arranged by the Division during the past year at important public meetings in North America, and many requests which could not be met by Headquarters were turned over to Voluntary Correspondent Speakers Units or to other appropriate speakers' groups. Lectures by members of the staff on home leave were arranged in Member States.

V. EXTERNAL SERVICES

1. At the first part of its first session, the General Assembly endorsed the recommendations of the Technical Advisory Committee for Information (resolution 13 (I), annex), stating, among other things:

"In order to ensure that peoples in all parts of the world receive as full information as possible about the United Nations, the Department of Public Information should consider the establishment of branch offices at the earliest practicable date."

Fifteen Information Centres had been established by the end of 1949; three more will have been established by the end of 1950, and one sub-centre on an exploratory basis. These Centres and the areas which they cover are as follows:

- Belgrade: For Yugoslavia;
- Buenos Aires: For Argentina, Bolivia, Paraguay and Uruguay;
- Copenhagen: For Denmark, Iceland, Norway, Sweden and Finland;
- Cairo: For Egypt, Ethiopia, Iraq, Lebanon, Saudi Arabia, Syria and Yemen;
- Geneva: For Greece, Israel, Turkey, Albania, Austria, Bulgaria, Germany, Hungary, Italy, Romania and Switzerland;
- London: For the United Kingdom, the Netherlands, British dependencies and Eire;
- Mexico City: For Mexico, Costa Rica, Cuba, the Dominican Republic, Guatemala, Honduras, Nicaragua, Panama and El Salvador;
- Monrovia: For Liberia. Negotiations are pending with the appropriate authorities with a view to expanding the services of the Centre to other parts of the region;
- Moscow: For U.S.S.R., Byelorussian S.S.R. and Ukrainian S.S.R.;
- New Delhi: For India, Burma and Ceylon;
- Karachi: For Pakistan (on an exploratory basis);
- Paris: For France, Belgium, Luxembourg, French dependencies;
- Prague: For Czechoslovakia;
- Rio de Janeiro: For Brazil;
- Shanghai: For China, Thailand and the Philippines;
- Sydney: For Australia and New Zealand;
- Teheran: For Afghanistan and Iran;
- Warsaw: For Poland;
- Washington: For the United States of America.

2. The purpose of Information Centres is twofold: to ensure that peoples of the world shall have accessible

places to which they can turn for the fullest possible information on United Nations activities, and to keep Headquarters informed of the special needs of the regions and of the regional attitudes of public opinion in order that these may be taken into consideration at Headquarters in the planning of information policy, programmes and services. Over-all policy control and co-ordination of the Department's relations with the Centres is maintained in the office of the Assistant Secretary-General through the Director for External Services. Each Division of the Department is in direct contact with the Centres and is responsible for guiding and assisting the Centres in the application of over-all policy through the particular medium with which the Division is concerned and for seeing that each Centre receives an adequate and proper supply of material for use through that medium.

3. The functions of the Centres, as they have been authorized and developed to date, are as follows :

To disseminate, through all available non-governmental and governmental information media, and in accordance with the needs of the area served, information on the United Nations and the specialized agencies and their activities;

To stimulate and co-operate with local activities with a view to spreading information about the United Nations;

To report to Headquarters, regional attitudes of public opinion towards the United Nations;

On specific instruction, to act as representatives of the Secretariat at conferences held in the region and in various informational and administrative capacities.

4. More specifically, the Centres, as an integral part of the Department of Public Information, maintain all possible contacts with information media in their regions; prepare releases in the languages of their areas for the use of the Press and other information media; disseminate, adapt and translate background and feature articles produced by the DPI and by the specialized agencies; organize, whenever necessary, Press conferences; if necessary, adapt, translate and arrange for the printing of DPI publications in demand in the areas; assist in promoting the sale of United Nations publications and periodicals; stimulate the interest of outside publishers; report on United Nations and specialized agencies activities and conferences in their area; in the field of radio, maintain contact with broadcasting systems in the area, stimulate their interest in and coverage of United Nations activities, supply them with material and report on their activities so far as United Nations coverage is concerned; in the field of visual information, assist in the production and distribution of United Nations films, organize film showings and exhibits, supply photographic and film material on United Nations and specialized agencies activities, distribute posters and other visual information material; service and develop contacts with non-governmental organizations, community groups, etc.; organize lecture services; develop contacts for Headquarters with school and educational agencies for experiments and services in connexion with teaching about the United Nations, stimulate interest in the United Nations among educational groups; maintain reference services.

5. The Centres also promote the universal observance of United Nations Day, the commemoration of the signing of the Universal Declaration of Human Rights, the United Nations Appeal for Children and other similar special projects. One of the main problems facing the Centres is that of translating and, where necessary, adapting books, documents and other information material from the working languages of the United Nations (English and French and, for the General Assembly, Spanish) into the numerous languages of the areas served. Language as used in this context means not only the spoken or written word, but the psychology and general approach of a national group to a particular subject. Therefore, adaptation is as frequently necessary as is translation. In this adaptation an effort is made whenever possible to relate United Nations material to the particular interests of the individual in the area concerned.

6. The pattern of organization of the Centres was established by the General Assembly in 1947, whereby substantive personnel in each large Information Centre should be limited to six, in average-sized Information Centres to four, and in smaller Centres to two. The Assembly has noted that it seems necessary to determine an order of priority for the activities of the Centres in order that the purposes for which they were established may be achieved within established budgetary and personnel limits; however, it has recognized that no uniformly applicable order of priority can be stated because of the varying requirements and circumstances in the areas served. It has also noted a general recommendation of the Advisory Committee on Administrative and Budgetary Questions that, as regards Press and radio, the Centres should rely on existing agencies which are equipped with all necessary facilities and should concentrate on certain auxiliary fields of public information, mentioning particularly reference and distributing functions. The Assembly further noted that special attention was being paid to the promotion of information activities among non-governmental organizations and educational institutions.

7. External Services at Headquarters is also responsible for co-ordination and liaison with the specialized agencies in the field of public information and serves as the secretariat of the Consultative Committee on Public Information for the United Nations and the specialized agencies.

VI. SALES AND CIRCULATION

1. During the past year considerable progress was made in expanding the sales of United Nations publications and in planning and executing an enlarged programme of free distribution of informational material.

2. The Sales and Circulation Section, which is a unit in the Executive Office of the Assistant Secretary-General, Department of Public Information, is charged with two main responsibilities : (a) the sales of all United Nations publications throughout the world, the negotiation of contracts with sales agents, the maintenance and collection of the accounts of such agents, the world-wide promotion of United Nations publications through all

media and the operation of a bookshop for the convenience of visitors at Headquarters; (b) the planning, programming and co-ordination of the free distribution of informational material produced by the Department of Public Information through the establishment and maintenance of carefully controlled distribution lists, through the supply of such material to the Information Centres, through the establishment of the quantities of free informational materials to be produced and the scheduling and expediting of mailings and shipments.

3. During 1949 a total of 334 titles was placed on sale in English or bilingual editions. This figure does not include versions in other languages (French, Chinese, Russian, Spanish, etc.), nor does it include the eight periodicals which were offered on subscription and which were produced in bilingual or in two or more separate language editions. In 1950 at least two new periodicals are scheduled to make their appearance and the number of non-periodic publications offered for sale will probably equal or exceed the number for 1949. At the end of 1949 a total of forty-nine sales agents in forty-six countries had been appointed. Four new agents had been appointed as of 1 June 1950 and negotiations were in progress with others. Efforts were also under way to stimulate and improve the performance of all the agents and to assist them in their work. Arrangements are also being made whereby certain booksellers in Austria, Germany and Japan, although not designated as official agents for United Nations publications, will stock and sell a selection of United Nations titles.

4. Revenues from the sales of United Nations publications received during 1949 totalled \$US 165,000. Approximately \$21,511 of this sum was derived from the operation of the bookshop at Lake Success and the sales stand at Flushing. The total of \$165,000 was an increase of approximately \$17,000 over receipts recorded during 1948. The Advisory Committee has requested a total of \$200,000 from the sale of United Nations publications during 1950 (A/934) ⁴.

5. During 1949 and early 1950 the sales promotion programme has been considerably expanded. A complete catalogue in English of all publications placed on sale between 1945 and 1948 was printed and distributed in the spring of 1949, and a supplement covering the publications issued during the past twelve months is now in the press. A complete French catalogue covering the years 1945-1949 is planned for publication during 1950. These catalogues are supplemented by a large number of advertising brochures and leaflets in English, French and Spanish announcing current titles. These leaflets and brochures were used in regular mailings by the Sales and Circulation Section, by other offices of the Department, by the Information Centres, and by the sales agents. The review-copy service by which copies of important studies and reports are sent for review and comment to selected journals and technical periodicals throughout the world, is proving an extremely effective method of acquainting potential customers with

new United Nations titles. As of 1 June 1950 approximately 400 periodicals were participating in this review-copy service. Early in 1950 an allotment of \$5,000 was provided to inaugurate a campaign of space advertising in selected journals and periodicals throughout the world. Advertisements have already been placed in several countries. It is hoped that in 1951 an enlarged programme of space advertising will be possible. In promoting the sale of publications, the Section works closely with other offices and divisions of the Department and with the Information Centres in making use of all media—Press, radio, educational systems, non-governmental organizations, etc.

6. The demand for free informational material has constantly increased during the past year, both in connexion with United Nations Day observances and in connexion with the more routine activities of the Department, the Information Centres and the voluntary educational offices and speakers groups. To meet these increasing demands and to ensure the most effective use of the materials available, the Sales and Circulation Section has established a procedure whereby notices of proposed publications are circulated in advance to the various sections and offices of the Department to establish their requirements. This permits the printing of quantities of material actually required and avoids both shortages and over-production. The establishment during 1949 of a master file of all mailing lists maintained by the DPI Sections and Divisions and by the Information Centres has made it possible to eliminate duplications and to control distribution on a global scale. The Section maintains close liaison with the Department of Conference and General Services in co-ordinating and expediting the mailing and shipping of DPI material, and further supervises the distribution of stocks of DPI material printed abroad. The extent of distribution of free informational material is illustrated by the figure of more than 1 million pieces which were used in the 1949 United Nations Day activities alone.

7. In addition to its other activities, the Sales and Circulation Section is closely concerned with the work of the Publications Board, the Working Party of the Publications Board, the Working Party on Contracts for the Sale of Publications, Films, etc., the Working Party on Educational Projects and the Working Committee on United Nations Day. Further, the Section is responsible for the negotiation of contracts with outside publishers for the commercial publication of books prepared by the Department. *The Yearbook of the United Nations 1947-1948* was published in 1949 under such a contractual arrangement with Columbia University Press.

VII. UNITED NATIONS REGIONAL ADVISORY COMMITTEE OF INFORMATION EXPERTS

1. At the first part of its first session, the General Assembly made recommendations concerning the policies, functions and organization of the Department of Public Information (resolution 13 (I), annex). Among other things, the Assembly recommended the convening, from time to time, of an international committee of public

⁴ See *Official Records of the General Assembly, Fourth Session, Supplement No. 7*, paras. 112 and 225-228.

information experts in order to “ discuss and forward to the Secretary-General observations regarding the information policy and programme of the United Nations ”. The General Assembly also suggested the establishment for the same purpose of “ national or regional advisory committees working in touch with the branches of the Department of Public Information ”. Members of these Committees, both at Headquarters and in the regions, “ would be in a position to reflect to the Secretary-General the needs and desires of the general public of the Members in the matter of public information about the aims and activities of the United Nations ”.

2. Previously, a Technical Advisory Committee on Information was set up in London on 30 November 1945, by the Preparatory Commission of the United Nations. A second Advisory Committee, convened by the Secretary-General, met at Lake Success from 25 May to 3 June 1948.

3. Pursuant to the above recommendations and to resolution 13 (I) adopted by the General Assembly at its 31st plenary meeting on 13 February 1946, United Nations Regional Advisory Committees on Public Information were convened at Copenhagen, Mexico City, New Delhi, Paris, Prague, Rio de Janeiro, Sydney, Geneva and London and sat during the period from March to May 1950.

4. All sessions of the 1950 Regional Advisory Committees were held at the respective United Nations Information Centres. The members were public information experts and outstanding individuals, prominent in their respective fields : Press, publications, broadcasting, film and other visual information activities, non-governmental organizations, education, etc.

5. The Regional Committees, composed of users of material issued by the Department of Public Information and its Information Centres, were asked to give their independent, expert opinion on how the Department, within its present budget, could increase the knowledge and understanding of the nature, aims and activities of the United Nations in the regions served by the Centres.

6. Deploring the still prevailing lack of an informed public opinion with regard to United Nations activities and an equally disturbing ignorance about elementary problems with which the world organization is seized, the Committee was unanimous in endorsing the words of the first Technical Advisory Committee on Information approved by the first General Assembly :

“ The United Nations cannot achieve the purpose

for which it has been created unless the peoples of the world are fully informed of its aims and activities. ”

7. As a general observation, the Committees recognized that the present political situation and consequent lack of encouraging news reports has caused a spirit of disillusionment to penetrate the minds of the people. At the same time, the experts believed that obstacles and setbacks presented a challenge that must be met. The need for a persistent and efficiently executed information programme has never been greater than it is today. To this end, they point towards the United Nations Information Centres as the vanguard in the Department's continued effort to create an informed public understanding of the aims and functions of the United Nations.

8. In general, the Regional Committees considered that the Centres are carrying out their duties efficiently, especially taking into account present staff limitations. They were impressed, too, by the heavy demands made upon the staff, by the very large volume of work which it is called upon to handle, and by the great variety that in fact exists within the different branches of the work. In view of this situation, several Committees strongly recommend that the Centres be provided with the means which will enable them to perform to a larger extent translation and adaptation work in the languages of the different areas.

9. A fact which emerges in all the Committee reports is that within their present budgetary and manpower limits, the Information Centres are carrying a maximum workload. Any discussion of whether more can be done, therefore, brings up questions of priorities and further assistance which can be rendered by the Department of Public Information at Headquarters.

10. The detailed recommendations of the Committees are now being studied by the Department with a view to putting into effect those which are not already a part of operational policy and which are practical within the budget and staff pattern.

11. It is recognized by the Department that its policy must be dynamic. Within the broad outline established by the General Assembly, a great deal of flexibility is required to meet changing needs and situations within the various regions of the world. The guidance of the Regional Committees has been particularly welcome in this respect, and it is the intention of the Department to take every step within its authority and resources to achieve the goal of a public fully informed about the United Nations.

DOCUMENT A/C.5/370

Section 32. Emoluments of Members and the Registrar of the International Court of Justice

[Original text : English]
[24 September 1950]

I. INTRODUCTORY NOTE

1. After the devaluation of the Netherlands florin in September 1949, the International Court of Justice

informed the General Assembly of the United Nations that, in its view, it would be contrary to the terms of Article 32, paragraph 5, of the Statute, to insert in the budget for 1950 for the remuneration of the members

of the Court sums in dollars which were less than those inserted in previous budgets (1946-1949).⁵ The Fifth Committee discussed this question on 16 November 1949 (225th meeting) and asked the Secretary-General, in consultation with the Advisory Committee and the representatives of the International Court of Justice, to proceed to an examination of the salaries and indemnities of members of the Court (and of the Registrar), in the light of the general salary and allowance policies of the Organization, as well as the consequences of devaluation on the real income of the judges (and of the Registrar). The Secretary-General was requested to make recommendations during the session in progress, if possible.

2. In a note dated 1 December 1949⁶, the Secretary-General reported that only after a detailed study of the problem would it be possible to find a lasting solution. The full study would include the following stages:

(a) A review of the original basis of establishing the salaries of the Judges and the Registrar;

(b) A detailed analysis of these salaries in the light of the United Nations policy after consideration of the report of the Committee of Experts on Salary, Allowance and Leave Systems, regard being had particularly to salary rates for top-ranking officials and to the principle of salary differentials;

(c) A study of the cost of living at The Hague in relation to New York;

(d) A review of the effects of devaluation after the lapse of a reasonable period of time.

3. The Secretary-General stated that he felt that the Assembly, in accordance with the spirit of Article 32 of the Statute, desired that there should be no diminution of the real value of the Judges' salaries; observing that this could be achieved in a number of ways, he recommended that whatever decision the General Assembly might take during its fifth session (1950) should be retroactive.

4. The Fifth Committee examined the report of the Secretary-General at its 233rd meeting on 2 December 1949 and agreed to maintain the estimates in dollars for the budget of 1950 on the same basis as they had appeared in the previous budgets, on the understanding that if no changes were made in the salaries and allowances of the Judges and Registrar, a saving would be effected.

5. The Secretary-General then proceeded to make a full and detailed study of the problem and presented his proposals to the Advisory Committee on Administrative and Budgetary Questions and to the Court. While the members of the Court have agreed with the conclusions reached by the Secretary-General, the Advisory Committee has taken a different position. It has not therefore been possible to reach full agreement among the three parties requested by the General Assembly to consult together on this question. The observations of the

Advisory Committee have been presented to the General Assembly in its second report of 1950 (A/1312, paras. 299-301).⁷

6. The Secretary-General's analysis of the question and his conclusions are as follows.

II. ORIGINAL BASIS OF ESTABLISHING THE SALARIES

7. The guiding principles which were applied in 1946 in determining the salaries of the Judges were as follows:

(a) The Court should be composed of a body of judges "who possess the qualifications required in their respective countries for appointment to the highest judicial offices, or are juriconsultants of recognized competence in international law".⁸

(b) The salaries should be such as to render the office of judge acceptable to the most eminent of the persons qualified to hold that office, and accordingly their salaries should not be less than they received in their own country.⁹

(c) The judges should be accorded salaries such as to guarantee their absolute independence.⁹

(d) The real value of these salaries should not be less than those of the judges of the Permanent Court of International Justice during the period 1936-39.⁹

8. This intention to take into account the *real value* of the emoluments led to the adoption of "the principle that there should be an increase in the salaries of the judges of the International Court of Justice as compared with the salaries of the judges of the Permanent Court"¹⁰. In determining these figures, reference was made to information supplied by the representative of the Netherlands to the effect that "the purchasing power of the Netherlands florin had decreased by approximately 20 per cent since 1939",¹¹ and it was agreed accordingly that the annual salaries of the members of the Court should be fixed at 54,000 Netherlands florins, an increase of 20 per cent over the salaries of the Judges of the Permanent Court (resolution 19 (I), 6 February 1946).

III. GENERAL POLICY OF THE UNITED NATIONS IN THE MATTER OF SALARIES

9. Thus the salaries of the members of the Permanent Court were the basis for determining in 1946 the salaries of the members of the International Court of Justice. In these circumstances, it is proper to examine, in addition to the present situation, the situation which prevailed in the days of the League of Nations, during the years 1936-39.

⁷ *Ibid.*, Fifth Session, Supplement No. 7.

⁸ Article 2 of the Statute of the International Court of Justice.

⁹ *Report of the Preparatory Commission of the United Nations*, Chapter V, Section 3.

⁵ See *Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex, vol. I*, documents A/C.5/336 and A/1087.

⁶ *Ibid.*, document A/C.5/363.

¹⁰ See *Official Records of the first part of the first session of the General Assembly, Sixth Committee, Annex 4a*, paragraph 4.

¹¹ *Ibid.*, paragraph 5.

Permanent Court and League of Nations

10. Before 1936, the emoluments of the members of the Permanent Court of International Justice included a fixed annual salary and daily duty allowances. From 1936 onwards, the annual remuneration became fixed. This change resulted from two amendments to the Statute, as revised in 1929. The first amendment abolished the system of sessions, and the Statute laid down the principle that "the Court shall remain permanently in session" (Statute, Article 23, paragraph 1). The second amendment added to the obligations of the judges the rule that they "may not exercise any...occupation of a professional nature" (Statute, Article 16, paragraph 1). The Statute now in force reproduces in this regard the text of the Statute as revised in 1929.

11. From 1936 until 1939 the remuneration of the members of the Permanent Court was 45,000 florins, equivalent in Swiss francs, the currency used by the League of Nations for accounting purposes, to Swiss francs 106,762.

12. In 1939, the salaries of the higher officers of the Secretariat of the League of Nations were as follows :

Deputy Secretary-General ..	60,000	Swiss francs plus 25,000 Swiss francs entertainment allowance.
Under Secretaries-General ..	60,000	Swiss francs plus 10,000 Swiss francs entertainment allowance.
Directors, first class	41,000 to 53,000	Swiss francs.

International Court and United Nations Secretariat

13. The General Assembly's resolution of 6 February 1946, in determining the scale for the emoluments of the Judges, adopted the figure of 54,000 florins. Before the devaluation of the florin (September 1949), 54,000 florins corresponded to 20,350 United States dollars. Since the devaluation, the equivalent is 14,120 United States dollars.

14. In 1946, the salaries of the higher officers of the Secretariat of the United Nations were as follows :

Assistant Secretaries-General : Salary \$US13,500 plus an allowance of \$8,500. Total : \$22,000. (The allowance may be varied from \$7,000 to \$11,500 at the Secretary-General's discretion.)

Top-ranking Directors : Salary \$US11,000 plus an allowance of \$3,000. Total : \$14,000. (The allowance may be varied from \$3,000 to \$6,000 at the Secretary-General's discretion.)

15. In 1950, the actual emoluments of higher officials of the United Nations are as follows :

Assistant Secretaries-General : Salary \$US13,500 plus an allowance of \$8,500.

Top-ranking Directors : Salary \$US11,000 plus an allowance of \$3,000 to \$6,000.

16. The Committee of Experts on Salary, Allowance

and Leave Systems proposed new emoluments for higher officers of the Secretariat of the United Nations, as follows :

Assistant Secretaries-General : Salary \$US17,500 plus an allowance which may be varied from \$4,500 to \$7,500, at the Secretary-General's discretion. Total : from \$22,000 to \$25,000.

Top-ranking Directors : Salary \$US15,000, plus such special allowances as are available to staff members generally, including reimbursement for hospitality expenditures up to \$1,500.

17. It will be seen from these figures that the policy regarding salaries in the League of Nations was to give to the Judges salaries much higher than those of the Deputy Secretary-General and the Under Secretaries-General, and approximately double that of first-class directors. In the United Nations, before devaluation, the dollar salaries of Judges were approximately equal to total emoluments of Assistant Secretaries-General, and much higher than those of top-ranking Directors.

IV. STUDY OF THE COST OF LIVING IN NEW YORK IN RELATION TO THE HAGUE

18. A comparative study of the cost of living in New York and The Hague has been completed by the competent statistical services of the United Nations, and the result of this study indicates that the cost of living in The Hague is 32 per cent less than in New York at the current rate of exchange.

19. If a solution of the problem of the salaries of the Judges is sought by applying a differential (or a corrective), it is to be borne in mind that under the terms of the Statute the Judges are not obliged to reside the whole year at The Hague, and therefore they have expenses both at The Hague and at their principal place of residence. Examination of the dossiers (written proceedings), which is an important part of judicial activity, can be undertaken by each Judge wherever he wishes, and his presence at The Hague is necessary only when the Court is actually convened.¹²

20. Even those Judges who have taken up residence at The Hague for a few years may still have financial obligations to meet elsewhere, and frequently in countries which have not devalued their currency, such as making provision for dependent members of their families not residing with them. Obviously expenditures made in the home country are not affected by the level of the cost of living at The Hague.

21. Considering all aspects of the situation, it would appear reasonable to assume that, on the average, not more than 50 per cent of the salary would be spent in the Netherlands, and the remainder outside the Netherlands.

¹² Annex A shows the length of sessions of the Court 1946-1949. Annex B shows the places of residence of the members of the Court.

V. COST OF LIVING AND DEVALUATION

22. In considering the question of the salaries of the Judges, it is appropriate to review the trend in the cost of living from 1946, when the salary rates were fixed, up to the time of the devaluation, as well as the trend since devaluation. From the table below it will be seen that the cost-of-living index for the Netherlands increased by 13 per cent prior to devaluation, and by an additional 10 per cent as of April 1950, or a total of 23 per cent. It is interesting to note in comparison, that the cost-of-living index for the New York area has increased by approximately the same amount since 1946.

*Cost-of-living index for the Netherlands*¹³
(1946 = 100)

1946	100	1949 (November) ...	115
1947	104	1949 (December) ...	118
1948	107	1950 (January) ...	120
1949 (August)	113	1950 (February)	122
1949 (September) (de-valuation)	113	1950 (March)	123
1949 (October)	113	1950 (April)	123

VI. CONCLUSIONS

23. In order to reach a decision on the question of the salaries of Judges of the International Court of Justice, it would appear to be necessary first to decide in general the relationship of these posts to other high offices in the United Nations, and then to determine the amount of remuneration required for this level of post after taking into account the effect of devaluation and the cost of living in The Hague.

24. It was seen under section III above that a member of the Permanent Court of International Justice was paid a substantially higher salary than the Deputy Secretary-General of the League of Nations. The salary fixed in 1946 for a Judge of the International Court of Justice was 54,000 florins, equivalent to \$US20,350. While this was a little below the total emoluments of an Assistant Secretary-General at that time—\$US22,000 (\$13,500 plus an allowance of \$8,500)—it appears from the history of the case that United Nations considered a Judge of the International Court of Justice to be on a level equal to or higher than an Assistant Secretary-General. It is proposed, in the light of these circumstances, that the salary of an Assistant Secretary-General be used as a general guide in fixing the remuneration for a Judge. The total remuneration for an Assistant Secretary-General as proposed by the Committee of Experts on Salary, Allowance and Leave Systems, was \$22,000 to \$25,000. These figures would then be subject to adjustment to take account of differences in the cost of living.

25. The results of the cost-of-living survey were that costs at The Hague are about 30 per cent lower than in New York. However, as was pointed out in section IV above, one-half of the salary of a judge would, on the

average, be spent outside of the Netherlands and hence would not be affected by the local cost of living.

26. If we apply a corrective factor of minus 30 per cent to one-half of a \$22,000 salary, the result would be \$18,700. The same differential, when applied to a \$25,000 salary, would give \$21,250. On the basis of these figures, it is recommended that the salary of a judge be fixed at \$20,000 per annum, to be effective from 21 September 1949, the date of the devaluation.

27. It is proposed that the salaries of the Judges be stated in terms of United States dollars, in accordance with the general salary policy of the United Nations.

28. The question of the special allowance for the President should also be reconsidered. The allowance was set in 1946 at 15,000 Netherlands florins (General Assembly resolution 19 (I)). Taking into account the increase in the cost of living in The Hague since that time, as noted in section V above, it is proposed that this allowance be increased to 18,240 Netherlands florins, which, when fixed in United States dollars, equals \$4,800.

Emoluments of ad hoc judges

29. *Ad hoc* judges (referred to in Article 31 of the Statute) receive an allowance (fee) of 120 florins for each day on which they exercise their functions, plus a daily subsistence allowance of 60 florins (resolution 19 (I)). At the present rate of exchange, this is equivalent to \$US31.58 and \$15.79, respectively.

30. It is proposed that the allowance (fee) for *ad hoc* judges be stated in United States dollars in order to be consistent with the action taken for the regular members of the Court, and that the amount be fixed at \$35 per day for each day on which they exercise their functions. It is suggested that the daily subsistence allowance be payable as provided for in the "Travel and Subsistence Regulations of the International Court of Justice" adopted by the General Assembly on 11 December 1946 (resolution 85 (I), annex), (i. e. at the rate of \$20 per day); it might be required that a part of the allowance be accepted in florins, depending upon the currency available from contributions.

Salary of the Registrar

31. In respect to the salary of the Registrar, the Statute of the Court (Article 32, paragraph 6) states that it is fixed by the General Assembly on the proposal of the Court. Resolution 85 (I) of 11 December 1946 laid down the principle that the salary of the Registrar should be assimilated to that of a top-ranking Director and calculated its amount accordingly. Having taken note of the salary proposed by the Committee of Experts for a principal (top-ranking) Director, the Court in a letter dated 26 May 1950 has proposed that the same amount be budgeted for its Registrar, in accordance with the principle laid down in resolution 85 (I). It is suggested that it be so decided, the salary being thus henceforward stated in United States dollars, which would also be in accordance with the general salary policy of the United Nations.

¹³ Source: Based on the *Monthly Bulletin of Statistics of the United Nations*. Note: This index is calculated in terms of prices in florins, and is not affected by the rate of exchange into United States dollars.

32. It is noted that, in its letter of 26 May, the Court confirmed that it had accepted the principle of a differential for its officials, including the Registrar.

33. The following draft resolution embodies the conclusions reached in the foregoing pages :

The General Assembly

Resolves that the emoluments of the judges and the Registrar of the International Court of Justice shall be fixed according to the following scale :

President :

Annual salary, \$US20,000;

Special allowance, \$US4,800;

Vice-President :

Annual salary, \$US20,000;

Allowance equivalent to \$30 for every day on which he acts as President up to a maximum of \$3,000 *per annum*;

Members :

Annual salary, \$US20,000;

Judges referred to in Article 31 of the Statute :

Allowance of \$US35 for each day on which they exercise their functions, plus a daily subsistence allowance as provided for in the "Travel and Subsistence Regulations of the International Court of Justice";

Registrar :

Salary and related emoluments equivalent to those of a principal Director, adjusted in accordance with such differential as may be applied to the staff of the Registry at The Hague.

ANNEX A

INTERNATIONAL COURT OF JUSTICE

Length of sessions, 1946-1950

	<i>Number of days</i>			<i>Number of days</i>	
1946 3 April-6 May :			1949 14 January-9 April :		
Preliminary session	34	34	Corfu Channel Case (Substance of the question — continued)	88	119
1947 11 February-15 March :			Repatriation for injuries incurred in the service of the United Nations		
Administrative session	32	32	1949 15 November-15 December :	31	
1948 24 February-26 March :			Corfu Channel Case		
Corfu Channel Case (question of competence)	32	116	1950 14 February-3 March :		
1948 21 April-28 May :			Request for advisory opinion on the competence of the General Assembly for the admission of new Members to the United Nations.		
Request for advisory opinion on conditions governing the admission of a State to membership in the United Nations (Article 4 of the Charter)	38	1950 28 February-30 March :			
1948 2 November-17 December :			Request for advisory opinion on the interpretation of the peace treaties concluded with Bulgaria, Hungary and Romania.		
Corfu Channel Case (substance of the question)	46		1950 16 May :		
			Request for advisory opinion on the question of South-West Africa.		

ANNEX B

PLACES OF RESIDENCE OF THE MEMBERS OF THE COURT

July 1950

M. Basdevant, <i>President</i>	The Hague (Netherlands)	Sir Arnold McNair	United Kingdom
M. Guerrero, <i>Vice-President</i>	Geneva (Switzerland) and Nice (France)	M. Klaestad	Netherlands
M. Alvarez	France	Badawi Pacha	Egypt
M. Fabela	Mexico	M. Krylov	Union of Soviet Socialist Republics
M. Hackworth	United States of America	M. Read	Canada
M. Winiarski	Switzerland and Poland	M. Hsu Mo	Netherlands
M. Zoricic	Yugoslavia	M. Azevedo	Brazil
M. de Visscher	Belgium		

DOCUMENT A/C.5/378

Section 21. Information Centres

[Original text : English]
[13 October 1950]

COMPARISON TABLE OF ESTIMATES PROPOSED BY THE SECRETARY-GENERAL (A/1267)¹⁴ BY THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS (A/1312) AND BY THE UNION OF SOVIET SOCIALIST REPUBLICS

	Secretary-General's original proposal	Advisory Committee's proposal as apporportioned by the Secretariat	U.S.S.R. proposal	Difference between the U.S.S.R. proposal and the Advisory Committee reduction
(In US dollars)				
<i>Chapter I</i>				
(i) Established posts	440,800	431,200	376,900	54,300
(ii) Temporary assistance	18,650	16,650	13,650	3,000
(iii) Casual labour	39,620	33,620	29,620	4,000
(iv) Overtime	4,000	2,000	2,000	—
TOTALS, chapter I	503,070	483,470	422,170	61,300
<i>Chapter III</i>				
(i) Travel on official business	34,000	32,000	32,000	—
(ii) Travel on home leave	17,900	17,900	17,900	—
(iii) Postal services	22,000	21,000	19,500	1,500
(iv) Communication services	35,000	32,000	32,000	—
(v) Radio, photographic and motion picture supplies and services	5,900	5,900	5,900	—
(vi) Rental and maintenance of premises and equipment ..	60,400	60,400	60,400	—
(vii) Stationery and office supplies	17,500	17,000	17,000	—
(viii) Supplies for internal reproduction	20,000	18,500	15,000	3,500
(ix) Operation and maintenance of transportation equipment	8,350	8,350	8,350	—
(x) Freight, cartage and express	17,000	15,000	15,000	—
(xi) Miscellaneous supplies and services	30,000	28,000	25,000	3,000
TOTALS, chapter III	268,050	256,050	248,050	8,000
TOTALS, chapter IV	19,910	19,910	19,910	—
TOTALS, section 21	871,600	840,000	770,700	69,300

The reduction proposed on established posts would be distributed as follows :

	Number of posts proposed by the Secretary-General	Reduction recommended by the U.S.S.R. delegation	New totals	Savings	Advisory Committee reduction as apporportioned by the Secretariat	Difference in relation to U.S.S.R. proposal
(In US dollars)						
Buenos Aires Information Centre ...	3	1	2	9,000	2,990	6,010
London Information Centre	8	2	6	11,000	360	10,640
Travel unit	3	1	2	2,000	200	1,800
Mexico Information Centre	5	1	4	2,500	270	2,230
Moscow Information Centre	7	1	6	4,500	2,970	1,530
Paris Information Centre	9	3	6	20,000	490	19,510
Washington Information Centre	4	2	2	13,000	420	12,580
		11		62,000	7,700	54,300
Reduction on other Centres not mentionned specifically in the U.S.S.R. proposal.....					1,900	
					9,600	

¹⁴ See *Official Records of the General Assembly, Fifth Session, Supplement No. 5.*

DOCUMENT A/C.5/380

Union of Soviet Socialist Republics : proposal for reduction of the estimates for section 16, Administrative and financial services

[Original text : English]
[13 October 1950]

The delegation of the Union of Soviet Socialist Republics recommends that the estimates recommended by the Advisory Committee for section 16, Administrative and Financial Services, be reduced by \$US99,950 as follows :

	<i>US dollars</i>		<i>US dollars</i>
<i>Chapter I.</i> Salaries and wages		<i>Brought forward</i>	75,000
(i) Established posts	40,000	<i>Chapter III.</i> Overseas recruitment programme	
(ii) Consultants	5,000	(ii) Travel on official business	2,000
(iii) Temporary assistance	20,000	(iii) Miscellaneous supplies and services	<u>3,000</u>
(iv) Overtime and night differential	<u>5,000</u>	Total for chapter III	5,000
Total for chapter I	70,000	<i>Chapter IV.</i> Administrative committees	
<i>Chapter II.</i> Other departmental expenses		(i) International Civil Service Advisory Board	9,950
(i) Travel on official business	<u>5,000</u>	<i>Chapter V.</i> Junior Professional Trainee Programme	
Carried forward	75,000	(i) Salaries and wages	<u>10,000</u>
		Total for section 16	99,950

DOCUMENT A/C.5/381

Organization of a United Nations Technical Assistance Administration

[Original text : English]
[16 October 1950]

1. In response to a request from the Fifth Committee at its 244th meeting, the Secretary-General wishes to present a brief résumé of his action in establishing the Technical Assistance Administration within the Secretariat.

2. The technical assistance programmes of the United Nations are operated and administered under General Assembly resolutions 58 (I), Advisory social welfare functions; 200 (III), Technical assistance for economic development; 246 (III), Training in public administration; Economic and Social Council resolution 222 A (IX) and General Assembly resolution 304 (IV), Expanded programme of technical assistance for economic development of under-developed countries.

3. With the aim of ensuring that his responsibilities relating to the provision of technical assistance are carried out with the fullest degree of co-ordination and administrative efficiency, the Secretary-General on 31 July 1950 established a Technical Assistance Administration within the Secretariat, charged with the operation and administration of the programmes authorized by the resolutions specified above.

4. The Technical Assistance Administration is res-

ponsible for providing, in accordance with policies established by the appropriate organs of the United Nations, such services and facilities as the organization of composite missions, the furnishing of expert advisers, the award of fellowships and scholarships and the organization of seminars, training institutes and demonstration centres.

5. The Technical Assistance Administration is administered by a Director-General, who reports directly to the Secretary-General and who is assisted by a Deputy Director-General. The staffs of the Departments of Economic and Social Affairs directly concerned with the operation of the programmes specified above were transferred to the Technical Assistance Administration on 1 August 1950. The two Departments, however, continue to be responsible for conducting research projects and preparing studies required by the technical assistance programme within their respective fields of competence, and it is the Secretary-General's intention that they should be consulted on all questions of policy relating to economic and social development.

6. The Director-General of the Technical Assistance Administration ensures the representation of the United Nations on the Technical Assistance Board, which is presided over by the Assistant Secretary-General for

Economic Affairs acting on behalf of the Secretary-General. The positions to be taken by the United Nations on that Board are the subject of prior consultations, as required, with the Departments of Economic and Social Affairs and the Department of Administrative and Financial Services, as well as the Executive Office of the Secretary-General, which is responsible for assisting the Secretary-General in the over-all co-ordination of the work of the Secretariat in relations with Member States and the specialized agencies. To that Office, which serves the Administrative Committee on Co-ordination, the Executive Secretary of the Technical Assistance Board and his staff are attached.

7. The Department of Administrative and Financial Services retains responsibility for the financial administration of the special account established in connexion with the expanded programme of technical assistance

for economic development of under-developed countries; for budgetary and financial control of funds authorized by the General Assembly or allocated from the special account to the United Nations, and for personnel administration in accordance with the staff rules of the United Nations.

8. The Secretary-General and the department heads concerned are aware of the fact that the validity of these arrangements must be tested by day-by-day co-operation. Every effort is being made to prevent isolation of research and policy development on the one hand and operations on the other. The Secretary-General believes that the organization of the work as outlined above will be conducive to efficiency and economy, but this can be finally judged only in the light of the quality of service given to Member States requesting technical assistance and of the budget proposals for 1952.

DOCUMENT A/C.5/385

Revised estimates for section 19, Permanent equipment

*[Original text : English]
[17 October 1950]*

	<i>US dollars</i>
1951 original budget estimates (A/1267)	1,173,600
Advisory Committee recommendations (A/1312)	1,100,000
Secretary-General's revised proposal	802,200
1950 appropriation	199,320
1949 expenditures	463,045

1. The advanced move of part of the Secretariat to the new Headquarters in Manhattan made it necessary to procure in 1950 certain furniture and equipment which had been originally included in the 1951 budget estimates.

2. The Advisory Committee on Administrative and Budgetary Questions had foreseen this eventuality and stated in paragraph 202 of its second report of 1950 to the General Assembly (A/1312) :

“ ... the estimates for permanent equipment... are based on the assumption that no expenditure on permanent equipment for the new Headquarters will be incurred in 1950. To the extent that such expenditure may in fact be so incurred, it should be met from current savings or by supplemental appropriations, in which event the 1951 estimates should be correspondingly reduced ”.

3. As it was found impossible to cover the cost of this advanced procurement through budgetary savings, the Secretary-General sought and obtained the concurrence of the Advisory Committee on Administrative and Budgetary Questions in advancing from the Working Capital Fund sums up to \$US315,000 for the procurement in the amounts indicated of the following equipment :

Chapter I. Furniture, fixtures and office equipment

An amount of \$258,500 is authorized to cover the cost of that portion of the equipment included under this heading in the budget estimates for 1951, (A/1267, page 196) which is now to be delivered before 31 December 1950. Such equipment consists mainly of office chairs, desks and cabinets at an estimated total of \$198,500 and reproduction equipment consisting mainly of offset presses at a total of \$60,000.

Chapter II. Library books and equipment

An amount not exceeding \$43,800 is authorized for the procurement of that portion of the library equipment included in the 1951 estimates, which is now to be delivered before 31 December 1950.

In this instance, it should be noted that the original procurement programme, as stated in the budget estimates for 1951 (A/1267, page 197) was estimated at \$103,000, of which \$65,000 is included in the 1951 estimates and the balance of \$38,000 was left to be procured in 1952. However, a contract has been negotiated with a European firm and, should the procurement of the total quantity of the equipment be made in one order, it is expected that the total cost of \$103,000 will be reduced to \$75,000. Therefore, with the purchase of part of this equipment totalling \$43,800 in 1950, only \$31,200 will be required in 1951 to complete the entire programme.

Chapter III. Information services equipment

An amount of \$12,000 is approved for the purchase in 1950 of certain of the equipment included under this

heading in the 1951 budget estimates (A/1267, page 197). The portion to be procured in 1950 is mainly equipment to enable the Department of Public Information to perform film and visual operations in the new Headquarters instead of in rented premises, as in previous years. It is necessary to install this equipment as of November 1950 in

order to avoid an interruption in the programme of work.

4. Because the above procurement has been advanced to 1950, the budget estimates for 1951 for section 19, Permanent equipment, can be reduced by the amounts indicated in the following table :

	Original 1951 estimate	Recommendation of Advisory Com- mittee accepted by the Secretary- General	Advance procure- ment authorized in 1950	Amount now re- quested for 1951
	(In US dollars)			
<i>Chapter I. Furniture, fixtures and office equipment</i>				
(i) Furniture and fixtures	302,000	271,900	198,500	73,400
(ii) Office equipment	129,100	120,100	60,000	60,100
(iii) Telecommunications equipment	10,000	10,000	—	10,000
TOTAL	441,100	402,000	258,500	143,500
<i>Chapter II. Library books and equipment</i>				
(i) Library books and maps	38,000	36,000	—	36,000
(ii) Library equipment	65,000	58,500	43,800	31,200 *
TOTAL	103,000	94,500	43,800	67,200
<i>Chapter III. Information services equipment</i>				
Photographic and motion picture equipment	55,000	52,700	12,000	40,700
TOTAL	55,000	52,700	12,000	40,700
<i>Chapter IV. Other permanent equipment</i>				
	574,500	550,800	—	550,800
TOTAL, section 19	1,173,600	1,100,000	314,300	802,200 *

* Note: As explained under paragraph 3 of this report, the total funds requested for library equipment for 1950 and 1951 amount to \$75,000 and exceed by \$16,500 the provision originally recommended by the Advisory Committee. This will allow for the completion of the programme of library equipment in 1951, so that the \$32,000 provision to be requested in 1952 can be dispensed with. The Advisory Committee has concurred in the change. As a result the total provisions requested for advanced procurement in 1950 and for 1951 exceed the original amount recommended by the Advisory Committee by the same amount of \$16,500.

It will be noted from the above table that the original estimates of \$1,173,600 for this section for 1951 can therefore be reduced by \$297,800, in addition to the total

reduction of \$73,600 already proposed by the Advisory Committee in its second report of 1950, leaving a revised total of \$802,200 for the section for 1951.

DOCUMENT A/C.5/386

Section 20, United Nations Office at Geneva : application of a salary differential for the staff

[Original text : English]
[19 October 1950]

1. The recommendations of the Advisory Committee (A/1312, paras. 203-235) on the 1951 estimates of the United Nations Office at Geneva (A/1267, pages 203-231) are of two kinds. A number of specific reductions in the estimates are proposed, and it is recommended that the salaries of "international" staff of the United Nations at Geneva should be reduced by application of a salary differential of 5 per cent. The specific reductions in the estimates are not contested by the Secretary-General in view of his anxiety to reach agreement with the Advisory Committee wherever possible, and in recognition of the fact that at this date no one can be certain that the budget estimates for 1951 are accurate to within 1 or 2 per cent. He will, therefore, simply do his best to manage within the reduced appropriation.

2. The Secretary-General cannot, however, agree with the Advisory Committee that the salaries of international officials at Geneva, which at present are equivalent to base-pay scales at Headquarters, should be reduced by a differential of 5 per cent, and he asks the Fifth Committee to note that the Advisory Committee does not supply any specific evidence in support of its recommendation. In paragraph 207 of its report, the Advisory Committee states merely that it "has reached the view that on the basis of costs, salaries and living standards in the Geneva as compared with the New York area, and after due allowance for other relevant considerations, including general living conditions, there is sufficient justification for the application of a salary differential which it recommends should be fixed pending further

review at minus 5 per cent". What that justification is, is not further elaborated.

3. The Committee of Experts on Salary, Allowance and Leave Systems studied the whole question of cost-of-living allowances during 1949 (A/C.5/331)¹⁵, as had been proposed by the Advisory Committee, and recommended, first of all, that the Headquarters cost-of-living adjustment should be incorporated into the base salary scales. The Experts envisaged that these scales would be applied universally for all international staff members wherever stationed, except that they would be adjusted by salary differentials to take account of differences from Headquarters in the cost of living and related factors. In addition, the Committee proposed that the rental allowance, which had been payable only to international staff stationed at Headquarters, should be abolished (after a reasonable period of notice) on the grounds that the rental factor was adequately covered by the proposed salary scales. Thus, under the Committee of Experts' proposals the international staff at offices away from Headquarters would have the same level of total remuneration as the staff at Headquarters except for adjustments made by applying salary differentials.

4. The fact is that in 1947 and 1948 a 5 per cent differential was applied in the United Nations Office at Geneva. It was based on a hurried and rather makeshift inquiry carried out by the Administration, without expert statistical services. The World Health Organization and the International Labour Office did not apply the differential because they took the view that there was no justification for it. They agreed, however, that a more thorough survey should be made. Accordingly, a long and comprehensive review has been made, under the direction of expert statisticians, both of prices and of the way in which international officials at Geneva and New York, respectively, spent their money. The results, in the opinion of the Secretary-General, have failed completely to provide any justification for a minus differential at Geneva. That is also the view of the WHO and the ILO.

5. The Advisory Committee states in paragraph 207 of its report (A/1312) that in recommending a differential the Committee had taken special account of paragraphs 49-58 of the report of the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331). Those paragraphs said that the case for a differential at a branch office was greatly reinforced where the office was of a permanent or reasonably permanent nature and a considerable number of the international staff at the office might be expected to serve much or all of their careers therein. In this connexion, it should be borne in mind that few international officials at Geneva have any idea how long they will remain there. Their position is a difficult one in that most of them are not sufficiently impermanent to enjoy the advantage only of those elements in the cost of living which are admittedly lower than in New York, and yet not sufficiently permanent to settle down properly (buying a house, for example,

is out of the question). There are approximately 180 international officials attached to the United Nations Office at Geneva, of whom only thirty-five have permanent contracts. Of the 180, about seventy are serving the Economic Commission for Europe, the pending reconsideration of whose terms of reference introduces a further element of uncertainty.

6. The Secretary-General suggests that the Advisory Committee has not perhaps fully understood the intention of the Committee of Experts. The quotation from the Committee's report appears to have been considered out of its context, and examination of the whole of their report gives a somewhat different impression from that conveyed by the observations of the Advisory Committee.

7. In paragraphs 51 and 52 of their report, the Experts were discussing the question whether or not differentials should ever be applied in principle. They discussed the ILO contention that international salaries should not be subject to local conditions; they agreed that at relatively small or temporary offices a system of differentials might not be equitable whatever the cost of living. They concluded, in the sentence which the Advisory Committee quotes, that for large and relatively permanent offices a differential, either plus or minus, would be justified "provided it could be demonstrated that... internationally (as distinct from locally) recruited staff are markedly better or worse off at [that office] than at Headquarters". Moreover, the Committee of Experts state in paragraph 57 of their report that in view of the difficulties in comparing conditions at different places, differentials of less than 10 per cent should not be applied. A differential should only be applied, that is to say, where there is a marked difference in cost of living; it was the view of the Expert Committee that in order to give the salaries of international staff the greatest possible character of universality, a salary differential should not be applied unless it was clearly justified. As an answer to those who might contend that no differential should be applied even if there was a marked difference, the Committee of Experts said that the case for doing so was reinforced where the offices concerned were large and reasonably permanent.

8. The final result of the expert inquiry into comparative living costs between Geneva and New York has failed to disclose any marked difference; indeed, it failed to disclose any difference at all in a minus direction in Geneva. The conclusions reached by this inquiry are summarized in the annexed report of the United Nations Statistical Office. The Secretary-General would also point out that these conclusions are supported by similar inquiries independently carried out by certain Member States and by private business concerns employing staff both in the New York area and in Geneva.

9. It is the view of the Secretary-General that the cost-of-living survey of Geneva has been conducted carefully and objectively according to the best known statistical techniques, and therefore that the results of the survey should be accepted as a basis for fixing salaries for the Geneva international staff. Individual expe-

¹⁵ *Ibid.*, Fourth Session, Fifth Committee, Annex, Vol. II.

riences and information on living costs in Geneva and New York might lead to conclusions differing from these statistical results; since, however, these calculations were made for the average international staff member according to his or her actual expenditures, it is believed they are the most, indeed the only, reliable and fair basis upon which to determine basic salary rates.

10. Furthermore, if the United Nations were to apply a minus differential in Geneva, the impact on co-ordination with the specialized agencies would be serious and immediate. It is unlikely that the agencies, without specific directives from their governing bodies, would reduce the salaries of their staffs when such action was not supported by the cost-of-living survey in which they had participated. It should also be noted that unilateral action by the United Nations in such matters was the subject of criticism by the Co-ordination Committee of the Economic and Social Council at its eleventh session in Geneva.

11. The Secretary-General suggests that if the Advi-

sory Committee is not satisfied with the existing evidence, the right course would be not to apply a wholly arbitrary differential now, but to wait for the results of yet another inquiry which can be made if necessary. He notes in this connexion that the Advisory Committee apparently has doubts as to whether or not minus 5 per cent does in fact represent an appropriate and justified differential, since its recommendation is in the nature of a provisional one "pending further review". He must also observe, however, that the inquiry already made seems precisely the type which the Advisory Committee, in principle, considered adequate in paragraph 27 of its first report of 1950 (A/1313)¹⁶, and he fails to understand why action contrary to the results of the inquiry should be taken. If, nevertheless, such action is considered desirable by the General Assembly, the Secretary-General would request that he be given the opportunity to consult with the specialized agencies in Geneva in order to reach agreement on joint action.

¹⁶ *Ibid.*, Fifth Session, Supplement No. 7A.

ANNEX

NOTE ON THE PURCHASING POWER OF EMOLUMENTS OF INTERNATIONAL OFFICERS IN GENEVA AND NEW YORK

Report of the United Nations Statistical Office

Introduction

12. Calculations are made by the Secretariat from time to time to establish a basis on which the emoluments of staff members of the United Nations and the specialized agencies, who are located away from Headquarters, may be equated with the emoluments at Headquarters. A calculation of this kind was made early in 1949 establishing the relation existing between the purchasing power of emoluments in Geneva and emoluments in New York.

Method of calculation

13. The method of calculation followed has been established by an expert committee appointed by the Secretary-General. In the case of the Geneva-New York study, statements were obtained from staff members resident in Geneva in November 1948 showing their actual expenditure by categories. The information provided by these statements was assembled to provide an average distribution of expenditure appropriate to conditions in Geneva. Similar information was collected from United Nations staff members resident in New York at the same date, to obtain a characteristic distribution of expenditure appropriate to conditions in New York.

14. The retail prices in Geneva of approximately 120 commodities were then obtained from official Swiss sources. These prices were compared with the prices of corresponding commodities, furnished by the United States Bureau of Labor Statistics, for the city of New York. In the case of ten of the commodities considered, it was found necessary to obtain additional price data because the qualities of the commodities priced in the two cities were not comparable. In the case of all the other commodities, the specifications in the two cities were sufficiently similar to permit direct price comparisons. The prices for Geneva were converted to dollars at the rate of exchange \$US1.00 = 4.28 Swiss francs. The converted Geneva prices were then expressed in percentages of the corresponding New York prices.

The resulting relatives were weighted according to the importance of each commodity in the expenditure distribution. The sum of the products thus obtained was divided by the sum of the weights to provide a figure which, in an approximate manner, gives the relation between living costs in the two cities as it affects the international officials.

Results of the calculation

15. It was found that the calculation based on the distribution of expenditure in Geneva gave very similar results to that based on the distribution of expenditure in New York. The index numbers, which express the living costs of international officials in Geneva as percentages of the corresponding costs in New York, are given below for each type of expenditure:

<i>Groups</i>	<i>Percentage of expenditure</i>	<i>Indices</i>
Food	34.72	103.7
Clothing	12.37	133.8
Housing	22.37	55.4
Miscellaneous	30.54	126.0
	Total index	103.4

16. It will seem that the total index for all groups of expenditure suggests that the cost of living of officials in Geneva is 3 per cent higher than the cost of living of officials in New York. It is clear that this difference is statistically insignificant since it lies within the margin of error of the calculation. In this connexion attention is drawn to the report of the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331). The Committee of Experts recommended that a differential of plus or minus 10 per cent should be the smallest to be applied (para. 57a).

17. It should be noted that the result is appropriate only for officers in continued residence in Geneva for a period during which they may be expected to incur expenditure over the complete range of commodities on which the calculation is based. It would not be appropriate, for

example, to the case of officers visiting Geneva for a short period. Such officers could be expected to incur expenditure only in the food and rent groups and the figure that would be appropriate in their case would therefore be in the region of 85.

18. It should be noted that the study was carried out early in 1949, and the question may arise as to whether conditions have changed substantially since that date. The Committee

of Experts' view was that decisions based on these calculations should remain in force until movements in the national cost-of-living indices appropriate to the two localities revealed the necessity for a new calculation. Comparison of the official cost-of-living index for Switzerland with the official figures for New York indicate that there has been no significant movement that would necessitate review of this calculation.

DOCUMENT A/C.5/393

Section 20, United Nations Office at Geneva : proposal for the transformation of the Council Chamber in the Palais des Nations

[Original text : English]
[30 October 1950]

1. The Council Chamber in the Palais des Nations, one of its most beautiful rooms, was designed for the use of the Council of the League of Nations, which consisted of fourteen members. Fifteen seats were placed behind a crescent-shaped table which faced the auditorium; the seats and table were fixed rigidly on a slightly raised platform. The seats in the auditorium are on a rising slope, facing the table, as is the case at Lake Success in its Council Chambers.

2. When, during the summer of 1950, the suggestion was made that the Chamber be transformed to meet the needs of United Nations Councils, M. Jacques Carlu, architect-in-chief to the French Government (who is in charge of the extension of the Palais des Nations to accommodate the World Health Organization) was asked to draw up a plan and an estimate of cost.

3. M. Carlu suggested a plan which would entirely preserve the beauty and dignity of the Chamber. Essentially, the plan would entail :

(a) Removal of a number of seats from the auditorium in order to make space for a horse-shoe table seating twenty-three persons (i. e., eleven seats on each side of the President's chair) with two seats behind each delegate's seat (i. e., a further forty-four seats). Part of the present raised platform would be retained along the Chamber wall behind the table and would carry sixty-four seats for members of the Secretariat and others having a direct interest in the proceedings. Tables for minute writers, etc. would be placed within the horse-shoe, while a total of 162 seats would remain facing the table, in tiers on the floor of the Chamber. The present gallery would not be affected;

(b) Installation of interpretation booths in the corridor which now runs behind the Chamber wall at the back of the room facing the Council table. Glass panels would have to be inserted where necessary in the present marble partition, but that would be the only alteration necessary in the existing walls of the Chamber. The paintings of Sert would be completely untouched.

4. The architect estimates that the cost of making the above changes, including the cost of furniture and carpets, would be approximately \$US26,000. The technical staff of the Geneva Office estimates, on the basis of experience with rooms V and VII in which simultaneous interpretation equipment has already been installed, that the cost of the technical equipment for interpretation into five languages, recording and radio commentating booths, and the telephonic installation for the 220 seats which it would be proposed to equip, would be a further \$24,000.

5. The Secretary-General considers that the transformation of the Council Chamber according to Mr. Carlu's plan would be very useful and would notably increase the conference accommodation facilities. The Geneva Office has had difficulties when conferences of different organs and bodies took place in Geneva and simultaneous interpretation was required for several conferences at the same time. Sometimes accommodation has had to be refused and meetings held in other places. Should the Council Chamber be transformed, these difficulties could be avoided in the future, while the Councils of the United Nations would be able to meet in Geneva in an atmosphere of greater intimacy and dignity.

6. The plan is available for inspection with the Secretary of the Fifth Committee.

DOCUMENT A/C.5/395

Revised estimates for section 18a, Transfer to the permanent Headquarters

[Original text : English]
[31 October 1950]

	<i>US dollars</i>		<i>US dollars</i>
1951 Original estimates (A/1267)	537,300	Revised estimates	449,500
Advisory Committee's recommendations		1950 Appropriations	—
(A/1312)	200,000	1949 Expenditures	—

1. As requested by the Advisory Committee on Administrative and Budgetary Questions in its second report to the General Assembly 1950 (A/1312, para. 195) a review has been made of the requirements for 1951 under section 18a, Transfer to the permanent Headquarters. The budget estimates for 1951 for this section as originally submitted by the Secretary-General totalled \$537,300. The Advisory Committee on Administrative and Budgetary Questions recommended that this estimate should be provisionally established at \$200,000. The reasons for this recommendation were as follows :

(a) The move of a substantial portion of the Secretariat to the new building during August and September 1950, for which certain of the expenditures had been provided for in the 1951 estimates, and

(b) The probability that expenditures on rental and maintenance of the Lake Success premises from 1 January to 30 June 1951 would not be incurred.

In fact, these assumptions need to be revised as follows.

2. It is true that approximately 1,000 staff members were transferred in August and September from Lake Success to the permanent Headquarters. However, the expenditures incurred in this move were, in fact, not included in the original estimates as submitted by the Secretary-General for this section for 1951. Such estimates were based on the assumption that most of the Secretariat would be transferred to the new building late in 1950 and therefore the additional costs, which are referred to above, would be covered either by savings in the 1950 budget or through the submission of supplementary estimates for 1950. It is now known that these expenses cannot be absorbed within the existing 1950 budget, and they will therefore be included in the supplementary estimates to be submitted by the Secretary-General for 1950.

3. The Secretary-General now considers it necessary that provision be made to retain until 30 June 1951 the entire conference area, a part of the administration building and a part of the central building of the Lake Success premises for United Nations use. The reason for this is to ensure sufficient facilities to accommodate and service one session each of the Trusteeship and the Economic and Social Council, meetings of the Security Council, meetings of the Interim Committee of the General Assembly, and if necessary, any special sessions of the General Assembly (if called under the proposed resolution, Uniting for peace (A/C.1/592)). The conference area in the permanent Headquarters will not be ready until at least the end of June 1951 and the Secretary-General feels, therefore, that he cannot give up the facilities at Lake Success until that date. However, it is his intention to retain at Lake Success only the minimum staff required for the servicing of meetings. All other staff presently at Lake Success will be transferred to the permanent Headquarters by early January 1951. Because of the plan to retain the conference area at Lake Success, the provisions originally made in section 18a for 1951 to alter the building at Flushing in order to accommodate the Security Council will no longer be necessary.

4. As a result of the transfer of certain staff in 1950, it was possible in October 1950 to sub-lease approxima-

tely 136,000 square feet of space previously occupied by the United Nations. This action will represent a decrease in rental, maintenance and utilities costs for the Lake Success premises for the remainder of 1950 and for the period in 1951 for which this building is held by the United Nations. The decrease in 1950 will be approximately 20 per cent of the original cost for these items for the months of October, November and December. In so far as 1951 is concerned, it is hoped to sub-lease a further area of 150,000 square feet of space presently used by the United Nations, thereby decreasing by approximately 40 per cent the original figures submitted by the Secretary-General for these items in section 18a for 1951.

5. In view of these new factors, the various articles as shown in the budget estimates for 1951 for this section can be adjusted as follows :

(i) *Temporary assistance*

The original estimate provided \$99,200 for additional temporary staff to assist in special tasks resulting from the move to the permanent Headquarters, particularly for maintenance and custodial work at Lake Success, from January until the expiration of the lease in June 1951 and at the Flushing building for the same period. As the Flushing building will not be used, this estimate can now be reduced by \$19,200. The revised estimate now submitted for this article is..... \$US80,000.

(ii) *Telephone services (excluding long-distance)*

The original estimate provided \$22,800 to cover the costs of telephone services at Lake Success and Flushing from January until June 1951. In view of the intention to retain the conference area at Lake Success during the first half of 1951, the costs relating to Flushing can be eliminated. This will reduce the original estimate by \$10,930. However, the original estimate for Lake Success of \$12,000, which included \$8,000 for the month of January, \$1,000 for the months February to July and \$2,900 for disconnection charges, will now have to be increased. These charges were originally estimated on the assumption that the Lake Success building would be kept only on a custodial basis during the first six months of 1951. With staff comprising the Press Section of the Department of Public Information, and portions of the Department of Conference and General Services, remaining in this building to service the meetings held in the conference area, an increase of \$16,000 is estimated as being necessary. The revised estimate submitted by the Secretary - General is therefore \$US28,000.

(iii) *Rental of premises*

An amount of \$166,540 was previously estimated for rental costs including local governmental services and utilities as stipulated in the tenancy agreement for the land and buildings at Lake Success for the period 1 January to 30 June 1951. If negotiations to sub-lease additional space are successful, it will be possible to reduce the original estimate to \$103,600. Rental of the warehouse in Astoria was not previously included in the estimate because negotiations were in process at that time to release the United Nations from its obligations

under the lease. These negotiations were unsuccessful. Every effort will be made to release the United Nations as soon as possible from its rental obligations. However, it is felt that a \$20,700 provision should be made for the rental of these premises for at least the first three months of 1951. The revised estimate submitted by the Secretary-General for this article is therefore.
 \$US124,300.

(iv) *Supplies for maintenance of premises*

The original estimate of \$11,000 provided for the cleaning and maintenance of buildings and grounds at Lake Success and at Flushing from January to June 1951. Of the total estimate of \$11,000, \$10,000 was provided for the Lake Success buildings on a custodial basis and \$1,000 for the maintenance of the Flushing building. However, now that the conference area at Lake Success is to be retained, the Flushing building will not be used from January to June. Therefore, the \$1,000 set aside for this purpose will not be required. But that portion of the Lake Success building to be retained will have to be maintained at a level higher than merely custodial and the \$10,000 originally provided for this purpose will have to be increased by \$4,000 to \$14,000. The revised estimate of the Secretary-General for this article is therefore \$US14,000.

(v) *Contractual services for maintenance of premises*

The original estimate of \$19,300 provided for the minimum contractual services for electrical maintenance at Lake Success and at Flushing from January until June 1951. Again, in view of the retention of the Conference Area at Lake Success the amount of \$3,300 included in this estimate for the Flushing building can now be eliminated. However, the balance of \$16,000 which is required for the Lake Success premises should be increased by an additional \$2,000 to provide more than mere custodial services. The Secretary-General's revised total for this article is therefore..... \$US18,000.

(vi) *Utilities*

The original estimate of \$97,760 provided for the cost of light, heat, power, water, fuel oil and sewage disposal at Lake Success and at Flushing for the period from January to June 1951. For the Flushing building, \$11,360 was provided which, for reasons already stated, can now be eliminated. The balance of \$86,000 provided for Lake Success can be reduced by approximately 40 per cent because of the smaller area to be serviced. Accordingly, the original estimate can be reduced by \$32,000 to a total amount of..... \$US54,000.

(vii) *Maintenance of office and other equipment*

The estimate provided for repair to articles damaged during the move from Lake Success to the new Headquarters in Manhattan. This estimate remains unchanged at \$US6,500.

(viii) *Miscellaneous supplies and services*

The original estimate of \$87,300 provided \$40,000 for the transfer of theatre chairs and conference room chairs from Lake Success to the new Headquarters, including the refinishing and re-upholstering of these chairs. This amount will still be required. The estimate also pro-

vided \$26,100 to allow for the dismantling of telecommunications equipment and wiring so that it can be used at the permanent Headquarters. However, in view of the decision to retain the conference area at Lake Success until at least the end of June 1951, a considerable quantity of this equipment, which was to have been dismantled in 1950 and the expenditure met from 1950 funds, can now not be dismantled until 1951. Therefore, this estimate of \$26,100 must be increased to \$40,000. (The sum of \$4,700, included to cover the costs of taking up, reconditioning and re-laying carpet presently used at Lake Success and to be used at the new Headquarters, is still required.) An item of \$16,500, previously included for the installation of additional telecommunications equipment at the Flushing building, can be eliminated. The revised estimate for this account amounts to \$US84,700.

(ix) *Alterations to premises*

The original estimate of \$21,500 providing for temporary alterations to the Flushing building can be eliminated.

(x) *Local transportation*

The original estimate of \$5,400 provided for local transportation facilities between the permanent Headquarters in Manhattan and the Flushing building during the period from January to June 1951. In view of the fact that it is not intended to use the Flushing building during this period, this amount is no longer necessary. However, because of the retention of the conference area at Lake Success for the servicing of meetings during the early part of 1951, provision must now be made under this article to cover the cost of local transportation facilities between the permanent Headquarters in Manhattan and the Lake Success premises. An amount of \$15,000 is estimated as being required for this purpose. This will provide for the operation of four cars and, if necessary at peak periods, particularly during Council meetings, the hiring of one bus. The revised estimate for this article is therefore..... \$US15,000.

(xi) *Freight, cartage and express*

This account was not included in the original estimates submitted by the Secretary-General. However, the programme of moving the Secretariat to the new building now necessitates this additional item. During August and September 1950, 1,000 staff members were moved to the new building. By 1 January 1951 it is expected that a further 1,500 staff members will move to the new building, and provision for this has been included in the supplementary estimates submitted for 1950. The cost of moving the balance of the staff during 1951 is estimated at \$US25,000.

6. *Summary*

The revised total required for this section for 1951 amounts to \$449,500. This reflects a reduction of \$87,800 over the original estimate of \$537,300 submitted by the Secretary-General for 1951. However, there may be additional expenditures arising in 1951, due to the initial installation, which cannot be foreseen at this time. A summary showing the original and revised estimates of the Secretary-General for this section for 1951 is given below :

Section 18a. Transfer to permanent Headquarters

Article	Original estimate for 1951 submitted by the Secretary- General (A/1267)	Revised estimate for 1951 now submitted by the Secretary-General	Article	Original estimate for 1951 submitted by the Secretary General (A/1267)	Revised estimate for 1951 now submitted by the Secretary-General
	(In US dollars)			(In US dollars)	
Temporary assistance.....	99,200	80,000	Brought forward	416,600	318,300
Telephone services (excluding long-distance).....	22,800	28,000	Maintenance of office and other equipment	6,500	6,500
Rental of premises	166,540	124,300	Miscellaneous supplies and ser- vices	87,300	84,700
Supplies for maintenance of premises	11,000	14,000	Alterations to premises	21,500	—
Contractual services for main- tenance of premises	19,300	18,000	Local transportation	5,400	15,000
Utilities	97,760	54,000	Freight, cartage and express	—	25,000
<i>Carried forward</i>	416,600	318,300	TOTAL	537,300	449,500

DOCUMENT A/C.5/396

Subsistence allowances of members of commissions and other bodies

[Original text: English]
[2 November 1950]

1. The Secretariat has prepared estimates in response to requests in the Fifth Committee to show the financial implications in 1951 of various proposals before the Committee on subsistence allowances of members of commissions and committees. It could be noted that the Secretary-General's budget estimates for 1951 are based on the recommendations of the Advisory Committee

on Administrative and Budgetary Questions (A/1312, paras. 322-328). Action on this basis would not entail supplementary estimates. Action to maintain the existing basis of compensation would entail supplementary estimates reducing the requirement by \$11,795, while adoption of the United States proposal (A/C.5/L.64) would result in an increase of \$49,685 in the amounts budgeted.

I. COMMISSIONS, COMMITTEES AND SIMILAR BODIES ELIGIBLE FOR SUBSISTENCE ALLOWANCE UNDER RESOLUTION 231 (III)*
MEETING AT HEADQUARTERS

	(1)	(2)	(3)	(4)	(5)	(6)
	Location of sessions	Number of members	Estimated duration of sessions (days)	Present situation ^a	Advisory Committee's proposal ^b	United States proposal ^c
					(In US dollars)	
Advisory Committee on Administrative and Budgetary Questions	New York	9	175	39,375	39,375	55,125
Committee on Contributions	New York	10	33	6,600	8,250	11,550
Board of Auditors	New York	3	35	2,625	2,625	3,675
The Administrative Tribunal ^d	New York	3	21	1,890	1,890	2,205
Sub-Commission on Freedom of Information and of the Press ^e	New York	12	26	6,240	7,800	10,920
Sub-Commission on Statistical Sampling ..	New York	5	19	1,900	2,375	3,325
Interim Coordinating Committee for Inter- national Commodities Arrangements	New York	3	19	1,140	1,425	1,995
Committee of Experts on Uniform System of Road Signs and Signals	New York	7	33	4,620	5,775	8,085
<i>Ad Hoc</i> Committee on Slavery	New York	5	20	2,000	2,500	3,500
Investments Committee	New York	3	18	1,080	1,350	1,890
United Nations Staff Pension Committee .	New York	3	12	720	900	1,260

II. COMMISSIONS, COMMITTEES AND SIMILAR BODIES ELIGIBLE FOR SUBSISTENCE ALLOWANCE UNDER RESOLUTION 231 (III),
MEETING OUTSIDE OF HEADQUARTERS

	(1)	(2)	(3)	(4)	(5)	(6)
	Location of sessions	Number of members	Estimated duration of sessions (days)	Present situation ^a	Advisory Committee's proposal ^b	United States proposal ^c
					(In US dollars)	
International Law Commission	Geneva	15	89	26,700	26,700	40,050
Administrative Tribunal ^d	Geneva	3	21	1,890	1,890	1,890
<i>Carried forward</i>				28,590	28,590	41,940

	(1) <i>Location of sessions</i>	(2) <i>Number of members</i>	(3) <i>Estimated duration of sessions (days)</i>	(4) <i>Present situation^a</i>	(5) <i>Advisory Committee's proposal^b</i> <i>(In US dollars)</i>	6 <i>United States proposal^c</i>
<i>Brought forward</i>				28,590	28,590	41,940
Sub-Commission on Prevention of Discrimination and Protection of Minorities ^e	Geneva	12	26	6,240	7,800	9,360
Permanent Central Opium Board	Geneva	8	40	6,400	8,000	9,600
Narcotic Drugs Supervisory Body	Geneva	4	28	2,240	2,800	3,360
United Nations Visiting Mission to East Africa	East Africa	4	100	8,000	10,000	12,000
International Civil Service Advisory Board	Geneva	9	15	2,700	2,700	4,050

III. COMMISSIONS OF INQUIRY OR CONCILIATION

	(1) <i>Location of sessions</i>	(2) <i>Number of members</i>	(3) <i>Estimated duration of sessions (days)</i>	(4) <i>Present situation^a</i>	(5) <i>Advisory Committee's proposal^b</i> <i>(In US dollars)</i>	(6) <i>United States proposal^c</i>
United Nations Special Committee on the Balkans	Greece	(11 members, 11 alternates)	300	132,000	132,000	132,000
United Nations Conciliation Commission for Palestine	Israel	3	300	18,000	18,000	18,000
United Nations Commission on Korea	Korea	(9 members, 9 alternates)	300	108,000	108,000	108,000
United Nations Commission for Indonesia..	Indonesia	(3 members, 3 alternates)	300	36,000	36,000	36,000
Council for Libya	Libya	10	300	60,000	60,000	60,000
United Nations Commission for India and Pakistan	India	(5 members, 5 alternates)	300	60,000	60,000	60,000
United Nations Advisory Council for Somaliland	Somaliland	3	300	18,000	18,000	18,000
			GRAND TOTAL	554,360	566,155	615,840

^a Normally \$20 *per diem* for eligible members of commissions, committees and similar bodies meeting anywhere.

^b \$25 *per diem* for eligible members of commissions, committees and similar bodies meeting in New York; \$20 *per diem* for those meeting elsewhere.

^c \$35 *per diem* for eligible members of commissions, committees and similar bodies meeting in New York; \$30 *per diem* for members of commissions, committees and similar bodies (exclusive of commissions of investigation and inquiry) meeting elsewhere; \$20 *per diem* for members of commissions of investigation and inquiry meeting anywhere.

^d Subsistence allowance for the Tribunal has been fixed by the General Assembly at \$20 plus a daily allowance of \$10.

^e Subject to final decision of the Economic and Social Council and the Fifth Committee as to the holding of the meeting.

DOCUMENT A/C.5/397

Capacity of the Geneva Office to service conferences in 1951

[Original text : English]
[3 November 1950]

1. At the 256th meeting of the Fifth Committee, the representative of Brazil asked for information regarding the capacity of the United Nations Office at Geneva to service conferences in 1951 within the limit of the budget recommended by the Advisory Committee on Administrative and Budgetary Questions.

2. As will be realized, the work-load of the various United Nations bodies varies widely : two different Commissions may have quite different work-loads, while any one Commission might have a different work-load at each of its sessions. In general terms, however, it can

be said that the Geneva Office, without special temporary assistance, can service four meetings daily during nine months of the year with consecutive interpretation, summary records and documentation in English, French or Russian. Experience shows that the " Geneva-based " bodies have provided this work-load and thus have absorbed the regular conference capacity of the Office which, in addition to servicing conferences, is also carrying on continuous work for the substantive Secretariat at Geneva.

3. These Geneva-based bodies are :

Economic Commission for Europe (one session) and its committees and sub-committees, etc.;

Permanent Central Opium Board and Drug Supervisory Body;

International Labour Conference (for which only accommodation services are provided);

World Health Organization Assembly (partly serviced by Geneva Office);

WHO Executive Board (partly serviced by Geneva Office);

WHO Expert Committees (partly serviced by Geneva Office);

International Refugee Organization (?);

Interim Commission for the International Trade Organization/Contracting Parties to the General Agreement on Tariffs and Trade (?);

4. For any conferences of " non-Geneva-based " bodies, temporary assistance is usually required, the exact amount depending on the work-load of the conference. If there were no conferences at Geneva of " non-Geneva-

based " bodies, the budget presented could be reduced by some \$140,000. If the budget remains unchanged, then Geneva should be able to deal with the 1951 summer session of the Economic and Social Council plus two Commission sessions (say the Commission on Human Rights and the Social Commission) plus one or two smaller meetings. Whatever services are needed for such Commissions or other meetings will have to be found from the funds included in section 20 of the budget for the Trusteeship Council session, which is not now expected to be held at Geneva in 1951. Exact estimates can only be given when exact work-loads are known.

5. As the advisory Committee indicated in paragraph 216 of its report (A/1312), the number of meetings is not in itself a reliable criterion of work-load. The following figures must therefore be used with caution, and are given merely as a very general indication of how the total work-load compares with the theoretical regular conference capacity of four meetings a day over some nine months of the year (say, 800 meetings a year) :

	United Nations	" Geneva-based " bodies Specialized agencies	Total	United Nations	" Non-Geneva-based " bodies Specialized agencies	Total
1949	643	762 ^a	1,405	508	—	508
1950 (9 months) . .	472	702 ^b	1,174	577	23	600

^a Including 388 for the International Labour Organisation.

^b Including 347 for the International Labour Organisation.

The number of meetings expected in the balance of 1950 is about 400, so that the year totals for 1949 and 1950 are 1,913 and 2,200 (approximately). Not all of these meetings were fully serviced, but even so, the cost of the temporary assistance required to deal with the

excess work-load arising from visiting conferences was approximately \$144,000 in 1949 and is likely to be substantially more than that in 1950, when the programme has been heavier.

DOCUMENT A/C.5/404

Section 5, chapter III. United Nations Commission for Indonesia

[Original text : English]
[16 November 1950]

1. In its special report to the Security Council on the Round Table Conference (S/1417) ¹⁷ the United Nations Commission for Indonesia states that the resolution covering the decisions of the Conference provides, *inter alia*, that the Commission or another United Nations agency shall observe in Indonesia the implementation of the agreements reached at the Round Table Conference (paragraph 105). Apart from this general provision, there are also special provisions concerning the functions of the United Nations in the implementation of the agreements reached at the Conference. It is provided that the United Nations Commission for Indonesia, or its successor,

will be given opportunity to co-operate with the joint technical commission to be established in connexion with the repatriation of the Royal Netherlands Army from Indonesia (paragraph 84); that plebiscites to ascertain the wishes of the population with regard to the future status of their respective territories in the federal structure will be held only if recommended by a United Nations organ; and that a United Nations organ shall supervise such plebiscites (paragraph 53).

2. During the discussions at the meetings held by the Security Council on 12 and 13 December 1949, the representative of Canada submitted a draft resolution (S/1431) ¹⁸ and the representative of the Ukrainian Soviet

¹⁷ See *Official Records of the Security Council, Fourth Year, Special Supplement No. 6.*

¹⁸ *Ibid.*, Supplement for September-October-November-December.

Socialist Republic submitted another draft resolution (S/1433)¹⁹. Both resolutions were rejected. The President stated that the rejection of the Canadian draft resolution had no effect whatsoever on the previous decisions which had been taken by the Council, and that they therefore remained in full force and effect.

3. The United Nations Commission has continued in 1950 to observe the implementation of the decisions reached at the Hague Round Table Conference. The task of observing the demobilization and repatriation of the Royal Netherlands armed forces and the Royal Netherlands Indies armed forces is not yet completed. In its report dated 28 October 1950 (S/1873) the Commission draws attention to the fact that both the Indonesian and Netherlands authorities have shown a common desire to settle with its assistance the problems associated with demobilization and repatriation of remaining Ex-Knil troops at present in camps at Java. Estimates are therefore submitted for the continuation of the Commission in 1951 at a reduced level of activity.

	<i>US dollars</i>
Temporary assistance	53,200
Travel and subsistence of members	23,800
Travel and subsistence of observers	3,800
Travel and subsistence of staff	47,400
Communication services	4,100
Rental and maintenance of premises	500
Stationery and office supplies	700
Local transportation	4,100
Maintenance and operation of transportation equipment	2,400
Freight, cartage and express	3,400
Insurance	1,500
Miscellaneous supplies and contractual services	2,400
Hospitality	200
	147,500

4. Under temporary assistance, provisions are made for four internationally recruited staff members (\$23,730) as shown in annex a, six local recruits including two

¹⁹ *Ibid.*, No. 51.

clerk-typists, one mimeograph operator, and three office cleaners (\$7,370), and temporary replacements at Headquarters of 50 per cent of professional staff and secretaries (\$22,100).

5. Under travel and subsistence of members provisions are made for travel expenses involving one round trip between Djakarta and the capital of the home country of each of the three members of the Commission (\$4,000) and subsistence allowance of \$20 per day less about 10 per cent for periods of absence (\$19,800).

6. A sum of \$3,800 is requested to cover cost of travel (\$2,800) and subsistence allowance (\$1,000) of two observers over a period of about sixty days at the rate of \$9.50 per day. There are still thirteen observers attached to the mission. It is expected that most of them will be released from service before the end of the year. Two observers will be retained for about two months in 1951 to liquidate the office of the Military Executive Board.

7. Under travel and subsistence of staff, provision is made for eight round trips between New York and Djakarta at \$1,800 per trip for replacements, consultations, and new assignments (\$14,400). Subsistence allowance is computed at the rate of \$20 for the Principal Secretary, at \$9.50 for six staff members, and at \$6.50 for three, less 10 per cent for periods of absence from the mission area (\$33,000).

8. Provision for other items is made on the basis of 1950 experience adjusted to a lower level in anticipation of reduced activity of the Commission in 1951. Thus the total estimate of \$147,500 is \$252,500 less than the 1950 appropriation of \$400,000.

9. The Secretary-General requests that \$147,500 be appropriated for the United Nations Commission for Indonesia under chapter III, section 5 of the 1951 budget. These expenses will be partly compensated by an estimated income of \$6,500 from the assessments to be levied on the salaries of internationally recruited and temporary replacement staff.

ANNEX

MANNING TABLE

<i>Detailed from Headquarters</i>	<i>Internationally-recruited</i>		<i>Grade</i>	<i>Gross salary of internationally-recruited staff In US dollars</i>
1		Principal Secretary	17	
1		Press officer and interpreter	15	
1		Political officer	14	
	1	Political officer	14	7,830
	1	Legal officer	14	8,290
1		Administrative officer	12	
	1	Précis-writer and editor	9	4,210
2	1	Secretaries	6	3,400
6	4			23,730

DOCUMENT A/C.5/405

Revised estimates for section 1, chapter IV, The International Law Commission

[Original text : English]
[17 November 1950]

	<i>US dollars</i>
1951 Original estimates (A/1267)	738,200
Advisory Committee recommendation (A/1312)	700,000
Secretary-General's revised proposal	728,500
1950 Appropriation	765,955
1949 Expenditures	1,274,656

1. The original estimates for the International Law Commission contained in the 1951 budget estimates (A/1267), amounting to \$65,000, were based on the assumption that the Commission would hold two sessions in New York. The total duration of both sessions was estimated at fifteen weeks. The Advisory Committee recommended that provision be made for a single session in New York at a saving of \$28,000 (A/1312, para. 47), leaving a total of \$37,000 for the Commission. At its second session, held in Geneva in June 1950, the Commission decided (A/1316)²⁰ to hold a single session from 15 May 1951 to last not longer than twelve weeks. After consultation with the Secretary-General, who was then trying to keep meetings at Headquarters to a minimum, the International Law Commission further decided that the session would be held in Geneva, Switzerland. The following estimates are prepared on this basis, as the Sixth Committee has concurred in the decisions of the Commission.

	<i>US dollars</i>
Travel and subsistence of members	44,000
Travel and subsistence of staff	20,100
Salaries and travel of consultants and liaison representatives	1,400
	65,500

2. *Travel and subsistence of members : \$44,000*

The Commission is composed of fifteen expert members elected by the General Assembly. The members receive subsistence allowance, and the estimate is calculated on the proposed rate of \$20 per day for eighty-nine days (\$26,700). Travel expense is based on the actual cost (\$8,300). In accordance with the decisions of the General Assembly, an amount of \$9,000 has been added to cover honoraria for the Chairman and five rapporteurs.

3. *Travel and subsistence of staff : \$20,100*

Provision is made for travel of twelve staff members

²⁰ See *Official Records of the General Assembly, Fifth Session, Supplement No. 12*.

(eight substantive and four language service) from New York to Geneva and return, and for their subsistence allowances for eighty-five days, including travel time. (This covers two interpreters for Russian and Spanish, one Spanish translator, and one Spanish secretary. In accordance with General Assembly resolution 262 (III) of 11 December 1948, subsidiary organs of the General Assembly must provide services in the three working languages). The actual expenditure under this account for the 1950 session of the Commission in Geneva was approximately \$11,000. The increase in the 1951 estimate is due to the following factors :

(a) The duration of the 1951 session is estimated to be twelve weeks, as compared with eight weeks in 1950.

(b) A smaller proportion of the staff expected to service the Commission will be entitled to home leave in 1951, reducing the savings through combining home leave and attendance at the session.

(c) The work-load during the last intensive session was very heavy on the Secretariat, especially upon the seven substantive members. Fortunately, two legal officers from the Legal Department were on mission in Geneva at that time and were able to assist them on a part-time basis. As it is not foreseen that such assistance will be again available, an additional substantive staff member will be needed.

4. *Salaries and travel of consultants and liaison representatives : \$1,400*

Provision is made under this heading for the cost of travel and subsistence for the Chairman of the International Law Commission, who will attend the General Assembly as representative of the Commission.

5. It is thus proposed that the estimates for section 1 be increased by \$28,500, representing the difference between the revised estimates for the International Law Commission and the amount recommended by the Advisory Committee.

6. If this session were to be held at Headquarters instead of at Geneva, the total cost would be approximately \$52,500 as compared to \$64,100 in Geneva, as the amount \$21,100 for travel and subsistence of staff would not be necessary. On the other hand, travel and subsistence of members would have to be increased by \$6,700 due to the higher *per diem* rate of \$25 in the New York area, and \$400 would be required for local transportation in New York.

DOCUMENT A/C.5/417

Section 5, chapter II. United Nations Mission to India-Pakistan

[Original text : English]
[22 November 1950]

1. A United Nations Commission for India and Pakistan was established by resolution of the Security Council of 20 January 1948 (S/654)²¹ and 21 April 1948 (S/726)²² to place its good offices and mediation at the disposal of the Governments of India and Pakistan in connexion with the settlement of the question of Jammu and Kashmir. The Secretary-General was requested by the first resolution to furnish the Commission with such staff and facilities as it might consider necessary. Under authority of the above-mentioned resolutions, and at the request of the Commission, the Secretary-General in January 1949 authorized the appointment of about sixty military observers for the supervision of a "cease fire" in Kashmir which had been accepted by the parties (S/1196).²³ An establishment of observation groups has been maintained ever since with varying strength at an average of fifty-five of military observers.

2. At its 470th meeting held on 14 March 1950, the Security Council adopted a resolution (S/1469) appointing a United Nations representative with the following terms of reference :

"(a) To assist in the preparation and to supervise the implementation of the programme of demilitarization referred to above and to interpret the agreement reached by the parties for demilitarization,

"(b) To place himself at the disposal of the Governments of India and Pakistan and to place before those Governments or the Security Council any suggestions which, in his opinion, are likely to contribute to the expeditious and enduring solution of the dispute which has arisen between the two Governments in regard to the State of Jammu and Kashmir,

"(c) To exercise all of the powers and responsibilities devolving upon the United Nations Commission by reason of existing resolutions of the Security Council and by reason of the agreement of the parties embodied in the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949,

"(d) To arrange at the appropriate state of demilitarization for the assumption by the Plebiscite Administrator of the functions assigned to the latter under agreements made between the parties,

"(e) To report to the Security Council as he may consider necessary, submitting his conclusions and any recommendations which he may desire to make".

By this resolution the Security Council agreed that

the United Nations Commission for India and Pakistan should be terminated one month after both parties had informed the United Nations representative of their acceptance of the transfer to him of the powers and responsibilities of the United Nations Commission. Following such acceptance, the Commission was terminated on 30 June 1950.

3. The United Nations representative returned from the sub-continent in September 1950 to report to the Security Council and relinquish his duties. The organization established for the observation of the "cease fire" agreement has been maintained, however, and estimates for its continuation in 1951 are submitted as follows :

	<i>US dollars</i>
Temporary assistance	82,700
Travel and subsistence of observers	338,500
Travel and subsistence of staff	119,000
Communication services	6,500
Rental and maintenance of premises and equipment	4,200
Stationery and office supplies	2,300
Local transportation	51,000
Freight, cartage and express	2,500
Insurance	7,000
Miscellaneous expenses	10,000
Miscellaneous equipment	2,000
Hospitality	500
	626,800

4. Under temporary assistance provision is made for four internationally-recruited staff members as shown in the annex (\$47,830); for local recruits including cleaners and messengers (\$4,000) and for temporary replacement at Headquarters of one professional and five general service staff (\$30,870).

5. The organization of observation groups consists at present of fifty-five military observers and four ancillary personnel. The average duration of mission assignment is one year. It is anticipated that this number will be maintained in 1951. A sum of \$338,500 is therefore requested under travel and subsistence of observers to cover (a) cost of fifty-five round trips at an average of \$1,750 (\$96,250), (b) subsistence allowance for fifty-nine observers and ancillary personnel at \$12.50 per day less 10 per cent for periods of absence (\$242,250).

6. Under travel and subsistence of staff, provision is made for one round trip of the Principal Secretary for consultations during the sixth session of the General Assembly (\$1,750) and twenty round trips for replacement and new assignments of staff (\$35,000). Subsistence allowance is computed at the rate of \$20 per day for the Principal Secretary, at \$12.50 for four staff members with dependants and at \$9.50 per day for nineteen staff members without dependants less 10 per cent for periods of absence (\$82,250).

²¹ See *Official Records of the Security Council, Third Year, Supplement for November 1948*.

²² *Ibid.*, *Supplement for April 1948*.

²³ *Ibid.*, *Fourth Year, Supplement for January 1949*.

7. Estimates for all other items are based on 1950 experience. The total of \$626,800 is \$87,100 less than the 1950 appropriation of \$713,900.

8. The Secretary-General requests that \$626,800 be

appropriated under section 5, chapter II, of the 1951 budget. These expenses will be partly compensated by an estimated income of \$16,500 from the assessments to be levied on the salaries of the internationally recruited and temporary replacement staff.

ANNEX

MANNING TABLE

<i>Staff members detailed from Headquarters</i>	<i>Internationally recruited staff</i>		<i>Grade</i>	<i>Gross salary of internationally recruited staff US dollars</i>
	1	Principal Secretary	Director	18,000
	1	Chief military observer	19	13,330
	1	Medical officer	17	11,690
1		Deputy principal secretary	16	
1		Administrative officer	16	
	1	General services assistant	9	4,810
1		Finance clerk	7	
4		Secretary	6	
1		Secretary	5	
12		Field Service personnel (Radio operators)..		
<hr/> 20	<hr/> 4			<hr/> 47,830

DOCUMENT A/C.5/423

Revised estimates for sections 3, The Economic and Social Council, commissions and committees; 3 b, Regional economic commissions, and 4, The Trusteeship Council, commissions and committees

[Original text: English]
[2 December 1950]

	<i>Section 3</i>	<i>Section 3b</i>	<i>Section 4</i>
	<i>(In US dollars)</i>		
1951 Original estimates (A/1267)	228,200	61,300	91,800
Advisory Committee's recommendations (A/1312)	228,200	57,300	85,000
Secretary-General's revised estimates	599,100	69,700	53,600
1950 Appropriation	218,550	32,980	134,115
1949 Expenditures	261,878	49,462	45,099

I. Section 3. — The Economic and Social Council, commissions and committees (+ \$370,900)

1. As a result of decisions taken by the Economic and Social Council at its eleventh session and the Secretary-General's re-appraisal of facilities anticipated to be available in 1951 at the permanent Headquarters, it is necessary to revise the original estimates presented for section 3 of the budget.

2. The various changes described below reflect: (a) the financial consequences of the decisions of the Economic and Social Council, and (b) the additional costs for local transportation involved in holding the sessions of some commissions and committees at Lake Success instead of at the permanent Headquarters. The tables at the end of this section show the net effect of the individual changes on the original estimates for section 3, as well as the revised figures for the section.

Economic and Social Council

3. The Economic and Social Council, at its eleventh

session (continued) at Lake Success, decided to accept the invitation of the Government of Chile to hold its twelfth session at Santiago. In a communication dated 8 August 1950, addressed to the Secretary-General, (E/1813), the representative of the Government of Chile has advised as follows:

“ My Government is prepared... to provide the local facilities which would be required for the session. As regards the further expenses involved in holding the session away from headquarters, it is understood that approximately one-third of these expenses may be incurred in Chilean currency, and my Government is willing to reimburse this share ”.

4. The cost of holding the twelfth session of the Council at Santiago is estimated at \$337,800. This estimate excludes such local facilities and services as rental of office space, conference rooms, conference equipment other than that taken from Headquarters, local temporary assistance, maintenance staff, local transportation, telephone installation, local charges for telecommunications services, etc., the cost of which is to be borne by the host Government as part of the local costs for holding the session.

5. Most of the office equipment, mimeograph equipment, etc., together with necessary stationery and office supplies, will be sent from Lake Success, and this factor is taken into account in the estimates. However, it is assumed that in the event that any supplies and equipment would need to be purchased locally, the costs

involved would also be borne by the host Government.

6. The details of the estimate of \$337,800 mentioned above are as follows :

	<i>US dollars</i>
(i) Travel and subsistence of Headquarters staff (of which \$88,500 is for subsistence at Santiago)	293,500
(ii) Communications services	8,000
(iii) Rental and maintenance of simultaneous interpretation equipment	10,000
(iv) Freight, cartage and express	12,500
(v) Temporary assistance (six engineers from Headquarters area for simultaneous interpretation)	4,300
(vi) Miscellaneous supplies and contractual services	9,500
TOTAL	337,800

7. The estimate for item (i) covers travel and subsistence of (a) fifty members of the substantive staff from the Departments of Economic Affairs, Social Affairs, Public Information, Administrative and Financial Services, and the Legal Department, and from the Technical Assistance Administration; (b) 150 technical staff covering documents control, telecommunications, reproduction and distribution, financial records, languages, interpretation, and other conference personnel. This staff is in addition to that which would be made available from the secretariat of the Economic Commission for Latin America.

8. Since the Council decided in resolution 336 (XI) to hold its thirteenth session at Geneva, the full amounts provided in the 1951 budget estimates for a Geneva session will be utilized. To finance the proposed Santiago session, therefore, the entire estimated amount, namely \$337,800, will be required in addition to the existing budgeted amounts in sections 3 and 20. This total, however, is affected by the offer of the Government of Chile to bear part of the cost of the session in Chilean currency.

9. Since the subsistence allowance of Headquarters staff at Santiago, which is estimated at \$88,500, will be paid in local currency, and arrangements can be made to finance in part such items as communications services, freight, cartage and express, miscellaneous supplies, and contractual services in local currency, it is expected that the net expenditure of the United Nations under chapter I will not exceed a sum of \$225,000, which represents two-thirds of the total estimate.

10. Following the practice adopted in the past, the Secretary-General proposes to provide in the budget the total cost of holding the twelfth session of the Economic and Social Council in Santiago on a gross basis, and to treat the contribution of the Government of Chile as miscellaneous income. Arrangements would be entered into between the host Government and the United Nations under which expenses in connexion with the provision of the local facilities and services not included in the estimate would be met directly by the host Government, thus obviating the necessity for United Nations budgetary provision in respect of such expenses.

Social Commission

Commission on Human Rights

11. Under the calendar approved by the Council, the Social Commission and the Commission on Human Rights will convene at Geneva instead of at Headquarters, as assumed in the original estimates. Additional budgetary provision is needed to cover the travel expenses of the staff which will be deputed from Headquarters to Geneva for servicing the Commissions. The Secretary-General will endeavour to absorb miscellaneous expenses, such as those for cables, local transportation, freight, etc. in connexion with the sessions of these two Commissions in Geneva, in the total provisions made for these items in section 20 of the budget. Details of the additional budget provision required for the two Commissions are given below :

Social Commission : \$US12,000;
 Commission on Human Rights : \$US9,000.

12. The estimates cover travel and subsistence of staff :

(a) For the Social Commission, ten Social Affairs staff with appropriate adjustment for home leave travel and reduced subsistence while actually travelling (\$7,500).

(b) For the Commission on Human Rights, six Social Affairs staff, with appropriate adjustment for Home leave travel and reduced subsistence while actually travelling (\$4,500).

(c) Technical staff, six interpreters and two translators to service both Commissions, which are timed to run consecutively, with appropriate adjustment for home leave travel and reduced subsistence while actually travelling. The total cost of this latter item, \$9,000 in all, is shared equally between chapters II and III of section 3.

Sub-Commission on Prevention of Discrimination and Protection of Minorities

Sub-Commission on Freedom of Information and of the Press

13. In adopting the calendar of conferences for 1951 (resolution 336 (XI)), the Council originally decided to postpone the meetings of the Sub-Commission on Freedom of Information and of the Press and of the Sub-Commission on Prevention of Discrimination and Protection of Minorities until 1952. The draft resolution (A/1440) recommended by the Third Committee of the General Assembly, under which the Council would be invited to reconsider its decision and to permit the two Sub-Commissions to hold their usual sessions in 1951, is now awaiting decision by the General Assembly. The Fifth Committee, at its 262nd meeting held on 9 November 1950, recommended the retention *pro memoria* of the estimates for the sessions of these two Sub-Commissions in the budget for 1951. Accordingly, the original budget provision for the two Sub-Commissions, amounting to \$30,900, is maintained. This amount will permit the sessions to be held either at Headquarters or at Geneva, assuming that they immediately precede or follow that of the Commission on Human Rights.

Economic and Employment Commission
Sub-Commission on Employment and Economic Stability
Sub-Commission on Economic Development

14. The Council by its resolution 295 (XI) changed the name of the Economic and Employment Commission to the Economic, Employment and Development Commission, increasing the membership from fifteen to eighteen and abolished the Sub-Commission on Employment and Economic Stability and the Sub-Commission on Economic Development. The Council, in the same resolution, authorized the Economic, Employment and Development Commission to meet twice a year and if exceptional circumstances required, to hold an extraordinary session at the call of its Chairman. The changes have the following financial effect :

	<i>US dollars,</i>
Elimination of the original budget provisions in respect of the Sub-Commission on Economic Development (\$7,520, chapter X) and the Sub-Commission on Employment and Economic Stability (\$7,520, chapter XI), abolished by the Council	15,040
Additional estimated cost in respect of travel and subsistence resulting from the provision of two sessions and the increase in membership of the Economic Employment and Development Commission, formerly designated as the Economic and Employment Commission (original budget provision \$9,000)	12,600
Net savings	2,440

15. The Secretary-General proposes that he be authorized to finance an extraordinary session of the Commission during 1951 from the Working Capital Fund and that provision therefor be made in the draft resolution relating to unforeseen and extraordinary expenses.

Statistical Commission

16. In resolution 299 (XI) on the report of the fifth session of the Statistical Commission, the Council increased the membership of the Statistical Commission from twelve to fifteen. This decision necessitates an increase in the original estimates in chapter XII for the meeting of the Statistical Commission from a total of \$7,200 to \$9,000 to cover the travel expenses of three additional members of the Commission.

Ad Hoc Committee on Slavery

17. By its resolution 307 (XI) the Council decided that the meetings of the *Ad Hoc* Committee on Slavery

planned for November 1950 should take place during the first half of 1951. There will be savings on the 1950 appropriations consequent upon this decision, but since no provision was made in the original 1951 estimates for the purpose, provision is requested in a new chapter XVIII of section 3 of an amount of \$6,800 representing the travel and subsistence of five members of the Committee. Provision would need to be made for the printing of the Committee's final report estimated at \$3,500, to be added to the estimate for section 25.

Commodity conference

18. Resolution 296 (XI) of the Council authorizes the Secretary-General to convene, on the advice of the Interim Co-ordinating Committee of International Commodity Arrangements acting on the request of an appropriate inter-governmental study group, inter-governmental conferences to discuss measures designed to meet special difficulties which may exist or may be expected to arise concerning a particular primary commodity. On the basis of consultations which have taken place with ICCICA the Secretary-General anticipates that such a commodity conference relating to sugar may be held in the spring of 1951. If the situation concerning facilities at the permanent Headquarters building in the spring months permitted, the conference would be held at Headquarters without additional costs, except for such printing as might be required. If the governments concerned should wish to hold the conference at Geneva, provision would be required for an amount of approximately \$40,000. The Secretary-General proposes that he be authorized to finance such a conference, if convened at Geneva, from the Working Capital Fund and that provision therefor be made in the draft resolution relating to unforeseen and extraordinary expenses.

Local transportation requirements for meeting in the New York area

19. The original estimates for section 3 were prepared on the assumption that all meetings of the Commissions and Sub-Commissions of the Council would be held at the permanent Headquarters. However, in view of the programme of construction of the permanent Headquarters building, it is now anticipated that during the first six months of 1951, meetings in New York will be held either at Lake Success or at Flushing. In the circumstances additional funds, as shown in the following table, will be needed to cover the cost of local transportation for members of such Commissions or Committees whose meetings will be held at Lake Success or Flushing.

<i>Body</i>	<i>Number of members</i>	<i>Duration approved by the Council</i>		<i>Number of cars at \$17 per day</i>	<i>Total US dollars</i>
		<i>Days</i>	<i>Weeks</i>		
Economic, Employment and Development Commission (2 sessions)	18	20	4	5	1,700
Transport and Communications Commission .	15	10	2	4	680
Fiscal Commission	15	15	3	4	1,020
Statistical Commission	15	10	2	4	680
Population Commission	12	10	2	3	510
Commission on the Status of Women	15	15	3	4	1,010
<i>Ad Hoc</i> Committee on Slavery	4	20	4	1	340
					5,940

Summary of revised estimates

20. The actions detailed above result in a net increase in the original estimates for section 3 of \$370,900, against which there will be an increase in miscellaneous income, in respect of the sessions of the Economic and

Social Council at Santiago, of about \$112,800. The total revised estimate for the section is \$599,100 compared with the original estimate of \$228,200.

21. Increases or decreases by chapters are shown in the following listing :

Chapter	Original budget estimates	Revised budget estimates (In US dollars)	Increase or decrease
I. Economic and Social Council	75,000	412,800	+ 337,800
II. Social Commission	10,800	22,800	+ 12,000
III. Commission on Human Rights	11,700	20,700	+ 9,000
IV. Sub-Commission on Prevention of Discrimination and Protection of Minorities	15,900	15,900	-
V. Sub-Commission on Freedom of Information and of the Press	15,000	15,000	-
VI. Commission on the Status of Women	9,000	10,010	+ 1,010
VII. Commission on Narcotic Drugs	11,600	11,600	-
VIII. Population Commission	9,150	9,660	+ 510
IX. Economic Employment and Development Commission	9,000	23,300	+ 14,300
X. Sub-Commission on Economic Development	7,520	-	- 7,520
XI. Sub-Commission on Employment and Economic Stability	7,520	-	- 7,520
XII. Statistical Commission	7,200	9,680	+ 2,480
XIII. Sub-Commission on Statistical Sampling	6,440	6,440	-
XIV. Fiscal Commission	9,000	10,020	+ 1,020
XV. Transport and Communication Commission	9,000	9,680	+ 680
XVI. Interim Co-ordinating Committee for International Commodity Arrangements	4,400	4,400	-
XVII. Committee of Experts on Uniform System of Road Signs and Signals	9,970	9,970	-
XVIII. Ad Hoc Committee on Slavery	-	7,140	+ 7,140
TOTAL	228,200	599,100	+ 370,900

22. The following table shows the revised estimates for the section, chapter by chapter and article by article.

SUMMARY OF REVISED ESTIMATES FOR SECTION 3

Chapter	The Economic and Social Council and Commissions and Committees	Travel and subsistence of representatives or members	Salaries and travel of consultants and liaison representatives	Travel and subsistence of staff (In US dollars)	Local transportation	Other expenses ^a	Totals of chapters
I. The Economic and Social Council ..				368,500		44,300	412,800
II. Social Commission		10,800		12,000			22,800
III. Commission on Human Rights		10,800	900	9,000			20,700
IV. Sub-Commission on Prevention of Discrimination and Protection of Minorities		15,000	900				15,900
V. Sub-Commission on Freedom of Information and of the Press		15,000					15,000
VI. Commission on the Status of Women .		9,000			1,010		10,010
VII. Narcotic Drugs Commission		9,000	2,600				11,600
VIII. Population Commission		7,200	1,950		510		9,660
IX. Economic Employment and Development Commission		21,600			1,700		23,300
XII. Statistical Commission		9,000			680		9,680
XIII. Sub-Commission on Statistical Sampling		5,370	1,070				6,440
XIV. Fiscal Commission		9,000			1,020		10,020
XV. Transport and Communications Commission		9,000			680		9,680
XVI. Interim Co-ordinating Committee for International Commodity Arrangements		3,225		1,175			4,400
XVII. Committee of Experts on Uniform System of Road Signs and Signals .		9,970					9,970
XVIII. Ad Hoc Committee on Slavery		6,800			340		7,140
TOTALS		150,765	7,420	390,675	5,940	44,300	599,100

^a Includes expenses for communications services, \$8,000; rental and maintenance of simultaneous interpretation equipment, \$10,000; freight, cartage and express, \$12,500; temporary assistance, \$4,300; miscellaneous supplies and contractual services, \$9,500.

II. Section 3b. Regional economic commissions
(+ \$12,400)

23. At its eleventh session, the Economic and Social Council, while considering the annual report of the Economic Commission for Latin America, in resolution 301 (XI) approved, *inter alia*, the recommendation of the Commission :

(a) To amend rule 42 of the Commission's rules of procedure to add Portuguese to the official languages of the Commissions;

(b) To hold the next session of the Commission in Mexico City.

24. The total additional cost of adding Portuguese to the official languages of the Commission is estimated at \$7,200. This amount covers the salary and travel cost of engaging four Portuguese interpreters for a period of three weeks during the Commission's session (\$5,700) and the cost of printing the Commission's report (\$1,500). The printing provision would be included in section 25.

25. The additional costs to the United Nations of holding the 1951 session of the Commission in Mexico City total \$6,700, as follows :

	US dollars
(a) Travel and subsistence of Commission staff (nine substantive officers, one documents officer, one administrative officer, one secretary)	11,800
(b) Travel and <i>per diem</i> of Headquarters staff (twelve interpreters, eight précis-writers, three translators, two engineers, one information officer, one conference officer, one secretary)	13,450
(c) Rental of telecommunications equipment ..	1,550
(d) Freight, cartage and express	1,200
(e) Communications	500
(f) Miscellaneous	500
	29,000
Less: Original estimates	22,300
Additional cost	6,700

26. These revised estimates are based on the understanding that the Government of Mexico will provide all local facilities, namely, local transportation, conference rooms and office space, local secretarial, clerical and messengerial help, local telephones and local charges (if any) for radio coverage. It is difficult to estimate the cost of these services on the basis of information at present available.

27. The net additional cost of implementing in 1951 the above decisions of the Council is estimated at \$12,400 for section 3b, and \$1,500 for section 25.

III. Section 4. The Trusteeship Council, commissions and committees (—\$31,400)

28. The estimates for the 1951 sessions of the Trusteeship Council, as contained in the original budget estimates (A/1267) and as adjusted by the Advisory Committee (A/1312) were based on two sessions of the Council, the eighth session in Geneva and the ninth session at Headquarters. Subsequently, on 21 July 1950, the

Trusteeship Council decided to hold its eighth session at Headquarters, and the Secretary-General since then has completed the administrative arrangements to provide for the usual conference facilities at Lake Success for this session.

29. On 22 November 1950 at its third special session, the Trusteeship Council further decided to hold its ninth session in June-July 1951, also at Headquarters. Consequently the provisions made in section 4 of the 1951 budget estimates for a session of the Council in Geneva can now be deleted. These provisions, as adjusted by the Advisory Committee, amount to \$35,000 and cover expenses in connexion with travel and subsistence of staff.

30. However, as it is now contemplated that the winter session and part of the summer session of the Council will be held at Lake Success, provision must be made in section 4 for local transportation for these sessions in the amount of \$3,600 to cover the cost of hiring three cars for sixty days at \$20 per car, per day.

31. Therefore, the Secretary-General proposes to decrease the budget estimates for section 4, as recommended by the Advisory Committee, by \$31,400 (\$35,000 in travel of staff minus \$3,600 in local transportation).

32. It is to be noted that the revised estimates now recommended for section 4 (\$53,600) include a tentative provision of \$50,000 for the 1951 visiting mission. As the Council has not finalized the arrangements for the visiting mission in 1951, the Secretary-General proposes that these estimates be maintained.

IV. Section 20. United Nations Office at Geneva

33. The 1951 estimates for section 20, United Nations Office at Geneva, included provisions amounting to \$61,300, to cover the additional costs for servicing a session of the Trusteeship Council. This amount included, *inter alia*, the additional requirements at Geneva for temporary assistance, communications services, mimeograph supplies and freight.

34. Consequent upon the decision of the Trusteeship Council at its special session on 22 November to hold its ninth session in New York, the provision included in the Geneva budget is no longer required for this purpose.

35. Against this, however, it is now known that the following United Nations bodies will hold their meetings in Geneva in 1951 : Social Commission; Human Rights Commission; International Law Commission; Committee on International Criminal Jurisdiction.

36. The 1951 meeting of the Sub-Commission on Freedom of Information and of the Press and that of the Sub-Commission on Prevention of Discrimination and Protection of Minorities may also be held in Geneva in the early part of 1951.

37. At the time the 1951 estimates were prepared, these meetings were not scheduled in Geneva and no provision was included in section 20 to cover the additional costs involved.

38. The Geneva conference workload during 1951 was made known to the Fifth Committee in document A/C.5/397. It is therefore proposed to retain the amounts

provided for the Trusteeship Council in order to enable the Geneva Office to provide the services required for the meetings listed above.

DOCUMENT A/C.5/424 and Corr.1 and 2

Revised estimates for sections 10, Department of Economic Affairs; 11, Department of Social Affairs; 20, United Nations Office at Geneva, and 27, Advisory social welfare functions, required as a result of the resolutions adopted by the Economic and Social Council at its eleventh session

[Original text : English]
[2 December 1950]

	Section 10	Section 11	Section 20	Section 27
		(In US dollars)		
1951 Original estimates (A/1267)	2,129,000	1,594,300	4,376,600	610,500
Estimates approved by the Fifth Committee	2,085,000	1,550,000	4,276,000	610,500
Secretary-General's revised estimates ...	2,306,200	1,624,100	4,325,200	768,500
1950 Appropriation	2,130,200	1,464,750	4,113,910	610,500
1949 Expenditures	1,855,564	1,268,071	4,093,277	536,014

1. The Fifth Committee has already received, in document A/C.5/423, supplementary estimates to cover the additional costs of implementing several resolutions adopted by the eleventh session of the Economic and Social Council affecting sections 3 and 3b of the 1951 budget. These supplementary estimates, in the total amount of \$384,140, covered the costs of holding the twelfth session of the Council at Santiago (\$337,800), the 1951 sessions of the Social Commission and the Commission on Human Rights at Geneva (\$21,000) and the 1951 session of the Economic Commission for Latin America in Mexico City (\$13,900), and other smaller items.

2. This report sets out in detail the estimated additional costs of implementing the resolutions not already covered in document A/C.5/423. It is issued following examination of the items in the light of the present budgetary position for 1951.

Section 10. Department of Economic Affairs (+ \$221,200)

3. In resolution 290 (XI) (Report of the Economic and Employment Commission the Council took decisions intended to ensure regular systematic consideration of employment problems by the Council (part A); encourage the adoption of effective international full employment policies (part B); encourage effective international full employment policies (part C); facilitate the Council's further consideration of the problems of unemployment, particularly in the less developed countries (part D); and facilitate the implementation of this resolution (part E). The provisions of the resolution have been favourably recommended to the General Assembly by the Second Committee.

(a) *Part A.* Beginning in 1951, the Council will place on its agenda once each year, for consideration in the

light of economic trends, the problem of achieving and maintaining full employment with progressively improving levels of production, trade and consumption, and maintenance of, or progress toward the achievement of equilibrium in balances of payments. The particular fields of study which must be undertaken to ensure the regular systematic consideration of employment problems by the Council are set out in subsequent sections, with financial implications as shown below.

(b) *Part B.* With the object of encouraging the adoption of effective domestic full employment policies, it is recommended that each government publish annually a statement of its economic objectives covering specified items; publish as soon and as precisely as is practicable the standard by which it defines the meaning of full employment; formulate, announce and periodically review the policies, programmes and techniques it intends to pursue; and keep continuously under review the adequacy of its organizational and technical arrangements, including statistical services, required for the implementation of the above recommendations.

The Secretary-General is requested to amend the questionnaires being issued under Council resolution 221 E (IX) so as to cover information concerning economic trends, full employment standards, domestic economic objectives or forecasts, and domestic policies or programmes, and to send to governments the first issue of the amended form as soon as possible. He is also requested to assemble and analyse the reports submitted by governments in response to the questionnaire, so as to facilitate review by the Economic, Employment and Development Commission and, in particular, to analyse the statistical basis of the full employment standards published by governments.

The collection, analysis and publication of information received from governments under resolution

221 E (IX) is handled as a project of the Economic Stability Section of the Division of Economic Stability and Employment (A/1267, p. 85).

To undertake the new responsibilities called for by the Council, it is necessary to strengthen the existing staff by two professional posts (one officer and one junior officer) and one secretary. The additional annual cost beginning in 1951 (allowing a 4 per cent deduction for delayed recruitment) is estimated at \$15,375.

(c) *Part C, I.* In conjunction with the objective of encouraging effective international full employment policies and the consequent recommendations made to governments, the Council, in paragraph 12 of the resolution, requests the Secretary-General to amend the questionnaires being issued under Council resolution 221 E (IX) so as to cover estimates by governments of their balance-of-payments positions and information on their related economic policies for the ensuing year and, when appropriate, for a longer period; to assemble and analyse the reports submitted by governments so as to facilitate the task of the Economic, Employment and Development Commission, and to continue to make special studies concerning the international aspects of the full employment problem.

To undertake these particular responsibilities, it is necessary to strengthen the staff of the Division of Economic Stability and Development by two professional posts (one officer and one junior officer), and one secretary. The additional annual cost beginning in 1951 (allowing a 4 per cent deduction for delayed recruitment) is estimated at \$15,375.

In paragraph 13 of the resolution, the Council further requests the Secretary-General (i) to prepare, with the advice of suitable experts, and to issue as soon as conveniently possible, a special questionnaire to obtain from governments (within a recommended period of six months) quantitative estimates of the main elements of the balance of international payments which each government hopes to attain by 1954, together with a classification of its estimated trade by major commodities or groups of commodities; (ii) to appoint a group of three independent experts and to furnish them with such assistance as may be necessary to enable them to submit, to the Economic, Employment and Development Commission, on their own responsibility, a report analysing and commenting on the replies to the questionnaires received from governments; and (iii) to undertake, and if practicable to annex to the reports of the experts, an analysis of the changes in demand for, and supply of, the principal commodities in international trade which might be expected to occur in the light of the data supplied by governments, and other relevant material. To carry out these tasks, additional funds for experts and staff will be needed, starting in 1951, to be utilized on a temporary basis for a period of two years.

Requirements for 1951 are estimated at \$122,000 as follows :

	US dollars
(i) Fees, travel and subsistence allowance costs for one meeting of three independent experts for a total of 120 working days	27,000
<i>Carried forward</i>	27,000

	US dollars
<i>Brought forward</i>	27,000

(ii) Salaries of one senior officer, three officers, two intermediate officers, seven junior officers (including five statistical) and five secretaries (\$99,000 minus 4 per cent reduction for delayed recruitment)	95,000
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TOTAL THEREAFTER	122,000
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(d) *Part C (II).* Under this section of the resolution, the Secretary-General is requested to appoint a group of three to five experts to make technical studies, and, after seeking the views of the International Monetary Fund and the International Bank for Reconstruction and Development, to prepare a report to be issued on their own responsibility formulating and analysing alternative practical ways of dealing with the problem of reducing the international impact of the recessions that may arise. The costs in fees, travel and subsistence allowance for convening a meeting of five experts for a total of thirty-four days is estimated at \$15,000.

(e) *Part D.* In connexion with the object of facilitating the Council's further consideration of the problem of unemployment, particularly in the less-developed countries, the Secretary-General is requested, under this section, to appoint a small group of experts to prepare, in the light of the current world economic situation and of the requirements of economic development, a report, to be issued on their own responsibility, on unemployment and under-employment in under-developed countries, and on the national and international measures required to reduce such unemployment and under-employment. The cost of this meeting of experts, on the basis of eight experts working for a period of eighty days, and covering fees, travel and subsistence allowances is estimated at \$43,200.

(f) *Part E.* In this section of the resolution, the Council recommends that the Secretary-General and the appropriate specialized agencies provide, within their capacities, technical assistance to governments upon their request, for the purpose of facilitating the implementation of the resolution. Such technical assistance would be rendered either by the Secretary-General or by the appropriate specialized agencies, and would be financed out of the funds specifically provided by appropriation or by voluntary contributions for technical assistance purposes.

4. In part F of resolution 299 (XI) (report of the Statistical Commission) the Council has requested the Secretary-General to "take the initiative in arranging for adequate programmes of development in the various branches of social statistics by (a) surveying the needs of the United Nations and other international agencies in the field of social statistics; (b) exploring the extent to which these needs are being met by the United Nations and the specialized agencies and drawing attention to the areas where more complete and comparable data are required in their respective fields; and (c) investigating the availability and comparability of data at present not being collected by the United Nations or the specialized agencies and compiling those most urgently needed, together with appraisals of their adequacy".

5. The Secretary-General, in his original budget estimates for 1951 (A/1267, p. 93), proposed no increase in the number of posts for the Statistical Office. The Statistical Commission, at its fifth session, gave careful attention to the priorities of its work programme and these, as set out in the Commission's report (E/1696),²⁴ indicate the volume of current and future work falling to the Statistical Office. The existing strength of the Statistical Office does not permit any expansion of the work of the Office or any increase in the rate at which priority projects have been carried forward. In view of the decision of the Council as noted above, on the question of the provision of more social statistics, it will be necessary to increase the present staff of the Statistical Office by two professional posts, namely, one intermediate officer and one junior officer, at an additional annual cost of \$10,250.

6. In order to implement the above resolutions, the Secretary-General requests that the estimates for section 10, as approved by the Fifth Committee in its first reading of the 1951 budget, be increased by a total sum of \$221,200. In addition, provisions would need to be made for common staff costs for the additional staff requirements in the amount of \$28,000 and for printing in two languages the reports of the three groups of experts referred to in sub-paragraphs 3 (d) and 3 (e) above, in the amount of \$9,000. These sums are to be added to the estimates for section 17 and section 26 of the 1951 budget respectively.

7. This supplemental estimate does not take into account the proposal of the Second Committee (A/C.5/424) that the Secretary-General and the specialized agencies prepare materials for the use of interested governments on the organization and collection of economic data. A financial estimate covering this matter is to be presented to the Fifth Committee in accordance with rule 152 of the rules of procedure of the General Assembly.

Section II. Department of Social Affairs (+ \$74,100)

8. The Economic and Social Council, on the basis of the report of the fifth session of the Population Commission (E/1711),²⁵ adopted resolution 308 (XI), which in its parts A and C has the following financial implications :

(a) In taking note of the Commission's report, part A of the resolution appears, in addition to the matters specifically referred to in the resolution of the Council, a further item of work to which the Commission accorded high priority; namely, a study of recent recovery of the birth-rate in certain countries. This will necessitate the hiring of one intermediate officer on a temporary basis for 1951 at a cost of \$6,000.

(b) *Part C* requests that the Secretary-General, in consultation with the executive heads of appropriate agencies, press forward with the migration studies recommended by the Commission and also prepare a study of

adequate methods of international financing of European migration. Staff will be made available for these purposes from the existing establishment, partly by the postponement of staff work on certain projects of lesser priority which are not yet fully under way, such as additional studies of Trust Territories, and several less important tasks in the migration field.

(c) *Part D*, in connexion with "the relationship of population growth to problems of economic development, especially in areas of dense population in relation to existing resources", recommends that "the studies of the inter-relationship of demographic, economic and social factors be carried forward by the Secretary-General as recommended by the Population Commission, and that the essential additional costs be met by the Secretary-General by

"(a) Releasing funds by postponing work on projects given lower priority by the Commission" and

"(b) Exploring with the Government of India the possibility of developing a technical assistance project financed from the Special Account to meet part of the additional costs of the proposed expansion of the field investigation noted above".

The proposed expansion of the scope of the field study would involve costs for salaries of field investigators and for machine tabulation totalling \$54,000 in 1951, and appreciably smaller amounts in 1952 and 1953.

The Secretary-General has taken into consideration the Council's recommendation to postpone work given lower priority by the Commission in order to meet essential costs for the new work in 1951, and has concluded that these extra costs cannot be absorbed in the 1951 budget appropriation requested. He will explore with the Government of India the possibility of developing a technical assistance project financed from the Special Account to meet the additional costs of the proposed expansion of the field investigation noted above. Accordingly, no budgetary action is requested.

9. On the basis of the report of the sixth session of the Social Commission (E/1678),²⁶ the Economic and Social Council has adopted resolution 309 (XI), which has the following financial implications :

(a) The resolution, in part E, requests the Secretary-General, *inter alia*, " (i) to plan jointly with the specialized agencies and in consultation with the interested non-governmental organizations a well co-ordinated international programme for rehabilitation of physically handicapped persons; ... (ii) To expand the present facilities for dissemination of information on rehabilitation and the preparation of training materials; (iii) To assist, as appropriate, in providing for the exchange of knowledge and materials for the manufacture of all types of prosthetic devices as well as information on hearing aids; " and " (iv) To include an amount in the budget estimates of the United Nations for 1951 for employing staff to initiate this programme ".

The Secretary-General has considered carefully the financial implications of the above-mentioned decisions

²⁴ See *Official Records of the Economic and Social Council, Fifth Year, Eleventh Session, Supplement No. 4.*

²⁵ *Ibid.*, Fifth Year, Eleventh Session, Supplement No. 7.

²⁶ *Ibid.*, Fifth Year, Eleventh Session, Supplement No. 3.

in so far as the 1951 estimates are concerned. In order to develop a co-ordinated plan for effective study and action to rehabilitate the handicapped, additional funds will be needed as detailed below :

	<i>US dollars</i>
(i) Salaries of one officer, one intermediate officer, one junior officer and one secretary..	21,550
(ii) Consultants (100 consultant days plus travel costs)	5,750
(iii) Travel of Secretariat members to international meetings called for the drafting of programmes	2,500
	29,800

In addition, the proposed publications programme will entail an estimated expenditure of \$3,000 for contractual printing to be added to the estimate for section 26 of the budget.

(b) In part G of the resolution, the Council approved the general lines of the long-term integrated programme of work in the field of social welfare, including methods of execution proposed by the Social Commission at its sixth session, and requested the Secretary-General, within the limits of such appropriation as might be provided by the General Assembly for the purpose, to make the administrative arrangements appropriate to carry out the proposed unified programme, having full regard to the competence of the specialized agencies. The financial implications of the long-term programme are detailed below :

(i) *Family, youth and child welfare* : The proposals of the Social Commission under this head call for increased attention to the problems of the welfare of children and young persons in rural and under-developed areas; expansion of the existing annual report on child welfare to cover community and family material and publication of this report bi-annually; preparation in 1951 and 1952 of a survey of such community services as counselling, legal aid, recreational facilities, etc. The Secretary-General is making arrangements whereby priority could be given to these tasks within the existing establishment. It would be necessary, in addition, to make provision for two new professional posts to assist in the liaison and closer collaboration in this field with the United Nations International Children's Fund, the specialized agencies and non-governmental organizations concerned (one intermediate officer and one junior officer), and one secretarial post, for which supplementary funds are requested for 1951 in the amount of \$13,300.

(ii) *Conditions of living*. On the question of methods of family living studies in under-developed territories, the Social Commission recommends that the Secretary-General confer with the International Labour Organisation and with the Statistical Commission as to the possibility of establishing a joint committee of technical experts which would cover fields of interest to the Social and Statistical Commissions and the International Labour Organisation. Participation in the proposed joint meeting would involve additional travel costs in 1951 of \$2,000 (for two staff members), assuming a meeting of two to three weeks' duration at Geneva. The desirability of such participation has been noted by the Statis-

tical Commission (E/1696). The additional cost involved for 1951 is estimated at \$2,000.

(iii) *Social defence*. The Social Commission recommends that the Secretary-General undertake the preparation of studies on (a) the detention of adults prior to sentence; (b) the indeterminate sentence and other measures designed for adapting the duration of treatment in correctional or penal institutions to the needs of the individual offender and to the protection of society; (c) parole and after care; and (d) the selection and training of personnel for penal and correctional institutions. It is believed that these and other related studies requested by the Commission can be carried out most suitably by consultants. Additional funds will be required for the purpose in 1951 in the amount of \$10,000.

In addition, it will be necessary to establish a post of officer to carry responsibility for preparation and editing of the International Social Review recommended by the Social Commission. The estimated additional cost in 1951 is \$8,750. Funds for printing the bulletin are already available in section 26. The total additional expenses for 1951 under this item are thus estimated at \$18,750.

(iv) *Housing, town and country planning*. The work programme recommended by the Social Commission for 1951-52 under this head calls for housing studies, some of which are to be done co-operatively with the Economic Commission for Europe, and requires the additional funds as requested under section 20 below.

(v) *Social Reference Centre*. The expansion of the present legislative series on child welfare to cover community and family welfare and eventually other branches of the work as recommended by the Commission requires the addition of one junior officer. The additional cost for 1951 is estimated at \$4,250.

10. *Resolution 310 (X)*. Long-range activities for children, and *Resolution 333 (XI)*, inter-governmental organizations.

It is now expected that neither of these resolutions will entail financial implications for the United Nations budget in 1951.

11. In order to implement the above resolutions, the Secretary-General requests that the estimates for section 11, as approved by the Fifth Committee in its first reading of the 1951 budget, be increased by a total sum of \$74,100. In addition, provisions would need to be made for common staff costs for the additional staff requirements in the amount of \$10,000, and for printing the proposed publication programme in the field of rehabilitation of physically handicapped persons referred to under paragraph 9 (a) above, in the amount of \$3,000. These sums are to be added to the estimates for sections 17 and 26 of the 1951 budget, respectively.

Section 20. United Nations Office at Geneva (\$49,200)

12. In resolution 300 (XI), the Economic and Social Council took note of the regular annual report of the Economic Commission for Europe (E/1674) ²⁷ and recom-

²⁷ *Ibid.*, Supplement No. 10.

mended that the necessary funds be allocated for the purpose of implementing the decisions of the fifth session of the Commission. The financial implications of these decisions are as follows :

(a) *Housing programme.* An expansion of work in the housing field was proposed both by the Economic Commission for Europe at its fifth session and by the Social Commission at its sixth session. An estimate of additional expenditures to provide for two professional posts (one intermediate and one junior officer) and one secretarial post was noted by the Council when it approved the reports of the two Commissions. The studies to be undertaken would deal with the financing of housing and housing costs in relation to family income. These studies would be jointly planned and executed by the secretariat of the Economic Commission for Europe and the Department of Social Affairs, the additional staff required being located at Geneva. On the above basis, the cost of these studies in 1951 would amount to \$13,650.

(b) *Price formation study.* The proposal of the Commission concerning studies on international price formation and capital markets is contained in document E/1674, part IV, resolutions 2 and 3. While additional work in the field of finance will be undertaken within the existing establishment, work particularly in the field of international price formation will require the services of a senior economic specialist (senior officer or consultant), a research assistant (intermediate officer), and one secretary, as well as provision (\$1,000) for official travel in Europe. The estimated cost in 1951 is \$21,850.

(c) *Joint work with the Economic Commission for Latin America and the Economic Commission for Asia and the Far East.* The joint economic studies and co-operative action being undertaken among the three regional Com-

missions, of which the Council took note in the course of its discussions on the reports of the Commissions, entails additional expenses for the Economic Commission for Europe which were not fully anticipated at the time the Council was in session.

Following a review of the work programme of Economic Commission for Europe, subsequent to the reduction of \$29,900 in its 1951 estimates recommended by the Advisory Committee (A/1312, para. 228), it is now requested that additional funds for this purpose be provided to cover the salaries of one officer and one secretary (\$11,700) and additional travel (\$2,000), totalling \$13,700.

Section 27. Advisory social welfare functions
(+\$158,000)

13. Resolution 312 (XI) of the Economic and Social Council constituted a draft text revising the terms of General Assembly resolution 58 (I). As amended and proposed by the Third Committee for adoption by the General Assembly, the text (A/1436) provides for certain new features in the programme of advisory social welfare services, involving the following additional costs in 1951 :

	<i>US dollars</i>
(a) Thirty scholarships at \$2,000 each	60,000
(b) Operation of one demonstration centre, including cost of equipment	50,000
(c) Supplies of technical literature	48,000
TOTAL	158,000

14. This amount, recommended to the General Assembly by the Fifth Committee in its report (A/1537), is requested as a supplement to the original budget estimate for section 27.

DOCUMENT A/C.5/428

Revised estimates for section 5a, United Nations Field Service

[Original text : English]
[4 December 1950]

	<i>US dollars</i>
1951 Original budget estimates (A/1267)	300,000
Recommended by the Advisory Committee (A/1312)	300,000
Revised estimates	488,000
1950 Appropriation	337,000
1949 Expenditure	—

1. Section A of General Assembly resolution 297 (IV) reads as follows :

“ *The General Assembly,*

“ *Having considered* the report of the Special Committee established by General Assembly resolution 270 (III) of 29 April 1949,

“ *Being of the opinion* that the United Nations Field Service, as proposed by the Secretary-General in document A/AC.29/1 and modified by the report of the

Special Committee, will contribute to the more efficient operation of United Nations missions,

“ *Considering* that the Secretary-General has authority to establish the United Nations Field Service, subject to budgetary limitations and the normal administrative controls of the General Assembly,

“ *Takes note* of the intention of the Secretary-General to establish this proposed unit as modified by the observations contained in the report of the Special Committee.”

2. Under section 5a of the 1951 budget estimates (A/1267, page 58), an interim estimate of \$300,000 was suggested for the United Nations Field Service. It was added, however, that detailed estimates would be submitted at the time detailed estimates for the political missions under section 5 were submitted.

3. Taking into consideration the requirements of the missions as known at present, the Secretary-General proposes that the strength of the Field Service staff be set at 300 in 1951.

4. Of this total, 158 posts are already provided for in the 1951 budget estimates (A/1267), either as established posts or as temporary assistance, for normal guard duties at Headquarters and at the Geneva Office (thirty posts under section 20 and 128 posts under sections 16 and 18a). In addition, provision has already been made under section 16 for seventeen posts for the Headquarters unit in charge of the administration and direction of the United Nations Field Service. Therefore, under section 5a of the 1951 budget, it will be necessary to provide only for the remaining 125 posts.

5. The disposition of the 125 persons required for Field Service assignments is shown below :

United Nations Special Committee on the Balkans	14
United Nations Commission for the Unification and Rehabilitation of Korea	28
United Nations Conciliation Commission for Palestine	34
United Nations Mission for India and Pakistan	12
United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration	5
Office of the United Nations Commissioner in Libya	7
Office of the United Nations Commissioner in Eritrea .	5
In training (on recruitment and advanced courses) ..	20
	125

6. On the above basis, in lieu of the interim estimate of \$300,000 shown under section 5a in the 1951 budget estimates, the following amount will be required :

	<i>US dollars</i>
Salaries and wages	316,000
Temporary assistance	13,000
Travel and subsistence of staff	53,000
Maintenance and operation of transportation equipment	1,000
Miscellaneous supplies and contractual services .	28,500
Miscellaneous equipment	2,000
Common staff costs	74,500
	488,000

7. Under salaries and wages, provision is made for 125 posts at the following rates :

	<i>US dollars</i>
45 at \$2,000 gross per annum	90,000
40 at \$2,350 gross per annum	94,000
25 at \$2,820 gross per annum	70,500
10 at \$3,530 gross per annum	35,300
	289,800
<i>Carried forward</i>	289,800

	<i>US dollars</i>
<i>Brought forward</i>	289,800
5 at \$4,500 gross per annum	22,500
	312,300
Provision for increments	3,700
	316,000

8. Under temporary assistance, provision is made for instructors to supervise training in the field of telecommunications (\$6,000), shorthand and typing (\$4,000) and maintenance of vehicles (\$3,000). These instructors would train forty-five new recruits and give advance courses to thirty Field Service personnel. The provision of \$53,000 requested under travel and subsistence of staff will cover :

(a) Round trips to and from New York and subsistence costs in connexion with advanced training courses for personnel who have been on duty at various missions. This training course, lasting ninety days, will cover technical matters in telecommunications, transportation and administrative fields. The course will be given in rotation to thirty persons at the average of ten at a time. Provision is therefore requested for bringing to Headquarters thirty persons for training at average for return trip of \$1,000 (\$30,000). Subsistence allowance for ninety days at \$5 per day would amount to \$13,500.

(b) The costs of travel to factories and technical schools in the United States in connexion with training of forty-five new recruits and thirty Field Service personnel in advanced training (\$9,500).

9. A sum of \$1,000 is requested under operation and maintenance of transportation equipment to cover costs of operating two jeeps in connexion with the training programme. Provision for miscellaneous supplies and contractual services will meet the cost of uniforms. Under miscellaneous equipment, provision of \$2,000 is made for field gear and other equipment.

10. The amount of \$74,500 requested for common staff costs provides for :

(a) Contribution to the Joint Staff Pension Fund (\$20,000);

(b) Travel and removal expenses of forty-five new recruits at an average of \$650 each (\$29,250);

(c) Installation *per diem* at Headquarters for forty-five persons at \$5 per day for ninety days (\$20,250);

(d) Children's allowances (\$5,000).

11. The Secretary-General consequently requests that \$488,000 be appropriated under section 5a of the 1951 budget estimates. These expenses will be partly compensated by an estimated income of \$46,800 from the assessments to be levied on the salaries of the staff.

DOCUMENT A/C.5/445

Summary of the budget situation

[Original text: English]
[12 December 1950]

1. On the basis of decisions made by the Fifth Committee at the conclusion of its 279th meeting, and of the estimated financial implications of resolutions recommended by the other Committees of the General Assembly as of 11 December 1950, the total 1951 estimates are likely to amount to \$US47,419,650 (annex A).

2. On the same basis, miscellaneous income for the financial year 1951 is estimated at \$6,438,000 (annex B).

3. The contribution required to finance the 1951 estimates thus stands at present at \$40,981,650.

4. This amount will be subject to adjustments in accordance with the terms of financial regulation V, paragraph 2, estimated as follows :

	<i>US dollars</i>
(a) Supplementary appropriation for the financial year 1950	2,879,000
(b) Adjustment consequent upon over-estimating the miscellaneous income for the financial year 1949	57,497
	<u>2,936,497</u>
<i>Less:</i>	
(c) Contribution resulting from the assessment of a new Member State (Indonesia)	73,100
(d) Appropriation surrendered or to be surrendered under financial regulation IV, paragraphs 3 and 4 :	
(i) Savings on prior year's appropriations as indicated in the financial report for 1949	841,662
(ii) Savings during 1950 in liquidating prior year's obligations .	470,000
	<u>1,384,762</u>
TOTAL	1,551,735

5. As a result of the above adjustments, contributions from Member States for the financial year 1951 can be estimated at present at \$42,533,385.

6. No account is taken in these estimates of the financial implications of the following items still on the agenda of the First and *Ad Hoc* Political Committees :

Item 76. Intervention of the Central People's Government of the People's Republic of China in Korea;

Item 70. Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America;

Item 71. The question of Formosa;

Item 20. Palestine :

(a) Question of an international régime for the Jerusalem area and protection of the Holy Places : special report of the Trusteeship Council;

Item 21. Former Italian colonies :

(a) Report of the United Nations Commissioner in Libya;

(b) Reports of the Administering Powers in Libya : a United Nations tribunal;

...

(f) Report of the Interim Committee of the General Assembly on the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement.

ANNEX A

<i>Section</i>	<i>1951 estimates as approved by the Fifth Committee</i>	<i>Additional requirements (In US dollars)</i>	<i>Anticipated 1951 requirements</i>
1. The General Assembly, commissions and committees	2,538,750 ^a	40,000 ¹	2,578,750
2. The Security Council, commissions and committees	-	-	-
3. The Economic and Social Council, commissions and committees ...	502,000	-	502,000
(a) Permanent Central Opium Board and Narcotic Drugs Supervisory Body	22,900 ^b	-	22,900
(b) Regional economic commissions	64,000	-	64,000
4. Trusteeship Council, commissions and committees	53,600	-	53,600
5. Investigations and inquiries	3,801,200 ^c	-	3,801,200
(a) United Nations Field Service	450,000	-	450,000
6. Executive Office of the Secretary-General	474,200	-	474,200
(a) Library	450,000	-	450,000
7. Department of Security Council Affairs	758,700	-	758,700
8. Military Staff Committee secretariat	129,600	-	129,600
9. Technical Assistance Administration	300,000	-	300,000
10. Department of Economic Affairs	2,085,000	34,500 ²	2,119,500
11. Department of Social Affairs	1,550,000	17,000 ³	1,567,000
12. Department of Trusteeship and Non-Self-Governing Territories ...	865,000	-	865,000
13. Department of Public Information	2,687,000	-	2,687,000
14. Legal Department	430,000	-	430,000
<i>Carried forward</i>	<u>17,161,950</u>	<u>91,500</u>	<u>17,253,450</u>

	<i>Brought forward</i>	17,161,950	91,500	17,253,450
15. Department of Conference and General Services		7,179,000 ^a	—	7,179,000
16. Department of Administrative and Financial Services		2,920,000	—	2,920,000
17. Common staff costs		—	4,366,700 ⁴	4,366,700
18. Common services		2,810,000	—	2,810,000
(a) Move to the permanent Headquarters		400,000	—	400,000
19. Permanent equipment		302,200	—	302,200
20. United Nations Office at Geneva		4,294,400 ^e	67,900 ⁵	4,362,300
(a) Office of the High Commissioner for Refugees		—	254,000 ⁶	254,000
21. Information centres		840,000	—	840,000
22. Economic Commission for Asia and the Far East		825,000	—	825,000
23. Economic Commission for Latin America		503,800	—	503,800
24. Hospitality		20,000 ^f	—	20,000
25. Printing — official records		872,000 ^g	11,000 ⁷	883,000
26. Publications		950,000 ^h	12,000 ⁸	962,000
27. Advisory social welfare functions		768,500 ⁱ	—	768,500
28. Technical assistance for economic development		479,400	—	479,400
29. International Centre for Training in Public Administration		145,000	—	145,000
30. Transfer of the assets of the League of Nations to the United Nations ..		649,500	—	649,500
31. Amortization of the Headquarters construction loan		1,000,000	—	1,000,000
32. International Court of Justice		595,800	—	595,800
33. Global reduction on the provision for established posts		(100,000)	—	(100,000)
	TOTALS	42,616,550	4,803,100	47,419,650

	<i>US dollars</i>
^a This figure represents the total of the following items :	
Amount originally recommended by the Advisory Committee (A/1312)	700,000
Holding the sixth session of the General Assembly in Europe (to be offset by reduction of \$50,000 in section 25)	1,800,000
Geneva session of the International Law Commission ..	19,750
Conference on Status of Refugees	6,000
<i>Ad Hoc</i> Committee on South-West Africa	10,000
Committee on International Criminal Jurisdiction ...	3,000
Committee on the Draft Convention on Freedom of Information	—
	2,538,750

^b No formal action taken as yet by the Fifth Committee. Amount shown is as recommended by the Advisory Committee.

	<i>US dollars</i>
^c Includes :	
United Nations Special Committee on the Balkans ...	520,000
United Nations Mission to India and Pakistan	600,000
United Nations Commission for Indonesia	147,500
Repatriation of Greek children	50,000
United Nations Conciliation Commission for Palestine ..	693,000
United Nations Commission for the Unification and Rehabilitation of Korea	790,700
Office of the United Nations Commissioner in Libya ...	575,000
United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration	175,000
Office of the United Nations Commissioner in Eritrea ..	250,000
	3,801,200

^d Includes \$US83,000 for United Nations Postal Administration.

	<i>US dollars</i>
^e Amount initially approved on recommendation of the Advisory Committee	4,226,000
Remodelling of Council Chamber	50,000
Restoration of \$US18,400 as a consequence of the Fifth Committee's decision to apply a salary differential to only 75 per cent of salaries (1/4 of \$73,400)	18,400
	4,294,400

^f No formal action taken as yet by the Fifth Committee. Amount shown is as recommended by the Advisory Committee.

	<i>US dollars</i>
^g Amount originally recommended by Advisory Committee, and approved by Fifth Committee	870,000
United Nations Special Committee on the Balkans ..	5,000
United Nations Conciliation Commission for Palestine ..	7,000
Office of the United Nations Commissioner in Libya ..	7,200
United Nations Commission for the Unification and Rehabilitation of Korea	9,300
Office of the United Nations Commissioner in Eritrea ..	5,000
<i>Ad Hoc</i> Committee on Slavery	3,500

Carried forward..... 907,000

	<i>US dollars</i>
<i>Brought forward</i>	907,000
Committee on the Draft Convention on Freedom of Information	5,000
Conference on Status of Refugees	2,000
<i>Ad Hoc</i> Committee on South-West Africa	4,000
Committee on International Criminal Jurisdiction ..	4,000
	922,000
Saving in printing summary records of the General Assembly in Europe	50,000
	Net 872,000

^h This figure includes, in addition to the total originally recommended by the Advisory Committee (\$US900,000), the sum of \$US50,000 to cover the cost of printing the additional volumes in the *Treaty Series* to include annexes.

ⁱ Includes \$US158,000 as recommended by the Fifth Committee (A/1537) for additional advisory social welfare services.

¹ Establishment of an *Ad Hoc* Commission on the Question of Prisoners of War.

² Amount recommended by the Advisory Committee for implementation of Economic and Social Council resolutions as endorsed by the Second Committee. The Secretary-General's estimate amounted to \$US221,200. The Secretary-General feels unable to agree to the reduction recommended by the Advisory Committee.

³ Amount recommended by the Advisory Committee for implementation of Economic and Social Council resolutions as endorsed by the Third Committee. The Secretary-General's estimate amounted to \$US74,100. The Secretary-General feels unable to agree to the reduction recommended by the Advisory Committee.

	<i>US dollars</i>
Amount originally recommended by the Advisory Committee	4,164,100
Restoration of rental allowance as approved by the Fifth Committee	117,600
No provision under this section was made in the original estimates for internationally-recruited personnel required for special committees and commissions (section 5). Additional common staff costs for such staff, and other minor changes in staff following action of the Fifth Committee are estimated at ...	85,000
	4,366,700

⁵ Includes the following amounts :
Amount recommended by the Advisory Committee for implementation of Economic and Social Council resolutions as endorsed by the Second and Third Committees

27,900	27,900
The Secretary-General's estimate amounted to \$49,200. The Secretary-General feels unable to agree to the reduction recommended by the Advisory Committee.	
Provision for common services and common staff costs for the Office of the High Commissioner for Refugees ..	40,000

67,900

⁶ Provision for salaries and wages and for travel on official business for the High Commissioner for Refugees and his staff.

⁷ Provision for printing of the report of the Advisory Committee on Refugees (\$6,000) and the report of the *Ad Hoc* Commission on the Question of Prisoners of War (\$5,000).

	US dollars
⁸ Additional expenses for printing :	
Expert's reports on full employment	9,000
Publication programme for physically-handicapped persons	3,000
	12,000

ANNEX B

MISCELLANEOUS INCOME : 1951

	US dollars	US dollars
I. Estimate originally recommended by the Advisory Committee (A/1312, paras. 305-307) ..		5,969,000
II. Increased provision for salaries and wages :		
Commissions of investigation and inquiry and Field Service	77,800 ¹	
Departments of Economic and Social Affairs	1,700 ²	
Economic Commission for Europe	4,500 ³	
		84,000
III. United Nations Postal Administration Revenue to derive from sale of stamps for philatelic purposes ..		300,000
IV. Contribution of the Government of Chile towards the additional costs of holding the twelfth session of the Economic and Social Council in Santiago		85,000
		6,438,000

¹ The original estimate included \$180,000 for contributions under the Staff Assessment Plan with respect to expenditures for salaries and wages under sections 5 and 5a. Detailed estimates since approved by the Fifth Committee are as follows :

	US dollars
United Nations Special Committee on the Balkans ..	36,000
United Nations Mission to India and Pakistan	16,500
United Nations Commission for Indonesia	6,500
United Nations Conciliation Commission for Palestine ..	38,000
United Nations Commission for the Unification and Rehabilitation of Korea	36,000
Office of the United Nations Commissioner in Libya ..	50,000
United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration ..	8,000
	191,000
<i>Carried forward</i>	

	US dollars
<i>Brought forward</i>	191,000
Office of the United Nations Commissioner in Eritrea	20,000
United Nations Field Service	46,800
	257,800

It is thus proposed to increase the original estimate by the amount of \$US77,800.

² The Secretary-General's estimate, based on his requests for additional staff to implement the resolution of the Economic and Social Council (A/C.5/424) was \$38,000. The amount of \$1,700 shown is based on the recommendations of the Advisory Committee, which have not been accepted by the Secretary-General.

³ The amount shown is based on the recommendations of the Advisory Committee (A/1637), which have not been accepted by the Secretary-General.

DOCUMENT A/C.5/445/Add.1

Summary of the budget situation

[Original text : English]
[12 December 1950]

1. In the light of the decisions made by the Fifth Committee at its 280th meeting concerning the estimates for sections 10, 11 and 20, and as a result of the recommendations made by the Advisory Committee on the estimates submitted by the Secretary-General for the Office of the High Commissioner for Refugees (A/1687) and the *Ad Hoc* Commission on the Question of Prisoners of War (A/1686), the figures shown in document A/C.5/445 concerning the 1951 budget situation are to be revised as follows :

	US dollars
^a Total shown in annex B of document A/C.5/445	6,438,000
Increase in the estimated income to derive from the assessment of additional staff of :	
(i) Departments of Economic and Social Affairs	32,000
<i>Carried forward</i>	6,470,000

	US dollars
Total 1951 estimates	47,638,000
1951 miscellaneous income	6,504,000 ^a
Contributions required to finance the 1951 estimates	41,134,000
Adjustments in accordance with the terms of financial regulation V, paragraph 2 (unchanged)	1,551,735
Contributions from Member States for the financial year 1951	42,685,735
	852,270
<i>Brought forward</i>	6,470,000
(ii) Economic Commission for Europe	2,000
Estimate for assessment of the staff of the High Commissioner for Refugees	32,000
	6,502,000
TOTAL	6,504,000

2. The figures shown in annex B of document A/C.5/445 for sections 1, 10, 11 and 20 are to be amended to read as follows :

Section 1. The General Assembly, commissions and committees	<i>US dollars</i> 2,568,750
Section 10. Department of Economic Affairs	2,285,000
Section 11. Department of Social Affairs	1,608,550
Section 20. United Nations Office at Geneva	4,383,600

DOCUMENT A/C.5/L.49

Australia : draft resolution on the public information activities of the United Nations

[Original text : English]
[13 October 1950]

The General Assembly,

Having regard to the repeated requests made by the Advisory Committee on Administrative and Budgetary Questions for guidance from the General Assembly concerning the limits of the activities undertaken by the Department of Public Information of the United Nations and by the information centres, and concerning in particular the proportion of expenditure for public infor-

mation to the total budget of the United Nations,

Requests the Secretary-General, in conjunction with the Advisory Committee, to review the public information activities of the United Nations with a view to indicating how the budgetary appropriations sought for the direct and indirect costs of public information in 1952 could be reduced by an amount in the order of \$US250,000 from the amount approved for 1951.

DOCUMENT A/C.5/L.62

Draft resolution on subsistence allowances of members of commissions and committees

[Original text : English]
[31 October 1950]

The General Assembly

1. Reaffirms the principles and conditions for payment of transportation expenses and subsistence allowances as laid down in resolution 231 (III);

2. Agrees that subsistence allowances for members of commissions and committees eligible under resolution 231 (III) meeting in New York should be raised from \$20 to \$25 *per diem* as of 1 January 1951, as recommended by the Advisory Committee on Administrative and Budgetary Questions;

3. Agrees that members of commissions and committees meeting away from Headquarters should continue to receive subsistence allowances of \$20 *per diem*;

4. Concurs with the recommendation of the Advisory Committee (paragraph 326, A/1312) that subsistence allowances for members of commissions of inquiry or conciliation should be paid at the local currency equivalent of \$20 *per diem*.

5. (Any exception should be approved in a separate paragraph.)

DOCUMENT A/C.5/L.63

Draft resolution on compensation of members of commissions and other bodies in case of injury or death

[Original text : English]
[31 October 1950]

The General Assembly,

Taking into account the report of the Advisory Committee on Administrative and Budgetary Questions on

the problem of compensation to members of commissions, committees or similar bodies in case of injury or death attributable to service with the United Nations (document A/1312, paragraphs 342-343),

Approves the following basic points of the compensation plan proposed by the Advisory Committee on Administrative and Budgetary Questions :

(a) That compensation should be paid solely to those members of commissions, committees or similar bodies whose service to the Organization is recognized to the extent that they receive remuneration from the Organization, in the form of subsistence allowance;

(b) That compensation be payable only in the event of service-connected injury or death, eligibility under this paragraph to be determined in accordance with the defi-

inition set out by the Advisory Committee on Administrative and Budgetary Questions in paragraph 342 (i) of document A/1312;

(c) That the maximum compensation to be paid to a claimant will be \$25,000, to be awarded in case of death or total disability;

Instructs the Secretary-General to follow, in the settlement of claims, the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in document A/1312.

DOCUMENT A/C.5/L.64

United States : Amendment to draft resolution A/C.5/L.62 on subsistence allowances of members of commissions and committees

[Original text : English]
[1 November 1950]

The General Assembly

1. *Reaffirms* principles and conditions for payment of transportation expenses and subsistence allowances as laid down in resolution 231 (III),

2. *Agrees* that subsistence allowances for members of commissions and committees eligible under resolution 231 (III) meeting at Headquarters should be raised from \$20 to \$35 *per diem* as of 1 January 1951,

3. *Agrees* that subsistence allowance for members of

commissions and committees other than those in paragraph 4 meeting away from Headquarters should be raised from \$20 to \$30 *per diem*,

4. *Concurs* with the recommendation of the Advisory Committee (paragraph 326, A/1312) that subsistence allowance for members of commissions of inquiry or conciliation should be paid at the local currency equivalent of \$20 *per diem*,

5. (Any exception should be approved in a separate paragraph.)

DOCUMENT A/C.5/L.66

Chile : draft resolution on section 20, United Nations Office at Geneva

[Original text : English]
[1 November 1950]

The General Assembly,

1. *Considering* that it is necessary that the United Nations budget estimates for 1951 should be increased by a sum sufficient to cover the expenditure incurred in adapting the Council Chamber of the Palais des Nations at Geneva to enable it to be used by the principal organs of the United Nations when sitting in that city, and

that this adaptation would include *inter alia* the installation of simultaneous interpretation equipment and would cost approximately \$US50,000, according to the estimates made by the European Office of the United Nations,

2. *Decides* to allocate a further sum of \$US50,000 to section 20 of the United Nations budget to cover the expenditure incurred in adapting the Council Chamber of the Palais des Nations at Geneva.

DOCUMENT A/C.5/L.96

Australia : draft resolution on consolidation and stabilization of the regular economic and social programmes of the United Nations

[Original text : English]
[7 December 1950]

The General Assembly,

Recognizing that unforeseeable events or other excep-

tional circumstances requiring urgent measures of relief, reconstruction or rehabilitation may arise from time to time,

Having, in resolution 413 (V) adopted by the General Assembly on 1 December 1950 (A/1589), recognized that the successful carrying out of the economic and social work of the United Nations may be jeopardized by undertaking so many projects as to exceed the available technical, administrative and financial resources,

Having, in the aforesaid resolution, requested the Economic and Social Council and the specialized agencies, when new projects are adopted, to indicate which current projects may be deferred, modified or eliminated so as to ensure that the economic and social work of the United Nations and the specialized agencies will be carried on most effectively,

Decides to consolidate and stabilize the regular programme of economic and social activities of the United Nations;

Requests the Economic and Social Council, in considering the programme of activities for each of the years 1952 and 1953, to take the appropriations approved in the regular budget of the United Nations for 1951 as indicating the level of expenditure to be incurred upon the regular programme of the United Nations in economic and social fields;

Requests the Advisory Committee on Administrative and Budgetary Questions, when reporting to the General Assembly on the Secretary-General's budget, to be guided by this resolution, and by the indications to be given by the Economic and Social Council under resolution 413 (V) adopted by the General Assembly on 1 December 1950 as to which current projects may be deferred, modified or eliminated;

Decides to pay special attention at its sixth session to the possibility of economy in expenditure on conferences and meetings in the economic and social field.

DOCUMENT A/C.5/L.103

Proposed additions to draft resolution relating to the status of the Working Capital Fund as recommended by the Advisory Committee on Administrative and Budgetary Questions (A/1312, chapter I, appendix III). — Note by the Secretary-General

[Original text: English]
[12 December 1950]

The Secretary-General suggests that, in accordance with decisions already taken by the Fifth Committee, the following additional paragraphs be included in the draft resolution relating to the Working Capital Fund for 1951 as recommended by the Advisory Committee on Administrative and Budgetary Questions :

(f) Such sums, if any, as may be necessary to reimburse staff members for national income taxes paid by them in respect of payments received from the United Nations during 1951, or in respect of prior years for which reimbursement has not previously been made;

(g) In consultation with the Advisory Committee on Administrative and Budgetary Questions, such sums deemed to be available for this purpose and not exceed-

ing \$5 million for assistance to Palestine refugees, to be repaid not later than 31 December 1951 in accordance with the provisions of the resolution adopted by the General Assembly at its 315th plenary meeting on 2 December 1950 (A/1566) ;

(h) In consultation with the Advisory Committee on Administrative and Budgetary Questions, sums up to \$1 million for the programme of relief and rehabilitation of Korea, repayable by 31 July 1951, these sums to include such charges for relief and rehabilitation of Korea as may have been incurred by the Working Capital Fund in 1950 for reimbursement from the special account established in accordance with the provisions of the resolution adopted by the General Assembly at its 314th plenary meeting on 1 December 1950 (A/1567).

DOCUMENT A/C.5/L.104

Proposed additions to draft resolution relating to unforeseen and extraordinary expenses as recommended by the Advisory Committee on Administrative and Budgetary Questions (A/1312, chapter I, appendix II). — Note by the Secretary-General

[Original text: English]
[12 December 1950]

The Secretary-General suggests that, in accordance with decisions already taken by the Fifth Committee, the following additional paragraphs be included in the

draft resolution relating to unforeseen and extraordinary expenses as recommended by the Advisory Committee on Administrative and Budgetary Questions :

(Insert between (c) and the last paragraph of the resolution recommended by the Advisory Committee (A/1312))

(d) Such commitments as relate to expenses occasioned by an extraordinary session of the Economic, Employment and Development Commission which may be called by its Chairman if exceptional circumstances require;

(e) Such commitments not exceeding a total of \$40,000 as are required for the establishment of an International Bureau for Declarations of Death, in accordance with the terms of article 8 of the Convention on Declaration of Death of Missing Persons;

(f) Such commitments as are occasioned by the convening of an inter-governmental commodity conference.

DOCUMENT A/1508

Compensation to members of commissions, committees or similar bodies in case of injury or death. Report of the Fifth Committee

[Original text: English]
[14 November 1950]

1. In connexion with its consideration of the budget estimates for 1951, the Fifth Committee, at its 263rd meeting on 9 November 1950, considered recommendations relating to compensation of members of commissions, committees or similar bodies in case of injury or death which the Advisory Committee on Administrative and Budgetary Questions had submitted in part 3 (General Administrative Questions) of its second report of 1950 (A/1312). The recommendations of the Advisory Committee were based on proposals submitted to it by the Secretary-General, which, in turn, had been formulated in the light of a system of reparation for death or injury affecting staff members and auxiliary personnel (military observers, radio operators, etc.) offered by the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331, paragraphs 129-147).

2. The chairman of the Fifth Committee, in inviting discussion of the Advisory Committee's proposals, called attention to the recommendation that, should the proposals be adopted by the General Assembly, the necessary expenditure for cases as they arose should be charged to the regular annual budget of the United Nations.

3. For convenience of reference, the main provisions of the compensation plan recommended by the Advisory Committee for members of commissions, committees or similar bodies, which were approved unanimously without discussion, are reproduced in the annex to the present report.

4. Accordingly, the Fifth Committee recommends to the General Assembly the adoption of the following draft resolution :

COMPENSATION TO MEMBERS OF COMMISSIONS, COMMITTEES OR SIMILAR BODIES IN CASE OF INJURY OR DEATH

The General Assembly,

Taking into account the report of the Advisory Committee on Administrative and Budgetary Questions on the problem of compensation to members of commissions, committees or similar bodies in case of injury or death attributable to service with the United Nations (A/1312, paragraphs 342-343),

1. *Approves* the following basic points of the compensation plan proposed by the Advisory Committee on Administrative and Budgetary Questions :

(a) That compensation be paid solely to those members of commissions, committees or similar bodies whose service to the Organization is recognized to the extent that they receive subsistence allowance from the Organization;

(b) That compensation be payable only in the event of service-connected injury or death, eligibility under this paragraph to be determined in accordance with the definition set out by the Advisory Committee on Administrative and Budgetary Questions in paragraph 342 (1) of document A/1312;

(c) That the maximum compensation to be paid to a claimant will be \$25,000, to be awarded in case of death or total disability;

2. *Instructs* the Secretary-General to follow, in the settlement of claims, the recommendations of the Advisory Committee on Administrative and Budgetary Questions contained in document A/1312.

ANNEX

COMPENSATION TO MEMBERS OF COMMISSIONS, COMMITTEES OR SIMILAR BODIES IN CASE OF INJURY OR DEATH

Categories of persons with respect to whom compensation would be payable

The compensation provisions proposed hereunder would be extended to the following categories of persons who

receive subsistence allowance from the United Nations in accordance with the policy laid down under General Assembly resolution 231 (III) of 8 October 1948 :

(a) A rapporteur or chairman of a committee or sub-

commission who is called upon to present in an expert capacity the report of a committee or sub-commission to a parent body;

(b) One member of a commission acting as its representative on a second commission or committee of the United Nations;

(c) One representative of any Member participating in a commission of inquiry or conciliation instituted by the General Assembly or by the Security Council (subject to the proviso that an exception to this rule may be permitted on the decision of the organ concerned that an alternate for each member is necessary), e. g., the Conciliation Commission for Palestine, the Special Committee on the Balkans, the Mission for India and Pakistan, the Commission for the Unification and Rehabilitation of Korea, the Commission for Indonesia;

(d) Visiting missions of the Trusteeship Councils;

(e) Other persons serving in a personal or expert capacity on bodies falling under the following categories established in appendix A, paragraph 1, of General Assembly resolution 231 (III):

(i) Advisory Committee on Administrative and Budgetary Questions, Committee on Contributions, Board of Auditors;

(ii) Sub-commissions of the Economic and Social Council on which the members serve in a personal capacity;

(iii) Advisory committees of an expert character, e. g., the Staff Pension Committee, International Civil Service Advisory Board, Committee of Library Experts, etc.

In addition to the categories covered by General Assembly resolution 231 (III), the members or representatives on the following bodies would be entitled to compensation coverage:

(a) Members of the Council for Libya, one representative from each Government represented on the Advisory Council for Italian Somaliland, and one representative and one alternate from each Government represented on the Commission for Eritrea (General Assembly resolution 289 (IV), part D);

(b) Members of the International Law Commission;

(c) Members of the United Nations Administrative Tribunal;

(d) Members of the Investments Committee;

(e) Any person serving in other United Nations bodies established or to be established who is not a member of the United Nations staff or auxiliary personnel, and who receives a subsistence allowance authorized by the General Assembly.

1. Definition of "service-incurred disability"; eligibility for claims

(i) Compensation in accordance with the provisions of this chapter shall be paid with regard to every commission member who suffers death, injury or other disability arising out of or in the course of performing official duties on behalf of the United Nations without regard to fault as a cause of such death, injury or other disability, except that no compensation shall be paid when such death, injury or other disability has been solely occasioned by the

wilful intention of any such commission member to bring about the death, injury or other disability of any such member or of any other person;

(ii) Without restricting the generality of section (i), death, injury or other disability shall be deemed to have arisen out of or in the course of performing official duties on behalf of the United Nations in the absence of any wilful intent when:

(a) The death, injury or other disability resulted as a natural incident of performing official duties on behalf of the United Nations; or

(b) The death, injury or other disability occurred without reference to performing official duties on behalf of the United Nations in any area which the Secretary-General has declared to be a danger area, as a direct result of any special hazards in any such danger area; or

(c) The death, injury or other disability occurred without reference to performing official duties on behalf of the United Nations while and as a direct result of travelling by means of transportation furnished by or at the expense of the United Nations.

2. *Per diem*

In case of injury or sickness involving hospitalization, the commission member will be paid one-third of the regular *per diem*. Where hospitalization is not involved, the normal *per diem* will be paid in full.

3. *Medical assistance and hospitalization*

All reasonable costs resulting from service-incurred sickness or accidents (such as medical, hospitalization and related expenses) shall be borne by the United Nations from the date of the accident or sickness until recovery or establishment of disability.

4. *Disability*

(i) *Determination.* Disability (degree and duration) will be determined by a medical board appointed by the Secretary-General;

(ii) *Benefits.* Following the determination of disability, a lump-sum payment will be made to the commission member, in accordance with a scale to be worked out by the Secretary-General in consultation with the Advisory Committee on Administrative and Budgetary Questions.

5. *Death*

(i) *Funeral and related expenses.* The United Nations will pay reasonable expenses in connexion with preparing the remains and, where necessary, expenses of transportation home;

(ii) *Compensation to dependants.* A lump-sum payment in the amount of \$25,000 will be paid.

6. *Payment of indemnities*

The payment of indemnities provided in this scheme will be made regardless of any payments due to the commission member by any insurance scheme to which the United Nations does not contribute.

DOCUMENT A/1538

Subsistence allowances for members of commissions, committees and other subsidiary bodies. Report of the Fifth Committee

[Original text : English]
[20 November 1950]

1. In its report on the budget estimates for 1950 presented to the General Assembly at its 276th meeting on 10 December (A/1232, ²⁸ para. 65), the Fifth Committee requested the Secretary-General, in consultation with the Advisory Committee on Administrative and Budgetary Questions, to undertake a comprehensive review of the adequacy of the rate of subsistence allowances paid to members of commissions, committees or other subsidiary bodies of the General Assembly and other organs of the United Nations. It was requested that a report on this matter, which should take account of such factors as revaluation of currencies and changes in the cost of living, should be submitted to the fifth session of the General Assembly.

2. On the basis of facts presented by the Secretary-General concerning costs of subsistence, both in the New York area and in areas away from Headquarters where United Nations commissions or committees are in session, the Advisory Committee reviewed present subsistence rates and submitted to the General Assembly, in its second report of 1950 (A/1312, para. 322-328), its recommendations relative thereto. The Fifth Committee, pursuant to instructions given by the General Assembly at its 285th plenary meeting, considered these recommendations at its 258th and 259th meetings held on 31 October and 4 November 1950.

3. In addition to the Advisory Committee's recommendations and an accompanying draft resolution (A/C.5/L.62), the Fifth Committee had before it a communication dated 30 October 1950 from the President of the General Assembly (A/C.5/394) requesting consideration, in accordance with rule 152 of the rules of procedure, of a draft resolution adopted by the Sixth Committee, under which members of the International Law Commission would receive a special allowance, the amount to be determined by the General Assembly. As regards the amount of such allowance, the Fifth Committee was informed that the Sixth Committee had approved a *vœu* to the effect that "it expresses the desire that the special allowance provided for in the draft resolution adopted by it on 28 October 1950 should be \$35 per day".

4. In submitting its recommendations, the Advisory Committee drew attention to the fact that the categories of organs or subsidiary organs the members of which should be eligible for subsistence allowances from the United Nations budget had been determined by the General Assembly in resolution 231 (III) of 8 October 1948. Accordingly the Committee had judged that it was not the intent of the Fifth Committee, in requesting a com-

prehensive examination of subsistence rates, that this question of eligibility should also be the subject of further review. Similarly, it expressed the opinion that reconsideration of the question of the purpose of these allowances would be inappropriate. The accepted principle that they represent subsistence and not a fee for service was therefore re-affirmed. It was further suggested that the General Assembly might wish to reconsider the question of including, within the common system recommended, all expert bodies the members of which are presently eligible for allowances on a differing basis.

5. After examination of relevant data, the Advisory Committee reached the conclusion that the \$20 *per diem* rate currently in effect at Headquarters should be increased to \$25 *per diem* as of 1 January 1951 and that the \$20 rate should be continued in respect of meetings away from Headquarters. In reviewing the rates paid to members of commissions and committees of inquiry and conciliation, the Advisory Committee found that while actual hotel and food costs are not so high as in New York, new cost factors arise from the fact that members of these bodies are absent from their homes for a year at a time and frequently serve in areas where special clothing is required. In view of these factors, and in the interest of administrative simplicity, it recommended a flat subsistence rate at the local currency equivalent of \$20 *per diem* for all commissions of inquiry or conciliation meeting away from Headquarters.

6. At the 258th meeting of the Fifth Committee, the representative of the United States of America presented an amendment (A/C.5/L.64) to the draft resolution based on the recommendations of the Advisory Committee, providing for an increase in subsistence allowance for expert bodies to \$35 *per diem* at Headquarters and \$30 *per diem* elsewhere. He agreed, however, with the Advisory Committee's recommendation that the allowance for members of commissions of inquiry and conciliation who are representatives of their Governments, should be maintained at the local currency equivalent of \$20 *per diem*. In explaining his proposal, the United States representative stated that the request of the Sixth Committee for a *per diem* of \$35 for members of the International Law Commission raised a serious doubt, in the mind of his delegation, as to the adequacy of the rates proposed by the Advisory Committee in the case of experts who were not in receipt of income from other sources and who had to maintain themselves at Headquarters or in Geneva for considerable periods of time. On the assumption, therefore, that the \$20 *per diem* had been insufficient in the past and having regard, moreover, to such considerations as the increase in living costs, the fact that hotel expenses, etc., varied considerably, the difficulties occasioned by exchange restrictions, the rates

²⁸ See *Official Records of the General Assembly, Fourth Session, Plenary Meetings, Annex*.

of subsistence allowance paid by the governments of many Member States, the impossibility of avoiding a certain amount of hospitality expenditure and the natural desire of those absent for prolonged periods to have their wives accompany them, his delegation had concluded that a *per diem* of \$35 for New York was not unreasonable. It had also reached the conclusion that a possible alternative solution whereby members of expert bodies would receive a smaller amount for subsistence plus a daily allowance or fee, presented very serious drawbacks and, moreover, would undermine the important principle that experts, in giving their services freely to the United Nations, do so as a matter of honour and of obligation. The United States delegation, furthermore, attached very great importance to the principle that, in the matter of subsistence allowances, all expert bodies should be treated equally. No exceptions to the general policy decided upon should therefore be authorized.

7. At its 259th meeting, the Fifth Committee had before it, in addition to the above-mentioned draft resolutions, a paper furnished by the Secretary-General (A/C.5/396) listing those bodies the members of which are eligible for subsistence allowance, together with the locations of their meetings and the budgetary implications of the present scale of payments (\$554,360), the Advisory Committee's recommendations (\$566,155), and the United States proposals (\$615,840). The Fifth Committee was informed that, since the Secretary-General's budget estimates for 1951 had been based on the Advisory Committee's recommendations, adoption of the United States proposal would involve an increase of \$49,685 in the amounts budgeted.

8. During the discussion of the United States proposal, the view was widely supported that regardless of the rate of subsistence decided on, no special treatment should be accorded to any particular commission or committee. While the principle that any amount paid in the form of daily allowance should be for subsistence purposes only and should not include a special fee for services was likewise endorsed, some delegations were of the opinion that the question of subsistence allowance, on the one hand, and the bases for payment of a fee for services, on the other, should be considered separately.

9. With respect to subsistence allowance, the rate of \$35 per day (for Headquarters) proposed in the United States amendment, though supported by some delegations, was strongly opposed by others on the ground that an increase of 75 per cent could not be justified in the absence of specific statistical and other relevant data and of a thorough and objective analysis of the situation comparable to that which the Advisory Committee had undertaken and in the light of which it had made its recommendations. Any such decision, moreover, would be bound to have serious repercussions in a number of directions—not least in connexion with the subsistence allowances payable to members of the Secretariat—as the representative of the Secretary-General had properly pointed out. It was suggested also that favourable action on the United

States amendment would be difficult to reconcile with the position consistently taken by the Fifth Committee on other issues, and the Committee was therefore urged to accept the recommendations of the Advisory Committee.

10. On being put to the vote, the amended draft resolution as presented by the United States (A/C.5/L.64) was rejected by 23 votes to 14 with 3 abstentions. The recommendations of the Advisory Committee (A/C.5/L.62) were then approved by 31 votes to none with 10 abstentions.

11. The Fifth Committee was next invited to consider whether, in the light of the above decision, any exceptions to the general rule should be authorized. On the understanding that the proposal made by the Sixth Committee in this connexion referred to the question of daily subsistence allowance for the International Law Commission, the Fifth Committee decided, by 19 votes to 15 with 7 abstentions, that it was unable to recommend the establishment of a special rate of \$35 per day for members of that body.

12. It was also brought to the Committee's attention that a special allowance of \$10 *per diem*, in addition to the normal subsistence allowance of \$20, had been approved by the General Assembly in 1949 for members of the Administrative Tribunal. It was the understanding of the Fifth Committee, however, that any such previous decisions in respect of special daily allowances would be superseded by the following draft resolution which it recommends to the General Assembly for adoption :

SUBSISTENCE ALLOWANCES FOR MEMBERS OF COMMISSIONS, COMMITTEES AND OTHER SUBSIDIARY BODIES OF THE GENERAL ASSEMBLY AND OTHER ORGANS OF THE UNITED NATIONS

The General Assembly

1. *Reaffirms* the principles and conditions for payment of transportation expenses and subsistence allowances as laid down in resolution 231 (III) of 8 October 1948;

2. *Agrees* that subsistence allowances for members of commissions and committees eligible under resolution 231 (III) meeting at Headquarters should be raised from \$20 to \$25 *per diem* as of 1 January 1951, as recommended by the Advisory Committee (A/1312, para. 325);

3. *Agrees* that members of commissions and committees meeting away from Headquarters should continue to receive subsistence allowances of \$20 *per diem*;

4. *Concurs* with the recommendation of the Advisory Committee (A/1312, para. 326) that subsistence allowances for members of commissions of inquiry or conciliation meeting away from Headquarters should be paid at the local currency equivalent of \$20 *per diem*.

DOCUMENT A/1734 and Add.1

Report of the Fifth Committee

[Original text : English]
[14 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee considered the budget estimates of the United Nations for the financial year 1951, as submitted by the Secretary-General and reviewed by the Advisory Committee on Administrative and Budgetary Questions. At its 282nd meeting on 13 December 1950, the Committee decided to recommend approval of estimates in the total amount of \$US47,798,600, representing an increase of \$6,156,827 over the sum appropriated for 1950 (exclusive of \$8 million for the establishment of an international régime for Jerusalem). At the same meeting, the Committee approved an estimate of miscellaneous income in the amount of \$6,521,000 to be applied as an off-set against estimated 1951 expenditure for the purpose of assessment of contributions from Member States to the sixth annual budget. Estimated net expenditure for 1951 will thus amount to \$41,277,600, or \$4,756,117 more than the corresponding figure for 1950.

2. This amount will be subject to adjustments in accordance with the terms of financial regulation V, paragraph 2, estimated as follows :

	<i>US dollars</i>
(a) Supplementary appropriation for the financial year 1950	2,879,000
(b) Adjustment consequent upon over-estimating the miscellaneous income for the financial year 1949	57,497
	2,936,497
<i>Less :</i>	
(c) Contribution resulting from the assessment of a new Member State (Indonesia)	73,100
(d) Appropriation surrendered or to be surrendered under financial regulation IV, paragraphs 3 and 4 :	
(i) Savings on prior year's appropriations as indicated in the financial report for 1949	841,662
(ii) Savings during 1950 in liquidating prior year's obligations	470,000
	1,384,762
	TOTAL 1,551,735

As a result of these adjustments assessment of contributions from Member States for the financial year 1951 will amount, if appropriations are approved as recommended, to \$42,829,335, as compared with \$34,170,000 for 1950, or an increase of \$8,659,335.

3. The Committee had before it the original budget estimates and information annexes presented by the Secretary-General (A/1267), the second report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1312) and revisions of certain estimates in the light of more complete data subsequently available or of probable 1951 requirements, including in particular those relating to meetings of the

International Law Commission (A/1554, A/C.5/405), sessions of the Economic and Social Council, its commissions and committees and of the Trusteeship Council (A/1629, A/C.5/423), the United Nations Field Service (A/1649, A/C.5/428), common staff costs, transfer to permanent Headquarters (A/1499, A/C.5/395), and permanent equipment (A/C.5/385). A number of special reports and information papers on specific items affecting the 1951 budget were also submitted by the Secretary-General at the Committee's request. In the course of its meetings, additional papers were received both from the Advisory Committee and from the Secretary-General on the basis of which the Fifth Committee submitted to the General Assembly, in accordance with rule 152 of the rules of procedure, the following reports on the budgetary implications of policy recommendations made by other Committees :

The problem of the independence of Korea	A/1424
Uniting for peace	A/1463
Convention on Declaration of Death of Missing Persons	A/1506
Former Italian colonies : Libya	A/1509 and Corr.1
Advisory social welfare services	A/1537
Report of the Economic and Social Council : chapter V (section VI and section VII, part 2) relating to sessions of the Sub-Commissions on Freedom of Information and of the Press and on Prevention of Discrimination and Protection of Minorities	A/1562
Threats to the political independence and territorial integrity of Greece ..	A/1572
Former Italian colonies : Somaliland ..	A/1573
Former Italian colonies : Eritrea	A/1574
Report of the International Law Commission (emoluments of members) ..	A/1648
Question of South-West Africa	A/1662
Registration and publication of treaties and international agreements	A/1663
Provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defence of the principles of the Charter of the United Nations ..	A/1664
Report of the International Law Commission (International Penal Tribunal)	A/1665
Action to achieve and maintain full employment and economic stability ..	A/1666
Freedom of information : draft convention on freedom of information ..	A/1667
Palestine	A/1678
Draft convention relating to the status of refugees	A/1684
Place of meeting of the sixth regular session of the General Assembly ...	A/1714
Repatriation of prisoners of war detained in Soviet territory	A/1718
Provision for the functioning of the Office of the High Commissioner for Refugees	A/1719

The Committee also considered at its last meeting financial implications of proposed resolutions relating to the question of an international régime for Jerusalem and of a United Nations tribunal in Libya.

4. In addition to the above questions, the Committee was required to consider, with a view to the submission of necessary budgetary or other appropriate recommendations, such matters as the financial implications of decisions taken by the Economic and Social Council at its eleventh session (A/1637, A/C.5/424, Corr.1 and 2); salaries and allowances of the members and registrar of the International Court of Justice (A/C.5/370); personnel standards for the United Nations Secretariat (A/C.5/376, 377); tax reimbursement (A/C.5/398), and the consolidation and stabilization of the regular programme of economic and social activities of the United Nations. The Committee also considered and has reported separately to the General Assembly on rates of subsistence allowances for members of commissions, committees or similar bodies; on a scheme of compensation for such members in the case of injury or death incurred in the service of the United Nations, and on recommendations arising out of the report of the Committee of Experts regarding the salary, allowance and leave system of the United Nations (A/C.5/331). Reference should also be made to the estimates for the United Nations Mission for India-Pakistan (A/1590, A/C.5/417) and the United Nations Commission for Indonesia (A/1553, A/C.5/404). In the absence of definite policy decisions to the contrary on the part of the Security Council, by which these Commissions were established, the Committee deemed it necessary to make specific provision for the continuation of their activities, based, in the main, on expenditure actually incurred during 1950.

5. Throughout its deliberations, the Committee had the assistance of the Chairman of the Advisory Committee on Administrative and Budgetary Questions, who, in accordance with established practice, was invited to sit with the Committee and to participate in its deliberations.

6. The general debate on the budget estimates was preceded by statements made by the Secretary-General and the Chairman of the Advisory Committee. The Secretary-General informed the Committee, at its 238th meeting, that he would not contest any of the Advisory Committee's proposed reductions except where salaries and allowances of the staff were concerned. He called attention to the fact that the increase in the estimates for 1951 compared with the budget approved for 1950 was largely explained by certain unavoidable items of expenditure including, in particular, those incident to the completion of the new Headquarters, which would account, in all, for more than \$3 million of the estimated 1951 total. The Chairman of the Advisory Committee, in introducing his Committee's report, pointed out that the major reduction recommended simply reflected the fact that due to the earlier move of part of the Secretariat to Manhattan, it would be necessary to incur in 1950 expenditures which had originally been budgeted for 1951. This adjustment, together with the reduction recommended in the pro-

vision for established posts (depending on the General Assembly's decision regarding the new salary scheme) would account for more than one-quarter of the total of \$1,600,000 by which the Advisory Committee had proposed that the Secretary-General's estimates should be reduced. The Fifth Committee and the Secretary-General were assured that should any difficulties arise as a result of its recommendations being accepted, the Advisory Committee would be ready to review the situation with understanding and with a full sense of its responsibilities.

7. These initial statements were followed during the Committee's 238th, 239th and 240th meetings by a general discussion encompassing administrative, financial and personnel policies and problems, in the course of which budgetary proposals for 1951 were exhaustively reviewed in the light of past performance and anticipated needs. Appreciative reference was made to the manner in which the Advisory Committee, in examining and reporting on these proposals, had discharged its responsibilities and to the fact that the Secretary-General had been able to concur in most of the reductions recommended. On the other hand, the trend of the discussions indicated the concern with which the majority of those participating reviewed the increasing cost of international administration as reflected in the budgets of the United Nations and its affiliated agencies over recent years. This concern, it was suggested, could best be allayed and excessive inflation of costs arrested, by the establishment of standards of administrative efficiency and economy comparable to those enforced in the most highly developed national administrations. If costs continued to increase, there would be a grave danger that essential activities might be severely limited by lagging contributions. Throughout the discussions, therefore, the need was constantly emphasized for ensuring that available resources are used to the best possible advantage and not dissipated among activities of limited importance and remote value.

8. Having in mind these considerations, a number of delegations urged that the regular budget of the Organization should be established in future at a figure not exceeding \$35,000,000. Accordingly, the desirability was stressed of seeking economies, additional to those proposed by the Advisory Committee, particularly in connexion with staff costs. It was contended that since the initial period of organization was now past, annually recurring increases in numbers of staff were no longer justified, nor was there sufficient need for the employment, on the scale requested, of temporary experts and consultants, or adequate justification for continued large expenditures on such items as temporary assistance and overtime. With the expected decrease in the number of meetings to be held in 1951, moreover, expenditures on conference services should also offer scope for substantial savings.

9. Other delegations, however, while equally desirous of ensuring a maximum degree of administrative economy, believed that this should be consistent with the provision of means adequate at all times for the efficient discharge of the Organization's essential functions.

Stabilization of the budget within an arbitrarily determined ceiling was not, therefore, considered to be a practicable or necessarily desirable objective. It was the feeling of many delegations, moreover, that commendable progress had, in fact, been made towards stabilization of normal Secretariat expenditures and that, in terms of the budget as a whole, the estimate for 1951 reflected the greater capacity of the Secretariat to cope with important new activities without correspondingly large increases in establishment. Concern was expressed, nevertheless, at the continuing requests for staff increases in certain fields of activity—more especially those relating to economic and social affairs. In this connexion the comments of the Advisory Committee on the tendency to attempt too much too quickly, and the necessity, sooner or later, of stabilizing work programmes at some reasonable level, was strongly endorsed. Accordingly, the desirability of establishing a system of relative priorities as a curb on undue proliferation of activities and consequent dispersal of efforts and resources was the subject of frequent comment. As a first step, it was suggested that the Secretary-General should develop and expand the system of project estimates with a view to providing more complete and detailed information as to the actual costs of particular programmes and activities. The point was also made, however, that such curbs could be imposed effectively only with the full co-operation of Member States themselves through their willingness to pursue consistent and co-ordinated policies, not only in all United Nations organs, but equally in other international bodies.

10. At its 281st meeting the Fifth Committee considered a proposal submitted by the Australian representative, aimed at securing consolidation and stabilization of the regular economic and social programmes of the United Nations (A/C.5/L.96). The proposal would, *inter alia*, ask the Economic and Social Council, in considering its programme of activities for 1952 and 1953, to take the appropriations approved in the regular budget for 1951 as indicating the level of expenditure to be incurred upon the regular programme of the United Nations in economic and social fields.

11. The representative of Australia explained that he was prompted by two reasons to introduce his resolution. Firstly he thought it would be very good if governments were to know for some years in advance what their commitments in relation to the regular activities of the United Nations were likely to be. Secondly his delegation believed that worthwhile programmes of the United Nations were likely to be jeopardized if too much was attempted.

12. He stated that the Australian resolution was the culmination of a series of resolutions leading in the same direction, and referred specifically to General Assembly resolution 310 (IV) on proliferation and the thereon following work of the Co-ordination Committee of the Economic and Social Council. Steps so far taken, however, were incomplete. As long as there was no limit on expenditure it was difficult to see how priorities could be effectively established. Moreover, the Food and Agriculture Organization had already

established a budget ceiling and last year the General Assembly itself had urged specialized agencies "to intensify their efforts to stabilize their regular budgets by elimination or deferment of less urgent projects".

13. Several delegations supported the principle behind the Australian draft resolution and while limited support for the resolution itself was expressed, the majority of those taking part in the debate expressed their inability to support it for practical and procedural reasons. In this connexion it was stated that the resolution might more usefully have been considered by the Joint Second and Third and Fifth Committees. Others offered objections to particular parts of the draft resolution.

14. It was also suggested to the Australian representative that his draft resolution might be referred to the Economic and Social Council for the guidance of its Co-ordination Committee.

15. While noting with gratification the support given to the principle contained in his draft resolution, the Australian representative finally agreed to withdraw his proposal, but he reserved his delegation's right to re-introduce the idea behind his resolution at the appropriate place and time.

16. There was general agreement that the new political and economic problems to be dealt with by the United Nations called for ever greater efforts to meet new personnel requirements by more effective utilization of the present staff, and that this in turn demanded intensive effort on the part of the Administration and Member States to improve personnel standards through the development of more selective and efficient recruitment and promotion procedures and of in-service training programmes.

17. The Committee noted with satisfaction the progress made during the past year in streamlining the organic structure of the Secretariat and, in particular, the results achieved in this respect in the field of conference and general services. At the same time, the Advisory Committee's comments on the need for carefully reviewing certain existing arrangements were generally endorsed. Special reference was made in this connexion to the desirability of defining more precisely the lines of authority and responsibility with respect to technical assistance and to the advantages which might accrue from a consolidation of the residual functions of the Departments of Economic and Social Affairs. While agreeing that the establishment of a separate Technical Assistance Administration raised a number of administrative and organizational problems that had not been satisfactorily resolved, certain delegations felt that such a consolidation would not necessarily promote either efficiency or economy and that a policy of seeking improvements and better integration within the present administrative framework was to be preferred.

18. Doubt was also expressed regarding the propriety of transferring the Buildings Management Service to the Department of Administrative and Financial Services, on the grounds that it was contrary to sound financial practice to place both spending and control functions under the same administrative authority. The Com-

mittee was informed, however, on the Secretary-General's behalf, that this transfer was intended as a temporary arrangement in view of the stage that had been reached in the construction of the permanent Headquarters, and of the advantage to be gained from having the services concerned directly responsible, for the time being, to a single authority. Special attention was also called to the comment of the Advisory Committee on the administrative dangers and organizational difficulties inherent in the establishment of units and offices relatively independent of the Secretariat and of various special funds independent of the budget of the Organization. It was generally agreed that from this point of view also a clearer definition of lines of administrative and financial responsibility, up to the Secretary-General and to the General Assembly itself, was urgently required.

19. Several delegations strongly supported the recommendations of the Secretary-General and of the Advisory Committee that the number of meetings of councils, commissions and committees should be kept to a minimum during 1951 and expressed, at the same time, grave concern at the tendency to hold more and more meetings away from Headquarters. The hope was expressed that the Economic and Social Council in particular would undertake a thorough review of its list of commissions and committees with a view to reducing the international conference schedule and workload by the consolidation and elimination of commissions and committees wherever possible. While agreeing that unnecessary meetings should be avoided, it was the view of some delegations that meetings should, as a matter of principle, sometimes be held in places other than at United Nations Headquarters, and that, in particular, full advantage should be taken of the facilities available in Geneva.

20. The majority of representatives participating in the debate emphasized the increasingly heavy burden which membership in international bodies imposed on the limited resources of their Governments and with the continuing difficulties which most governments were experiencing in meeting their dollar commitments. The importance was therefore reiterated of arranging, as far as practicable, for contributions to the United Nations budget to be payable, and for as large a proportion as possible of the Organization's expenditures to be incurred, in soft-currency areas.

21. Several delegations called attention to the fact that in a number of instances, estimated 1951 expenditures were necessarily of a purely conjectural nature—notably in the case of those relating to maintenance services in the new Headquarters and certain political missions. For that reason it was important, if patterns of excessive administrative expenditure were to be avoided, that the situation in such cases should be the subject of close and continuous review by the Secretary-General and by the Advisory Committee.

22. The Committee began a more detailed first reading of the budget estimates at its 243rd meeting, after deciding to follow its customary procedure of using the reports and recommendations of the Advisory Com-

mittee as a basis for its decisions. During the following meetings the Advisory Committee's recommendations, together with proposals for reductions or increases in the amounts to be appropriated, were discussed and voted upon.

23. In the course of a second reading of the estimates at the Committee's 281st and 282nd meeting, the amounts for each section of the budget were confirmed, after taking into account the financial implications of proposals dealt with by other Committees of the General Assembly and the budgetary effects of decisions taken by the Fifth Committee itself on its other agenda items.

24. In the following review of the estimates, section by section, the amount shown as having been approved on first reading was confirmed during the second reading, unless otherwise stated.

Section 1. The General Assembly, commissions and committees

25. At its 252nd meeting the Committee considered the estimate recommended for section 1 by the Advisory Committee, amounting to \$US700,000.

26. At its 279th meeting, the Committee decided to include provisionally a further \$1,800,000 under this section, in case the General Assembly should decide to hold its next regular session in Europe. In this connexion, it was pointed out on behalf of the Secretary-General that this amount would be offset by a reduction of \$50,000 in section 25 (official records) due to the printing in soft-currency areas of a large amount of records. A separate report on this aspect (A/1714) had previously been submitted under rule 152.

27. It was made clear, however, that this procedure was being followed purely for the purpose of administrative convenience and that it did not in any way prejudice this General Assembly's decision in the matter. Should it decide to hold its next session at Headquarters, the estimates under this section would automatically be reduced by \$1,800,000.

28. The estimate for section 1 was further increased by the inclusion under this heading of the following items :

	<i>US dollars</i>
Geneva session of the International Law Commission	19,750
Conference on Status of Refugees	6,000
<i>Ad Hoc</i> Committee on South-West Africa	10,000
Committee on International Criminal Jurisdiction	3,000
Committee on the Draft Convention on Freedom of Information	(nil)
<i>Ad Hoc</i> Commission on the Question of Prisoners of War	30,000
	<u>68,750</u>

29. At its 282nd meeting the Committee, after rejecting a U.S.S.R. proposal to delete provision for the *Ad Hoc* Commission on the Question of Prisoners of War and for the estimated expenses of the Collective Measures Committee, approved by 25 votes to 3 with

5 abstentions, an appropriation for section 1, in the amount of \$2,568,750.

Section 2. Sessions of the Security Council, commissions and committees

30. The Committee noted at its 252nd meeting that no provision was requested for section 2, and approved this section without discussion.

Section 3. The Economic and Social Council, commissions and committees

31. At its 276th and 277th meetings, the Committee considered the budgetary provision to be made for meetings of the Economic and Social Council, its commissions and committees. The Committee's discussion was based on revised estimates (A/C.5/423) which the Secretary-General had submitted following the decision taken by the Economic and Social Council to hold its twelfth session in Santiago, Chile, and to make certain other changes in the conference schedule of various commissions and sub-commissions. The Secretary-General's revised estimates were reviewed by the Advisory Committee in its twenty-eighth report of 1950 (A/1629).

32. In consequence of a statement by the representative of Chile to the effect that his delegation had reached an agreement with the air line concerned to provide reduced fares for Secretariat personnel assigned to the Santiago meeting, the estimates for this section were reduced by \$32,000 on account of travel of staff. In the course of the Fifth Committee's discussion, attention was focused mainly on the decision of the Council to hold its next session in Santiago. It was the view of a number of delegations that the additional net expenditure involved of approximately \$170,000 was not justified in present circumstances, particularly since facilities would now be available at Headquarters and the considerations on which the Council's decision had originally been based were no longer applicable. It was maintained, furthermore, that it would be undesirable to have three consecutive sessions of the Council held away from Headquarters. Reference was also made to the indirect costs not reflected in the budget estimates, including in particular the administrative disorganization occasioned by the absence for prolonged periods of so many substantive staff. On the other hand, it was the feeling of many delegations that the advantages to be derived from meeting in Latin America were such as to outweigh the administrative and financial consequences involved. Reference was made in particular to the fact that the Council had not hitherto met in the region in which its members would have the opportunity of becoming better acquainted with the problems and conditions of some of the under-developed countries—problems which at present constituted one of the Council's major preoccupations. Tributes were paid to the motives which had inspired the Chilean Government to extend the invitation and appreciative references were made to its generous offer to undertake not only to bear local costs but also to reimburse one-third of the additional expenditures incurred by the United Nations.

33. After the discussion, a United Kingdom proposal to the effect that the provision of funds for the purpose of holding the twelfth session of the Economic and Social Council at Santiago be not approved and that the estimate for section 3, chapter I, as submitted by the Advisory Committee on Administrative and Budgetary Questions, be reduced accordingly to \$287,800, upon being voted on by roll-call, was rejected by 32 votes to 15, with 5 abstentions.

34. A vote was taken by roll-call on an Australian proposal to the effect that the provision of funds for the purpose of holding the thirteenth session of the Economic and Social Council at Geneva be not approved and that the estimates for sections 3 and 20, as submitted by the Advisory Committee on Administrative and Budgetary Questions, be reduced accordingly by a total net amount of \$160,000. The amendment was rejected by 35 votes to 9, with 8 abstentions.

35. The Advisory Committee's recommendation for an appropriation of \$502,000 (after reduction of \$32,000 in respect of air transport) was adopted by 37 votes to 12, with 2 abstentions, on the understanding that approximately \$85,000, or one-third of the additional gross cost to the United Nations of holding the twelfth session of the Council at Santiago, would be reimbursed by the Government of Chile.

Section 3a. Permanent Central Opium Board and Narcotic Drugs Supervisory Body

36. The Committee adopted in second reading at its 281st meeting the estimate of \$22,900 recommended by the Advisory Committee in respect of section 3a.

Section 3b. Regional economic commissions

37. At its 277th meeting, the Committee considered the recommendation of the Advisory Committee to appropriate \$69,700 for section 3b.

38. The representative of Australia, having drawn attention to the proposal to introduce Portuguese as one of the official languages of the Economic Commission for Latin America, pointed out that such a precedent might have far-reaching administrative and financial consequences and therefore proposed that the additional amount of \$7,200 for sections 3b and 25 (\$5,700 under section 3b and \$1,500 under section 25) requested for this purpose, be not appropriated.

39. The Australian proposal was adopted by 16 votes to 14, with 7 abstentions, and an appropriation of \$64,000 for section 3b was then approved.

Section 4. Trusteeship Council, commissions and committees

40. The Committee adopted unanimously at its 277th meeting the Advisory Committee's recommendation to appropriate \$53,600 for section 4.

Section 5. Investigations and inquiries

41. The following estimates for section 5 were approved by the Committee at its 261st, 270th, 271st, 274th and 278th meetings :

	<i>US dollars</i>
United Nations Special Committee on the Balkans	520,000
United Nations Mission to India and Pakistan .	600,000
United Nations Commission for Indonesia	147,500
Repatriation of Greek children	50,000
United Nations Conciliation Commission for Palestine	693,000
United Nations Commission for the Unification and Rehabilitation of Korea	790,700
Office of the United Nations Commissioner in Libya	575,000
United Nations Advisory Council for the Trust Territory of Somaliland under Italian Administration	175,000
United Nations Commission for Eritrea	250,000
	3,801,200

42. With the exception of the United Nations Missions for India and Pakistan and for Indonesia, separate reports have already been submitted on all the above bodies under rule 152.

43. In regard to the United Nations Mission for India and Pakistan, it was explained during the 275th meeting of the Fifth Committee that since the Security Council had taken no action to modify its resolution relating to the cease-fire agreement, the Secretary-General had considered it necessary to ask for an appropriation of \$626,800. The Secretary-General did not however, contest reductions totalling \$26,800 proposed by the Advisory Committee.

44. During the discussion it was pointed out that since the estimate was based on a decision taken by the Security Council in 1948, the matter should have been referred back to the Council for an indication as to whether it adhered to the policy it had previously laid down.

45. In reply it was stated that the Security Council had been greatly preoccupied with other matters, which might account for the fact that it had not recently reconsidered the question. While the Mission had in fact ceased to exist, the cease-fire agreements were still in existence and consequently the Secretary-General felt that the United Nations observer should be maintained, and hence his request for funds.

46. The Committee by 32 votes to none, with 5 abstentions, approved an appropriation of \$600,000.

47. The Secretary-General's estimates for the United Nations Commission for Indonesia were considered by the Fifth Committee at its 271st meeting. As in the case of the Mission to India and Pakistan, the request for funds was based on the assumption that the 1948 decision of the Security Council, confirmed on 28 January 1949,²⁹ and not since revoked, remained in force.

²⁹ See *Official Records of the Security Council, Fourth Year, Supplement No. 9.*

The Commission was still in existence and the Secretary-General had to provide funds.

48. While the representative of the U.S.S.R. argued that the Council had not asked the General Assembly to appropriate funds, the Committee by a vote of 32 votes to 5 with 4 abstentions approved the Secretary-General's estimates of \$147,500, in which the Advisory Committee had also concurred.

49. At its 282nd meeting the Committee approved by 33 votes to 4 a total appropriation for section 5 of \$3,801,200, after having rejected U.S.S.R. proposals for deleting the proposed provisions for United Nations Special Committee on the Balkans, the United Nations Conciliation Commission for Palestine, the United Nations Commission for the Unification and Rehabilitation of Korea and the Office of the United Nations Commissioner in Libya.

Section 5a. United Nations Field Service

50. The Committee adopted, at its 278th meeting, by 35 votes to 3, with 2 abstentions, the Advisory Committee's recommendation for an appropriation of \$450,000 for section 5a of the budget.

51. The representative of the U.S.S.R. recalled that his delegation had opposed the establishment of the Field Service in the *Ad Hoc* Political Committee during the fourth session of the General Assembly, on the grounds that there was no provision in the Charter for such a service.

52. In reply to a question it was stated on behalf of the Secretary-General that when the budget estimates for the missions were worked out account had been taken of the Field Service, and that this account would otherwise have to be included in the budgets of the missions. Savings in this way effected on the budgets of missions practically cover the cost of the Field Service.

53. At its 282nd meeting, the Committee, after rejecting a U.S.S.R. proposal to delete provision for this service, approved by 33 votes to 4 an appropriation of \$450,000.

Section 6. Executive Office of the Secretary-General

54. During discussion of the estimates for the Executive Office of the Secretary-General, at the 244th meeting of the Committee, the representative of Australia referred to paragraph 75 of the Advisory Committee's report (A/1312), and observed that provision was made under a number of other sections of the budget for liaison functions with the specialized agencies. His delegation would, therefore, welcome any final views that might subsequently be expressed by the Advisory Committee on the working of the Specialized Agencies Section in the Executive Office.

55. The Committee accepted by 7 votes to 4, with 24 abstentions, a proposal by the representative of the U.S.S.R. to reduce the provision for temporary assistance under this section by \$10,000. The estimate as recommended by the Advisory Committee, subject to this

reduction, was then approved at the figure of \$474,200.

56. In second reading, however, the Committee decided to restore the amount of \$10,000 for temporary assistance, due consideration having been given to the decisions reached during the fifth session.

57. At its 282nd meeting the Committee approved by 34 votes to none with 4 abstentions, an appropriation for this section of \$484,200, after rejecting a U.S.S.R. proposal to delete provision for the Interim Committee.

Section 6a. Library

58. At its 244th meeting, the Committee approved the estimates for the Library as recommended by the Advisory Committee in the amount of \$450,000, by 42 votes to 1.

59. Note was taken of the recommendations made by the Advisory Committee in paragraph 82 of its report (A/1312) and the hope was expressed by several delegations that they could be given effect to during the coming year. It was suggested that consideration be given to the possibility of arranging for bibliographic services and catalogue cards to be obtained on an exchange rather than on a contractual basis as at present. The hope was also expressed that more information would be made available in future as to the value of materials received from Member States and the number of publications sent by the Library to governments and other institutions. Many Member states, it was pointed out, were not yet participating in this exchange.

60. The hope was further expressed that the existing backlog would be eliminated in the next year and that no funds would be asked for in 1952 to deal with arrears.

61. The Committee decided to record its appreciation of the generous gift to the United Nations of the entire collection of the Woodrow Wilson Memorial Library, comprising over 16,000 volumes on international affairs, including a unique collection of League of Nations publications.

Section 7. Department of Security Council Affairs

62. At its 244th meeting, the Committee unanimously approved the recommendation of the Advisory Committee that the Secretary-General's estimates be approved, as submitted, in the amount of \$758,700.

Section 8. Military Staff Committee secretariat

63. At its 264th meeting, the Committee, by 40 votes to none, with 1 abstention, accepted the Advisory Committee's recommendation that the estimates for this section be approved at the figure of \$129,600. It also concurred in a proposal of the representative of the Union of South Africa, that next year a report should be submitted on the extent to which the services of the Military Staff Committee secretariat had been made available to other departments.

Section 9. Technical Assistance Administration

64. In the course of its 249th meeting, the Committee considered the estimates proposed by the Secretary-General and supported by the Advisory Committee for the newly established Technical Assistance Administration. These were discussed in conjunction with sections 27, 28 and 29 of the budget, under which provision is made for the related technical programmes.

65. Several delegations, in commenting on the division of responsibility for technical assistance services between the new administration, on the one hand, and the Departments of Economic and Social Affairs on the other, expressed serious misgivings at the separation of operational or programme responsibilities from those involving the organization and direction of the necessary research and study services. In this connexion it was suggested that the Economic and Social Departments might well be merged. It was generally recognized, however, that the value of the measures taken could only be judged in the light of experience. Accordingly, it was suggested that the Secretary-General should submit to the sixth session of the General Assembly, precise recommendations regarding the administrative structure deemed most appropriate in terms of the practical needs of the programme as these might develop.

66. The view was expressed by one delegation that not more than \$300,000 should be charged to the United Nations budget for administration of the technical assistance programme, and that any additional administrative costs which might become necessary by virtue of the expanded programme, should be charged against the special account.

67. It was the opinion of the U.S.S.R. representative, however, that the establishment of a Technical Assistance Administration was not sufficiently justified and that the preferable course would have been to maintain that service in the Department of Economic Affairs as hitherto. There seemed to be no reason why that Department and the regional economic commissions, with the large staffs and considerable funds at their disposal, should not be able to cope with the various tasks to be assumed by the new Administration more efficiently than the latter can be expected to cope with them, considering its much more limited resources. Without, however, wishing to prejudge this question, but on the grounds that some of the work of the Technical Assistance Administration could be carried out by officials presently engaged in less urgent tasks, the U.S.S.R. representative proposed that the sum to be appropriated under section 9 be reduced by \$150,000. The Committee, by a vote of 35 to 5, with 1 abstention, rejected the U.S.S.R. proposal.

68. The recommendation of the Advisory Committee for an appropriation of \$300,000 was then approved by 36 votes to none, with 5 abstentions.

Section 10. Department of Economic Affairs

69. The Committee considered the estimates for the

Department of Economic Affairs, in first reading, at its 249th meeting.

70. In view of the observations of the Advisory Committee in paragraphs 101-108 of its report (A/1312) and of the establishment of the Technical Assistance Administration, a majority of those taking part in the discussion were of the opinion that prior to the submission of the next budget, a thorough study should be undertaken by the Secretary-General and reviewed by the Advisory Committee, of the structure, organization and staffing of the Department, including the guiding principles it had adopted and its inter-relations with the Technical Assistance Administration and the Department of Social Affairs. Emphasis was laid particularly on the need for ensuring effective utilization of existing staff, for avoiding overstaffing in some of the higher administrative echelons, and for eliminating situations which, in a number of instances, appeared to involve a degree of overlapping responsibility and duplication of effort.

71. On the grounds that the provision requested under section 10 did not take sufficient account of savings which should be possible as a result of the establishment of the Technical Assistance Administration and the increased activity of the secretariats of the regional economic commissions, the representative of the U.S.S.R. moved that the estimates recommended by the Advisory Committee be reduced by a further \$60,000. The proposal, however, was rejected by 32 votes to 5.

72. Proposals submitted by the representative of Australia for certain immediate staffing economies in the Division of Economic Stability and Development and the Division of Statistics were withdrawn following explanations by the Chairman of the Advisory Committee and the Assistant Secretary-General for Economic Affairs. It was the feeling of most delegations that action by the General Assembly beyond that specifically recommended by the Advisory Committee would be imprudent pending the thorough study which had been proposed.

73. The estimates as recommended by the Advisory Committee in the amount of \$2,085,000 were therefore approved on first reading, by 32 votes to none with 5 abstentions.

74. Supplementary estimates to cover the additional costs of implementing resolutions of the eleventh session of the Economic and Social Council were considered by the Committee at its 279th and 280th meetings. The proposal of the Secretary-General was for an increase of \$221,200 to finance the hiring of temporary staff and consultants in implementation of resolution 290 (XI) on full employment, and to provide staff in connexion with resolution 299 (XI) concerning the improvement of social statistics (A/C.5/424, Corr.1, Corr.2). The Advisory Committee had recommended that the supplementary provision be limited to \$43,500 in respect of the travel and subsistence expenses, at \$25 per day, of the three groups of experts, this sum to cover also the requirement of \$9,000 for contractual printing (A/1637).

75. After thorough consideration of these proposals and of alternative proposals suggested by the representatives of the United Kingdom, of France, and of the United States, the Committee, by 27 votes to 11, with 3 abstentions, approved the proposal of the United Kingdom that the supplementary provisions recommended by the Advisory Committee in connexion with resolutions 290 (XI) and 299 (XI) of the Economic and Social Council should be increased by \$156,000 to a total amount of \$200,000 with respect to section 10 and by \$9,000 with respect to section 26 (contractual printing).

76. In the course of discussion on rates to be paid to the full employment expert groups, doubt was expressed as to the wisdom of utilizing experts in place of Secretariat members for the tasks proposed. Other representatives defended the action of the Economic and Social Council in this case, and stated that the payment of fees to these experts, as proposed by the Secretary-General, was desirable in order to facilitate recruitment of persons of high professional standing and competence. However, there were several representatives who agreed with the Advisory Committee that the experts, who would be appointed by the Secretary-General but were not made responsible to him, should be assimilated to groups of experts within the meaning of General Assembly resolution 231 (III).

77. At its 281st meeting on 13 December 1950, the Committee unanimously adopted a total appropriation for section 10 in the amount of \$2,285,000.

Section 11. Department of Social Affairs

78. The estimates for the Department of Social Affairs were examined by the Fifth Committee, in first reading, at its 250th meeting.

79. A number of delegations viewed with concern the increase requested in this Department's estimates and expressed themselves as sharing without reservation the criticisms offered by the Advisory Committee in paragraphs 112-118 of its report (A/1312). Particular attention was called to the latter's observation that excessive fragmentation had occurred in the Department's internal structure. This in turn, it was suggested, resulted in continual requests for additional posts whenever the Secretariat was given new work to do despite the fact that completion of older projects should make possible the re-assignment of staff thus freed. While assured that actual duplication of effort did not in fact exist, several delegates expressed their support of the Advisory Committee's contention that the United Nations should concentrate its attention on matters which clearly did not fall within the purview of the specialized agencies. There was general recognition also that the multiplicity of tasks that might usefully be undertaken in the social field was such that, unless the status of current programmes were continuously reviewed on the basis of a firmly established system of priorities, the Organization would be confronted every year with requests for funds in excess of the resources at its disposal.

80. It was pointed out that responsibility for the state of affairs that had arisen rested in large measure not with the Secretariat but with the delegations of Member States who, though expressing themselves in favour of General Assembly resolution 310 (IV) on proliferation of United Nations and specialized agencies activities, had in the Economic and Social Council and its Commissions themselves actively supported and encouraged such proliferation. The Secretary-General was urged to resist the Council and its Commissions and bring to their attention in no uncertain manner the financial and other consequences of decisions which they were contemplating. An appeal was also made to delegations to co-ordinate their action on different committees in working out the programmes of the United Nations.

81. A proposal was offered by the U.S.S.R. for specific reductions of the estimates as submitted by the Secretary-General totalling \$112,000. At the suggestion of the Australian representative, the U.S.S.R. agreed to amend its proposal to provide for a global reduction of \$56,000 in the appropriation which the Advisory Committee had recommended, to be applied at the Secretary-General's discretion. While some delegations indicated their support of the U.S.S.R. proposal as modified, others maintained that the Committee should take the same position as in the case of the Department of Economic Affairs and not go beyond the reductions proposed by the Advisory Committee, on the understanding that the Secretary-General would exhaustively review the structure and activities of the Department in the light of the criticisms and comments expressed.

82. On being put to the vote, the U.S.S.R. proposal, as amended, was rejected by 25 votes to 14 with 7 abstentions. A further proposal submitted by Pakistan, to refer to a sub-committee for examination and report a recommendation that the estimates for the Department of Social Affairs be reduced by a lesser amount than \$56,000, was also rejected by 26 votes to 13 with 5 abstentions. The Advisory Committee's recommendation that an appropriation for section 11 of \$1,550,000 be approved, was then accepted (on first reading) by 36 votes to none with 7 abstentions.

83. Supplementary estimates to cover the cost of implementing resolutions of the eleventh session of the Economic and Social Council were considered by the Committee at its 279th and 280th meetings. The Secretary-General's proposal was for the addition in section 11 of a sum of \$74,100 to finance the establishment of new posts, the hiring of consultants, and an expenditure for official travel under Council resolution 309 (XI) relating to the report of the sixth session of the Social Commission, as well as temporary assistance in connexion with the provisions of paragraph A of Council resolution 308 (XI) on the report of the Population Commission (A/C.5/424, Corr.1, Corr.2). The Advisory Committee, in a belief that a far larger proportion of the workload arising out of the decisions taken by the Council at its eleventh session could be absorbed within the provisions already approved for the section, had recommended that the supplementary provisions be

limited to \$20,000 and applied solely to the implementation of part E of Council resolution 309 (XI), relating to social rehabilitation of the physically handicapped, requirements for contractual printing (\$3,000) to be met from this amount also.

84. In the course of discussion, the representative of the United States proposed that the appropriation recommended by the Advisory Committee should be increased by \$9,800 to the full amount requested for rehabilitation of the physically handicapped and that the necessary printing funds should be separately provided. The Australian representative, after presenting the views of his Government as to possible ways in which organizational changes and assignments of priorities of work could effect economies within the Department of Social Affairs, made the proposal that the programmes approved by the Economic and Social Council should be carried out by the Secretary-General within the appropriation of \$1,550,000 already recommended.

85. Following statements by the Assistant Secretary-General in charge of Social Affairs and the Chairman of the Advisory Committee, a proposal was made by the representative of Ecuador that the supplementary provision recommended by the Advisory Committee should be increased by \$38,550 to a total of \$58,550, exclusive of the supplementary provision of \$3,000 for contractual printing. This proposal would allow the full amount of \$29,800 requested for a programme in the field of rehabilitation of the physically handicapped, a sum of \$8,000 for family, youth and child welfare, \$2,000 for conditions of living, and \$18,750 for an expansion in the social defence programme.

86. The Ecuadoran recommendation was accepted by 19 votes to 16 with 7 abstentions.

87. At its 281st meeting on 13 December 1950 the Fifth Committee, in the course of its second reading of the budget, unanimously adopted a total appropriation for section 11 in the amount of \$1,608,550.

Section 12. Department of Trusteeship and Information from Non-Self-Governing Territories

88. Estimates for the Department of Trusteeship and Information from Non-Self-Governing Territories were considered by the Fifth Committee at its 245th meeting.

89. In the course of the discussion the representative of Czechoslovakia proposed specific reductions totaling \$22,400 in the provision requested for temporary assistance, consultants and established posts.

90. The representative of Egypt pointed out that the Advisory Committee had recommended approval of only three of the six additional posts requested by the Secretary-General. Elimination of three posts would, in the opinion of his delegation, impair the proper functioning of the Department and, in particular, of its Division on Information from Non-Self-Governing Territories, and he therefore proposed that the necessary budgetary provision be authorized for the six posts originally asked for.

91. The Czechoslovak proposal was rejected by 37 votes to 5 with 1 abstention, and the Egyptian proposal by 27 votes to 9, with 6 abstentions. The Committee then approved by 42 votes to none with 3 abstentions the estimate of \$865,000 as recommended by the Advisory Committee.

Section 13. Department of Public Information

92. Estimates for the Department of Public Information were considered by the Committee at its 245th, 246th and 247th meetings. In addition to the Secretary-General's budget estimates (A/1267) and the report of the Advisory Committee (A/1312), the Committee also had before it, for information purposes, the report submitted annually by the Secretary-General on the effectiveness of the Department's programme (A/C.5/369).

93. While the estimates for this Department were reviewed in some detail and numerous observations offered on particular aspects of its activities, discussion was directed, for the most part, to general policy considerations and more especially to the question of the relative proportion of the Organization's available resources which should be devoted to public information purposes. Several delegations, noting with concern that more than 12 per cent of the total budget continued to be allocated to information activities, expressed strong support of the observations made in paragraphs 132 and 133 of the Advisory Committee's report. It appeared to these delegations that while the Advisory Committee was clearly of the opinion that expenditure on public information was excessive, it was precluded from making far-reaching recommendations in the absence of more specific guidance from the General Assembly. It was submitted, in this connexion, that the recommendations endorsed by the General Assembly in 1946 were in the nature of general directives looking toward the achievement of long-range objectives and that, while much that was worthwhile had undoubtedly been accomplished, rather more restraint might have been shown in the implementation of those objectives. The majority of those taking part in the debate did not, however, favour further large-scale reductions in the Department's budget at present, although it was generally agreed that the time had come for a serious and thorough review of public information activities, including the general directives given by the General Assembly, and the manner in which these had been carried out.

94. Suggestions made by several delegations as to the manner and the means by which such a review might be undertaken, were later withdrawn in favour of a proposal submitted by the representative of Australia which, in the following form, was unanimously adopted at the Committee's 247th meeting :

" The General Assembly,

" Having regard to the repeated requests made by the Advisory Committee on Administrative and Budgetary Questions for guidance from the General Assembly concerning the limits of the activities undertaken by the Department of Public Information of

the United Nations and by the information centres and concerning the proportion of expenditure for public information to the total budget of the United Nations,

" Requests the Advisory Committee, together with the Secretary-General, to review the public information activities of the United Nations in the light of the discussions held during the fifth regular session of the General Assembly, with a view to bringing about substantial economies in the cost of such activities, and to submit its recommendations to the General Assembly at its sixth regular session. "

95. In the course of discussion at the Committee's 245th and 246th meetings, a number of delegations emphasized the importance which they attached to the work of the Department of Public Information, and urged that no attempt should be made to economize at the expense of technical information services, particularly in the case of those concerned with dissemination of information in non-official languages. It was pointed out also that the needs of the various Member States varied considerably in so far as the information services of the United Nations were concerned, and that while the larger and well-developed countries might have little need of such services, this did not apply to many smaller and less developed States, who lacked their own independent facilities. The suggestion was made, therefore, that consideration should be given to the possibility of diverting funds now spent on supplying materials to the former in order to meet more fully the requirements of the latter.

96. In its consideration of the specific budgetary provision requested for 1951, the Committee had before it a proposal by the representative of the U.S.S.R. for a reduction of \$138,000 in the estimates as submitted by the Secretary-General, this reduction to be applied as follows :

	<i>US dollars</i>
<i>Established posts :</i>	
Sales and Circulation Section	7,000
Press and Publications Bureau	8,000
Radio Division	42,000
Films and Visual Information Division	39,000
Special Services Division	26,000
	122,000
<i>Consultants</i>	4,000
<i>Temporary assistance</i>	12,000

It was stated by the U.S.S.R. representative that these reductions were intended to be additional to those proposed by the Advisory Committee.

97. The Committee, at its 246th meeting, voted item by item on the U.S.S.R. proposal. The specific reductions proposed were not accepted except in the case of that relating to established posts in the Films and Visual Information Division, which was approved by 18 votes to 16 with 17 abstentions.

98. The Committee thereupon approved, by 32 votes to 13 with 6 abstentions, an estimate for section 13 in the amount of \$2,687,000, representing a combined reduction in the estimate originally submitted by the

Secretary-General of \$39,000, as proposed by the U.S.S.R., and \$78,000 as recommended by the Advisory Committee.

Section 14. Department of Legal Affairs

99. At its 246th meeting, the Committee unanimously approved the recommendation of the Advisory Committee that the estimates for the Department of Legal Affairs should be approved at the figure of \$430,000.

100. The Committee was assured by the Secretary-General's representative that careful consideration would be given to the views expressed by the Advisory Committee in paragraphs 106 and 116 of its report (A/1312) to the effect that work of a legal nature, which at present was being performed in various departments, particularly the Departments of Economic and Social Affairs, might be carried out with greater efficiency and economy by the Legal Department.

Section 15. Department of Conference and General Services

101. During consideration of the estimates for the Department of Conference and General Services at the Committee's 247th meeting, a number of delegations expressed their gratification that the Secretary-General had found it possible to request a smaller appropriation for 1951 than was approved by the General Assembly for 1950.

102. In connexion with services to be provided at the new Headquarters, support was expressed for the Advisory Committee's suggestion that the proposed arrangements should be reviewed in the light of actual operational experience. It was also urged that care be taken to ensure that arrangements were as simple and as rational as possible, and delegations were asked to co-operate by refraining from making excessive demands on such services.

103. The representative of the U.S.S.R. considered there was insufficient justification for the increased provision requested for temporary assistance and for overtime and night differential, and accordingly proposed that the estimate for these items be reduced by \$40,000 and \$5,000 respectively. The proposed reductions were rejected by a vote, in each case, of 35 to 5 with 2 abstentions.

104. The recommendation of the Advisory Committee that the estimates for section 15 should be approved at a figure of \$7,096,000 was then approved unanimously.

105. At its 258th meeting the Committee approved an estimated expenditure of \$83,000 for the United Nations Postal Administration, thereby increasing the figure for section 15 to \$7,179,000.

Section 16. Department of Administrative and Financial Services

106. At its 248th meeting, the Fifth Committee considered the estimates for the Department of Administrative and Financial Services on the basis of the budget document presented by the Secretary-General (A/1267), the recommendations of the Advisory Committee

(A/1312), and a proposal for additional reductions submitted by the U.S.S.R. (A/C.5/380).

107. It was pointed out that the increase in the estimates shown for this Department was due, mainly, to the fact that the Buildings Management Service had been transferred from the Department of Conference and General Services, a decision with respect to which certain delegations expressed serious misgivings. In order that the establishment of the new Headquarters should not give rise to patterns of expenditure which might prove difficult to readjust at a later date, it was suggested that the Advisory Committee should keep a close check on expenditures incurred during transfer operations in the early part of 1951.

108. Several delegations emphasized the importance which they attached to the functions and responsibilities of the Inspection Service, particularly in connexion with field missions, and urged that no action should be taken to weaken or impair the effectiveness of that Service. It was also requested that in its next report, the Advisory Committee should comment specifically on the functioning of the Inspection Service, and indicate whether any changes in its organization or operations were called for.

109. Attention was called to the amount spent on staff welfare activities, for which provision was proposed in 1951 amounting to approximately \$70,000. It was the feeling of a number of delegations that certain of the activities for which the Administration assumed responsibility might well be left to voluntary efforts. It was agreed, however, that the appropriation requested should be maintained for 1951, subject to the matter being fully reported on at the next session. Several delegations indicated that they would expect the 1952 estimates for staff welfare and recreational activities to show a significant decrease, and it was suggested that next year the Secretary-General should submit to the Fifth Committee a carefully considered report on staff welfare activities.

110. The representative of the U.S.S.R. expressed the opinion that a greater degree of stabilization of administrative expenditures should have been achieved after five years of existence. Accordingly, he proposed that the estimate recommended by the Advisory Committee should be reduced by \$99,950, of which \$40,000 would apply to established posts, \$20,000 to temporary assistance, and the balance distributed over other departmental expenditures. The Committee having agreed to vote on the U.S.S.R. proposal item by item, reached the following decisions :

Chapter I

(i) *Established posts*

The proposed reduction of \$40,000 was rejected by 34 votes to 5 with 1 abstention.

(iii) *Temporary assistance*

The proposed reduction of \$20,000 was rejected by 34 votes to 5 with 4 abstentions.

*Chapter II**(i) Travel on official business*

The proposed reduction of \$2,000 was rejected by 25 votes to 6 with 12 abstentions.

(iii) Miscellaneous supplies and contractual services

The proposed reduction of \$3,000 was rejected by 29 votes to 5 with 8 abstentions.

*Chapter IV**(i) International Civil Service Advisory Board*

The proposed reduction of \$9,950 was rejected by 31 votes to 5 with 7 abstentions.

*Chapter V**(i) Salaries and wages*

The proposed reduction of \$10,000 was rejected by 30 votes to 5 with 9 abstentions.

111. The recommendation of the Advisory Committee that an appropriation be approved for section 16 in the amount of \$2,920,000 was then approved by 39 votes to none with 5 abstentions.

Section 17. Common staff costs

112. At its 281st meeting, the Committee adopted in the course of the second reading of the budget estimates, appropriations amounting to \$4,366,700 for section 17.

113. This figure includes the amount originally recommended by the Advisory Committee (\$4,164,100) and, in addition, the following items approved by the Fifth Committee during the current session :

Restoration of the rental allowance : \$US 117,600;

Provision for common staff costs for internationally recruited personnel required for special committees and commissions (Section 5. No provision for this item was made in the original estimates) : \$US 85,000.

Section 18. Common services

114. At its 251st meeting, the Committee unanimously approved the Advisory Committee's recommendation that, subject to the reservations expressed in paragraphs 183 and 184 of its report (A/1312), an amount of \$2,810,000 should be appropriated for section 18.

Section 18a. Transfer to the permanent Headquarters

115. At its 264th meeting, the Committee considered the provision to be made for section 18a, comprising non-recurrent expenditure arising out of the transfer of the Secretariat from Lake Success to Manhattan. It had before it, for this purpose, a revision of the estimates which had originally been presented by the Secretary-General in his budget document (A/C.5/395), and a report thereon by the Advisory Committee (A/1499).

116. The Secretary-General had originally requested \$537,000 under this section. The Advisory Committee,

however, had recommended that the estimate be provisionally established at \$200,000. Following a review of the situation as of 31 October 1950, the Secretary-General submitted revised estimates totalling \$449,500. In submitting this revision, the Secretary-General explained that it was now considered necessary to retain until 30 June 1951 a part of the Lake Success premises to ensure sufficient facilities to accommodate and service sessions of the Trusteeship Council and the Economic and Social Council, meetings of the Security Council and of the Interim Committee, and, if necessary, any special sessions of the General Assembly, should these be called under the resolution entitled "Uniting for Peace".

117. As a result of the earlier move of a substantial number of the staff to Manhattan, the Secretary-General anticipated a reduction of approximately \$63,000 in rental costs at Lake Success. The Advisory Committee noted that a larger reduction might, in fact, be achieved, depending on the outcome of negotiations for the leasing of additional space. In view of this and of the possibility that the Secretary-General's revised estimate was still subject to further adjustments, as noted in paragraph 6 of his report, the Advisory Committee recommended that, subject to further review, the estimate for section 18a should be approved at a provisional figure of \$400,000.

118. The Fifth Committee unanimously approved this recommendation.

Section 19. Permanent equipment

119. The 1951 budgetary requirements for permanent equipment were considered by the Committee at its 251st meeting on the basis of revised estimates presented by the Secretary-General (A/C.5/385), following the decision to move part of the Secretariat to the new Headquarters, and the resulting necessity to procure in 1950 certain furniture and equipment, provision for which had originally been included in the 1951 budget estimates. The Fifth Committee was informed that the Advisory Committee had concurred in the advance from the Working Capital Fund of sums up to \$315,000 for the above purpose; accordingly the amount of \$315,000 would be included in the supplementary estimates submitted to the General Assembly for 1950, and a corresponding reduction in the appropriation requested for 1951 under section 19 of the budget estimates.

120. On the basis of this arrangement and certain other adjustments relating to the procurement of library equipment, the Secretary-General requested an appropriation of \$802,200 as compared to \$1,100,000 recommended by the Advisory Committee on the basis of his original estimates.

121. Discussion was directed for the most part to the request of the Secretary-General for \$500,000 to cover the cost of converting the Manhattan office building into a library. The view was expressed by a number of delegations that from the outset, it had been intended that all costs connected with the remodelling of this

building should be met from the \$65 million loan, and that if it were found impossible to complete the Headquarters project within the approved limit, a full report on the position should be submitted and reviewed by the Advisory Committee before additional funds were requested on the Organization's ordinary budget. It was the feeling of many delegations that in any event, the item in question did not properly belong under section 19, and it was therefore agreed that consideration of the item should be postponed until complete information regarding the permanent Headquarters was placed before the Committee.

122. In accordance with the Advisory Committee's recommendation, the Fifth Committee thereupon decided by 40 votes to none with 1 abstention, to approve a revised estimate for section 19 of \$302,000.

123. During discussion of the Secretary-General's report on the Headquarters of the United Nations, at the Committee's 264th meeting, it was announced on behalf of the Secretary-General that he believed he had been justified in requesting the \$500,000 provision in the 1951 budget estimates, but realized the matter was open to argument. In view of unforeseen expenses that had arisen, it might be difficult to complete the construction and equipment of the Headquarters without slightly exceeding the \$65 million authorization, although every effort would be made to do so, but since part of the loan funds were still available, no immediate supplementary appropriations would be requested.

Section 20. United Nations Office in Geneva

124. The estimates for the United Nations Office in Geneva were considered at the Committee's 256th meeting. Discussion was directed for the most part to the question of whether or not a minus 5 per cent differential as recommended by the Advisory Committee should be applied to the salaries of the internationally recruited staff of the Geneva office. It was decided that this question should be referred for examination and report to the Sub-Committee on Salaries, Allowances and Leave.

125. The representative of Israel expressed the view that consideration should be given to a more rational planning of information services, with reference particularly to the needs of the Geneva Information Centre, which was expected to cover the whole of Europe.

126. The representative of the U.S.S.R. proposed to eliminate the appropriation of \$12,800 for the Frankfurt Office of the Economic Commission for Europe. This proposal was rejected by 27 votes to 5 with 2 abstentions.

127. Thereafter the Committee approved unanimously the Advisory Committee's recommendation concerning section 20, with the exception of the reduction of \$73,400 in respect of the salary differential.

128. At its 270th meeting the Committee considered a Chilean proposal for expansion and improvement of the Council Chamber of the *Palais des Nations* in Geneva, and approved unanimously an appropriation of \$50,000 to complete this work.

129. Following the approval by the Committee of the recommendation of the Sub-Committee to apply a 5 per cent salary differential to the salaries of internationally-recruited staff based in Geneva, the full amount of \$4,226,000 recommended by the Advisory Committee for section 20 was approved and an additional amount of \$18,400 was restored to account for the decision to apply the salary differential to only 75 per cent of salaries.

130. At its 279th and 280th meetings, the Committee considered supplementary estimates relating to chapter IV of section 20 for the purpose of implementing decisions of the fifth session of the Economic Commission for Europe of which the Economic and Social Council had taken note in its resolution 300 (XI). The Secretary-General proposed the addition of \$49,200 to permit an expansion of work in the housing field, studies on international price formation and capital markets, and certain joint work with the Economic Commission for Latin America and the Economic Commission for Asia and the Far East (A/C.5/424, Corr.1, Corr.2). The recommendation of the Advisory Committee was that only \$27,900, relating to housing and price formation, should be approved (A/1637).

131. After consideration of these alternative proposals, the recommendation of the Secretary-General was approved by 21 votes to 17 with 4 abstentions.

132. At its 282nd meeting on 13 December 1950, the Committee adopted by 28 votes to none, with 8 abstentions, an appropriation for section 20 in the amount of \$4,383,600, after rejecting a U.S.S.R. proposal to delete a provision of \$40,000 representing common staff costs and common services with respect to the proposed Office of the High Commissioner for Refugees.

Section 20a. Office of the High Commissioner for Refugees

133. At its 282nd meeting, the Committee considered the budgetary provision that would be required for the Office of the High Commissioner for Refugees. The Committee decided by 26 votes to 4 with 5 abstentions, after rejecting a U.S.S.R. proposal to the effect that no funds should be appropriated for the proposed office, that provision should be made in section 20a in the amount of \$254,000, should the resolution proposed by the Third Committee (A/1682) be adopted by the General Assembly.

Section 21. Information Centres

134. Estimates for the Information Centres were considered by the Committee at its 246th and 247th meetings.

135. A proposal was submitted by the U.S.S.R. delegation (A/C.5/378) for a reduction in the estimates as recommended by the Advisory Committee (\$840,000) of \$69,300 (\$54,300 on established posts for various Centres; \$3,000 for temporary assistance and consultants; \$4,000 for casual labour, and \$8,000 for other expenses). The U.S.S.R. representative stated that his delegation, in making its proposal, had been guided by previous

decisions of the Fifth Committee regarding the staffing pattern of information centres, and that the reductions proposed should not impair the ability of the centres to carry out their normal duties. It was the feeling of the majority of delegations, however, that budget cuts in this section, beyond those recommended by the Advisory Committee and accepted by the Secretary-General, should not be imposed pending completion of the comprehensive review of United Nations information activities to be undertaken by the Advisory Committee together with the Secretary-General.

136. The Committee accordingly took the following decisions on the U.S.S.R. proposal :

Chapter I

(i) Established posts

The proposed reduction of \$6,010 in respect of the Buenos Aires Information Centre was rejected by 30 votes to 5 with 10 abstentions.

The proposed reduction of \$12,440 in respect of the London Information Centre and Travel Unit was rejected by 28 votes to 5 with 13 abstentions.

The proposed reduction of \$2,230 in respect of the Mexico Information Centre was rejected by 30 votes to 5 with 10 abstentions.

The proposed reduction of \$1,530 in respect of the Moscow Information Centre was rejected by 28 votes to 5 with 11 abstentions.

The proposed reduction of \$19,510 in respect of the Paris Information Centre was rejected by 28 votes to 5 with 12 abstentions.

The proposed reduction of \$12,580 in respect of the Washington Information Centre was rejected by 27 votes to 5 with 12 abstentions.

(ii) Temporary assistance

The proposed reduction of \$3,000 was rejected by 27 votes to 5 with 13 abstentions.

(iii) Casual labour

The proposed reduction of \$4,000 was rejected by 27 votes to 5 with 14 abstentions.

Chapter III

The proposed total reduction of \$8,000 was rejected by 26 votes to 5 with 14 abstentions.

137. An estimate of \$840,000 for section 21, as recommended by the Advisory Committee, was then approved by 40 votes to 1 with 4 abstentions.

Sections 22 and 23. Economic Commission for Asia and the Far East; Economic Commission for Latin America

138. At its 256th meeting, the Committee unanimously approved the recommendations of the Advisory Committee that, subject to the observations contained in paragraphs 245-248 of its report (A/1312), appropriations should be voted for sections 22 and 23 in the amounts of \$825,000 and \$503,800 respectively.

Section 24. Hospitality

139. The recommendations of the Advisory Committee for an appropriation under section 24 of \$20,000 was adopted unanimously at the Committee's 281st meeting.

Sections 25 and 26. Official records and publications

140. Proposed budgetary provision for contractual printing covering official records (section 25) and publications (section 26) was considered at the Committee's 252nd meeting.

141. The Secretary-General was urged by several delegations to make every effort to see that as much printing as possible was carried out in soft-currency countries. The Chairman of the Publications Board assured the Committee that such a policy was being very actively pursued. He pointed out that whereas 17 per cent of the printing budget had been spent outside the United States in 1949, approximately 28 per cent would be so spent in 1950. Moreover, in terms of the number of pages printed, whereas 26 per cent had been printed outside the United States in 1949, about 42 per cent would be so printed by the end of 1950. For 1951, steps were being taken to provide satisfactory printing arrangements in a considerable number of soft-currency countries not hitherto affected. An assurance was also given that the Publications Board would bear in mind the observations and suggestions made in the Advisory Committee's report.

142. The recommendations of the Advisory Committee for appropriations of \$870,000 under section 25 and \$900,000 under section 26 were approved unanimously, and in addition the following items were added to those sections in pursuance of decisions of the Committee regarding other sections of the budget estimates :

Section 25

	US dollars
Amount originally recommended by Advisory Committee	870,000
Amount transferred from the following chapters :	
United Nations Special Committee on the Balkans	5,000
United Nations Conciliation Commission for Palestine	7,000
Office of the United Nations Commissioner in Libya	7,200
United Nations Commission for the Unification and Rehabilitation of Korea	9,300
United Nations Commission for Eritrea	5,000
Ad Hoc Committee on Slavery	3,500
Committee on the Draft Convention on Freedom of Information	5,000
Conference on Status of Refugees	2,000
Ad Hoc Committee on South-West Africa	4,000
Committee on International Criminal Jurisdiction	4,000
	<hr/>
	922,000
Report of the Advisory Committee on Refugees	6,000
Report of the Ad Hoc Commission on the Question of Prisoners of War	5,000
	<hr/>
	11,000
Saving in printing summary records of the General Assembly in Europe	50,000
	<hr/>
	NET 883,000

Section 26

	<i>US dollars</i>
Amount originally recommended by the Advisory Committee	900,000
Cost of printing additional volumes in the <i>Treaty Series</i>	50,000
Additional expenses for printing	12,000
	962,000

143. At its 282nd meeting, the Committee adopted by 28 votes to 4 with 3 abstentions, the appropriations for sections 25 and 26 in the amounts for \$883,000 and \$962,000 respectively, after rejecting a proposal by the U.S.S.R. representative for deleting the provisions relating to the United Nations Special Committee on the Balkans, the United Nations Commission for the Unification and Rehabilitation of Korea, the Office of the United Nations Commissioner in Libya, the Advisory Committee on Refugees and the *Ad Hoc* Commission on the Question of Prisoners of War.

Section 27. Advisory social welfare services

144. At its 249th meeting, the Committee unanimously approved the recommendation of the Advisory Committee for an appropriation of \$610,500 with respect to advisory social welfare services under part IX of the budget (technical programme).

145. It was suggested that consideration be given to the desirability of consolidating in one section the administrative expenses for these services which at present are distributed among sections 9, 20 and 22 of the estimates.

146. At its 263rd meeting, the Committee, in considering the financial implications of the draft resolution of the Third Committee providing for an extension of the Advisory Social Welfare Programme (A/1598), agreed that adoption of the resolution would involve additional budgetary provision of \$158,000 (A/1537).

147. During the second reading of the estimates at the 281st meeting of the Committee, a total appropriation for section 27 of \$768,500 was adopted.

Section 28. Technical assistance for economic development

148. The recommendation of the Advisory Committee for an appropriation of \$479,400 with respect to technical assistance for economic development was approved unanimously at the Committee's 249th meeting.

Section 29. International Centre for Training in Public Administration

149. The estimates for section 29 were also the subject of discussion at the Committee's 249th meeting.

150. Disappointment was expressed by several delegations at the progress made in developing the public administration programme and the results achieved. It was felt that this was due, in part, to the fact that it was not always possible for governments to bear part of the expenses involved, and also to the fact that

they were not always kept sufficiently informed when seminars were organized.

151. The hope was expressed, however, that the situation in these respects would be remedied in the future; meanwhile the programme should be given time to develop.

152. The representative of the U.S.S.R., in view of the fact that Member States had not, in the past, shown any great interest in the fellowship and scholarship programme, proposed that the appropriations recommended by the Advisory Committee for these purposes should be reduced by \$22,500. He further proposed that no provision should be made for a grant (\$10,000) to the International Institute of Public Administration. The former proposal was rejected by 35 votes to 5 with 1 abstention, and the latter by 32 votes to 6 with 3 abstentions.

153. The Advisory Committee's recommendation for an appropriation under section 29 of \$145,000 was then approved by 36 votes to none with 5 abstentions.

Section 30. Transfer of the assets of the League of Nations to the United Nations

154. At its 252nd meeting, the Committee unanimously approved an appropriation of \$649,500 representing the amount of the first instalment due under paragraph 1 sub-paragraph (a) of General Assembly resolution 250 (III).

Section 31. Amortization of the Headquarters construction loan

155. An appropriation of \$1 million, representing the first instalment, due on 1 July 1951, under the terms of the Loan Agreement with the United States Government, was also approved unanimously at the Committee's 252nd meeting.

Section 32. The International Court of Justice

156. By 40 votes to none with 2 abstentions, the Committee, at its 244th meeting, approved the Advisory Committee's recommendation that a provisional appropriation of \$595,800 should be made for section 32.

157. At its 269th, 270th and 271st meetings, the Committee considered the question of the emoluments of the Members and Registrar of the International Court of Justice. The Secretary-General had recommended (A/C.5/370) that the salaries of the Members should be fixed at \$US20,000 per year, as from 21 September 1949, while the Advisory Committee recommended that the salaries should be raised from 54,000 to 65,000 Netherlands florins and remain stated in florins. Some representatives concurred with the Advisory Committee, whose proposal they pointed out, would create no financial hardship for the Members of the Court, since the Netherlands Government offered them every facility for conversion into other currencies. Furthermore, this procedure would be more in keep-

ing with the traditions of the Court. It should also be borne in mind that there was no guarantee that the United States dollar would not also be devalued at some future date.

158. Other delegations thought, however, that since all the Judges did not live at The Hague it would be wrong to fix their salaries in florins. While some of those supporting the Secretary-General's figure of \$20,000 did not wish to do so on the grounds of comparison between Members of the Court and senior United Nations officials, they felt that the status of the Judges justified such a salary. However, they accepted the conclusions of the Secretary-General regarding the incidence of devaluation on the real income of the Judges and therefore favoured the figure of \$20,000 a year as from 21 September 1949.

159. The draft resolution submitted by the Secre-

tary-General was adopted by 27 votes to 9 with 2 absences.

160. The estimates for section 32 were therefore confirmed at the figure previously approved, namely \$595,800.

Section 33. Global reduction in the provision for established posts

161. A global reduction of \$100,000 in the provision for established posts was approved by the Committee at the second reading of the budget estimates (281st meeting), in accordance with the decision reached during its consideration of the recommendations of the Sub-Committee on Salaries, Allowances and Leave.

162. In consequence of the foregoing decisions, the Fifth Committee recommends to the General Assembly adoption of the following resolutions :

BUDGET APPROPRIATIONS FOR THE FINANCIAL YEAR 1951

The General Assembly

Resolves that for the financial year 1951 :

1. Appropriations totalling \$US47,798,600 are hereby voted for the following purposes :

A. UNITED NATIONS

Part I. Sessions of the General Assembly, the Councils, Commissions and Committees

Section

	<i>US dollars</i>	
1. The General Assembly, commissions and committees	2,568,750	
2. The Security Council, commissions and committees		
3. The Economic and Social Council, commissions and committees	502,000	
(a) Permanent Central Opium Board and Narcotic Drugs Supervisory Body	22,900	
(b) Regional economic commissions	<u>64,000</u>	588,900
4. The Trusteeship Council, commissions and committees		<u>53,600</u>
	TOTAL, part I	3,211,250

Part II. Investigations and inquiries

Section

5. Investigations and inquiries	3,946,800 ^a	
(a) United Nations Field Service	<u>450,000</u>	
	TOTAL, part II	4,396,800

Part III. Headquarters, New York

Section

6. Executive Office of the Secretary-General	484,200	
(a) Library	<u>450,000</u>	934,200
7. Department of Security Council Affairs		758,700
8. Military Staff Committee secretariat		129,600
9. Technical Assistance Administration		300,000
10. Department of Economic Affairs		2,285,000
11. Department of Social Affairs		1,608,550
12. Department of Trusteeship and Information from Non-Self-Governing Territories		865,000
13. Department of Public Information		2,687,000
14. Department of Legal Affairs		430,000
15. Conference and General Services		7,179,000
16. Administrative and Financial Services		2,920,000
17. Common staff costs		4,366,700
18. Common services	2,810,000	
(a) Transfer to the permanent Headquarters	<u>400,000</u>	<u>3,210,000</u>
19. Permanent equipment		<u>302,200</u>
	TOTAL, part III	27,975,950

*Part IV. United Nations Office at Geneva**Section*

US dollars

20. United Nations Office at Geneva (excluding direct costs, chapter III, secretariat of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body)	4,328,400	
Chapter III, joint secretariat of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body	<u>55,200</u>	
(a) Office of the High Commissioner for Refugees		<u>254,000</u>
TOTAL, part IV		4,637,600

*Part V. Information centres**Section*

21. Information centres (other than information services in Geneva)		<u>840,000</u>	
TOTAL, part V			840,000

*Part VI. Regional economic commissions (other than the Economic Commission for Europe)**Section*

22. Economic Commission for Asia and the Far East		825,000	
23. Economic Commission for Latin America		<u>503,800</u>	
TOTAL, part VI			1,328,800

*Part VII. Hospitality**Section*

24. Hospitality		<u>20,000</u>	
TOTAL, part VII			20,000

*Part VIII. Contractual printing**Section*

25. Official records (excluding chapter VI, Permanent Central Opium Board and Narcotic Drugs Supervisory Body)		888,000 ^b	
26. Publications		<u>962,000</u>	
TOTAL, part VIII			1,850,000

*Part IX. Technical programmes**Section*

27. Advisory social welfare functions		768,500	
28. Technical assistance for economic development		479,400	
29. International centre for training in public administration		<u>145,000</u>	
TOTAL, part IX			1,392,900

*Part X. Special expenses**Section*

30. Transfer of the assets of the League of Nations to the United Nations ..		649,500	
31. Amortization of the Headquarters construction loan		<u>1,000,000</u>	
TOTAL, part X			1,649,500

B. THE INTERNATIONAL COURT OF JUSTICE

*Part XI. The International Court of Justice**Section*

32. The International Court of Justice		<u>595,800</u>	
TOTAL, part XI			595,800
			<u>47,898,600</u>

C. SUPPLEMENTARY PROVISIONS

33. Global reduction on the provision for established posts			<u>— 100,000</u>
GRAND TOTAL			47,798,600

^a This figure includes additional appropriations of \$25,600 and \$120,000 adopted at the 283rd meeting of the Fifth Committee on the recommendation of the Advisory Committee.

^b This figure includes an additional appropriation of \$5,000 adopted at the 283rd meeting of the Fifth Committee on the recommendation of the Advisory Committee.

2. The appropriations voted by paragraph 1 shall be financed by contributions from Members after adjustment as provided by the financial regulations. For this purpose, miscellaneous income for the financial year 1951 is estimated at \$US6,521,000.

3. The Secretary-General is authorized :

(i) To administer as a unit the appropriations provided

under section 3 (a); section 20, chapter III, and section 25, chapter VI;

(ii) With the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions, to transfer credits between sections of the budget.

4. In addition to the appropriations voted by paragraph 1, an amount of \$US14,000 is hereby appropriated

for the purchase of books, periodicals, maps and library equipment, from the income of the Library Endowment Fund, in accordance with the objects and provisions of the endowment.

UNFORESEEN AND EXTRAORDINARY EXPENSES FOR THE
FINANCIAL YEAR 1951

The General Assembly

Resolves that, for the financial year 1951,

The Secretary-General, with prior concurrence of the Advisory Committee on Administrative and Budgetary Questions and subject to the Financial Regulations of the United Nations, is authorized to enter into commitments to meet unforeseen and extraordinary expenses; provided that the concurrence of the Advisory Committee shall not be necessary for :

(a) Such commitments not exceeding a total of \$US2,000,000 if the Secretary-General certifies that they relate to the maintenance of peace and security or to urgent economic rehabilitation;

(b) Such commitments as may be necessary to provide for reasonable expenses for the proposed Economic Commission for the Middle East, should the Economic and Social Council decide that this Commission shall be created in 1951;

(c) Such commitments, duly certified by the President of the International Court of Justice, relating to expenses occasioned :

(i) By the designation of *ad hoc* judges (Statute, Article 31),

(ii) By the appointment of assessors (Statute, Article 30) or of witnesses and experts (Statute, Article 50),

(iii) By the holding of sessions of the Court away from The Hague (Statute, Article 22), and which do not exceed \$24,000, \$25,000 and \$75,000 respectively, under each of these three headings;

(d) Such commitments as relate to expenses occasioned by an extraordinary session of the Economic, Employment and Development Commission which may be called by its Chairman if exceptional circumstances require;

(e) Such commitments not exceeding a total of \$40,000 as are required for the establishment of an International Bureau for Declarations of Death, in accordance with the terms of article 8 of the Convention on the Declaration of Death of Missing Persons;

(f) Such commitments as are occasioned by the convening of an inter-governmental commodity conference.

The Secretary-General shall report to the Advisory Committee and to the next regular session of the General Assembly all commitments made under the provisions of the present resolution, together with the circumstances relating thereto, and shall submit supplementary estimates to the General Assembly in respect of such commitments.

WORKING CAPITAL FUND

The General Assembly

Resolves that

1. The Working Capital Fund shall be maintained to 31 December 1951 at the amount of \$US20,000,000;

2. Members shall make advances to the Working Capital Fund in accordance with the scale adopted by the General Assembly for contributions of Members to the sixth annual budget;

3. There shall be set off against this new allocation of advances the amounts paid by Members to the Working Capital Fund for the financial year 1950; provided that, should the advance paid by any Member to the Working Capital Fund for the financial year 1950 exceed the amount of that Member's advance under the provision of paragraph 2 hereof, the excess shall be set off against the amount of contributions payable by that Member in respect of the sixth annual budget, or any previous budget;

4. The Secretary-General is authorized to advance from the Working Capital Fund :

(a) Such sums as may be necessary to finance budgetary appropriations pending receipt of contributions; sums so advanced shall be reimbursed as soon as receipts from contributions are available for the purpose;

(b) Such sums as may be necessary to finance commitments which may be duly authorized under the provisions of the resolution relating to unforeseen and extraordinary expenses. The Secretary-General shall make provision in the budget estimates for reimbursing the Working Capital Fund;

(c) Such sums as, together with net sums outstanding for the same purposes, do not exceed \$250,000 to continue the revolving fund to finance miscellaneous self-liquidating purchases and activities. Advances in excess of the total of \$250,000 may be made with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. The Secretary-General shall submit, with the annual accounts, an explanation of the outstanding balance of the revolving fund at the end of each year;

(d) Loans to specialized agencies and preparatory commissions of agencies to be established by inter-governmental agreement under the auspices of the United Nations to finance their work, pending receipt by the agencies concerned of sufficient contributions under their own budgets. In making such loans, which shall normally be repayable within two years, the Secretary-General shall have regard to the proposed financial resources of the agency concerned, and shall obtain the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for any cash issues which would increase the aggregate balance outstanding (including amounts previously advanced and outstanding) at any one time to an amount in excess of \$3 million, and for any issue which would increase the balance outstanding (including amounts previously advanced and outstanding) in respect of any one agency to an amount in excess of \$1 million;

(e) Such sums as, together with the sums previously advanced and outstanding for the same purpose, do not exceed \$500,000 to continue the Staff Housing Fund in order to finance advance rental payments, guarantee deposits and working capital requirements for housing

the staff of the Secretariat. Such advances shall be reimbursed to the Working Capital Fund following the recovery of rental advances, guarantee deposits and working capital advances;

(f) Such sums, if any, as may be necessary to reimburse staff members for national income taxes paid by them in respect of payments received from the United Nations during 1951, or in respect of prior years for which reimbursement has not previously been made;

(g) In consultation with the Advisory Committee on Administrative and Budgetary Questions, such sums deemed to be available for this purpose and not exceeding \$5 million for assistance to Palestine refugees, to be repaid not later than 31 December 1951 in accordance with the provisions of the resolution adopted by the General Assembly at its 315th plenary meeting on 2 December 1950 (A/1566);

(h) In consultation with the Advisory Committee on Administrative and Budgetary Questions, sums up to \$1 million for the programme of relief and rehabilitation of Korea, repayable by 31 July 1951, these sums to include such charges for relief and rehabilitation of Korea as may have been incurred by the Working Capital Fund in 1950 for reimbursement from the special account established in accordance with the provisions of the resolution adopted by the General Assembly at its 314th plenary meeting on 1 December 1950 (A/1567).

Report of the Fifth Committee

EMOLUMENTS OF THE JUDGES AND OF THE REGISTRAR OF THE INTERNATIONAL COURT OF JUSTICE

The General Assembly

Resolves that the emoluments of the Judges and of the Registrar of the International Court of Justice shall be fixed according to the following scale :

President :

Annual salary, \$20,000; special allowance, \$4,800;

Vice-President :

Annual salary, \$2,000; allowance equivalent to \$30 for every day on which he acts as President up to a maximum of \$3,000 *per annum*;

Members :

Annual salary, \$20,000;

Judges referred to in Article 31 of the Statute :

Allowance of \$35 for each day on which they exercise their functions, plus a daily subsistence allowance as provided for in the "Travel and subsistence Regulations of the International Court of Justice";

Registrar :

Salary and related emoluments equivalent to those of a Principal Director, adjusted in accordance with such differential as may be applied to the staff of the Registry at The Hague.

(b) Salary allowance and leave system of the United Nations

DOCUMENT A/1378

Report of the Secretary-General

[*Original text : English*]
[19 September 1950]

1. The General Assembly, at its third session in 1948, agreed with a proposal of the Fifth Committee (A/798)³⁰ comprehensive review of the salaries and allowances of the United Nations should be undertaken by the Secretary-General. On 31 October 1949, at its fourth session, the Secretary-General transmitted to the General Assembly for its information the report of a Committee of Experts on salary, allowance and leave systems (A/C.5/331)³¹ which he had appointed to assist in this review, in accordance with the terms of the Fifth Committee's recommendation. On 15 November 1949, the Secretary-General submitted to the General Assembly a report (A/C.5/331/Add.1)³² expressing his views on the proposals made to him by the Committee of Experts, including those on which he was empowered to act within his authority as chief administrative officer of the Organization. At the same time he also presented, for the consideration of the Fifth Committee, draft reso-

lutions covering those recommendations which require specific action by the General Assembly itself for their implementation.

2. Before the General Assembly took such action, it was decided that the reports of the Secretary-General and of the Committee of Experts should be referred to the Advisory Committee on Administrative and Budgetary Questions, with the request that the Advisory Committee should submit to the fifth session of the Assembly its conclusions and recommendations regarding the questions raised in those reports, including texts of draft resolutions and amendments to the Staff Regulations. In the report of the Fifth Committee on the 1950 budget of the United Nations (A/1232)³³ the view was also reaffirmed that, although action on the report on salary, allowance and leave systems had been postponed until its next regular session, the Secretary-General should continue, under the authority vested in him by the Charter, to effect those improvements in the United

³⁰ See *Official Records of the General Assembly, Third Session, First Part, Annex to the Plenary Meetings*.

³¹ *Ibid.*, Fourth Session, Fifth Committee, Annex, vol. II.

³² *Ibid.*, Plenary Meetings, Annex.

Nations system of personnel administration which were consistent with the Staff Regulations and within the limits of existing budgetary appropriations.

3. Pursuant to the above decisions, the Secretary-General has modified certain administrative policies and procedures for the purpose of giving effect to those recommendations of the Committee of Experts which fall within his present authority and on which the Advisory Committee has commented favourably. Such modifications have related specifically to :

(a) Simplification of the system of installation allowances and grants;

(b) Abolition of the additional ten days' leave previously provided for under home leave rules;

(c) Reduction of the ceiling for accumulated annual leave from 100 to 60 days;

(d) Modification of provisions regarding standards of travel and *per diem* rates for travel on official business (other than home leave) to provide for equality of treatment for all staff members, grades 14 through 19;

(e) Granting of the children's allowance to women staff members on the same basis as to men;

(f) Implementation, on a provisional basis, of the Committee of Experts' proposals relating to social security.

4. Action on the remaining and more important features of the proposals submitted to the Secretary-General by the Committee of Experts has, of necessity, been deferred pending certain decisions which the General Assembly itself must take in the light of the recommendations and observations presented to it both by the Secretary-General and by the Advisory Committee. The views of the Advisory Committee are set forth in its first report of 1950 (A/1313)³³. The Secretary-General has examined this report carefully and, in the light thereof, has reviewed his earlier recommendations made at the fourth session of the General Assembly. A comparative summary of these views is presented in annex A to the present document.

5. The Secretary-General has also discussed these matters again with administrative representatives of the specialized agencies, and a most encouraging degree of agreement has been achieved, which is set forth in the report of the Consultative Committee on Administrative Questions, attached as annex B to the present document. Time has not permitted consideration of this report by the administrative Committee on Co-ordination, and the members thereof have accordingly agreed that the report should be submitted direct to the General Assembly.

6. In the following paragraphs the Secretary-General seeks to set out, for the consideration of the General Assembly, the six major points of substance and of principle on which he requests its decision in order to give effect to the proposals of the Committee of Experts, the acceptance of which, he is firmly convinced, would achieve significant administrative advantages and in particular would provide a sound basis for :

(a) The development of an international career service of the highest calibre;

(b) Greater flexibility in the assignment of staff across unit, departmental and agency lines;

(c) Marked simplification in staff administration and

(d) Substantial financial economy.

The Secretary-General earnestly requests the General Assembly to give him clear guidance on these six major points, believing that its decision on these matters will make it practicable for him to work out appropriate solutions for the less significant problems at the administrative level. It is only in this way as the report appearing as annex B makes very evident, that a desirable degree of uniformity between the United Nations and the specialized agencies can in fact be achieved and, further, that the degree of flexibility essential in matters of staff administration can be retained. The Secretary-General's views on the points of detail treated by the Committee of Experts and the Advisory Committee are, nevertheless, presented in annex A for the information of the General Assembly.

7. The first major point relates to the organisation and classification of the staff. The Advisory Committee has expressed general agreement with the scheme proposed by the Committee of Experts (its sole significant reservation being to indicate a preference for an additional level in the category of substantive or professional posts), and accordingly, with even greater confidence than in 1949, the Secretary-General recommends that the General Assembly sanction his implementation of the classification proposals by approving regulation 2.1 of the proposed permanent Staff Regulations which he is submitting for the consideration of the Assembly in document A/1360, which reads as follows :

" Appropriate provision shall be made by the Secretary-General for the classification of posts and staff according to the nature of the duties and responsibilities required. "

The Advisory Committee's preference for an additional level in the professional category was considered in the recent discussion with representatives of the specialized agencies. There appears to be general agreement among the larger agencies on the desirability of an additional level in the salary ranges from \$3,600 to \$11,000 (professional officers). In the interests of a common classification and salary structure for the major part of the international civil service, therefore, the Secretary-General would be willing to accept this proposal for five rather than four levels in the professional service. Details will have to be worked out at an administrative level with the specialized agencies when the wish of the General Assembly in this respect is known.

8. The second point relates to the salary level for internationally recruited staff, the range of which has hitherto been limited by the decision, dating from 1946 (resolution 13 (I), section VI, paragraphs 15 and 16) to fix the salaries of top-ranking directors at \$11,000 net and of Assistant Secretaries-General at \$13,500. The Advisory Committee, while making no recommendation on the salaries for Assistant Secretaries-General, has

³³ *Ibid.*, Fifth Session, Supplement No. 7a.

proposed salaries for top-ranking directors which not only represent a reduction from the figures proposed by the Committee of Experts, but in addition would reduce the emoluments now being received by these officers. The Advisory Committee also recommends a reduction in the figures proposed for directors. These recommendations are as follows (salary rates are shown on a net basis) :

<i>Proposals of the Committee of Experts</i>	<i>Proposals of the Advisory Committee</i>
Principal Directors : Salary \$15,000, plus ordinary allowances, plus reimbursement of actual hospitality expenses up to \$1,500	Salary \$12,000-\$12,500, plus ordinary allowances, plus representation allowance to a maximum of \$3,000, " for exceptional cases "
Directors: \$12,500-\$14,000	\$11,000-\$12,200.

The Secretary-General cannot concur with the recommendation to reduce the salaries and relative status of this small but extremely important group of his most senior staff. When, in 1946, the General Assembly established the compensation for top-ranking directors at \$11,000, with a representation allowance of between \$3,000 and \$6,000 at the discretion of the Secretary-General, the total emoluments of such staff ranged, therefore, from \$14,000 to \$17,000. Since that time, the cost of living, which is still going up, has risen more than 26 per cent. The responsibilities of the corps of top-ranking directors have constantly increased. The burden of work that they carry, their daily contacts with delegations and outside organizations have grown from year to year, and there has inevitably been a corresponding increase in both their official and personal obligations. The Secretary-General is convinced that it is contrary both to experience and to reason to suppose that it would be possible to recruit and retain staff of the high calibre necessary at this level unless the emoluments offered are adequate; this was also the opinion of the Committee of Experts. He is equally concerned by the fact that the proposal of the Advisory Committee would adversely affect that second group of directors, who have hitherto been on a salary basis of \$10,000 to \$11,000, plus a \$2,500 allowance. It would be against all the contentions of the Committee of Experts if a group of such senior staff were to be financially penalized.

It should also be noted that the placing of a ceiling of \$12,500 on the classified service will mean that, in time, a large part of the Organization's highest staff, including principal officers, directors and principal directors, will be crowded into an exceedingly narrow range between \$12,000 and \$12,500. The " bunching together " of salaries at the upper limits was one of the problems to which the Committee of Experts called particular attention in its report.

The Secretary-General is aware of the considerations which moved the Advisory Committee, and he is prepared to agree that the levels of compensation established by the General Assembly in 1946 should not be increased. On the other hand, he sees no justification for a decrease. The minimum standard would be to leave undisturbed the levels of Assistant Secretaries-General and Principal Directors, as they were established in 1946, with some adjustments as between salaries and allowances in order to preserve proper intervals between the grades.

The Secretary-General therefore recommends the following scale of net salaries and allowances :

Assistant Secretaries-General

Salary \$16,000, together with an allowance varying from \$4,500 to \$9,000, at the Secretary-General's discretion.

Principal Directors

Salary \$13,000 to \$13,500, together with an allowance varying from \$1,000 to \$3,500, at the Secretary-General's discretion.

Directors

Salary \$12,500 to \$13,500, with entitlement to regular allowances of other staff members (such as rental, education and children's allowances).

A minor point in connexion with salaries for international staff, on which a separate paper will be presented to the General Assembly, is the recommendation of the Advisory Committee in its report on the budget estimate for 1951 (A/1312)³⁴ that a minus 5 per cent differential should be established for staff serving in Geneva, a proposal with which the Secretary-General cannot agree.

9. At the other end of the scale is the question of the salaries of staff recruited locally for the lower grades. Here, the Secretary-General proposes that the General Assembly should confirm the general principles recommended by the Committee of Experts and agreed to by both the Advisory Committee and the Secretary-General. This could be accomplished by the General Assembly's approving proposed permanent staff regulation 3.2 (A/1360), which reads as follows :

" The salaries of other staff members shall be determined by the Secretary-General at levels below that adopted for the post of Principal Director; salaries and wages for stenographic, clerical and manual work, and for work of a comparable nature, shall be fixed in accordance with the best prevailing conditions of employment in the locality of the United Nations office concerned. "

10. The third point is the question of arrangements to govern the transition from the old to the new salary scheme. This involves consideration of :

(a) The extent to which the salary ceilings, of the grades in which staff members are currently serving are to be retained;

(b) The date on which the present staff will be moved on to the new salary scale.

As regards the first question, the Committee of Experts recommended that the introduction of the new plan should not mean a reduction in salary for present staff; it also indicated its belief that the plan could be put into effect in such a way that few staff members would find a substantial reduction in their previous salary ceilings and that, in the small number of such cases which would arise, the Secretary-General should consider the possibility of making special arrangements on the basis of

³⁴ *Ibid.*, Fifth Session, Supplement No. 7.

the facts in each case. In studying the steps necessary to implement the scheme the Secretary-General, while concurring in the principle that in no case should a staff member's current salary plus cost-of-living allowance be reduced, became firmly convinced that the only sound policy on the question of ceilings would be to safeguard the rights of the present staff members, subject to satisfactory performance of duty, to rise to a salary equivalent to the ceiling of their previous grade. Accordingly, he proposed that any reduction in salary or in incremental expectation which a staff member may suffer as a result of reclassification of his post should be compensated by payment of a personal pensionable allowance. The Advisory Committee, in paragraphs 27 to 33 of its report on the budget estimates (A/1312), does not consider the Secretary-General's proposal to be fully justifiable and suggests instead an arrangement under which such personal allowances for staff members whose salaries are already above the ceilings of their new grade levels, or who are proceeding to maximums in their present grades higher than the maximums of the appropriate new salary levels, would cease upon expiration of present contracts or after one year from the date on which new salary scales may enter into force, whichever is the shorter (after one year in the case of those having temporary indefinite contracts). Acceptance of the Advisory Committee's proposal would have no appreciable effect on the budget estimates submitted for 1951, but would result in savings in 1952 and subsequent years. The Secretary-General is convinced, however, that a most serious blow to the morale of the staff would be unavoidable if any course other than the one he has recommended were to be adopted. Indeed, he has considered it necessary to notify the staff that he would recommend a transition based on this assumption. He is persuaded that the alternative proposals of the Advisory Committee envisage the achievement of a purely financial economy at a totally incommensurate risk. Moreover, the whole review of posts and the assignment of staff to appropriate categories in the new scheme would have been possible only on the assumption that regrading of individual posts and their incumbents at a correspondingly lower level would entail no loss in the rights and expectations inherent in the terms of the individual staff member's appointment.

As regards the date on which the present staff should be placed on the new salary rates, the Secretary-General, in studying the scheme proposed by the Committee of Experts, reached the decision that it would be advantageous to move staff members to the appropriate new salary rates on a single date, and he therefore presented his 1951 budget proposals on the assumption that staff members would be assimilated to the new system at an equivalent salary, or at the next higher step, on 1 January 1951. The staff have been informed of this proposal and the Secretary-General recommends that the General Assembly approve the budget estimates on this basis rather than accept the Advisory Committee's suggestion in paragraphs 34 to 38 of their report on the budget estimates (A/1312), which would stagger the transition to the new salary rates throughout the year, with a saving of \$100,000 in the over-all estimates for established posts. The Secretary-General therefore

recommends the approval of the appropriate sections of the budget as they stand, in the confident belief that the best interests of the United Nations will thereby be served.

11. The fourth major point is the frequency of home leave. The Secretary-General, as he pointed out in 1949, believes that reasonable provision for home leave of staff recruited from countries other than that of their duty station, far from being a luxury, is an investment which yields rich dividends. This belief is progressively confirmed by increasing experience. He strongly urges, therefore, that home leave should be granted once every two years, rather than once every three years as proposed by the Advisory Committee, and points out that a substantial saving under this heading will in any event be achieved, in the long run, by the abolition of the additional ten days of home leave, and by the elimination of such leave for staff members serving in their own country. Approval of this principle would make no difference to the 1951 budget, but the Secretary-General believes the matter is of such importance that he seeks the guidance of the General Assembly on it.

12. The fifth point is the question of how the factor of expatriation should be recognized in the compensation of staff recruited from countries other than that of their duty station. The Secretary-General has already stated that he is prepared to accept the principle of repatriation grants instead of the present expatriation allowance, and accordingly his budget estimates have been prepared on this basis. He recommends that the General Assembly approve this new basis by adopting the proposed permanent staff regulation 9.4 (A/1360) which reads as follows :

“ The Secretary-General shall establish a scheme for the payment of repatriation grants in accordance with the maximum rates and conditions specified in annex II of these regulations. ”

Since these benefits are to be drawn at the end of service, the conditions and rates are clearly of considerable importance and need to be put on a stable and permanent basis as part of the conditions of a staff member's appointment. The Secretary-General accordingly believes it would be desirable for the General Assembly to fix the maximum rates in an annex to the permanent Staff Regulations. The scale of rates recommended by the Committee of Experts, and a greatly reduced scale as proposed by the Advisory Committee, are set forth in annex A to the present document. In this connexion, the Secretary-General desires to emphasize the view that monies repaid by the Pension Fund when a staff member leaves the Secretariat, and any termination indemnity to which he may be entitled, are completely irrelevant to the repatriation grant. In his opinion, staff members should not be obliged to dissipate Pension Fund payments in the expense incurred in settling down anew in their own countries; neither should these payments be used as an argument for reducing the amount of the repatriation grant to staff members whose circumstances warrant such a payment. In short, the Secretary-General takes the view that if the permanent expatriation allowance, which he has supported before the General Assembly on previous occasions and which the staff overwhelmingly

favour, is to be replaced by a repatriation grant, the rates for the latter must be adequate to avoid an inequity to staff uprooted from their home countries. He consequently favours the scale of rates recommended by the Committee of Experts.

13. The sixth point relates to the rental allowance, on which the Secretary-General accepted the Committee of Experts' recommendation that payments of allowances and subsidies should be discontinued not later than 1 January 1952 and that, where United Nations leases expired before that date, staff members receiving the rental subsidy should be granted rental allowance for the balance of the period. The Advisory Committee has agreed that the rental allowance and subsidies should be discontinued not later than 1 January 1952, but has recommended, in addition, that they be gradually reduced during 1951. In line with this recommendation, the Advisory Committee has proposed (A/1312, paragraphs 174-178) that the amount requested by the Secretary-General in his 1951 budget estimates should be reduced from \$417,000 to \$300,000. The Secretary-General is not able to agree with the gradual reduction of rental allowance and subsidies during 1951, as recommended by the Advisory Committee. The loss of the expatriation allowance, the move to the new Headquarters building in Manhattan, the 26 per cent increase in living costs since 1946, and the possibility of salary cuts by the introduction of the proposed local salary scheme would add up to a considerable reduction in take-home pay for some staff members in the lower categories. He believes that the allowance and subsidies should be continued in full during 1951, in order that the staff members may make personal arrangements to take into account the discontinuance of the expatriation allowance and the rental allowance or subsidy in 1952.

14. Two other points remain, though they do not involve decisions of comparable importance at this stage :

(a) The first relates to children's allowances and education grants, concerning which the Secretary-General in 1949 proposed amendments to the provisional Staff Regulations designed to bring Secretariat practice into conformity with the recommendations of the Committee of Experts (A/C.5/331/Add.1, paragraph 34). After discussion with the specialized agencies, the Secretary-General is convinced that the nature and character of the Regulations would be better preserved by avoiding any mention of detailed conditions and by substituting, therefore, a general provision (proposed permanent staff regulation 3.4) which reads as follows :

" The Secretary-General shall establish a scheme for the payment of children's allowances, education grants and such other allowances as he may deem necessary in the interests of the Organization. "

Under this regulation, the Secretary-General would set forth detailed conditions in the Staff Rules, retaining the amounts presently provided for the children's allo-

wance and the education grant, but accepting the minor changes proposed by the Committee of Experts (see annex A, item VI). The General Assembly would, of course, have the opportunity of reviewing the administration of these allowances at any of its regular sessions in connexion with its consideration of the budget estimates.

(b) The second is a point of major significance in the administration of the Secretariat, namely, the proposal for a social security system and the compensation arrangements to be approved in the event of accident or illness attributable to service. The Advisory Committee has recognized that the Committee of Experts' proposals are a rationalization of present arrangements. The Secretary-General has already put the plan into operation on a provisional basis, but agrees that a complete review should be made, and a further report presented to the General Assembly at its sixth session, in the light of an additional year's experience. It is on this understanding that the Secretary-General recommends that the General Assembly approve permanent staff regulation 6.2, which reads as follows :

" The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death arising out of or in the course of performing official duties on behalf of the United Nations. "

15. The Secretary-General wishes to make it clear that it is his firm conviction that to put into effect the proposals of the Committee of Experts as now modified will substantially augment the working efficiency of the Secretariat, and enable it to meet with increasing success the growing demands which the complexities of the world situation inevitably place upon it.

16. To summarize, therefore, the Secretary-General recommends that the General Assembly should recognize the importance and urgency of the reforms concerned by taking the following specific steps :

(a) Approving the proposed permanent Staff Regulations as presented in document A/1360;

(b) Approving the Secretary-General's budgetary proposals so far as salary levels, salary differentials, transition arrangements, repatriation grants and rental allowances and subsidies are concerned, i. e. agree with the 1951 budgetary appropriations recommended by the Advisory Committee in document A/1312, except for the proposed global reduction of \$117,600 in the provision for rental allowance (section 17 of the budget estimates), the \$73,400 reduction for application of a minus 5 per cent salary differential in Geneva (section 20 of the budget estimates) and the global reduction of \$100,000 on the provision for established posts (section 33 of the draft appropriation resolution submitted by the Advisory Committee);

(c) Expressing its definite view on the frequency with which home leave should be granted.

ANNEX A

SUMMARY OF PRINCIPAL RECOMMENDATIONS CONCERNING THE SALARY, ALLOWANCE AND LEAVE SYSTEMS OF THE UNITED NATIONS

(1)	(2)	(3)	(4)
<i>Committee of Experts' recommendations (A/C.5/331 of 31 October 1949)</i>	<i>Secretary-General's original observations (A/C.5/331/Add.1 of 15 November 1949)</i>	<i>Advisory Committee's recommendations 1950 (A/1312 and A/1313)</i>	<i>Secretary-General's observations to the fifth session of the General Assembly</i>
I. ORGANIZATION AND CLASSIFICATION OF STAFF (paragraphs 19-28)			
<p>To improve the grouping of posts, through the establishment of, at most, four categories :</p> <p>(i) Directors and principal officers;</p> <p>(ii) Substantive service personnel;</p> <p>(iii) Special service personnel;</p> <p>(iv) General service personnel.</p>	<p>Accepts Experts' recommendations.</p>	<p>Accepts recommendations in principle.</p> <p>Suggests adjustment in number of levels in "substantive" or "professional" category from 4 to 5 by providing 3 salary levels instead of 2 for the salary range \$5,000-\$9,500.</p>	<p>Accepts categories proposed by Experts. Suggests substitution of "Professional personnel" for "Substantive service personnel".</p> <p>Accepts Advisory Committee's suggestion for 5 instead of 4 salary levels in "professional" category provided larger specialized agencies agree to same number and scale.</p>
<p>To effect a substantial reduction in the number of grades in each category. Suggested number of grade levels by categories :</p> <p>Directors and principal officers 3</p> <p>Substantive service 4</p> <p>Special service 3</p> <p>General service 5</p>			
II. SALARIES OF INTERNATIONALLY RECRUITED STAFF (paragraphs 29-48)			
<p>A. (i) Assistant Secretary-General: \$17,500 plus representation allowance \$4,500-\$7,500;</p> <p>(ii) Principal director: \$15,000 plus allowances ordinarily available to eligible staff (no representation allowance, but reimbursement of actual hospitality expenses up to \$1,500);</p> <p>(iii) Directors: \$12,500-\$14,000 (3 × \$500^a);</p> <p>(iv) Principal officers: (5 × \$400^a) \$10,000-\$12,000;</p>	<p>(i) Accepts and proposes to fix Assistant Secretaries-General's representation allowance at \$5,000;</p> <p>(ii) Accepts.</p> <p>(iii) Accepts, with note that "some slight adjustment in the detailed level below that of principal director may be required";</p>	<p>(i) No comment;</p> <p>(ii) Recommends \$12,000-\$12,500 (net) plus ordinary allowances plus representation up to a maximum of \$3,000. Only in exceptional cases should the maximum be granted;</p> <p>(iii) \$11,000-\$12,200 (4 steps);</p> <p>(iv) Increments should be granted at two-year intervals rather than annually after a salary of \$10,800 has been reached;</p>	<p>(i) Recommends \$16,000, with allowance of from \$4,500 to \$9,000 at the Secretary-General's discretion;</p> <p>(ii) Is prepared to accept salary range \$13,000 to \$13,500, with allowance of from \$1,000 to \$3,500 at Secretary-General's discretion;</p> <p>(iii) Recommends \$12,500-\$13,500;</p> <p>(iv) Accepts Advisory Committee's recommendations;</p>

^a Number and amount of annual increments.

(1) <i>Committee of Experts' recommendations</i> <i>(A/C.5/331 of 31 October 1949)</i>	(2) <i>Secretary-General's original observations</i> <i>(A/C.5/331/Add.1 of 15 November 1949)</i>	(3) <i>Advisory Committee's recommendations</i> <i>1950 (A/1312 and A/1313)</i>	(4) <i>Secretary-General's observations to the</i> <i>fifth session of the General Assembly</i>
B. Professional Service			
(i) Senior officer : \$9,000- \$11,000 (6 × \$300 ^a) (1 × \$200 ^a); (ii) Officer : \$7,000-\$9,500 (10 × \$250 ^a); (iii) Intermediate officer : \$5,000-\$7,500 (10 × \$250 ^a); (iv) Assistant officer : \$3,600-\$5,400 (9 × \$200 ^a);	Categories "Officer" and "Intermediate officer" might be divided into three levels. (See I above). Accepts (see I above), with proviso concerning specialized agencies.		
C. Special service			
(i) Officer : \$7,000-\$9,500 (10 × \$250 ^a); (ii) Intermediate officer : \$5,000-\$7,500 (10 × \$250 ^a); (iii) Assistant officer : \$3,600-\$5,400 (9 × \$200 ^a); (paragraphs 49-59)	To retain existing method flat percentage differential for all salary levels—subject to following modifications : Accepts experts' proposals. Concurs generally, but believes that :		
(a) Smallest differential, plus or minus, to be 10 per cent; larger differentials to be established in multiples of 10 per cent. (b) Differential to be applied to the proportion (perhaps 75 per cent) of salary affected by living costs in the area of assignment.	(a) Initial differential may be less than 10 per cent; (b) Minimum adjustments may be made in multiples of 5 per cent; (c) Differential should be applied to 100 per cent of salary. (a) and (b) Prefers Experts proposals. (c) Believes Experts' plan of applying differential to 75 per cent of staff member's salary is more equitable.		
To fix differentials primarily on basis of the relative cost of living between areas, but to give due regard to differences in salary and living standards, variations in living conditions, climate, educational and cultural facilities, etc.			
III. CONSOLIDATION OF COST-OF-LIVING ADJUSTMENT WITH BASE SALARIES			
<i>Headquarters</i>			
(paragraphs 46-47) To consolidate the cost-of-living adjustment with the base salary rate. The re-	Accepts Experts' proposals. No comment. Same as column (2).		

^a Number and amount of annual increments.

(1) <i>Committee of Experts' recommendations (A/C.5/331 of 31 October 1949)</i>	(2) <i>Secretary-General's original observations (A/C.5/331/Add.1 of 15 November 1949)</i>	(3) <i>Advisory Committee's recommendations 1950 (A/1312 and A/1313)</i>	(4) <i>Secretary-General's observations to the fifth session of the General Assembly</i>												
vised salary plan incorporating the present cost-of-living adjustment should be subject to review in the event of significant and substantial changes in the level of costs and salaries generally.															
IV. SALARIES OF LOCALLY RECRUITED STAFF															
A. Local staff at Headquarters															
To review existing gradings and salary scales for clerical and secretarial staff in comparison with prevailing rates in the New York area.	Accepts.	Accepts.	Same as column (2).												
Suggested salary grouping for General service category :															
<table border="1"> <thead> <tr> <th><i>Net rates (dollars)</i></th> <th><i>Annual increments (dollars)</i></th> </tr> </thead> <tbody> <tr> <td>1,900-2,600</td> <td>7 × 100</td> </tr> <tr> <td>2,200-3,000</td> <td>8 × 100</td> </tr> <tr> <td>2,600-3,500</td> <td>9 × 100</td> </tr> <tr> <td>3,000-4,200</td> <td>8 × 150</td> </tr> <tr> <td>3,600-5,400</td> <td>9 × 200</td> </tr> </tbody> </table>	<i>Net rates (dollars)</i>	<i>Annual increments (dollars)</i>	1,900-2,600	7 × 100	2,200-3,000	8 × 100	2,600-3,500	9 × 100	3,000-4,200	8 × 150	3,600-5,400	9 × 200			
<i>Net rates (dollars)</i>	<i>Annual increments (dollars)</i>														
1,900-2,600	7 × 100														
2,200-3,000	8 × 100														
2,600-3,500	9 × 100														
3,000-4,200	8 × 150														
3,600-5,400	9 × 200														
B. Local staff at stations other than Headquarters (paragraphs 68-82)															
Salaries and wages of locally engaged staff not to have any direct relation to Headquarters salaries for similar staff. To be fixed and paid in local currency, and to be equivalent to the best prevailing rates of the local area, or in certain circumstances (see paragraph 71) above such rates. Changes in the prevailing levels of costs and salaries in a given locality to be met by periodic adjustments of salaries rather than by cost-of-living adjustments.	Accepts.	Accepts.	Same as column (2).												
C. Semi-local staff (paragraphs 73-74)															
To receive same base salary as local staff, augmented by a permanent non-resident's allowance of a flat amount, which should be pensionable.	Accepts.	Accepts, subject to reservation that sufficient flexibility must be retained to allow the Secretary-General to fix rates at points between those appropriate for locally recruited staff on the one hand and the international staff on the other.	Same as column (2). No objection to Advisory Committee's reservation but believes same objective can be achieved if flexibility in setting non-residence allowance is preserved.												
All allowances to be granted to local and semi-local staff away from Headquarters, in accordance with the rules and regula-															

(1) <i>Committee of Experts' recommendations (A/C.5/331 of 31 October 1949)</i>	(2) <i>Secretary-General's original observations (A/C.5/331/Add.1 of 15 November 1949)</i>	(3) <i>Advisory Committee's recommendations 1950 (A/1312 and A/1313)</i>	(4) <i>Secretary-General's observations to the fifth session of the General Assembly</i>
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tions applicable to Headquarters staff of similar categories, except that the amount of children's allowance may be varied according to area of assignment.

V. APPLICATION OF THE CLASSIFICATION AND SALARY RECOMMENDATIONS (paragraphs 83-91)

Recommendations relating to (i) the establishment of posts according to the proposed new system; and (ii) a review of the qualifications of staff members in terms of such posts.

Accepts, in outlining the principles and procedures to the staff, the Secretary-General elaborated his plans for transition to the new scheme, which included the assumptions to be used as a basis of the 1951 budget estimates, viz. that :

- (1) In no case would the staff members' current salary plus cost of living be reduced—if he were placed in a grade in which the ceiling is lower than his salary, the difference would be paid as a personal allowance;
- (2) In every case where the maximum rate of a staff member's new salary is lower than the top step of his existing grade, he would be entitled to receive annual increments until he has reached the ceiling of his present grade. Again, the difference between the rates in his old grade and the ceiling of his new grade would be payable as a personal allowance.
- (3) Staff members should be assimilated to the new system at an equivalent salary or at the next higher step on 1 January 1951. Their next increments would fall due at the beginning of the pay-period in which their old-scale increments would have fallen due, or in January 1952, whichever is later.

In general agreement with principles of transition laid down by the Experts, but stresses need for reduction of posts, particularly in the higher grades. The Committee does not concur with the Secretary-General's proposals for implementation of the principles, but recommends that :

- (1) Personal allowances for persons above the ceiling of their new grade levels should be paid only until the expiration of present contracts, or after one year, whichever is the shorter (for one year in the case of temporary indefinite contracts);
- (2) Personal allowances should also be paid to staff members proceeding to an old ceiling which is above the maximum for their new grade, with the same limitations.
- (3) Staff members should not automatically be moved to the new scale as of January 1951. Only those who have earned the next higher step rates would be transferred as of that date. For other staff members, service credits earned under the old salary system would be calculated up to 1 January 1951; service credits after 1 January 1951 would be calculated on the basis of the new system.

Same as column (2).

VI. CHILDREN'S ALLOWANCES AND EDUCATION GRANTS (paragraphs 92-98)

(1) <i>Committee of Experts' recommendations</i> <i>(A/C.5/331 of 31 October 1949)</i>	(2) <i>Secretary-General's original observations</i> <i>(A/C.5/331/Add.1 of 15 November 1949)</i>	(3) <i>Advisory Committee's recommendations</i> <i>1950 (A/1312 and A/1313)</i>	(4) <i>Secretary-General's observations to the</i> <i>fifth session of the General Assembly</i>
<i>Children's allowances:</i>			
(i) To maintain the present rate (\$200) for all Headquarters staff;	Accepts Experts' proposals. Revision of staff regulation 30 is necessitated.	Agrees to points (i) and (ii);	Same as column (2).
(ii) To establish identical standards of entitlement for male and female staff members;			
(iii) To revise staff regulation 30 and staff rule 35, so as to make the children's allowance payable in respect of dependant children "under the age of 18 years, or if the child is in full-time attendance at a school or university or is totally disabled, under the age of 22 years";		(iii) Recommends that the existing age limit of 16 be maintained with as new limit of 21 for children in full-time attendance at a school or university or totally disabled children;	
(iv) For local and semi-local staff at offices away from Headquarters the amount of the allowance to be independently determined, with due regard to local conditions and circumstances, and to be fixed and payable in local currency.		Agrees with (iv).	
<i>Education grants:</i>			
(i) To remove the 11 years of age limitation in respect of attendance at special national and United Nations International schools;	Accepts Experts' proposals.	(i) Agrees to raise age limit in respect of attendance at special national schools from 11-13; doubtful about raising age limits for international schools;	Prefers Experts' plan.
(ii) To widen the scope of staff regulation 33 (a) to include countries other than the staff member's country of nationality or leave, provided that they are in the same geographical area and have a similar educational and cultural system; to impose certain additional travel restrictions (see paragraph 98).	Revision of staff regulation 33 is necessitated.	(ii) Does not agree to widening of area for which education grant may be paid; (iii) Over-all age limitation for payment should be kept at 21.	Prefers Experts' plan. Prefers Experts' plan.
VII. TRAVEL AND SUBSISTENCE ALLOWANCES (paragraphs 99-100)			
(i) To extend eligibility for the standard travel rate of \$12.50 (present grade 15) to \$5,000 salary level;	Accepts.	(i) Accepts;	Same as column (2).

<p>(1) Committee of Experts' recommendations (A/C.5/331 of 31 October 1949)</p> <p>(ii) To authorize first-class travel for senior and intermediate officials while on official travel (not home leave).</p>	<p>(2) Secretary-General's original observations (A/C.5/331/Add.1 of 15 November 1949)</p>	<p>(3) Advisory Committee's recommendations 1950 (A/1312 and A/1313)</p> <p>(ii) Discretion should be left to the Secretary-General.</p>	<p>(4) Secretary-General's observations to the fifth session of the General Assembly</p>
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VIII. INSTALLATION ALLOWANCES
(paragraphs 101-105)

<p>To substitute for the existing system of installation grant and installation allowance (60 days) the payment of installation allowances (30 days) assimilated to the travel subsistence rates.</p>	<p>Accepts.</p>	<p>Accepts merger of two allowances with note that amounts should be left to the discretion of the Secretary-General.</p>	<p>Accepts Advisory Committee's recommendation.</p>
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IX. EXPATRIATION ALLOWANCE (paragraphs 106-111)

<p>Substitute repatriation grant, as follows :</p>	<p>Accepts "... the Secretary-General feels, in view of the repeated recommendations of the Committee of Experts and supported by many delegations, that further representations by the Secretary-General would be futile".</p>	<p>Agrees to substitution of repatriation grant with approximately half the amounts proposed by Experts.</p>	<p>Same as column (2). On scale, accepts Experts' proposal in (1).</p>
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Proposes following scale :

Years of continuous service away from home country	Staff member with neither a wife, dependent husband or dependent child at time of termination (Months of salary)	Staff member with a wife, dependent husband or dependent child at time of termination (Months of salary)	Years of continuous service away from home country	Staff member with neither a wife, dependent husband nor dependent child at time of termination (weeks of salary)	Staff member with a wife, dependent husband or dependent child at time of termination (weeks of salary)
	After :				After :
2 yrs.	1	2	2 yrs.	4	8
3 yrs.	1 1/2	3	3 yrs.	5	10
4 yrs.	2	4	4 yrs.	6	12
5 yrs.	2 1/2	5	5 yrs.	7	14
6 yrs.	3	6	6 yrs.	8	16
7 yrs.	3 1/2	7	7 yrs.	9	18
8 yrs.	4	8	8 yrs.	10	20
9 yrs.	4 1/2	9	9 yrs.	11	22
10 yrs.	5	10	10 yrs.	12	24
11 yrs.	5 1/2	11	11 yrs.	13	26
12 yrs.	6	12	12 yrs.	14	28

Maximum grant to be :

For staff member without dependants : \$5,000 (net).
For staff member with dependants : \$10,000 (net).

Maximum grant to be :

For staff member without dependants : \$2,500 (net).
For staff member with dependants : \$5,000 (net).

Does not recommend the establishment of a special trust fund supported by annual contributions on the part of the Organization, but an annual appropriation of the amount estimated during the fiscal year.

On financing, agrees with Advisory Committee's recommendation.

(1) <i>Committee of Experts' recommendations (A/C.5/331 of 31 October 1949)</i>	(2) <i>Secretary-General's original observations (A/C.5/331/Add.1 of 15 November 1949)</i>	(3) <i>Advisory Committee's recommendations 1950 (A/1312 and A/1313)</i>	(4) <i>Secretary-General's observations to the fifth session of the General Assembly</i>																
X. RENTAL ALLOWANCE (paragraph 112)																			
To discontinue rental allowance and subsidies not later than 1 January 1952. Where United Nations leases expire before that date, staff members receiving the rental subsidy to receive rental allowance for the balance of the period.	Accepts (paragraph 18).	Recommends (in budget report A/1312) that rental subsidies and allowances should be gradually reduced during 1951 and extinguished not later than 1 January 1952. (Budget provision is reduced from \$417,000 to \$300,000 on this basis).	Same as column (2).																
XI. TENURE AND TERMINATION INDEMNITIES (paragraphs 113-119)																			
(i) To abolish the quinquennial review of indeterminate appointments;	Accepts.	(i) Recommends retention of "permanent" appointments;	Accepts Advisory Committee's recommendation.																
(ii) To retain the present minimum and maximum indemnity payments for staff on indeterminate appointments;		(ii) Agrees with Experts;																	
(iii) To provide that staff members whose fixed-term appointments are renewed after the initial period become eligible for termination indemnity on the same basis as that proposed for staff members serving on temporary indefinite appointments;		(iii) Recommends that no change be made in present rules governing indemnities for fixed-term appointments;																	
(iv) To abolish termination indemnity during first year of service of temporary staff;		(iv) Agrees with Experts;																	
(v) To increase the number of indeterminate appointments, subject to the reservations set forth in paragraph 115;		(v) Recommends increase in the number of indeterminate appointments in the middle grades;																	
(vi) Gradually to eliminate the category of fixed-term appointments.		(vi) Agrees with Experts.																	
Proposed schedule of termination indemnities :																			
(i) <i>Indeterminate staff :</i>																			
<table border="0"> <thead> <tr> <th><i>Years of completed service</i></th> <th><i>Months of indemnity payment</i></th> </tr> </thead> <tbody> <tr><td>1-3</td><td>3</td></tr> <tr><td>4</td><td>4</td></tr> <tr><td>5</td><td>5</td></tr> <tr><td>6</td><td>6</td></tr> <tr><td>7</td><td>7</td></tr> <tr><td>8</td><td>8</td></tr> <tr><td>9 and over</td><td>9</td></tr> </tbody> </table>	<i>Years of completed service</i>	<i>Months of indemnity payment</i>	1-3	3	4	4	5	5	6	6	7	7	8	8	9 and over	9		(i) Agrees;	
<i>Years of completed service</i>	<i>Months of indemnity payment</i>																		
1-3	3																		
4	4																		
5	5																		
6	6																		
7	7																		
8	8																		
9 and over	9																		

(1)	(2)	(3)	(4)
<i>Committee of Experts' recommendations (A/C.5/1331 of 31 October 1949)</i>	<i>Secretary-General's original observations (A/C.5/1331/Add.1 of 15 November 1949)</i>	<i>Advisory Committee's recommendations 1950 (A/1312 and A/1313)</i>	<i>Secretary-General's observations to the fifth session of the General Assembly</i>
(ii) <i>Staff on fixed-term appointments :</i>		(ii) Agrees, except for (b)—no indemnity should be paid;	
(a) On completion of initial term of contract; <i>Indemnity : Nil.</i>			
(b) On completion of subsequent terms of contract; <i>Indemnity : Scale of indemnity applicable to temporary indefinite appointments (see below (iii) (b)).</i>			Accepts Advisory Committee's recommendation.
(c) On termination by the United Nations before expiry date of fixed-term contract. <i>Indemnity : Five day's salary for each month of incomplete service, or the amount provided under (iii) (b) below, whichever is the greater.</i>			
(iii) <i>Staff on temporary indefinite appointments :</i>		(iii) Agrees.	
(a) On termination during first year of service : <i>Indemnity : Nil.</i>			
(b) On termination after one year of continuous service :			

<i>Years of completed service</i>	<i>Months of salary</i>
1	1
2	1
3	2
4	3
5	4
6	5
7	6
8	7
9 and over	8

XII. ANNUAL LEAVE
(paragraphs 120-121)

To continue the existing provision of 30 working days per calendar year. Total accumulation to be reduced from 100 to 60 days.	Accepts.	Accepts.	Same as column (2).
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XIII. HOME LEAVE
(paragraphs 122-127)

(i) To reduce the frequency of home leave from two to three years;	(i) Rejects;	(i) Accepts Experts' recommendation;	Same as column (2) in respect of item (i), (ii) and (iii).
(ii) To discontinue the granting of ten additional working days;	(ii) Accepts;	(ii) Accepts Experts' recommendation;	
(iii) Staff member to certify willingness to serve a further two years with the Organization. In	(iii) Rejects. Proposes alternatively to withhold home leave in the case of a staff member not	(iii) Agrees with the Secretary-General;	

(1)	(2)	(3)	(4)
<p><i>Committee of Experts' recommendations (A/C.5/331 of 31 October 1949)</i></p> <p>the event of his leaving the Organization within a shorter period (unless with the concurrence of the Administration) home leave travel expenses to be recoverable from amounts owed to him by the Organization;</p> <p>(iv) None of the existing home leave provisions to be extended to staff members whose duty station is in their home country.</p>	<p><i>Secretary-General's original observations (A/C.5/331/Add.1 of 15 November 1949)</i></p> <p>expected to serve an additional six months. Where staff member resigns without the concurrence of the Administration within one year of his return from home leave, the Organization would not pay both the home leave costs and the repatriation costs;</p> <p>(iv) Rejects.</p>	<p><i>Advisory Committee's recommendations 1950 (A/1312 and A/1313)</i></p> <p>(iv) Modification proposed as follows: "that a staff member whose home country is the country of his duty station or who continues to reside in his home country while performing his official duties, should not be eligible under any home leave provisions".</p>	<p><i>Secretary-General's observations to the fifth session of the General Assembly</i></p> <p>Accepts Advisory Committee's recommendation.</p>

XIV. SOCIAL SECURITY PROVISIONS

(paragraphs 129-147)

(paragraph 23)

(See detailed recommendation as set forth in paragraphs 129-147.)

Accepts, subject to the following observations: "The more important provisions of the proposed social security scheme relate to compensation in the event of accident or illness attributable to service, both for regular members of the Secretariat and auxiliary personnel. The Secretary-General proposes to use the plan advanced by the Committee as a guide for the payment of compensation should need arise during the forthcoming year. The question is so important, however, that the Secretary-General wishes to give the matter further study in consultation with representatives of the specialized agencies, and he would hope to report further on this subject to the fifth session of the General Assembly.

Agrees that recommendations of the Experts represent rationalization of present position. Unable to endorse in detail pending further study of financial implications and comparative benefit schedules.

Agrees with Advisory Committee's recommendation for further study; meanwhile proposes to use proposals of Experts as a guide as cases arise.

ANNEX B

REPORT OF THE CONSULTATIVE COMMITTEE ON ADMINISTRATIVE QUESTIONS

1. The Consultative Committee on Administrative Questions held its tenth session at UNESCO House from 4 to 6 September 1950. This session was called to enable executive heads of the specialized agencies to express their views on the proposals contained in the report of the Committee of Experts on Salary, Allowance and Leave Systems

and in the first report of 1950 of the Advisory Committee, so that these views may be submitted to the General Assembly before it takes final decisions upon these reports.

2. Representatives of the United Nations, the United Nations Educational, Scientific and Cultural Organization,

the International Bank for Reconstruction and Development, the International Monetary Fund, the International Civil Aviation Organization, the International Labour Organisation, the International Refugee Organization, the Universal Postal Union and the World Health Organization attended the discussions; the Food and Agriculture Organization submitted its views in writing and sent an observer to the meeting; no representative of the International Meteorological Organization, the Preparatory Committee of the Inter-Governmental Maritime Consultative Organization, the Interim Commission for the International Trade Organization or the International Telecommunications Union attended.

3. The representatives of the Fund and the Bank expressed themselves in agreement with the general principles of the Experts report, but in view of the highly specialized nature of their respective functions, wished to append to the present report a separate statement. This is included as an appendix.

4. The Committee, recognizing the sound administrative basis of the Experts' conclusions, affirmed its general agreement with the fundamental principles expressed in the salary report, subject to the retention of that flexibility in the application of the proposals as a whole, recognized by the Committee of Experts in paragraph 16 of its report and endorsed by the Advisory Committee in paragraph 14 of its statement. The Committee felt, however, that it was not called upon to express its views on all the details of the Experts' plan, but could concentrate only upon those main points which were the essential features of the proposals and that, further, in noting this expression of view at the secretariat level, it should be borne in mind that the competent governing bodies of a number of agencies have not yet expressed an opinion on the Experts' plan. The Committee also thought it wise to direct its discussions on the varying points to the principles of policy involved and not to discuss the matter of implementation unless this was so bound to the policy itself that it was not possible to discuss the one and not the other.

5. On the question of organization of staff, the Committee considered that the report of the Experts constituted substantial progress in the right direction. There was general agreement on the principle of categories to differentiate between varying groups of staff. While raising no objection to the inclusion where required of a Special Service category, the Committee recognized that most agencies would find little or no use for this particular group in the foreseeable future. The Committee considered it important to give some prominence to the matter, noted by the Advisory Committee in paragraph 31 of its report, that suitably qualified staff members, assigned in the first instance to the General Service category, should be provided with full opportunity for advancement into the Professional category whenever suitable vacancies existed. It was decided not to discuss the Director and Principal Officer category, which, on the existing proposals, was far more applicable to the United Nations than to any specialized agency. The differing structure of the agencies would need different solutions, and the agencies would reserve their right to establish a Director Group which would best serve their individual needs.

6. In the matter of classification of staff, the Committee agreed with the Committee of Experts that there should be a substantial decrease in the number of grades in the classification schedule at present used in the United Nations and in some specialized agencies. The Committee considered the proposal of the Advisory Committee to include

an additional level in the Professional category and reached the conclusion that it should be possible to modify existing classification systems within a range of five levels for this category. The Committee, however, was unanimous in the view that this proposal should involve reconsideration of the salary ranges within this category. The particular point in the scale at which the additional level should be placed would need careful study. Although technical discussion of the salary scale itself was not regarded by the Committee as within its competence, there was general acceptance of the salary range \$3,600—\$11,000 for the Professional category. The Committee was in agreement with the original proposals of the Experts that salary differentials should be calculated in multiples of 10 per cent in order to avoid too frequent changes in salary payments, and because of the practical impossibility of refining any cost-of-living calculations promptly and accurately. The Committee was further of the opinion that the reasons for applying any differential to only 75 per cent of the salary were sound.

7. The Committee expressed its agreement with the principles laid down by the Committee of Experts with regard to the General Service category.

8. The Committee recognized that the application of the classification and salary recommendations was a difficult task and that each agency must determine its own transitional regulations in the light of existing conditions, and base them upon its financial resources and its established policies. The views of the Advisory Committee in paragraph 10 of its report and those of the Experts in chapter IV of their report were noted, and were considered an important contribution to the solution of the problems involved. The Committee considered it essential that all agencies should reach agreement on the principles to be observed in applying the classification and salary recommendations to existing staff, regard being had to contractual variations and other special circumstances.

9. On the question of allowances the views of the Consultative Committee may be summarized as follows :

(a) There was general agreement with the proposals of the Experts on the children's allowance, together with the recommendation that the maximum age limit for this allowance (as well as for the education grant) in respect of children in full-time attendance at a university, should be twenty-two years.

(b) The recommendations of the Experts regarding travel allowances were accepted, leaving discretion with the executive head of the organization concerned to authorize first-class travel for senior and intermediate officials while on official duty.

(c) There was agreement on the method proposed for the payment of installation allowances, and the Committee considered that the rate of the allowance should be determined by agreement between agencies in the same geographic area.

(d) With regard to the question of education grants, the Committee was in general agreement that existing practices should be continued.

(e) Since a number of agencies do not pay expatriation allowances, no agreement was possible on the substitution of a repatriation grant for the expatriation allowance. The question of introducing a new allowance for some agencies was recognized as a factor which, as increasing the financial burden on an organization, might be critically reviewed by its governing body. With this point in mind, the general feeling of the Committee was inclined towards the recommendations of the Advisory Committee.

10. (a) On the question of tenure and termination indemnities, the Committee reached no decision on the advisability of retaining a quinquennial review of indeterminate appointments. It was recognized, however, that the continuation of such reviews had many advantages and that the only agency which has a continuity of experience in this connexion, namely the International Labour Organisation, was in favour of retaining the review.

(b) The Committee agreed that indemnity payments for temporary indefinite appointments terminated during the first year of service should be eliminated.

(c) The Committee agreed that no indemnity should be paid upon expiration of the first fixed-term appointment. There was mixed opinion regarding payment of indemnities for subsequent fixed-term appointments, although it was recognized that it would be unreasonable to keep a staff member on a series of fixed-term appointments and not pay any indemnity on the expiration of the final contract. The Committee felt that the proper way of dealing with the problem was to eliminate it substantially, by providing a security of tenure to those staff members who had been employed for a reasonable period, and to keep to an essential minimum the number of renewals of appointments on a fixed-term basis. There were obviously valid reasons for retaining fixed-term appointments for special tasks.

(d) The Committee generally agreed to the proposed scale for indemnity payments on termination of indeterminate appointments, but considered that there should be inter-agency discussion upon this point to ensure substantial similarity.

11. The Committee agreed on the total annual provision of thirty days' leave. It was considered that an adjustment should be made where the normal working week was other than five days. A maximum accumulation of sixty days' leave was accepted on the same basis. The World Health Organization, however, considered that this latter question was directly connected with the frequency of home leave and that the 100-day limit should be maintained if the home leave waiting period were to be fixed at a longer interval than two years.

12. On the question of home leave, the Committee agreed with the proposal to discontinue the granting of ten additional days. The Committee was unable to agree whether the waiting period between home leave should be two or three years, but did agree with the Advisory Committee that a staff member whose home country was the country of his duty station, or who continued to reside in his home country while performing his official duties, should not be eligible under home leave provisions.

13. On the question of social security provisions, while there was general agreement with the proposals of the Experts, the Committee felt that it could not add to the principles which had been thoroughly discussed at its ninth session, and that it would await the further study requested of the International Labour Organisation on a final scheme, together with an actuarial evaluation of it, before reaching definite conclusions upon these matters.

APPENDIX

STATEMENT OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AND THE INTERNATIONAL MONETARY FUND

14. The representatives of the Bank and the Fund desire

the following statement to be included in the report of the Consultative Committee on Administrative Questions :

15. The Bank and the Fund have noted with great interest the report of the Committee of Experts, as well as the subsequent comments of the Secretary-General and the Advisory Committee on that report. They feel that the Experts have pointed out the way to progress. The Bank and the Fund are in general agreement with the principles which have been expounded, but understand that the detailed recommendations have been made with the special problems of the United Nations in view. They, therefore, do not feel called upon to comment on these specific recommendations other than to note that, in several important respects, these recommendations would bring the United Nations into closer accord with the present practices of a number of other international agencies.

16. Although the Bank and the Fund are in agreement with the general principles expressed in the Experts' report, they do not wish this agreement to be constructed as concurrence in the detailed recommendations made. While common personnel standards and practices among the international agencies are a desirable goal in the abstract, the differences in the functions and locations of the various specialized agencies and the marked differences in the types of staff which they require, in practice detract from the desirability of the goal of common standards. In theory there are two main reasons for common standards and practice : first, to facilitate the transfer of staff between agencies and, second, to foster a high morale among members of the international service by assuring equality of treatment in each of the several agencies.

17. The Bank and the Fund feel that the facilitation of transfer can be over-emphasized. Specialized agencies, because of their specialization, require substantive staff who are not likely to be able to make the best use of their talents in one of the other international agencies. In the four years of their operating experience, the Bank and the Fund have each had fewer than half a dozen inter-agency transfers among the substantive staff. This has not been because of the difficulty of transfer. Indeed, where such transfers have been accomplished the administrative difficulties have been minor, in spite of differing personnel standards. It has been because of the fundamental lack of movement between agencies whose requirements are highly specialized.

18. For the morale of staff it is important that their status and compensation should compare not unfavourably with the customary status and pay of comparable officials in the locality in which they serve, and be adequate to attract and hold necessary staff. It is, therefore, at least as important that the smaller and more centralized international agencies should adopt salary standards which are comparable with local government and business practice as that a common standard should be established for agencies located in different countries under widely varying living conditions. A common salary plan strictly adhered to might in practice result in greater inequality than already exists. Furthermore, it is likely to be extravagant, since a common standard will always approach the most expensive standard.

19. In general, therefore, the Bank and the Fund believe that it is desirable that the international agencies be in substantial agreement on the principles of personnel standards, but that the detailed application of these principles must rest with the agencies individually.

DOCUMENT A/C.5/376

Personnel standards : statement of Mr. Price, Assistant Secretary-General in charge of the Department of Administrative and Financial Services, on behalf of the Secretary-General

[Original text : English]
[10 October 1950]

1. On behalf of the Secretary-General I am pleased to make a statement on personnel standards as requested by the representative of the United States.³⁵ Mr. Aghnides has been kind enough to review this statement, and while I understand he wishes to add a few words, I am very pleased to be able to say that he agrees in every major respect. The Secretary-General is in complete agreement that adoption of the new salary and allowance system and permanent staff regulations must be accompanied by a resolute programme of improving the quality and working efficiency of the Secretariat.

2. As indicated in the United States representative's statement, a number of studies of these matters have been made and the Secretary-General has had the advice of the Preparatory Commission, the Advisory Group of Experts, the Advisory Committee on Administrative and Budgetary Questions, the Committee of Experts on Salary, Allowance and Leave Systems, and most recently, the International Civil Service Advisory Board. The Secretary-General has from time to time indicated his appreciation and acceptance of many of the recommendations made by these expert bodies and has kept them in mind in his day-to-day administration of the Secretariat. His belief in the general soundness of the recommendations of the Committee of Experts is, of course, clearly indicated in document A/1378, and his acceptance of various Advisory Committee recommendations on personnel questions has also been made known to the Fifth Committee in the past.

3. The recent report entitled " Report on Recruitment Methods and Standards for the United Nations and the Specialized Agencies " ³⁶ made by the International Civil Service Advisory Board presents a long-range programme which, in the Secretary-General's view, can be extremely important. As members of the Committee will recall, this Board was established by the Secretary-General in consultation with the heads of the specialized agencies as a direct result of a resolution of the General Assembly. Its distinguished Chairman, Mr. Aghnides, who serves also as Chairman of the Advisory Committee on Administrative and Budgetary Questions, and his eight colleagues of undoubted eminence, have advanced a programme which not only the Secretary-General but the heads of the specialized agencies as well have found to be inspiring in fixing high goals towards which progress can and must be made. The target of this Board becomes clear in the following words taken from paragraphs 61 and 62 of their report :

" The duties and responsibilities which have been assigned to the United Nations and the specialized agencies call for the services of men and women whose character and ability are above question. This means that the governing bodies and the executive heads of the various international organizations must set their sights high when it comes to recruiting for the international civil services... Outstanding men and women are needed if international organizations are to make a vital contribution to solving the complex and tremendously important problems which now confront the world. "

4. The United States representative has asked specifically what decisions the Secretary-General believes the Fifth Committee should take to assist in raising personnel standards in the Secretariat. In his view, it would be extremely helpful if this Committee would take the following concrete steps :

(1) Recommend General Assembly approval of the major features of the new Salary, Allowance and Leave System as proposed by the Secretary-General.

(2) Recommend General Assembly approval of the proposed permanent staff regulations as set forth in document A/1360. These proposed regulations have resulted from several months of intensive discussions with representatives of the specialized agencies and of the staff, and in the Secretary-General's view it is extremely important to remove the uncertainty which now exists by virtue of provisional staff regulations, and also to give General Assembly backing to the marked progress which has been made in administrative co-ordination between the United Nations and the specialized agencies in so far as important matters of personnel administration are concerned.

(3) Recommend that all Member Governments support the suggestions of the International Civil Service Advisory Board in the following respects :

(a) Strengthen in practice as well as in theory the independent authority and responsibility of the Secretary-General, in the selection and, when necessary, the termination of his staff. The Secretary-General is aware that those staff members who do not measure up to the highest attainable standards must be replaced. It is also true that selection of new staff should, at this stage of the organization's life, be based on more thorough search and careful appraisal than was possible in earlier times.

(b) Recognize the fact that careful recruitment throughout the world requires a reasonable period of time, and fix work programmes and schedules in so far as possible in a way to allow recruitment to be orderly and

³⁵ *Ibid.*, Fifth Session, Fifth Committee, 238th meeting, para. 61.

³⁶ Coord/Civil Service/2/Rev.1, United Nations Publications, 1950,X.4.

thorough rather than hasty and on an emergency basis.

(c) In suggesting candidates for the Secretary-General's consideration, supply a number of names for each position.

(d) Provide easy arrangements for preserving the re-employment rights, seniority rights, pension and security rights, etc., for national civil service officials who are seconded to the United Nations or one of the specialized agencies. In this connexion, while I know it is difficult in certain cases, I should add the hope that governments will release for service in the Secretariat key national officials whom the Secretary-General selects from time to time; one measure of our success in selection of civil servants is the degree to which they would be missed, because of their competence, by their governments.

(e) Give support in the governing bodies of all of the international organizations to proposals of the agency heads looking toward more uniform standards and regulations in the field of personnel administration, and thus further the development of a unified international civil service of high quality serving the family of international organizations.

5. While the United States representative referred specifically to decisions which the Fifth Committee might take, I feel certain he will welcome the Secretary-General's assurance, which I am pleased to offer, that other important recommendations of the International Civil Service Advisory Board will also be carried out. Of perhaps greatest significance are the Board's proposals that open competitive examinations be expanded, that more comprehensive inquiry be made into the personal character and previous experience of potential staff members, that in recruitment more emphasis be given to broad educational and intellectual qualifications, that in-service training efforts be intensified, and that co-operative recruitment and transfer programmes be worked out with the specialized agencies.

6. The Secretary-General, following action of the General Assembly along the lines which I have indicated, will face his administrative tasks with renewed confidence. With many uncertainties removed, he will resolutely strive toward that high goal fixed by the Charter.

DOCUMENT A/C.5/377

Personnel standards : statement of Mr. Agnides, Chairman of the International Civil Service Advisory Board, Chairman of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[10 October 1950]

1. As Mr. Price has indicated, I am, in all major respects, in full agreement with the statement the Secretary-General has made on the question of raising personnel standards in the Secretariat. I should like merely to add a few words, primarily for purposes of emphasis and to indicate one or two minor points on which I, as Chairman of the Advisory Committee on Administrative and Budgetary Questions, take a slightly different view.

2. First, may I thank the Secretary-General for his kind reference to myself and the colleagues with whom I have the pleasure of serving on the International Civil Service Advisory Board. My colleagues bring to the work of this Board such a wealth of experience and such outstanding judgment and competence in the broad field of personnel administration that I have found it a most enlightening and pleasant experience to serve with them. I have the greatest confidence in putting their conclusions on personnel questions before the Secretary-General and the executive heads of the specialized agencies. This confidence is confirmed by the reception which the Board's recent report on "Recruitment Methods and Standards" has met in the Administrative Committee on Co-ordination, and I am very glad to hear the Secretary-General's statement that he is already putting into operation some of the recommendations which the Board has made.

3. I think the Secretary-General's suggestions as to the decisions which this Fifth Committee may take are most constructive. I certainly concur in his recommendation that the major features of the new Salary, Allowance and Leave System should be adopted by the General Assembly at this session. This central point is not weakened by the existence of minor differences between the Advisory Committee on Administrative and Budgetary Questions and the Secretary-General on certain phases of this new scheme—differences which are well known to members of this Committee. On these points of difference I can only reiterate my belief in the soundness of the Advisory Committee's recommendations.

4. Similarly, I also concur with his proposal that permanent staff regulations should be adopted at this session of the General Assembly. I cannot go further on this point since the Secretary-General's proposed staff regulations are now being studied by the Advisory Committee on Administrative and Budgetary Questions, and it is only after this study that I will be in a position to comment on the text of these regulations. I have no hesitation, however, in expressing my personal gratification at the extent to which the Secretary-General's proposed staff regulations have been worked out in co-ordination with representatives of the specialized agencies. It is well known that the Advisory Committee on Administrative and Budgetary Questions, as well as the General

Assembly itself, has repeatedly urged the kind of co-ordination on administrative matters which the inter-agency agreement on staff regulations represents.

5. I should like to add one major point to those which the Secretary-General has touched upon. I think the establishing of priorities among the various tasks assigned to the Secretariat by the various organs of the United Nations is of the utmost significance in the achievement of maximum efficiency and economy in the conduct of the Secretariat affairs. Too many projects carried on simultaneously will inevitably mean a deterioration in the quality of the work. Energy and talent devoted to studies and activities which, though desirable in the theoretical sense, have no real urgency or immediate necessity, will inevitably detract from the concentration of the Secretariat's strength on projects of immediate urgency and practicality, and in the long run will only result in a lowering of the prestige and morale of the staff, as well as in decreasing public confidence in the effectiveness of the United Nations organization as a whole. I urge this Committee and the General Assembly, therefore, to strengthen the hand of the Secretary-General in the fixing of priorities and time schedules. Only in the centralization of authority and responsibility in the Secretary-General can this problem be solved satisfactorily, subject always to any specific instructions from the General Assembly whose authority, of course, is overriding.

6. May I now merely underline two or three other points covered by Mr. Price's statement. I should like to state again what has been recognized by the Advisory Committee on Administrative and Budgetary Questions, the Committee of Experts on Salary, Allowance and Leave Systems and the International Civil Service Advisory Board—that the Secretariat must be enabled to attract and retain staff of the highest competence. To do this will require the replacement of some of the present staff and strenuous effort to obtain new staff of first quality. Accordingly, I welcome the Secretary-General's statement on these points, and emphasize that any liberalization in the salary system must have as an indispensable corollary the raising of personnel standards and efficiency,

7. It is evident that from a budgetary point of view, the improvement of quality in the staff should only result in the accomplishment of the same workload with somewhat fewer staff or of enlarged tasks without increases in the manning table. Thus any additional expenses which are necessary to establish an adequate salary, allowance and leave system will, in the long run, result in savings to the organization.

8. The International Civil Service Advisory Board's recommendation that Member States support the inde-

pendence of the Secretary-General in selecting staff, in practice as well as in theory, is of the utmost importance. In suggesting candidates for the staff, with an improved geographical distribution in mind, the paramount consideration of competence, integrity and efficiency, as outlined in the Charter, must never be lost sight of. I would urge the governments to respond to the request of the Secretary-General that they include in their panels of candidates individuals of outstanding competence from their own services.

9. As a corollary to the Secretary-General's independence in staff administration, it must become an established principle that it is not open to the members of the Secretariat to attempt to bring political or outside influence to support their personal claims in matters affecting the service, or their position in the service. Perhaps the Secretary-General will wish to introduce into the permanent staff regulations appropriate provisions supporting this principle, even to providing for disciplinary action in serious cases, the more so as there is ample machinery in the United Nations complex to which the staff member may have recourse—e. g., the paritative committees on discipline and appeals, the Staff Committee, and the Administrative Tribunal.

10. The observations of the International Civil Service Advisory Board on the question of specialization of the staff seem to me worthy of a brief comment. Recruitment on the basis of narrow job specifications is susceptible of resulting in a Secretariat which is bound to be over-staffed and, what is worse, to have a relatively low average standard. In recruiting the staff, care must be taken to maintain a proper balance between the specialized personnel and those possessed of a wider background and versatility. A group of versatile staff would constitute the backbone of the Secretariat. This would contribute to the building up of a relatively reduced and compact Secretariat. It is indeed unlikely that at a given time all departments would be equally hard pressed, and a versatile staff makes it possible for the Secretary-General to detail staff from one department to another which may be in great need of reinforcement. Furthermore, this decreases the need to engage temporary staff. Besides resulting in economies, this method creates a closer integration of the moral and intellectual forces of the Secretariat and gives it greater flexibility and a sense of purpose and unity.

11. I am pleased to note that the Secretary-General intends to improve the facilities for in-service training of present and new Secretariat staff members.

12. With the programmes outlined this morning I have every confidence that the year 1951 can be made a memorable one in the administration of the Secretariat.

DOCUMENT A/C.5/400

Report of Sub-Committee 7

[Original text: English]
[14 November 1950]

INTRODUCTION

1. At the 243rd meeting of the Fifth Committee held on 10 October 1950, it was suggested by the Chairman that the various recommendations or proposals relating to the salary, allowance and leave system of the United Nations, on which the Committee was required to reach a decision, should be referred, in the first instance, to a sub-committee for examination and report. The hope was expressed that in this manner many major points of difference might be more easily reconciled with a view to developing a common proposal likely to command the largest possible measure of agreement and support. In suggesting this procedure, the Chairman made it clear that the sub-committee was not expected to undertake a detailed review of the recommendations and observations of the Committee of Experts on Salary, Allowance and Leave Systems, as transmitted to the General Assembly at its fourth session (A/C.5/331)—which task had already been undertaken, at the Fifth Committee's request, by the Advisory Committee on Administrative and Budgetary Questions (A/1313)—but to address itself, for the most part, to the following major points of substance and of principle on which the Secretary-General had been unable to agree with the Advisory Committee's conclusions:

- (a) Salary levels for internationally and locally recruited staff;
- (b) The substitution for the present system of expatriation allowances of a system of repatriation grants;
- (c) The maintenance of present rental allowances through 1951;
- (d) The frequency of home leave;
- (e) The application to present staff of any new salary and classification plan agreed upon, with reference particularly to:
 - (i) Retention of existing salaries and salary ceilings;
 - (ii) Date for moving present staff on to the new salary scales;
- (f) Salary differentials.

2. On the proposal of the representative of Canada, the Fifth Committee decided to appoint, for the above purpose, a sub-committee of eleven members nominated by the Chairman, who was requested to preside over its proceedings. The Chairman accordingly nominated the following Member States to serve on the Sub-Committee: Australia, Brazil, China, France, Netherlands, Pakistan, Syria, United Kingdom, United States of America, Union of Soviet Socialist Republics, Venezuela. Throughout its discussions the Sub-Committee had the assistance and advice of the Chairman of the Advisory Committee.

3. The Sub-Committee held thirteen meetings during the period 11 October to 11 November 1950, in the course of which it carried out a review of the specific questions on which it was requested to report, and examined, at the same time, a number of other issues deemed relevant thereto. During its deliberations the Sub-Committee had occasion to call for a considerable amount of data additional to that already available in the reports of the Committee of Experts, the Advisory Committee and the Secretary-General (A/1378), in order that it might arrive at a judgment on the relative merits of various alternative proposals. Prior to its consideration of the question of salary differentials, the Sub-Committee received a representative of the World Health Organization, who explained on the Director-General's behalf the views of that Organization on the recommendation of the Advisory Committee that a minus 5 per cent differential should be applied to salaries of international staff serving in Geneva. The Sub-Committee also decided to afford an opportunity to the United Nations Staff Association to present any additional statement orally or in writing which it might wish to make in amplification of the views already brought to the notice of members of the Fifth Committee. In accordance with this decision, a hearing was granted to the Chairman and two Vice-Chairmen of the Staff Committee, prior to final consideration of the Sub-Committee's report.

I. SUMMARY OF RECOMMENDATIONS

The following is a summary of the Sub-Committee's recommendations. As will be evident from the attached account of its deliberations, these recommendations have not in all cases been arrived at unanimously.

Salaries for internationally recruited staff

(a) The salary scale for staff in the professional category should have a floor of \$3,600³⁷ (representing the entry rate at the junior professional level) and a ceiling of \$12,500 (representing the maximum rate at the Principal Director level);

(b) Total remuneration for Assistant Secretaries-General (i. e. salary plus representation allowance) should remain as at present, subject, however, to an increase from \$13,500 to \$15,000 in salary with a corresponding reduction (to \$7,000 and \$10,000, respectively) in the minimum and maximum rates of representation allowance;

(c) The remuneration for Principal Directors should comprise:

³⁷ All figures stated on net of tax or assessment basis.

- (i) A base salary of \$12,000 rising to \$12,500;
- (ii) A representation allowance varying from \$1,000 to \$3,500 at the discretion of the Secretary-General; and
- (iii) Allowances ordinarily available to eligible staff, e. g., children's allowance, education grants, repatriation grants.

(d) Remuneration for Directors (level J) should be determined in accordance with the recommendations of the Advisory Committee, i. e., a base salary of \$11,000 rising by four incremental steps to a maximum of \$12,200.

(e) An additional salary level should be introduced in the professional category, increasing the number of levels in this category from four to five.

(f) Increments should be on a yearly basis, subject to satisfactory performance, until a within-grade step rate of \$10,800 is reached, after which they should be granted at two-yearly intervals.

Salaries for locally recruited staff

(g) The salary scales for locally recruited staff should be fixed in accordance with the principles recommended by the Committee of Experts and endorsed by the Advisory Committee and by the Secretary-General, i. e., on the basis of best prevailing local rates, subject to possibility of payment of a non-residents' allowance to General Service staff recruited from outside the local area.

(h) A language allowance should be paid to staff in levels B through D (or equivalent levels at offices away from Headquarters) who pass an appropriate test, and demonstrate continued proficiency in the use of two or more official languages; such allowance should be the equivalent of an additional step increment, which would continue beyond the maximum of their salary level.

Organization and classification of staff

(i) The organization and classification of staff should follow the recommendations of the Committee of Experts as endorsed by the Advisory Committee and by the Secretary-General.

Transition arrangements

(j) Transition arrangements to be applied in the case of staff members who suffer a loss in salary or in salary ceilings on assimilation to the new salary and classification plan should be based on the amended proposals of the Advisory Committee (see paragraph 17 of the following report).

(k) Such arrangements should have reference to salaries only and should not take account of remuneration presently received by way of representation allowance.

(l) Consideration should be given to the adequacy of the budgetary provision recommended by the Advisory Committee for hospitality.

Salary differentials

(m) Initial differentials should be not less than 5 per

cent with minimum adjustments in multiples of 5 per cent.

(n) Differentials should be applied only to that portion of salary (75 per cent) affected by living costs in the area of assignment.

(o) A minus 5 per cent differential should be applied to salaries of international staff at Geneva, subject to the position in this respect being kept under review by the Advisory Committee during 1951.

Staff allowances

(p) A scheme for repatriation grants, on the basis and scale proposed by the Advisory Committee, should be instituted in place of the present system of expatriation allowances.

(q) Rental allowances and subsidies should be maintained at the full rate until the end of 1951.

Home leave

(r) The qualifying period for home leave should be extended from two to three years.

II. REVIEW OF THE SUB-COMMITTEE'S DELIBERATIONS

The issues considered by the Sub-Committee and the conclusions reached are briefly reviewed hereunder.

Salary levels for internationally recruited staff

1. The Sub-Committee first directed its attention to the problem of determining an appropriate basis of remuneration for the post of Principal (Top-ranking) Director, having in mind that since such posts will represent the highest level of the classified service, decisions reached in this connexion will be reflected throughout the entire salary scale. It was evident that a large measure of agreement existed on the following guiding principles:

(a) That a salary scale for the post of Principal Director should be determined on the basis of a reappraisal of what is a reasonable and adequate remuneration for the duties and responsibilities of the post;

(b) That the scale should offer the possibility of limited advancement in the form of one or more increments based on satisfactory service;

(c) That the maximum pensionable remuneration should not exceed \$12,500;

(d) That Principal Directors should be eligible for ordinary staff allowances on the same basis and conditions as other staff members.

2. On the question of the precise scale of remuneration to be recommended and the manner in which it should be expressed, a number of differing proposals were debated. These differences emerged from a discussion of the following general questions:

(a) Whether representation allowances should be eliminated in favour of a consolidated base salary in

accordance with the recommendation of the Committee of Experts (subject to budgetary provision for reimbursement, on a voucher basis, for authorized hospitality expenses), or whether a base salary should be fixed plus a separate allowance, as at present, for representation purposes, in accordance with the recommendation of the Advisory Committee.

(b) Given a separate representation allowance, the appropriate minimum and maximum limits of that allowance.

(c) Whether that portion of a Principal Director's remuneration intended for "representation" purposes should be paid automatically or by way of reimbursement, on a voucher basis, of expenses actually incurred.

3. The proposal for a consolidated salary found only limited support. In support of a consolidated salary the following arguments were advanced :

(a) It is difficult, if not impossible, satisfactorily to define "representational" expenditure. Such expenditure, in any event, is not necessarily limited to Principal Directors, but may be incurred by many senior officials, according to the nature of their duties and responsibilities. Any division, therefore, of the total remuneration deemed appropriate between "salary" on the one hand, and a fixed "representation allowance" on the other, is necessarily an arbitrary one.

(b) A somewhat higher salary level for Principal Directors which would include a "representation" element, while no more costly than the alternative proposal of salary plus allowance, would reduce difficulties due to a "bunching together" of salary levels at the senior level and above, by making possible a more adequate distinction between posts where the levels of responsibility are fundamentally different.

(c) It would also provide more adequate scope for appropriate adjustments in the salaries of key officials in levels immediately below that of Principal Director, having regard to the fact that officers in receipt of salaries above \$7,000 (net) have not received the cost-of-living adjustment granted to other staff members. Those favouring this principle agreed, moreover, that a limit should be fixed to the amount of salary which would be pensionable and that a certain portion of the salary should be specifically designated as intended to cover representational expenses.

4. It was the view of the majority, on the other hand, that for Principal Directors, the basis of remuneration recommended by the Advisory Committee (i. e. salary plus ordinary staff representation allowance) was preferable for the following reasons :

(a) A base salary of \$12,000—\$12,500 more accurately reflected a comparative evaluation of the actual duties and responsibilities of the post.

(b) It would be undesirable in principle and in practice to set some arbitrary limit for pension purposes unrelated to the salary scale itself; similarly, if the level of remuneration agreed upon is intended to make provision for "representational" expenditure, this fact should be explicitly recognized in the form of a separate

non-pensionable allowance granted specifically for this purpose.

(c) With an increase in the salary ceiling for the post of Principal Director from \$11,000 to \$12,500, the "bunching together" of salaries at the top of the scale would not constitute a serious defect and could, in any event, be sufficiently overcome by a slight adjustment in the next lower levels.

(d) It cannot be assumed that the provisional salary scale drawn up in 1946 was necessarily one best adapted to the permanent needs of the Organization as judged in the light of subsequent experience. Reference to the cost-of-living increase since that date is not, therefore, in itself, a relevant consideration in reappraising the adequacy of top-level salaries. Nevertheless, under the Advisory Committee's proposals, some measure of improvement is provided for in the case of levels immediately below that of Principal Director.

5. As regards the minimum limit of the representation allowance, there was a general agreement to accept the modified proposal of the Advisory Committee, by recommending a fixed amount (instead of zero) as a basic minimum — the majority favouring the sum of \$1,000. In the case of the maximum limit, opinion was more evenly divided—a figure of \$3,500 (instead of \$3,000) receiving the larger measure of support. It was also the consensus of opinion that the Secretary-General should have full discretion in fixing the amount of representation allowance, in individual cases, within these limits.

6. On the question of whether representation allowances should be paid on the basis of a fixed annual amount or in the form of voucher reimbursements, a majority favoured the former procedure.

7. The Sub-Committee's conclusions with respect to the level of remuneration for the post of Principal Director may be stated as follows :

(a) That the net base salary be fixed at \$12,000, rising after two years' service to a maximum of \$12,500;

(b) That principal directors be paid a representation allowance varying from a minimum of \$1,000 to a maximum of \$3,500 in the Secretary-General's discretion.

(c) That Principal Directors receive, in addition, allowances ordinarily available to eligible staff (repatriation grant, children's allowance, education grant).

The effect of these recommendations on the emoluments of Principal Directors is shown in the comparative table appearing in annex 1.

8. In the light of its conclusions concerning Principal Directors, the Sub-Committee next considered the extent to which any readjustment was necessary in the present emoluments of Assistant Secretaries-General. It noted in this connexion the proposal of the Secretary-General for a readjustment of salary and representation allowances within the existing maximum ceilings. The Secretary-General's proposal, however, related to his similar recommendation for Principal Directors, and in neither instance did the Sub-Committee feel able to recommend that base salaries should be increased to

the full extent requested. It was agreed, nevertheless, that in the interests of a balanced salary structure and with a view to affording Assistant Secretaries-General some measure of improvement within pensionable remuneration, the present differential of \$2,500 between their salary and the maximum salary for a Principal Director should be maintained. Accordingly, the Sub-Committee decided to recommend that the salary of an Assistant Secretary-General should be increased from \$13,500 to \$15,000 net, with an equivalent reduction (to \$7,000 and \$10,000 respectively) in the minimum and maximum rates of representation allowance as presently authorized by the General Assembly.

9. On the question of salary levels for posts below that of Principal Director, the Sub-Committee, again in the light of its conclusion concerning Principal Directors, concurred generally in the recommendations of the Advisory Committee and in particular in the following proposed modifications of the scheme submitted by the Committee of Experts, on the basis of which the Secretary-General had prepared his budget estimates for 1951 :

(a) That base salaries for level J (the Director level) should be fixed at \$11,000, rising by four steps to a maximum of 12,200;

(b) That increments should be awarded, subject to satisfactory performance, at two-yearly intervals (instead of yearly) after a within-grade salary of \$10,800 is reached;

(c) That an additional salary level should be introduced in the salary ranges for the professional category, thus increasing the total number of levels up to and including that of senior officer from four to five.

It was the sense of the Sub-Committee that with the ceilings agreed upon, details of the salary scale for these five levels should be left to the determination of the Secretary-General in consultation, at the administrative level, with the specialized agencies in line with the objective of achieving a common classification and salary structure for the major part of the international civil service. It was the view of several members of the Sub-Committee that the salary scale for international staff, when finally determined, should be embodied in the permanent staff regulations.

Salary levels for locally-recruited staff

10. The Sub-Committee noted that the Advisory Committee, the Committee of Experts and the Secretary General were in full agreement as to the principles which should govern the determination of salaries for posts classified in the proposed general service category—namely, that they should be fixed and paid in local currency according to the best prevailing rates for comparable work performed in the duty station area, supplemented in the case of “semi-local” staff (i. e., staff whom it is necessary for language or other reasons to recruit from outside the local area) by a permanent non-residence allowance of a flat amount which would be pensionable. In connexion with the non-residence allowance the Sub-Committee concurred in the proposals made by

the Secretary-General (A/C.5/SC.7/L.2)³⁸ for the implementation of this recommendation. It also concurred in the observations of the Advisory Committee that it might be impracticable in certain areas to pay the so-called “semi-local” staff who are, in fact, internationally recruited, on the basis of prevailing rates for comparable work in the duty station area plus a non-residence allowance, and that sufficient flexibility must therefore be retained to allow the Secretary-General to fix rates at points between those appropriate for locally-recruited staff, on the one hand, and the international staff, on the other.

11. In the course of its review of problems relating to General Service personnel, the Sub-Committee also examined the proposal of the Secretary-General (A/C.5/SC.7/L.2) to pay a language allowance to staff in salary levels B, C and D at Headquarters (salary ranges \$2,200 to \$4,200) or their equivalent in the local salary structure of other established offices, who passed an appropriate test and demonstrated continuing proficiency in the use of two or more official languages, such allowance to be the equivalent of an additional step increase extending where necessary beyond the maximum of the staff member's salary level. The bonus would thus amount to \$100 per annum for eligible headquarters staff in the junior and intermediate levels and \$150 per annum for those in the senior level of the general service category. The Sub-Committee believed that some compensation additional to that paid to monolingual staff was justified, and accordingly recommend that this proposal be approved.

Application of new salary and classification plan to present staff

12. The Sub-Committee examined at considerable length the problem of the transitional arrangements which should govern the assimilation of present staff to the proposed new salary and classification plan. The main question considered was that of the extent to which existing salaries, inclusive of cost-of-living adjustment, and existing salary ceilings (i. e., incremental expectations) should be preserved. As a basis for its consideration of this problem the Sub-Committee had before it the recommendations of the Advisory Committee (A/1312, paragraphs 27-33) and various alternative proposals and modifications thereto, recommended by the Secretary-General or presented in the course of its deliberations by several of its members.

13. These eventually narrowed down to two basic proposals, one or the other of which appeared to command a substantial measure of support. Both proposals provided for the entry into force of the new salary system on 1 January 1951 and for the payment of pensionable personal allowances to those present staff members whose existing salaries or salary ceilings (i. e. incremental expectation) might be adversely affected as a result of reclassification in terms of the new salary plan. They differed, however, as to the basis and

³⁸ Mimeographed document only.

method by which such allowances should be determined and the period during which they should be paid.

(a) *Plan A* provided for an extension of the maximum rates for the new salary levels by not more than three additional steps, for those staff members who, upon assimilation, would suffer a reduction in present salary, including cost-of-living adjustment, or salary ceiling. Such staff members would thus be permitted to go through the ceiling of their new salary level to the extent of one, two or three incremental steps, in the level to which they are assimilated, the purpose being either to allow them to maintain their existing base pay or to proceed all or part of the way towards their old salary ceiling (including, in both cases, the cost-of-living adjustment previously received, always provided, however, that salary plus personal allowance would not exceed the maximum rate to which they were entitled prior to assimilation). The one, two or three additional steps as the case may be would represent a pensionable personal allowance which would be paid as long as a staff-member remained in the service of the United Nations at the salary level to which he was assimilated on 1 January 1951. Examples of the manner in which this proposal would apply are given in annex 2.

(b) *Plan B* provided firstly that the difference between a staff member's present salary (plus cost-of-living adjustment) and the rate he would receive under the new system would be paid as a pensionable personal allowance; secondly, that staff members who are proceeding to a maximum in their present grades higher than the maximum of the appropriate new salary levels would continue to receive increments on the basis of the proposed new scales until they have reached a point equal to the maximum of their present scales—that part of the salary which exceeds the maximum of the new salary level being similarly considered as a pensionable personal allowance. Such allowances, however, would be subject to the following provisos :

(i) They would cease upon expiration of the staff member's contract or after two years from the date on which the new scales enter into force, whichever period is the longer;

(ii) In the case of staff members having temporary indefinite contracts, they would cease after two years;

(iii) In the case of staff members having indeterminate contracts, they would continue on a strictly contractual basis. Should their contract carry the proviso that its terms are subject to modification, such allowances would cease after a two-year transition period.

14. On behalf of plan A, it was argued that, while placing a limit to the size of personal allowances, it would nevertheless fully protect the actual salaries of present staff members in all but a small number of special cases, and in addition would provide for the great majority of those who suffer a reduction in present ceilings, an assured expectation of future increments. By basing payment of allowances on incumbency of post the inequities and anomalies to which the Secretary-

General had called attention (A/C.5/SC.7/L.3)³⁹ would be reduced. At the same time normal turnover resulting from resignations, terminations, promotions, etc., plus the recruitment of new staff at lower minima, would bring about a steadily decreasing budgetary cost after a comparatively short period. It would have the advantage also of making it unnecessary for the Organization to continue two distinct salary systems for a long time.

15. On behalf of plan B (and of others closely related thereto), it was argued that by placing a time limit on the period of transition, the full assimilation of the majority of present staff would be more rapidly achieved. Nevertheless, all staff members adversely affected, regardless of their contractual status, would be afforded an adequate transition period within which to make any necessary adjustments. The proposal had the particular merit, moreover, of fully honouring existing contractual obligations. At the same time the cost, though perhaps relatively heavier during the first two years than under plan A, would thereafter virtually disappear, so that from a longer-term point of view the total budgetary burden was likely to be less.

16. One delegation, while prepared to accept plan B in principle, was of the opinion that at the end of the proposed two-year transition period, the Secretary-General should report on outstanding problems of implementation and the situation should then be fully reviewed in the light of the circumstances prevailing at that time. Another delegation desired an amendment to the provision in plan B relating to staff members with indeterminate contracts, the effect of which would be to make personal allowances for such staff members terminable at the time of the first five-yearly review. Discussion of these alternative transitional arrangements revealed that no clear majority could be obtained in the Sub-Committee for a solution on these bases.

17. The Sub-Committee was informed at this stage that the Advisory Committee had formally decided to amend the terms of its recommendations as set forth in paragraphs 29 to 32 of its second report of 1950 (A/1312) by deleting the words "one year" in subparagraphs (a) and (b) of paragraph 32 and substituting therefor the words "two years". The Advisory Committee proposal as amended would, therefore, be as follows :

(a) That, subject to efficiency, staff members whose present salary is above the ceiling of the new salary level to which their posts may be assigned, together with those who may be already at the maximum of their present grade and who are assimilated to the proposed new scales at a level carrying a lower maximum, should receive the difference as a pensionable allowance provided, however, that payment of such allowances shall cease on expiration of their present contract or after a period of two years from the date on which the new salary scales may enter into force, whichever period is the shorter (after a period of two years in the case of

³⁹ Mimeographed document only.

staff members having temporary indefinite appointments).

(b) That subject to the same limitations, staff members who are proceeding to a maximum on their present grade higher than the maximum of the appropriate new salary level, should continue to receive increments on the basis of the proposed new scales until they have reached a point equal to the maximum of their present grade, that part of the salary which exceeds the maximum of the new salary level being considered as a pensionable personal allowance.

A majority of the Sub-Committee indicated their concurrence with the above proposal.

18. Discussion was then commenced on the question whether, and if so in what manner and to what extent, transitional arrangements intended to preserve actual current salaries should apply (a) to Top-ranking Directors and (b) to the Directors currently in receipt of representation allowances. The majority of Sub-Committee members indicated that it had been their assumption that the various proposals discussed had reference to the rank and file of staff only (and more especially to those in the lower grades) and were not intended to cover top-level staff. Several members maintained, nevertheless, that in so far as a principle was agreed upon, it should be applied equally to the Secretariat as a whole. Other members considered, however, that any transitional arrangements agreed upon should have reference to salaries alone and that for the purposes of such arrangements representation allowance, which was granted for an entirely different purpose, could not be regarded as part of a staff member's basic remuneration. It was also maintained that since salaries had been increased for Directors and above and that, in addition, they were to receive ordinary staff allowances, no special transitional provisions were called for in their case. After consideration of several specific proposals, the Sub-Committee concurred in this conclusion. At the same time, however, it observed that directors who had previously received but would not now receive a representation allowance would, in future, have recourse to the Central Hospitality Fund for authorized hospitality expenses. The Sub-Committee, therefore, suggests that the Fifth Committee should consider in this connexion the proposed budgetary provision in section 24 of the estimates.

Date and procedure for moving existing staff on to the new salary scale

19. The Sub-Committee also studied the recommendations of the Advisory Committee and of the Secretary-General on the highly technical subject of the date and procedure for moving present staff members on to the appropriate steps in the new scale. It noted that the Secretary-General had reached the conclusion that it would be advantageous to move all members of the staff to the appropriate rates under the new salary system on the same date, and that his 1951 budget proposals had been presented on the assumption that this date would be 1 January 1951. Under the Secretary-General's plan all staff members would be transferred to the new

salary scale on 1 January 1951 at a rate identical to their existing salaries, plus cost-of-living adjustment, or if no identical salary exists in the new salary scheme, the staff member would be transferred to the next higher step-rate. Thus the effective date of the first within-grade salary increment under the new salary plan would normally be one year after the date of the transition, i.e. 1 January 1952. However, in the case of staff members who, under the present salary plan, would have received an increment at a date during 1951, e.g., 1 July 1951, the Secretary-General proposed, as a transitional arrangement, to grant an increment on this same date. This increment would be to the step-rate on the new scale which covers the rate which the staff member would have anticipated if no change had been made in the salary system. The Sub-Committee also noted that in the Secretary-General's opinion the advantages of moving the staff to the new scales on a single date, rather than staggering the transition throughout the year, are that it would simplify the administrative work involved in making the transition, and that it could be explained more easily to the staff than the plan suggested by the Advisory Committee.

20. The Advisory Committee, however, in its second report of 1950 (A/1312, paras. 34 to 38) recommended that staff members should not automatically be moved to the new scale as of 1 January 1951. Instead, they proposed that only those who had earned the next higher step-rates should be transferred as of that date. For other staff members service credits earned under the old salary system would be calculated up to 1 January 1951, while service credits accruing after 1 January 1951 would be calculated on the basis of the new system. The new increment dates for staff members would thus be staggered throughout the year. The Advisory Committee had estimated that adoption of its proposals would make possible an over-all saving in the cost of established posts of \$100,000, and they had accordingly recommended that provision for a reduction in the estimates in this amount should be made in section 33 of the budget.

21. During the discussions, one member of the Sub-Committee suggested that the objectives of the Advisory Committee might be met without the complication of the calculation for each staff member in terms of increment dates. He suggested that all staff members should be placed at salary rates on 1 January 1951 which would take into account the credit earned toward their next increments under the old system. From 1 January 1951 forward, increments would accrue under the new system on each 1 January for all staff members. This system would permit savings on the estimates comparable to those in the plan of the Advisory Committee. However, the Sub-Committee noted that the plan would produce odd step-rates which would be carried indefinitely.

22. The Sub-Committee therefore decided to recommend that the principle advocated by the Advisory Committee—that is, that the increment should come due only when the staff member had earned it—should be adopted, but that the Secretary-General should select the precise method, within budgetary limitations

which would accomplish the objective with the least administrative complications.

Salary differentials

23. The Sub-Committee had before it two types of questions relating to salary differentials in offices away from Headquarters: namely, (a) general policy relating to application of differentials, and (b) the specific application of a differential to the salaries of international staff located at Geneva.

24. In respect of the general policy, there was no disagreement between the Secretary-General and the Advisory Committee concerning the necessity for applying differentials or the factors on which such differentials should be based. Both agreed with the proposals of the Committee of Experts on the basic question. However, the Secretary-General had accepted the recommendation of the Experts that initial differentials should not be set if differences in cost of living, standards of living, and other relevant factors were shown to be less than 10 per cent that adjustments should be made in multiples of 10 per cent, due to the margin of error in place-to-place cost comparisons. The Advisory Committee, on the other hand, believed that both initial differentials and adjustments might be reasonably made in multiples of 5 per cent. The Sub-Committee decided to recommend adoption of the Advisory Committee's views on this point.

25. On the question of the proportion of salary to which differentials should be applied, the Advisory Committee proposed that any differential should apply to 100 per cent of salary in view of the administrative difficulties inherent in the plan of the Committee of Experts. The Secretary-General, however, indicated that he did not foresee any serious difficulties and that, in his opinion, it would be more equitable to apply differentials to not more than 75 per cent of salary as recommended by the Experts, since approximately 25 per cent of salary would normally be expended in the Headquarters area or in the home country, e.g. pension contributions, insurance commitments, and savings which were not affected by the costs in the duty station area. In the light of these factors, the Sub-Committee agreed to recommend the application of differentials to 75 per cent of salary.

26. In connexion with the application of a specific differential on salaries of international staff at Geneva, the Sub-Committee took note of the fact that the Advisory Committee had recommended a minus differential of 5 per cent, based on the factors set out by the Committee of Experts, but that the Secretary-General contended that statistical surveys of the relative cost of living in New York and Geneva and of actual expenditures of staff members indicated that salaries of international staff for comparable work should be on the same basis. The Sub-Committee heard a representative of the Director-General of the World Health Organization, who supported the views of the Secretary-General, and also the Director of the United Nations Statistical Office on the present trends in cost of living

in New York and Geneva. The Sub-Committee also took note of discussions in the Fifth Committee at its 256th meeting in connexion with the budget estimates for the Geneva Office. In further explanation of some of the views expressed there, four members of the Sub-Committee pointed out that their Governments had established substantial differentials in the salaries of their foreign service personnel working in New York and in Geneva. In some cases, such officials were paid 25 per cent less in Geneva than in New York. Furthermore, the Fifth Committee had already recognized a 25 per cent differential in the subsistence allowances to be paid to members of commissions by its recommendation of \$25 *per diem* in New York and \$20 in Geneva. Some doubts were expressed concerning the validity in 1950 of the statistical results of the survey which had been conducted in late 1948 and early 1949. Not only had the trends changed, but insufficient regard seemed to have been paid to differences in the standard and mode of living in the two areas.

27. On the basis of the evidence at hand, the Sub-Committee agreed to recommend adoption of a minus differential of 5 per cent to the appropriate proportion of salaries of international staff at Geneva. It was noted that, because of incorporation of the New York cost-of-living allowance into the base scales of pay, there would be no actual reduction of take-home pay for international officials below the \$7,000 level in Geneva, if this proposal were adopted. The Sub-Committee is fully aware of the importance of this recommendation both to the United Nations officials and to the specialized agencies. It recommends, therefore, that the question should be kept under review by the Advisory Committee during 1951.

Expatriation allowances and repatriation grants

28. In examining the proposal to replace the present system of expatriation allowances by a plan under which a repatriation grant in the form of a lump sum would be paid to staff members on their being repatriated to their home countries, the Sub-Committee noted that both the Advisory Committee and the Secretary-General agreed that a terminal repatriation grant was preferable to the existing allowance, but differed as to the scale on which such grants should be paid. The Secretary-General had concurred in the scale proposed in this connexion by the Committee of Experts, whereas the Advisory Committee felt that, when considered in conjunction with other termination benefits, the scale proposed appeared unduly liberal. Accordingly, it had recommended that the scale should be revised to provide approximately half the amounts proposed by the Committee of Experts. The Sub-Committee concurred unanimously in the principle of a repatriation grant and agreed also with the views of the Advisory Committee (as set forth in para. 70 of its report (A/1312) as to the scale on which it should be paid. The only point concerning which some difference of opinion emerged related to the question of whether provision should be made for a transition period, during which present staff members would have the option of conti-

ning to receive expatriation allowances or of accruing service credit toward a repatriation grant. It was the view of several members of the Sub-Committee that such an option should be given for a period of at least one year as from 1 January 1951. It was noted in this connexion that, should the General Assembly so decide, additional budgetary provision to the extent of \$640,000 would be required, on the assumption that the bulk of those presently in receipt of expatriation allowances would elect to continue on this basis for a further year. The Sub-Committee agreed that expatriation allowances should cease on 31 December 1950 and that eligible staff members should begin to accrue credit toward a repatriation grant first payable in 1953. During this two-year transition period the arrangements proposed by the Committee of Experts and accepted by the Advisory Committee and the Secretary-General should apply.

Rental allowances

29. The issue confronting the Sub-Committee in connexion with rental allowances was one of procedure rather than of substance. The Advisory Committee, in its budget report (A/1312), had recommended that rental subsidies and allowances should be gradually reduced during 1951 and eliminated not later than 1 January 1952. In accordance with this recommendation, it had proposed a reduction of \$117,000 in the 1951 budget estimates. The Secretary-General, however, while accepting the recommendation that this allowance should be eliminated as from 1 January 1952, had urged, for the reasons set forth in paragraph 13 of his report (A/1378), that these allowances and subsidies should be continued in full during 1951. The Sub-Committee

agreed that, taking into account the dislocation due to the move to Manhattan, the proposed discontinuance of expatriation allowances, and possible salary adjustments for some staff members, it would be reasonable to provide for a full twelve-month period in which those affected, particularly among the lower-paid members of the Secretariat, might make necessary personal arrangements. Accordingly, it recommends that the budgetary provision requested for 1951 by the Secretary-General for the purposes of these allowances be maintained.

Home leave

30. In connexion with the problem of home leave, the only point of substance with which the Sub-Committee had to concern itself was that of the frequency with which such leave should be granted. It was confronted in this respect with the views, on the one hand, of the Advisory Committee, to the effect that both on administrative and budgetary grounds the present rules were too favourable and that consideration should be given to the introduction of a longer qualifying period of service for the home leave privilege, and on the other hand, with the opinion of the Secretary-General that the present two-year qualifying period should be maintained. It was the sense of a majority of the Sub-Committee that in accordance with the Advisory Committee's recommendation, the present two-year qualifying period should be extended to three years. In the course of discussion, a compromise proposal that an interval of at least thirty months should elapse between home leaves was put forward but later withdrawn, on the understanding that home leave would be granted during the course of each third year of service.

ANNEX I

EFFECT OF RECOMMENDATIONS ON EMOLUMENTS OF PRINCIPAL DIRECTORS

	<i>Present scale</i>	<i>Committee of Experts</i>	<i>Secretary-General</i>	<i>Advisory Committee</i>	<i>Sub-Committee's recommendation</i>
Net salary	11,000	15,000	13,000- 13,500	12,000- 12,500	12,000- 12,500
Representation allowance	3,000- 6,000	None	1,000- 3,500	0- 3,000 ^a	1,000- 3,500
Total "take-home pay" for the post	14,000- 17,000	15,000	14,000- 17,000	12,000- 15,500	13,000- 16,000
United Nations pension contribution	1,540	2,100	1,820- 1,850	1,680- 1,750	1,680- 1,750
Total emoluments of post	15,540- 18,540	17,100 ^b	15,820- 18,850	13,680- 17,250	14,680- 17,750
Estimated value of ordinary staff allowances ^c	Nil	0- 2,100	Nil	0- 2,100	0- 2,100
Total range of emoluments for individual staff member	15,540- 18,540	17,100- 19,200	15,820- 18,850	13,680- 19,350	14,680- 19,850

^a The U.S.S.R. representative proposed that payment of representation allowance, within these limits, be by means of reimbursement on a voucher basis.

^b Principal directors also to be entitled to reimbursement of actual hospitality expenses up to a maximum of \$1,500.

^c Repatriation grant (estimated annual value \$500 per eligible staff with dependants), children's allowance (\$200 per eligible child), education grant (\$200 per eligible child) and dependency credit (\$200); minimum amount (nil) assumes a staff member who is a national of the country of his duty station with no dependants; maximum amount (\$2,100) assumes a staff member recruited from a country other than the country of his duty station, with five dependent children, two of whom are being educated in their own country.

ANNEX 2

EXAMPLES SHOWING THE EFFECT OF PLAN A REGARDING TRANSITIONAL RULES

Example 1

Present status—grade 5, step 3; \$3,060 (range \$2,810—\$3,650).

New level—B; \$2,200—\$3,000.

Plan A—\$3,100 (1 step above new ceiling)—to be applied on 1 June 1951 when credit has been earned for additional \$40 under Advisory Committee proposal; \$3,200 on 1 June 1952, and \$3,300 on 1 June 1953.

Example 2

Present status—grade 5, step 5: \$3,340 (range \$2,810—\$3,650).

New level—B: \$2,200 to \$3,000.

Plan A—\$3,300 (3 steps above new ceiling—a loss of \$40 in actual earnings). Not eligible for any further increments during his incumbency of this post.

Example 3

Present status—grade 11, step 4: \$5,580 (range \$4,830 to \$6,450).

New level—E: \$3,600—\$5,400.

Plan A—\$5,600 (1 step above new ceiling)—to be applied 1 January 1951; \$5,800 on 1 January 1952, and \$6,000 on 1 January 1953. He thus covers his present earnings but falls \$450 short of his old maximum if he remains in this post.

Example 4

Present status—grade 6, step 5: \$3,650 (range \$3,060—\$3,990).

New level—C: \$2,600—\$3,500.

Plan A—\$3,700 (2 steps to be applied when credit is earned for additional \$50 under Advisory Committee proposal—1 July 1951; the third additional step (\$3,800) would be due 1 July 1952. This staff member would also retain his existing salary including cost-of-living adjustment, but would ultimately fall \$190 below his present maximum.

DOCUMENT A/C.5/403

Note by the Chairman

[Original text: English]
[15 November 1950]

1. In accordance with the request of Sub-Committee 1 of the Fifth Committee the Chairman, in consultation with the Secretary-General, has studied the question of the action which would be required by the Fifth Committee and the General Assembly to put into effect the recommendations of the Sub-Committee as contained in its report (A/C.5/400).

2. It was agreed in the Sub-Committee that the action required to put into effect its recommendations should be presented under two headings:

(a) Draft resolutions of the General Assembly, including necessary revisions of the provisional Staff Regulations;

(b) Action which remains to be taken in connexion with the approval of the budget estimates for the financial year 1951.

3. The action required in these two respects is indicated in appendices A and B of this paper.

APPENDIX A

DRAFT RESOLUTION OF THE GENERAL ASSEMBLY

The General Assembly,

Having considered the report and recommendations of the Secretary-General on the salary, allowance and leave system of the United Nations, together with the reports of the Advisory Committee on Administrative and Budgetary Questions dealing with this subject,

1. Agrees with the desirability of simplifying the organization and classification of the staff in accordance with the principles set forth by the Committee of Experts on Salary, Allowance and Leave Systems as endorsed by the Advisory Committee on Administrative and Budgetary Questions and by the Secretary-General.

2. Resolves that provisional staff regulation 16 be amended with effect from 1 January 1951 to read as follows:

“Salaries of staff members shall be fixed by the Secretary-General in accordance with the provisions outlined in the attached Annex I of these Regulations.”

3. Resolves that the Secretary-General shall be guided by the following principles in applying the salary provisions specified in Annex I to the Provisional Staff Regulations to staff members who on 31 December 1950 were serving under indeterminate appointment, temporary indefinite appointment or regular fixed-term appointment, and who continue in service after 1 January 1951:

(i) Subject to efficiency, staff members whose salary on 31 December 1950 is above the ceiling of the new salary level to which their posts are assigned shall receive the difference as a pensionable personal allowance provided, however

that payment of such allowances shall cease on the expiration date provided in their present contract, or after a period of two years from 1 January 1951, whichever period is the shorter (after a period of two years in the case of staff members having indeterminate or temporary indefinite appointments).

(ii) Subject to the same limitations, staff members who were proceeding to a maximum in their former grade higher than the maximum of the appropriate new salary level shall continue to receive increments on the basis of the new scales until they have reached a point equal to the maximum of their former grade, that part of the salary which exceeds the maximum of the new salary level being considered as a pensionable personal allowance.

(iii) These arrangements shall have reference only to salaries (including cost-of-living adjustment) and shall not take account of remuneration received as of 31 December 1950 in the form of any other allowances.

4. *Resolves* that, subject to transition arrangements under which all eligible staff members as of 31 December 1950 would be allowed the next home leave to which they would have been entitled under the provisions in effect on that date, provisional staff regulation 18 be amended with effect from 1 January 1951 by the addition of the following sentences :

“ Eligible staff members shall be granted home leave once in every three years. A staff member whose home country is the country of his official duty station or who continues to reside in his home country while performing his official duties shall not be eligible for home leave ”.

5. *Resolves* that provisional staff regulation 30 and provisional staff regulation 33 be amended with effect from 1 January 1951 by substituting “ twenty-one years ” for “ twenty-two years ” wherever the latter words occur, and further by substituting the words “ thirteen years of age ” for the words “ eleven years of age ” in paragraph (c) of provisional staff regulation 33.⁴⁰

⁴⁰ This amendment was not considered by the Sub-Committee; it would, however, implement the provisional decision reached by the Fifth Committee at its 241st meeting.

6. *Resolves* that the provisional staff regulations be amended with effect from 1 January 1951 by the addition of a new regulation 35, as follows :

“ The Secretary-General shall establish a scheme for the payment of repatriation grants in accordance with the maximum rates and conditions specified in annex 2 of these regulations. ”

ANNEX I

SALARY SCALES AND RELATED PROVISIONS

1. An Assistant Secretary-General shall receive a salary of \$US23,000⁴¹, (subject to the staff assessment plan) together with an allowance varying from \$US7,000 to \$US10,000 at the Secretary-General's discretion. The allowances for Assistant Secretaries-General are deemed to include all representation (including hospitality) and special allowances, such as housing, education and children's allowances, but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or termination of appointment with the Organization, official travel and home leave travel.

2. A Principal Director shall receive a salary of \$US17,000 rising after two years of satisfactory service to \$US18,000 (subject to the staff assessment plan and salary differentials wherever applied), and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, he shall receive a representation allowance varying from \$US1,000 to \$US3,500, at the Secretary-General's discretion.

3. Except as provided in paragraph 5 of this Annex, the salary scales for staff members in the Director and Principal Officer and Professional categories, subject to the staff assessment plan and salary differentials wherever applied, shall be as follows :

⁴¹ This gross rate is equivalent to \$15,000 net.

Table 1

SALARY SCALES ^a

(Subject to the staff assessment plan)

	Step I	Step II	Step III	Step IV	Step V	Step VI	Step VII	Step VIII	Step IX	Step X
<i>Principal Officer and Director Category</i>										
(In US dollars)										
Principal Director .	17,000	18,000								
Director	15,000	15,800	16,600	17,400						
Principal Officer . . .	13,330	14,000	14,670	15,400	16,200	17,000				
<i>Professional Category</i>										
Senior Officer	11,310	11,690	12,080	12,500	13,000	13,500	14,000	14,500	15,000	
Officer	9,140	9,460	9,790	10,150	10,540	10,920	11,310	11,690	12,080	12,500
Intermediate Officer	7,330	7,600	7,870	8,180	8,500	8,820	9,140	9,460	9,790	10,150
Assistant Officer . .	5,750	6,000	6,220	6,530	6,800	7,070	7,330	7,600	7,870	
Junior Officer	4,250	4,500	4,750	5,000	5,250	5,500	5,750	6,000		

^a The gross rates set forth in this table are appropriate for approval by the General Assembly. However, since many of the Fifth Committee's working papers on this subject refer to net rates, the following table indicates, for the Committee's information, the net equivalents of the gross rates.

Table 2

REVISED SALARY SCHEDULE
Pensionable remuneration—net rates

	Step I	Step II	Step III	Step IV	Step V	Step VI	Step VII	Step VIII	Step IX	Step X
<i>Principal officer and director category</i>										
(In US dollars)										
Principal Director .	12,000	12,500								
Director	11,000	11,400	11,800	12,200						
Principal Officer ..	10,000	10,400	10,800	11,200						
<i>Professional category</i>										
Senior Officer	8,750	9,000	9,250	9,500	9,800	10,100	10,400	10,700	11,000	
Officer	7,300	7,525	7,750	8,000	8,250	8,500	8,750	9,000	9,250	9,500
Intermediate Officer	6,000	6,200	6,400	6,625	6,850	7,075	7,300	7,525	7,750	8,000
Assistant Officer ..	4,800	5,000	5,200	5,400	5,600	5,800	6,000	6,200	6,400	
Junior Officer	3,600	3,800	4,000	4,200	4,400	4,600	4,800	5,000		

4. Incremental salary increases within the levels set forth in paragraph 3 shall be awarded annually on the basis of satisfactory service, provided that the period of satisfactory service required for increments above the salary of \$US14,670⁴² shall be two years.

5. The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term service, to consultants to field service personnel, and to technical assistance experts and social welfare advisers.

6. The Secretary-General shall fix the salary scales for staff in the General Service category and the salary or wage rates for manual workers normally on the basis of the best prevailing conditions of employment in the locality of the United Nations office concerned, provided that the Secretary-General may, where he deems it appropriate, establish rules and salary limits for payment of a non-resident's allowance to General Service staff recruited from outside the local area.

7. The Secretary-General shall establish rules under which an extra payment may be paid to General Service staff who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages, such payment to be the equivalent of an additional step increment which would continue beyond the maximum of the salary level of the staff member concerned.

8. The Secretary-General may adjust the basic salary rates provided in paragraph 3 for duty stations away from Headquarters, by the application of salary differentials which take into account relative costs of living, standards of living and related factors; provided that initial differen-

tials shall be not less than 5 per cent with minimum adjustments in multiples of 5 per cent, and provided further that these differentials shall be applied to only 75 per cent of base salaries.

ANNEX II

REPATRIATION GRANT

In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate, except those terminated by summary dismissal. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall vary with the length of service with the United Nations (exclusive of periods when an expatriation allowance was received). The maximum rates payable shall be as follows:

Years of continuous service away from home country	Staff member with neither a wife, dependent husband nor dependent child at time of separation (Weeks of salary)	Staff member with a wife, dependent husband or child at time of separation (Weeks of salary)
After 2 years ...	4	8
After 3 years ...	5	10
After 4 years ...	6	12
After 5 years ...	7	14
After 6 years ...	8	16
After 7 years ...	9	18
After 8 years ...	10	20
After 9 years ...	11	22
After 10 years ...	12	24
After 11 years ...	13	26
After 12 years ...	14	28

The maximum grant payable under this plan shall be \$US2,500 net for a staff member without dependants and \$US5,000 net for a staff member with dependants.

⁴² This is a gross rate; the net equivalent is \$US10,800.

APPENDIX B

ACTION TO BE TAKEN IN CONNEXION WITH APPROVAL OF THE BUDGET ESTIMATES FOR THE FINANCIAL YEAR 1951

1. In order to implement the Sub-Committee recommendations regarding salary differentials for internationally recruited staff serving in Geneva, it would be necessary for the General Assembly to reduce the Secretary-General's estimate for section 20 by the sum of \$55,000 instead of the

reduction of \$73,100 proposed by the Advisory Committee in paragraph 207 of its second report of 1950 (A/1312).

2. It would be in accord with the Sub-Committee's recommendation regarding the procedure for moving present

staff members to the appropriate salary step provided under the new salary scheme, for the General Assembly to accept the global reduction of \$100,000 in the over-all estimates for established posts recommended in paragraph 38 of the Advisory Committee's second report of 1950 (A/1312).

3. The Sub-Committee recommends that the Fifth Committee consider the adequacy of the budgetary provision recommended by the Advisory Committee for hospitality. The Advisory Committee proposed that the appropriation of \$40,000 for hospitality expenses provided in section 24 of the budget estimates be reduced to \$20,000 (see paragraph 254 of the Advisory Committee's second

report of 1950 (A/1312)). The Sub-Committee considered that in view of its recommendation that Directors other than Principal Directors should not receive a representation allowance, review of the amount to be available for authorized hospitality expenses would be desirable.

4. The Sub-Committee's recommendation that the rental allowance be maintained throughout 1951 would require maintenance of the full amount requested for this purpose by the Secretary-General in the budget estimates for 1951 (section 17, Common staff costs) rather than accepting the reduction of \$117,600 proposed in this item by the Advisory Committee in paragraphs 178 and 181 of its second report for 1950 (A/1312).

DOCUMENT A/C.5/408

Amendments to the draft resolution and budget recommendations contained in document A/C.5/403 proposed by the Secretary-General

[Original text: English]
[17 November 1950]

The Secretary-General recommends the following amendments to the proposals contained in document A/C.5/403 :

1. Paragraph 3 of appendix A to be amended as follows :

In sub-paragraph (i) the following words to be deleted :

“ Provided, however, that payment of such allowances shall cease on the expiration date provided in their present contract, or after a period of two years from 1 January 1951, whichever period is the shorter (after a period of two years in the case of staff members having indeterminate or temporary indefinite appointments). ”

In sub-paragraph (ii) the words “ the same limitations ” to be deleted, and the word “ efficiency ” substituted therefor.

Paragraph 3 of appendix A as amended would then read as follows :

“ 3. *Resolves* that the Secretary-General shall be guided by the following principles in applying the salary provisions specified in Annex I to the Provisional Staff Regulations to staff members who on 31 December 1950 were serving under indeterminate appointment, temporary indefinite appointment or regular fixed-term appointment, and who continue in service after 1 January 1951 :

(i) Subject to efficiency, staff members whose salaries on 31 December 1950 are above the ceilings of the new salary levels to which their posts are assigned shall receive the difference as a pensionable personal allowance.

(ii) Subject to efficiency, staff members who were proceeding to a maximum in their former grades higher than the maximum of the appropriate new

salary levels shall continue to receive increments on the basis of the new scales until they have reached a point equal to the maximum of their former grades, that part of the salary which exceeds the maximum of the new salary level being considered as a pensionable personal allowance.

“(iii) These arrangements shall have reference only to salaries (including cost-of-living adjustment) and shall not take account of remuneration received as of 31 December 1950 in the form of any other allowances. ”

2. Paragraph 4 of appendix A to be amended as follows :

In provisional staff regulation 18 the words “ home leave once in every three years ” to be changed to “ home leave once in every two years ”.

Paragraph 4 of Appendix A as amended would then read as follows :

“ 4. *Resolves* that, subject to transition arrangements under which all eligible staff members as of 31 December 1950 will be allowed the next home leave to which they were entitled under the provisions in effect on that date, Provisional Staff Regulation 18 be amended with effect from 1 January 1951 by the addition of the following sentences :

‘ Eligible staff members shall be granted home leave once in every two years. A staff member whose home country is the country of his official duty station or who continues to reside in his home country while performing his official duties shall not be eligible for home leave. ’

3. Annex II (Repatriation grant) to be amended by substituting for the maximum rates recommended by the Advisory Committee those recommended by the Committee of Experts.

Annex II as amended would then read as follows :

ANNEX II

REPATRIATION GRANT

“ In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate, except those terminated by summary dismissal. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall vary with the length of service with the United Nations (exclusive of periods when an expatriation allowance was received). The maximum rates payable shall be as follows :

<i>Years of continuous service away from home country</i>	<i>Staff member with neither a wife, dependent husband nor dependent child at time of separation (Months of salary)</i>	<i>Staff member with a wife, dependent husband or child at time of separation (Months of salary)</i>
After 2 years ...	1	2
After 3 years ...	1 1/2	3
After 4 years ...	2	4
After 5 years ...	2 1/2	5
After 6 years ...	3	6

<i>Years of continuous service away from home country</i>	<i>Staff member with neither a wife, dependent husband nor dependent child at time of separation (Months of salary)</i>	<i>Staff member with a wife, dependent husband or child at time of separation (Months of salary)</i>
After 7 years ...	3 1/2	7
After 8 years ...	4	8
After 9 years ...	4 1/2	9
After 10 years ...	5	10
After 11 years ...	5 1/2	11
After 12 years ...	6	12

“ The maximum grant payable under this plan shall be \$US5,000 net for a staff member without dependants and \$US10,000 net for a staff member with dependants. ”

4. Paragraph 1 of appendix B to be amended to read as follows :

“ 1. In order to implement the Secretary-General's recommendations regarding salary differentials for internationally recruited staff serving in Geneva it would be necessary for the General Assembly to reject the reduction of \$73,100 proposed by the Advisory Committee in paragraph 207 of its second report of 1950 (A/1312). ”

DOCUMENT A/C.5/410

Syria : Proposal for transition to the new salary system

[Original text : English]
[18 November 1950]

1. At the request of a number of delegations, the representative of Syria has prepared an elaboration of his proposal for transition for existing staff of the Secretariat to the new salary system.

2. One of the most difficult problems on the agenda of the Sub-Committee on Salary, Allowance and Leave Systems was the question of arrangements for the transition for existing staff from their old salary levels to the new levels, which are lower in a significant number of cases. On the one hand, the Secretary-General had stated his intention to the staff to recommend a retention not only of their base salary but also of their salary ceilings under the old plan. On the other hand, the Advisory Committee had recommended to the Fifth Committee a cut-off date of one year, and even a shorter time for those whose contracts expired during 1951. The Sub-Committee was informed that his plan would mean an actual reduction in base pay for over 400 staff members at the end of 1951, and a loss in expectation of normal increments for nearly 1,700 staff members.

3. During discussions in the Sub-Committee numerous plans were presented for solving this problem. Some of those plans divided the staff on the basis of the types of contracts which staff members hold. The Secretary-General pointed out the difficulties in this plan in this early stage of the organization when the contract policy has not been entirely settled; many inequities would result for the 66 per cent of the staff without permanent contracts and morale would be seriously affected. Ano-

ther group of proposals differed from the Advisory Committee plan in the time given for transition, ranging from a two-year to a five-year transition period for all staff members. Still a third type of proposal suggested the maintenance of all salaries for a definite period, plus a cash indemnification for breach of contract at the end of that period.

4. To facilitate a solution to this problem, the Syrian delegation proposed one other method, and that method received the greatest number of votes for any single proposal up to the last day of consideration. However, due to procedural difficulties, the Sub-Committee found itself without a majority plan and later compromised on an amended proposal by the Advisory Committee, which has been explained in its report (A/C.5/400). It was clear in the Sub-Committee that while this plan was considered a good second best, it did not meet the preoccupations of most of the delegations represented in the Sub-Committee. The Secretary-General gives a high priority to this problem as indicated at the 265th meeting of the Fifth Committee, and it is obvious from the communications we have received that the staff is very much concerned with this problem.

5. The Syrian proposal is to allow the extension of the maximum rates for the new salary levels by three steps for those staff members who would suffer a reduction in actual earnings or in expectations at the end of a definite transition period decided upon by the General Assembly. The plan would allow the 1,700 staff mem-

bers in this situation to go through the ceilings of their new salary levels far enough to cover their existing base pay (including cost-of-living allowance) or their expectation of proceeding toward their old maximum by giving them a personal allowance in the form of one, two or three steps so long as they remained in their old post.

6. The plan may be easily illustrated by taking the case of a secretary who is now at grade 6, step V, receiving \$3,650. Her present range under the present system is \$3,060 to \$3,990. Grade 6 secretaries have normally been assigned to a new salary level which ranges from \$2,600 to \$3,500. Under the Syrian plan, this secretary would be placed at \$3,700 during 1951 when she has earned her new step. This is two steps above her new ceiling. She would be allowed one further step in 1952, or \$3,800 in the direction of her old ceiling. This would become her new ceiling since it is three steps above the maximum of her new grade.

7. To take the example of a professional officer, an assistant economist at grade 11, step IV, who is now receiving \$5,580, is normally placed in a salary level where his new ceiling will be \$5,400. Early in 1951 he would be placed at \$5,600 (one step above his new salary ceiling). Under the Syrian proposal, he would proceed to \$5,800 in 1952, and \$6,000 in 1953. He would then have three salary steps in the form of a personal allowance in the direction of his old ceiling, which is \$6,450. Further examples are given as annex 2 to document A/C.5/400.

8. The cost of this proposed system will be about the same as that proposed by the Sub-Committee in 1951 and 1952. After that time, because staff members will be allowed to proceed to their old ceilings, the cost of this plan will be approximately \$270,000 a year for several years, or about 25 per cent less expensive than the Secretary-General's plan, which will allow all staff members to proceed fully to their old ceilings. The plan is, of course, somewhat more expensive than the plans which, after a two-year transition, would have regard only to those persons with permanent contracts, but the inequities of such a plan have been pointed out by the Secretary-General. It is difficult to estimate precisely the over-all costs of any of these plans, since the cost depends on the rate of turnover, the rate of

promotion, and many other factors. In any case, the cost of transition will rapidly be offset by the savings to be effected in recruitment of staff at lower entrance levels. It is important that the plan adopted by the General Assembly should not increase the normal rate of turnover, since the training of new staff is far more expensive than the amounts to be spent in fair transitional arrangements for the present staff.

9. The main points in justification of this proposal are as follows :

(a) It treats the staff fairly since it preserves the basic take-home pay of all staff members and allows all staff members to go a reasonable distance toward their old salary ceilings, which represented their expectations when they joined the Organization;

(b) At the same time, the plan limits the liability of the Organization, since it will allow no one to go more than three steps beyond his new grade level;

(c) This plan is applicable not only to all offices of the United Nations but to the specialized agencies as well. Even in areas where local salaries must be cut back substantially, in the long run it will provide an equitable transition for present staff without large increases in the budgets of the agencies;

(d) The plan provides the additional steps as a personal allowance only for those staff members who are above the new ceilings now or whose old ceilings are beyond their new maximum and who remain in their present posts. It does not have the effect of extending the new salary ranges for all staff members;

(e) The plan also has the virtue of making it unnecessary for the Organization to continue indefinitely two systems of salaries. The personal allowance for those staff members over the new ceilings would be at the step rates envisaged in the new system and would therefore avoid a number of odd step rates left over from the old plan.

10. For the convenience of the Fifth Committee, if it should, consider this proposal favourably, the Syrian delegation, in consultation with the Secretary-General, has prepared the necessary amendments to the draft resolution contained in document A/C.5/403. The proposed amendment is attached as an appendix.

APPENDIX

SYRIA : PROPOSED AMENDMENT TO DRAFT RESOLUTION CONTAINED IN DOCUMENT A/C.5/403

Paragraph 3 of appendix A to be amended to read as follows :

3. *Resolves* that the Secretary-General shall be guided by the following principles in applying the salary provisions specified in annex I to the Provisional Staff Regulations to staff members who on 31 December 1950 were serving under indeterminate appointment, temporary indefinite appointment or regular fixed-term appointment, and who continue in service after 1 January 1951 :

(i) Subject to efficiency, staff members whose salary on 31 December 1950 is above the ceiling of the new salary

level to which their posts are assigned shall receive the difference as a pensionable personal allowance provided, however, that such allowance shall not exceed the equivalent of three additional steps, beyond the maximum of his new salary level.

(ii) Subject to efficiency, staff members who were proceeding to a maximum in their former grade higher than the maximum of the appropriate new salary level shall continue to receive increments on the basis of the new scales until they have reached a point equal to the maximum of their former grade, or a point equivalent to three steps beyond the maximum of their new salary level whichever is the lower,

that part of the salary which exceeds the maximum being considered as a pensionable personal allowance.

(iii) These arrangements shall have reference only to

salaries (including cost-of-living adjustment) and shall not take account of remuneration received as of 31 December 1950 in the form of any other allowances.

DOCUMENT A/C.5/411

Brazil and Chile : proposed amendment to draft resolution contained in document A/C.5/403

[Original text : English]
[17 November 1950]

Insert new paragraph in annex I between paragraphs 2 and 3.

“ A director shall receive a salary of \$US15,000 rising in two-yearly increments of \$800 each to \$US17,400 (subject to the staff assessment plan and salary diffe-

rentials wherever applied), and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, the Secretary-General is authorized at his discretion to grant in special cases a representation allowance up to an amount of \$US1,500. ”

DOCUMENT A/C.5/412

Brazil : proposed amendment to draft resolution contained in document A/C.5/403

[Original text : English]
[17 November 1950]

Substitute for paragraph 4 of the operative portion of appendix A the following provision :

“ Eligible staff members will qualify for home leave twenty-four months after the date of their return from the last previous visit to their countries under this provision. ”

Add to paragraph 6 the following provision :

“ Staff members shall have the option of adhering to the scheme of repatriation grants, or of continuing to receive an expatriation allowance at the present rates. ”

DOCUMENT A/C.5/L.83

Note by the Secretary-General

[Original text : English]
[17 November 1950]

In accordance with the Fifth Committee's request, the following is the text of the memorandum sent individually to members of the staff in connexion with their re-classification under the proposed new salary system :

To :

From : Byron Price.

1. As you know ⁴⁸, the Secretary-General has decided to use the proposals of the Committee of Experts as the

basis for the 1951 Budget Estimates which he will shortly submit to the General Assembly for approval.

2. This decision has involved a complete review of the organization and structure of each Department of the Secretariat. One of the principal concerns of the Classifications Review Committee has been to ensure uniformity of standards and equitable treatment throughout the staff.

3. Now that the preliminary review is complete, I am anxious that you should understand that (a) it is the Secretary-General's intention that no member of the staff should suffer a loss in pay or in the ceiling to

⁴⁸ See information circular ST/AFS/Ser.A/12 of 13 February 1950.

which he is entitled under the terms of his present appointment; (b) that every staff member will be given an opportunity to make representations direct to the Administration if he believes that the decision in his case is unjust; and (c) that the new scheme will not limit and will in many respects enhance the opportunities open by way of promotion.

4. I am therefore writing to you, as Chairman of the Salary Review Committee, to explain the procedure that is being adopted. Departments have made recommendations regarding their entire staff and these recommendations have been reviewed tentatively by the Salary Review Committee.

5. In the light of this review of your present post and grade it has been proposed under the new scheme to place you in the following category and salary level.

Category:

Salary level:

Attached to this memorandum you will find tables ⁴⁴ showing (a) the present net salary rates including cost of living adjustment and (b) the net salary range of the levels in the new scheme and the steps within each level. Your step and salary under the proposed scheme will be determined at the time of conversion as follows:

If your current salary plus cost-of-living adjustment is below the first step of the level you will start at the first step.

If your current salary plus cost of living falls within the salary range of the level you will start either at the step which exactly corresponds to that amount or if there is none at the step immediately above.

If your current salary plus cost of living is higher than the top step of the new level you will retain your present salary and cost-of-living adjustment.

⁴⁴ Tables are not reproduced here.

6. It is important that you understand the situation clearly. If you do not, please consult your supervisor or the Bureau of Personnel. In particular, I want you to realize that your ceiling will in no way limit the possibility of your promotion to a post of a higher level for which you can qualify.

7. The Secretary-General is anxious that the new scheme should be put into effect with every possible consideration of equity, and any staff member who believes that he has been wrongly assigned to a particular category or level is therefore invited to submit in writing before a final decision is reached the reasons that in his opinion justify a review of his case.

8. If you wish to take advantage of this opportunity, you should state clearly and exactly in terms of the work you are regularly performing and, so far as they are relevant, in terms of the qualifications you are required to use on the job, why the decision is in your view unjust. You should also give such evidence as you possess that similar work is better paid or more highly graded either in the Secretariat or elsewhere.

9. If you wish to make any such submission please do so within one week, addressing it direct to your Assistant Secretary-General, who will forward it with his comments to the Secretary-General. It will then be carefully scrutinized by the Salary Review Committee, on which your Department will be represented, and any cases which cannot be settled between the Department and the Salary Review Committee, will be decided by the Secretary-General. You will be told the final result as soon as possible.

10. For my part I firmly believe that the new system is wholly in the interests of the staff, and I confidently hope that you will regard the decision taken in your individual case in the light not only of the advantage it may bring you, but also of the advantage that the new scheme will bring to the Secretariat as a whole.

DOCUMENT A/1732

Report of the Fifth Committee

[Original text: English]
[14 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee at its 241st to 243rd meetings held on 4, 5 and 10 October, and its 265th, to 267th and 269th meetings held on 17, 20 and 24 November 1950, considered the reports of the Secretary-General (A/1378), the Advisory Committee on Administrative and Budgetary Questions (A/1312 and A/1313 and Corr. 1), and the report of its Sub-Committee (A/C.5/400 together with amendments proposed by the Secretary-General (A/C.5/408) and by the delegations of Syria (A/C.5/410), Brazil (A/C.5/411, A/C.5/412) and Chile (A/C.5/411), relating to the salary, allowance and leave system of the United Nations.

2. After a general debate on the plan proposed initially in 1949 by the Committee of Experts appointed by the Secretary-General (A/C.5/331) and the recommendations on that plan submitted by the Advisory Committee, the Fifth Committee decided to take the reports of the Advisory Committee as a basis for discussion, and to pay special attention to those points on which the views of the Advisory Committee and of the Secretary-General differed. It was decided to deal immediately with two of the less complicated points of difference, namely, the children's allowance and the education grant.

3. At its 241st meeting the Committee decided by

31 votes to 13 with 4 abstentions, to accept the Secretary-General's recommendation that the children's allowance should be payable in respect of dependent children under the age of 18. However, the Committee rejected by 32 votes to 11 with 6 abstentions, his further proposal that the allowance should be payable to children in full-time attendance at a school or university or totally disabled until the age of 22. The recommendation of the Advisory Committee that the age-limit in such cases should be 21 was adopted by 42 votes to none with 3 abstentions.

4. The first point at issue on the education grant was the removal of the age-limit for payment of such a grant in respect of children attending special national or international schools. The Secretary-General's recommendation that the age-limit should be removed altogether was rejected by 33 votes to 5 with 5 abstentions. The Advisory Committee proposed to raise the age-limit for children attending special national schools to 13, but to maintain the existing age-limit of 11 for children attending international schools; however, a Danish amendment to raise the age-limits to 13 in both cases was carried by 11 votes to 9 with 26 abstentions. The Advisory Committee's proposal, thus amended, was then adopted by 40 votes to none with 6 abstentions.

5. In regard to the country to which a child is to be sent to school or university in order to qualify for the payment of the education grant, the Secretary-General urged increased flexibility to allow staff members to select schools in countries in the same geographical area and having similar educational and cultural systems. This proposal was rejected by 32 votes to 1 with 9 abstentions. To ensure consistency with its decision on the children's allowance, the Committee also concurred unanimously in the Advisory Committee's recommendation that the over-all age-limit for payment of education grants should be kept at 21.

6. After some further discussion of the expatriation allowance and the financial implications of the whole plan, the Chairman proposed, at the 243rd meeting, the establishment of a sub-committee to study the various recommendations and proposals before the Committee, including those already submitted by delegations, with a view to reconciling the divergent points of view and submitting a comprehensive plan. Although some of the representatives believed that no time would be gained by the establishment of a subsidiary body at that stage, the Chairman's proposal was adopted by 32 votes to 8 with 1 abstention. The representative of Canada thereupon proposed that the Sub-Committee should consist of eleven representatives nominated by the Chairman of the Fifth Committee, who would preside over its meetings. The Chairman of the Advisory Committee should also be at the disposal of the Sub-Committee. After unanimous acceptance of this proposal, the Committee concurred with the suggestion of the Chairman that the Sub-Committee should consist of the representatives of the following States: Australia, Brazil, China, France, Netherlands, Pakistan, Syria, Union

of Soviet Socialist Republics, United Kingdom, United States of America and Venezuela.

7. After thirteen meetings, the Sub-Committee reported to the Fifth Committee (A/C.5/400) that it had reached conclusions, although not always unanimously, on the six remaining points on which the Advisory Committee and the Secretary-General had been unable to agree fully, namely:

(a) Salary levels for internationally and locally recruited staff;

(b) The substitution for the present system of expatriation allowances of a system of repatriation grants;

(c) The maintenance of present rental allowances through 1951;

(d) The frequency of home leave;

(e) The application to present staff of any new salary and classification plan agreed upon, with reference particularly to:

(i) Retention of existing salaries and salary ceilings,
(ii) Date for moving present staff on to the new salary scales;

(f) Salary differentials.

8. The Fifth Committee started its deliberations on the Sub-Committee's report at its 265th meeting. The Assistant Secretary-General for Administrative and Financial Services summarized the history of the salary and allowance question in the United Nations, and outlined the Secretary-General's reservations on the conclusions of the Sub-Committee. The Secretary-General would continue to press for the protection of the full basic salary and salary ceilings of the present staff; for home leave every two years; for a repatriation grant at the rate proposed by the Committee of Experts (roughly twice that recommended by the Advisory Committee); and against the imposition of a minus salary differential on salaries of internationally recruited staff at Geneva.

9. Several representatives supported the Sub-Committee's report, emphasizing various aspects of the problem before the Committee. Reference was made to the importance of maintaining staff morale by assuring justice in the transition arrangements and "an assured career which would offer wide and regular opportunities for advancement on the basis of merit" (A/C.5/331, para. 17 (a)). It was urged by some that the transitional period should be as short as possible on the grounds that the Secretary-General would find it difficult to maintain two salary systems indefinitely. Some representatives attached importance to the acquired rights of the staff, in particular to their existing basic salaries and salary ceilings. On the other hand it was maintained that the General Assembly had a legal right to change staff regulations at any time, although it had a moral obligation to treat the staff in a just and equitable manner. Certain delegations, while in general supporting the Sub-Committee's plan indicated that they would have preferred different transitional arrangements.

10. Other representatives, however, objected to certain features of the plan recommended by the Sub-Committee, in particular to the proposal to reduce the frequency of home leave and the reduction of salaries of internationally recruited staff, especially junior staff. Some speakers agreed with all the Secretary-General's reservations.

11. In the course of the general debate the representative of Poland proposed that the opinion of the Staff should be sought by the Fifth Committee before final decisions were taken. The Chairman subsequently explained that the Committee of Experts, the Advisory Committee and the Sub-Committee had heard staff representatives during their discussions, and that the point of view of the Staff Association was set forth in detail in the documents before the Committee. The interests of the staff had also been energetically defended by the representative of the Secretary-General. This point of view was defended by several delegations, some of whom also expressed opposition in principle to the hearing of a member of the staff by the Fifth Committee, explaining that it was the function of the Secretary-General to consider the wishes of the staff and then to make recommendations to the General Assembly. Some delegations on the other hand supported the Polish proposal while others stated that they agreed in principle to inviting a representative of the staff, but believed in this instance that all information had been placed before the Committee. The proposal was rejected by a vote of 23 to 9 with 10 abstentions.

12. During the discussion, several amendments to the Sub-Committee's recommendations were introduced :

(a) Brazil offered an amendment on home leave specifying that eligible staff members should qualify for home leave twenty-four months after the date of their return from the last previous visit to their countries (A/C.5/412);

(b) Brazil offered a second amendment allowing staff members the option of adhering to the scheme of repatriation grants, or of continuing to receive an expatriation allowance at the present rates (A/C.5/412);

(c) Uruguay proposed orally that the change from annual to biennial increments in salary should be made between the Principal Officer and Director categories rather than at the \$10,800 break-point recommended by the Advisory Committee;

(d) Brazil and Chile jointly proposed that the Secretary-General be authorized at his discretion to grant to Directors in special cases a representation allowance up to an amount of \$US1,500 (A/C.5/411); and

(e) Syria proposed the extension of the new salary ceilings by an amount up to three steps for those staff members whose new classifications would result in a reduction of base salary or salary ceiling.

13. At the close of the general discussion of the Sub-Committee's report, the Chairman proposed that the Committee should take its decisions on the questions of home leave, repatriation grant and salary differentials before voting on the organization and classification of staff and the transitional arrangements. The basic

document for purposes of voting was the Chairman's note (A/C.5/403) recording the recommendations of the Sub-Committee

14. On the first question (paragraph 4 of appendix A) the Secretary-General requested that staff members continue to be granted home leave once every two years instead of three as recommended by the Sub-Committee, and as indicated in the previous paragraph the Brazilian delegation proposed that staff members should qualify for home leave twenty-four months after the date of their return from their previous home leave. The Secretary-General's amendment (document A/C.5/408) to paragraph 4, Appendix A, of document A/C.5/403 was rejected by 24 votes to 18 with 3 abstentions. The Brazilian representative then withdrew his amendment on the grounds that its intent was similar to that of the Secretary-General's proposal. The Sub-Committee's recommendation was then adopted by 28 votes to 13, with 5 abstentions.

15. Revisions of provisional staff regulations 30 and 33 embodying the earlier decisions of the Fifth Committee in respect of children's allowances and education grants were approved without further discussion.

16. The Secretary-General's amendment (A/C.5/408) to annex II of document A/C.5/403, proposing to substitute the higher scale of repatriation grants recommended by the Committee of Experts for the scale recommended by the Advisory Committee and the Sub-Committee, was rejected by 32 votes to 7, with 3 abstentions. The Sub-Committee's proposal was then adopted by 43 votes to none with 1 abstention. The Brazilian amendment (A/C.5/412) to paragraph 6 of the draft resolution contained in appendix A, proposing an option for eligible staff members between expatriation allowances and the repatriation grant, was rejected by 24 votes to 16 with 7 abstentions.

17. The Sub-Committee's recommendation that rental allowances should be continued in full during 1951 was unanimously adopted. This decision did not require a resolution, but only appropriate action in connexion with the budget estimates for 1951.

18. The Committee unanimously approved paragraph 1 of appendix A of document A/C.5/403 concerning the organization and classification of the staff.

19. In considering the salary scales appearing as annex I to paragraph 2, the Committee adopted a suggestion, of the Chinese delegation as modified by the United Kingdom delegation, to add to the heading, the following phrase :

" Subject to assessment under the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly".

20. The Brazilian-Chilean amendment (A/C.5/411) authorizing the Secretary-General at his discretion to grant to Directors in special cases a representation allowance up to an amount of \$US1,500 was adopted by 21 votes to 9 with 12 abstentions. It was understood

that this amendment (inserted as a new paragraph in annex I) would obviate the necessity for the Directors to draw on the hospitality fund for representation expenses.

21. The Uruguayan amendment concerning frequency of increments at the top salary levels was then adopted by 13 votes to 11 with 20 abstentions.

22. Annex I to provisional staff regulation 16, as amended, was adopted by 41 votes to none with 1 abstention. Paragraph 2 of the draft resolution was then adopted by the same vote.

23. While the principles on which salary differentials are to be applied for duty stations away from Headquarters are embodied in Annex I to provisional staff regulation 16, the question of the specific application of a minus 5 per cent differential in Geneva required a separate decision. The Committee, by 32 votes to 4 with 5 abstentions, adopted the Sub-Committee's recommendation that such a differential should be applied to 75 per cent of the salaries of international staff at Geneva, subject to review by the Advisory Committee during 1951. This decision did not require a special desolution, but necessitated a consequential adjustment in section 20 of the Secretary-General's budget estimates for 1951.

24. On the question of transitional arrangements, the Committee had before it the Sub-Committee's recommendations (A/C.5/403, appendix A, para. 3) and two amendments: that of the Secretary-General proposing the full protection of basic salary and salary ceilings of present staff; and that of Syria, proposing the extension of the new salary ranges by an amount up to three steps for those staff members whose new classifications would result in a reduction of base salary or salary ceiling.

25. The Secretary-General's proposed amendment (A/C.5/408) to paragraph 3 of the draft resolution (A/C.5/403, appendix A) was rejected by 22 votes to 19 with 4 abstentions. The Syrian proposal (A/C.5/410) was thereupon adopted by 35 votes to none with 10 abstentions.

26. The Sub-Committee's proposals concerning the date and procedure for making the salary scales applicable to the staff (A/C.5/400, para. 19-22) were unanimously approved.

27. In response to questions concerning the financial implications of the new salary, allowance and leave system, the representative of the Secretary-General informed the Committee that the application of the new system to permanent posts would entail an increase in expenditure of \$US553,000. That figure included the annual increments to which staff members were entitled. Similarly, incorporation of the cost-of-living allowance in the salary would entail an additional expenditure of \$195,000 due to the increase in the United Nations contribution to the Joint Staff Pension Fund. Finally, the total amount for repatriation grants to be paid during the financial year 1951 was estimated at \$35,000. The total additional expenditure was therefore \$783,000. On the other hand, it was believed

that certain administrative measures such as the recruitment of new officials at lower rates of pay than hitherto, would make it possible to save \$244,000 in the financial year 1951, if turnover rates remained stable. In addition abolition of the expatriation allowance would give a saving of \$626,000. Finally, receipts from the tax equalization plan would increase in 1951 by about \$200,000, which would bring the total savings achieved to \$1,070,000. The net saving on the 1951 budget estimates would therefore amount to \$287,000.

28. The Committee was subsequently informed by the Sub-Committee's report that additional savings of \$100,000 were possible as a result of its recommendations concerning date and method of transition. Substantial savings would also occur beginning in 1953 as a result of the decisions on home leave (approximately \$370,000 annually) and the limits of the repatriation grant.

29. The representative of the U.S.S.R. announced that he would abstain from voting on the draft resolution as a whole, since his delegation believed that the granting of home leave every three years would work toward the detriment of the international character of the staff, and that his delegation would press for a review of this question.

30. The draft resolution, as amended, was approved by 37 votes to none with 7 abstentions.

31. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

SALARY, ALLOWANCE AND LEAVE SYSTEM OF THE
UNITED NATIONS

The General Assembly,

Having considered the report and recommendations of the Secretary-General on the salary, allowance and leave system of the United Nations, together with the reports of the Advisory Committee on Administrative and Budgetary Questions dealing with this subject,

1. *Agrees* upon the desirability of simplifying the organization and classification of the staff in accordance with the principles set forth by the Committee of Experts on Salary, Allowance and Leave Systems as endorsed by the Advisory Committee on Administrative and Budgetary Questions and by the Secretary-General;

2. *Resolves* that provisional staff regulation 16 be amended, with effect from 1 January 1951, to read as follows:

“Salaries of staff members shall be fixed by the Secretary-General in accordance with the provisions outlined in the attached annex I to the present regulations”;

3. *Resolves* that the Secretary-General shall be guided by the following principles in applying the salary provisions specified in annex I to the Provisional Staff Regulations to staff members who, on 31 December 1950, were serving under indeterminate appoint-

ment, temporary indefinite appointment or regular fixed-term appointment, and who continue in service after 1 January 1951 :

(i) Subject to efficiency, staff members whose salaries, on 31 December 1950 are above the ceilings of the new salary levels to which their posts are assigned shall receive the difference as a pensionable personal allowance; provided, however, that such allowance shall not exceed the equivalent of three additional steps beyond the maximum of their new salary levels;

(ii) Subject to efficiency, staff members who were proceeding to a maximum in their former grades higher than the maximum of the appropriate new salary levels shall continue to receive increments on the basis of the new scales until they have reached a point equal to the maximum of their former grades, or a point equivalent to three steps beyond the maximum of their new salary levels, whichever is the lower, that part of the salary which exceeds the maximum being considered as a pensionable personal allowance;

(iii) These arrangements shall have reference only to salaries (including cost-of-living adjustment) and shall not take account of remuneration received as of 31 December 1950 in the form of any other allowances;

4. *Resolves* that, subject to transition arrangements under which all eligible staff members as of 31 December 1950 will be allowed the next home leave to which they were entitled under the provisions in effect on that date, provisional staff regulation 18 be amended with effect from 1 January 1951 by the addition of the following sentences :

“ Eligible staff members shall be granted home leave once in every three years. A staff member whose home country is the country of his official

duty station or who continues to reside in his home country while performing his official duties shall not be eligible for home leave ”;

5. *Resolves* that provisional staff regulation 30 be amended with effect from 1 January 1951 to read as follows :

“ Full-time members of the staff, with the exception of those specifically excluded by resolution of the General Assembly, shall be entitled to a children's allowance of \$US200 per annum in respect of each child under the age of 18 years, or, if the child is in full-time attendance at a school or a university (or similar educational institution) or is totally disabled, under the age of 21 years; provided that, if both parents are members of the staff of the United Nations, only one allowance will be paid in respect of each of their children; and provided further that, where the Secretary-General deems it advisable, no allowance or an allowance of an amount other than \$US200 may be paid under special circumstances, as for example, short-term assignments or assignments at duty stations where United Nations salary scales are fixed at levels varying from the Headquarters scale ”; and further that provisional staff regulation 33 be amended with effect from 1 January 1951 by substituting the words “ 13 years of age ” for the words “ 11 years of age ” in paragraph (c);

6. *Resolves* that the provisional staff regulations be amended with effect from 1 January 1951 by the addition of a new regulation 35, as follows :

“ The Secretary-General shall establish a scheme for the payment of repatriation grants in accordance with the maximum rates and conditions specified in annex II to the present regulations. ”

ANNEX I

SALARY SCALES AND RELATED PROVISIONS

1. An Assistant Secretary-General shall receive a salary of \$US23,000 (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly), together with an allowance varying from \$US7,000 to \$US10,000 at the Secretary-General's discretion.

The allowances for Assistant Secretaries-General are deemed to include all representation (including hospitality) and special allowances, such as housing, education and children's allowances, but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or separation from the Organization, official travel and home leave travel.

2. A Principal Director shall receive a salary of \$US17,000 rising after two years of satisfactory service to \$US18,000 (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied) and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, he shall

receive a representation allowance varying from \$US1,000 to \$US3,500 at the Secretary-General's discretion.

3. A Director shall receive a salary of \$US15,000 rising in two-yearly increments of \$US800 each to \$US17,400 (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied) and if otherwise eligible shall receive the allowances which are available to staff members generally. In addition, the Secretary-General is authorized at his discretion to grant in special cases a representation allowance up to an amount of \$US1,500.

4. Except as provided in paragraph 6 of the present annex, the salary scales for staff members in the Principal Officer and Director category and in the Professional category shall be as follows (subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied) :

SALARY SCALES

(Subject to the staff assessment plan at the rates laid down in General Assembly resolution 239 (III) and to such changes as may be directed from time to time by the General Assembly, and to salary differentials wherever applied)

	Step I	Step II	Step III	Step IV	Step V	Step VI	Step VII	Step VIII	Step IX	Step X
<i>Principal Officer and Director Category</i>										
(In US dollars)										
Principal Director .	17,000	18,000								
Director	15,000	15,800	16,600	17,400						
Principal Officer ..	13,330	14,000	14,670	15,400	16,200	17,000				
<i>Professional Category</i>										
Senior Officer	11,310	11,690	12,080	12,500	13,000	13,500	14,000	14,500	15,000	
First Officer	9,140	9,460	9,790	10,150	10,540	10,920	11,310	11,690	12,080	12,500
Second Officer	7,330	7,600	7,870	8,180	8,500	8,820	9,140	9,460	9,790	10,150
Associate Officer ..	5,750	6,000	6,270	6,530	6,800	7,070	7,330	7,600	7,870	
Assistant Officer ..	4,250	4,500	4,750	5,000	5,250	5,500	5,750	6,000		

5. Salary increments within the levels set forth in paragraph 4 of the present annex shall be awarded annually on the basis of satisfactory service, provided that the period of satisfactory service required for increments at the Director and Principal Director levels shall be two years.

6. The Secretary-General shall determine the salary rates to be paid to personnel specifically engaged for conferences and other short-term service, to consultants, to field service personnel, and to technical assistance experts and social welfare advisers.

7. The Secretary-General shall fix the salary scales for staff members in the General Service category and the salary or wage rates for manual workers, normally on the basis of the best prevailing conditions of employment in the locality of the United Nations office concerned, provided that the Secretary-General may, where he deems it appropriate, establish rules and salary limits for payment of a non-resident's allowance to General Service

staff members recruited from outside the local area

8. The Secretary-General shall establish rules under which an extra payment may be paid to General Service staff members who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages, such payment to be the equivalent of an additional step increment which would continue beyond the maximum of the salary level of the staff member concerned.

9. The Secretary-General may adjust the basic salary rates provided in paragraphs 1, 2, 3 and 4 for duty stations away from Headquarters, by the application of salary differentials which take into account relative costs of living standards of living and related factors; provided that initial differentials shall be not less than 5 per cent with minimum adjustments in multiples of 5 per cent, and provided further that these differentials shall be applied to only 75 per cent of base salaries.

ANNEX II

REPATRIATION GRANT

In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate, except those terminated by summary dismissal. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall vary with the length of service with the United Nations (exclusive of periods when an expatriation allowance was received). The maximum rates payable shall be as follows:

Years of continuous service away from home country	Staff member with neither a wife, dependent husband nor dependent child at time of separation (Weeks of salary)	Staff member with a wife, dependent husband or child at time of separation (Weeks of salary)
After 2 years ...	4	8
After 3 years ...	5	10

Years of continuous service away from home country	Staff member with neither a wife, dependent husband nor dependent child at time of separation (Weeks of salary)	Staff member with a wife, dependent husband or child at time of separation (Weeks of salary)
After 4 years ...	6	12
After 5 years ...	7	14
After 6 years ...	8	16
After 7 years ...	9	18
After 8 years ...	10	20
After 9 years ...	11	22
After 10 years ...	12	24
After 11 years ...	13	26
After 12 years ...	14	28

The maximum grant payable under this plan shall be \$US2,500 net for a staff member without dependants and \$US5,000 net for a staff member with dependants.

DOCUMENT A/1733**Belgium, Brazil, Chile, France and Peru : amendment to the draft resolution proposed by the Fifth Committee (A/1732)**

[Original text : English]
[14 December 1950]

Amend paragraph 4 to read as follows :

“ 4. *Resolves* that, subject to transition arrangements under which all eligible staff members as of 31 December 1950 will be allowed the next home leave to which they were entitled under the provisions in

effect on that date, provisional staff regulation 18 be amended with effect from 1 January 1951 by the addition of the following sentences :

‘ Eligible staff members shall be granted home leave once in every two years. A staff member whose home country is the country of his official... ’”

(c) Reports of the Advisory Committee on Administrative and Budgetary Questions**DOCUMENT A/1499****Sixteenth report of 1950, on revised estimates for section 18a, Transfer to the permanent Headquarters**

[Original text : English]
[11 November 1950]

1. In its second report of 1950 (A/1312, paragraph 195), the Advisory Committee on Administrative and Budgetary Questions indicated that it would further review, in the course of the fifth session of the General Assembly, the 1951 budget estimates for section 18a, Transfer to the permanent Headquarters.

2. The Advisory Committee has now considered the revised estimates for this section of the budget presented in document A/C.5/395. The adjusted total amounts to \$US449,500, as compared with the figure of \$537,300 originally submitted in the budget estimates for 1951 (A/1267).

3. The Secretary-General states in his report (A/C.5/395, para. 3) that the reason for the retention until 30 June 1951 of a part of the Lake Success premises is “to ensure sufficient facilities to accommodate and service one session each of the Trusteeship Council and the Economic and Social Council, meetings of the Security Council, meetings of the Interim Committee of the General Assembly, and if necessary, any special sessions of the General Assembly (if called under the General Assembly draft resolution entitled ‘Uniting for peace’ (A/C.1/592)”. It appears, however, to the Advisory Committee that a major reason for the decision taken is the necessity for providing facilities for such special

sessions of the General Assembly, as well as for the 1951 sessions of the Collective Measures Committee and for possible sessions of the Peace Observation Commission.

4. The Advisory Committee recognizes that, since it has proved necessary to retain a part of the Lake Success premises, sufficient space will, as a corollary to that decision, be available in the retained part of those premises for sessions of the Councils and the Interim Committee to be held during the first half of 1951.

5. The revised estimate for rental costs at Lake Success (A/C.5/395, para. 5 (iii)) amounts to \$103,600, a reduction of approximately \$63,000. The Advisory Committee was informed, however, that, dependent upon the outcome of current negotiations for the sub-leasing of additional space at Lake Success, a larger reduction may be achieved, possibly of the order of \$80,000.

6. Furthermore, the Advisory Committee notes in paragraph 6 of the Secretary-General’s report (A/C.5/395) that the revised estimate is still subject to possible further adjustments. In view of this and of the consideration set forth in paragraph 5 above, the Committee recommends that, subject to further review, the estimate should be approved at the provisional figure of \$400,000.

DOCUMENT A/1551**Nineteenth report of 1950, on the proposal for transformation of the Council Chamber in the Palais des Nations (section 20, United Nations Office at Geneva)**

[Original text : English]
[25 November 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/393) on the financial implications of the proposed alterations to the Council Chamber in the Palais des Nations at Geneva.

2. The Advisory Committee takes note that the plan submitted by the consulting architect, which, he states, will in no way impair the architectural properties or the beauty of the Chamber, would add materially to the conference facilities in Geneva.

3. The Advisory Committee presumes that consideration will be given to the possibility of meeting to the greatest possible extent the requirements of bodies other than the Councils of the United Nations, and that the provision of seating arrangements will be flexible enough for such requirements.

4. The cost of the proposed alterations, together with the necessary furniture, equipment and installations, is estimated at \$US50,000. Subject to what is said in paragraph 3 above, the Advisory Committee recommends an appropriation of this amount.

DOCUMENT A/1553

Twenty-first report of 1950, on section 5, chapter III, United Nations Commission for Indonesia

[Original text: English]
[25 November 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/404) submitting estimates for the continuance during 1951 of the United Nations Commission for Indonesia.

2. The Secretary-General has stated (A/C.5/404, para. 3) that the task of observing the demobilization and repatriation of the Royal Netherlands armed forces and the Royal Netherlands Indies armed forces has not yet been completed; and further, that both the Indonesian and Netherlands authorities have expressed a desire to achieve, with the assistance of the United Nations Commission, a settlement of problems relating to the demobilization and repatriation of the remaining former Knil troops now in camps in Java.

3. The Advisory Committee is aware of the fact that the Security Council has taken no new decision regarding the continuation of the existing Commission during the year 1951, and it assumes that the proposed budgetary

provision is based on previous decisions of the Council, and in particular on the resolution adopted at its 406th meeting on 28 January 1949⁴⁵.

4. The estimated expenditure for 1951 (\$147,500) shows a decrease, by comparison with the 1950 appropriation, of \$252,500, in view of the reduced activities of the Commission.

5. The Advisory Committee recommends that, subject to what is said in paragraph 3 above, the estimate for section 5, chapter III, should be approved as submitted, at the figure of \$147,500.

6. The salaries of the internationally-recruited staff members of the Commission and of the temporary replacement staff at Headquarters are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$6,500.

⁴⁵ See *Official Records of the Security Council, Fourth Year, No. 9.*

DOCUMENT A/1554

Twenty-second report of 1950, on revised estimates for section 1, chapter IV, The International Law Commission

[Original text: English]
[25 November 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/405) submitting revised estimates for the International Law Commission under section 1, chapter IV, of the 1951 budget estimates.

2. Under Article 12 of its Statute, the International Law Commission decided at its second session (June-July 1950), with the Secretary-General's concurrence, that the third session should be held at Geneva and should last not longer than twelve weeks.

3. Attention is drawn to the fact that the above decision, taken at a time when it appeared improbable

that conference facilities would be available at Headquarters during the first half of 1951, has the following budgetary effect:

	Headquarters session (In US dollars)	Geneva session
Travel and subsistence of members	50,700	44,000
Travel and subsistence of staff	—	20,100
Salaries and travel of consultants and liaison representatives	1,400	1,400
Local transportation	400	—
	52,500	65,500
Additional cost of Geneva session	13,000	

4. The Advisory Committee further notes that the anticipated duration of the 1951 session exceeds the actual duration of the 1950 session by more than four weeks. It trusts therefore that, with appropriate assistance from the Secretariat, the Commission may find it possible to complete its agenda within a shorter period, with a consequent saving on the budgetary provision for subsistence allowance.

5. Provision is made for the travelling and subsistence expenses of fifteen members of the Commission, although a full attendance cannot be anticipated. Furthermore, provision for many of the technical ser-

vices already exists in the estimates for the Geneva Office. As regards the proposed assignment of highly-placed substantive staff members for so long a period of absence from Headquarters, the Advisory Committee suggests that, in view of the extensive preparatory work undertaken between sessions by the Chairman and the Rapporteurs of the Commission, as well as by the appropriate Division of the Secretariat, the number might be reduced from eight to five.

6. On the basis of the above observations, the Advisory Committee recommends an appropriation of \$48,000 for the 1951 session of the Commission, on a reduction of \$17,500 in the estimate submitted.

DOCUMENT A/1590

Twenty-sixth report of 1950, on section 5, chapter II, United Nations Mission to India-Pakistan

[Original text: English]
[2 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/417) submitting estimates in respect of the United Nations Mission to India-Pakistan during 1951.

2. The cease-fire agreement (S/1100) ⁴⁶ accepted by the Governments of India and Pakistan in December 1948 provides in part I that "in its discretion and as the Commission (for India and Pakistan) may find practicable, the Commission will appoint military observers who, under the authority of the Commission and with the co-operation of both Commands, will supervise the observance of the cease-fire order". On 5 January 1949, the Commission requested the Secretary-General to provide for the designation of an adequate number of military observers for this purpose (S/1196, para. 17) ⁴⁷. At its 470th meeting on 14 March 1950, the Security Council adopted a resolution (S/1469) providing, *inter alia*, that the Governments of India and Pakistan should be requested "to take all necessary precautions to ensure that their agreements regarding the cease-fire shall continue to be faithfully observed". In view of the fact that the Security Council has taken no action to modify the above resolution and that the problem is still before the Council, the Secretary-General considers it necessary to propose continuing provision during 1951 for the organization established for the observance of the cease-fire agreements, which remain in force.

3. On this basis, the estimated expenditure in 1951 for the United Nations Mission to India-Pakistan (\$626,800) is \$87,100 less than the 1950 appropriation of 7\$13,900 for the United Nations Commission for India and Pakistan.

4. Travelling and subsistence expenses for fifty-nine military observers and auxiliary personnel (\$338,500) constitute the largest single item in the estimates, and the Advisory Committee considers the average of \$1,750 (the rate applied for round trips from Headquarters) to be unnecessarily high for the fifty-five round trips of the observers. A reduction of 10 per cent on the item for travel expenses is recommended.

5. As regards the subsistence allowances for staff members, the Advisory Committee notes that the proposed rate of \$12.50 for staff with dependants and \$9.50 for staff without dependants exceeds the rates proposed or approved for six other missions in the field. The position is shown in the following comparative table:

Mission	Staff with dependants US dollars	Staff without dependants
Office of the United Nations Commissioner in Eritrea	8	5
United Nations Commission for Indonesia	9.50	6.50
Advisory Council for the Trust Territory of Somaliland under Italian Administration	10	7
United Nations Special Committee on the Balkans	9.50	6.50
United Nations Commission for the Unification and Rehabilitation of Korea	11.50	8.50
Office of the United Nations Commissioner in Libya	9.50 ^a	6.50 ^a
United Nations Mission to India-Pakistan	12.50	9.50

^a The substitution, after the completion of one year's service, of a post allowance of \$150 and \$100 per month is proposed for staff members with and without dependants respectively.

The Committee recommends that the rate proposed for the India-Pakistan Mission, which appears unduly liberal, should be scaled down, after the completion of

⁴⁶ *Ibid.*, Third Year, Supplement for November 1948, p. 32.

⁴⁷ *Ibid.*, Fourth Year, Supplement for January 1949.

six months' service, by 20 per cent, with a consequent reduction of approximately \$7,500.

6. The total amount actually expended or appropriated for the Commission for India and Pakistan during the years 1948 to 1950 is as follows :

Year	US dollars
1948 (actual expenses)	231,300
1949 (actual expenses)	679,500
1950 (appropriation)	713,900
TOTAL	1,624,700

7. The effect of the recommendations contained in

paragraphs 4 and 5 above is to reduce the estimates by about \$17,000. Further savings of smaller dimensions should accrue on the items for temporary assistance, local transport and miscellaneous expenses. Accordingly, the Advisory Committee recommends for approval an appropriation of \$600,000 under section 5, chapter II, of the 1951 budget, representing a reduction of \$26,800 in the figure submitted.

8. The salaries of the internationally-recruited staff members of the Mission and of the temporary replacement staff at Headquarters are gross, and the off-setting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$16,500.

DOCUMENT A/1629

Twenty-eighth report of 1950, on financial implications of resolutions adopted (a) by the Economic and Social Council at its eleventh session, and (b) by the Trusteeship Council at its seventh regular session and third special session

[Original text: English]
[5 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the supplementary estimates for the financial year 1951 submit-

ted by the Secretary-General in document A/C.5/423.

2. The estimates are set out below :

	Original estimate recommended by the Advisory Committee	Supplementary estimate (A/C.5/423) (In US dollars)	Revised estimate submitted by the Secretary-General	Revised estimate recommended by the Advisory Committee
Section 3. The Economic and Social Council, commissions and committees	228,200	370,900	599,100	533,900
Section 3b. Regional economic commissions	57,300	12,400	69,700	69,700
Section 4. The Trusteeship Council, commissions and committees	85,000	(— 31,400)	53,600	53,600
Section 25. Official records	870,000 ^a	5,000 ^b	875,000	875,000
Net total of supplementary estimates		356,900		

^a Estimate approved by the Fifth Committee.

^b Report of the *Ad Hoc* Committee on Slavery \$3,500; report of the Economic Commission for Latin America (Portuguese edition) \$1,500.

3. Section 20 of the 1951 budget estimates, as approved in first reading by the Fifth Committee, includes a sum of \$61,300 for one Geneva session of the Trusteeship Council during 1951. In view, however, of the decision to hold both the 1951 sessions of the Council at Headquarters, the Secretary-General has proposed, and the Advisory Committee agrees, that this provision should instead be made available to the following bodies, which are now expected to hold sessions in Geneva during the coming year: Social Commission; Commission on Human Rights; International Law Commission; Committee on International Criminal Jurisdiction; Sub-Commission on Freedom of Information and of the Press ⁴⁷; Sub-Commission on Prevention of Discrimination and Protection of Minorities ⁴⁸.

⁴⁸ The holding of 1951 sessions of these two bodies is contingent upon decisions still to be taken by the Economic and Social Council.

Sessions of the Economic and Social Council

4. As regards the decision of the Economic and Social Council that both its sessions in 1951 should be held away from Headquarters, the Advisory Committee considers it necessary to submit the following considerations :

(a) Budgetary consequences

The additional cost of holding the two sessions away from Headquarters is as follows :

	US dollars
Twelfth session (Santiago)	337,800
Thirteenth session (Geneva)	
Section 3	75,000
Section 20	99,200
	512,000
Less miscellaneous income (contribution of the Government of Chile towards the expenses of the twelfth session)	112,000
Net additional cost	400,000

(b) *Administrative consequences*

Under the Secretary-General's proposals, approximately fifty substantive staff members would be assigned to each of the two sessions and would consequently be absent from their departments at Headquarters for a total period of twelve to thirteen weeks in a single calendar year. The General Assembly has on previous occasions recommended that sessions of the various organs of the United Nations should as a general rule be held at Headquarters, while the Secretary-General has indicated that "The Secretariat cannot be held responsible for economy and fullest administrative efficiency if the General Assembly appropriates moneys for rotating meeting places in the face of its own recommendations" (A/903).⁴⁹

The Committee also draws attention to the serious consequences, both budgetary and administrative, which the holding of sessions of the Council away from Headquarters equally entails for the specialized agencies and non-governmental organizations which assign representatives to such sessions.

5. It may further be noted that the decision to retain the conference area at Lake Success until 30 June 1951 was prompted in part by the necessity for ensuring sufficient facilities to accommodate and service one session of the Council (A/C.5/395, paragraph 3).

6. In the event, however, that the General Assembly approves the recommendation of the Economic and Social Council, the Advisory Committee would in any case suggest a reduction in the number of staff members to be assigned from Headquarters. As regards the twelfth session of the Council at Santiago, the number of substantive staff members should, in the opinion of the Committee, be limited to thirty, since the session is not expected to exceed four weeks in duration and less urgent items can, if necessary, be deferred until the thirteenth session in July 1951.

A reduction of fifteen in the number of Headquarters technical staff (150) proposed to be assigned to Santiago is similarly recommended. As regards the Geneva session of the Council, the Committee considers that the provision of \$75,000 in the original budget estimates for travel and subsistence of some fifty substantive and

twenty-five technical staff members should be reduced by \$10,000. The effect of the above recommendations is to reduce the proposed provision under section 3, chapter I, for the 1951 sessions of the Economic and Social Council by approximately \$60,000 to a figure of \$352,800.

7. *Economic, Employment and Development Commission*

The Advisory Committee was informed that it is now proposed to schedule only one session of the Economic and Employment Commission during 1951, and that a second session of the Commission, if requested by the Economic and Social Council after consultation with the Secretary-General, would be financed from the Working Capital Fund. Accordingly, the Committee recommends that the proposed additional provision should be reduced from \$12,600 to \$8,000, with a corresponding reduction in the estimate for local transportation from \$1,700 to \$1,100.

8. On the basis of the above observations, and subject to the decision of principle on the venue for the 1951 sessions of the Economic and Social Council, the Advisory Committee recommends that the supplementary estimates should be approved in the following amounts :

	<i>US dollars</i>
Section 3	315,700
Section 3b	12,400
Section 4	(minus 31,400)
Section 25	5,000

9. The revised figures thus recommended for appropriation are as follows :

	<i>US dollars</i>
<i>Section 3</i>	
The Economic and Social Council, commissions and committees	533,900
<i>Section 3b</i>	
Regional economic commissions	69,700
<i>Section 4</i>	
The Trusteeship Council, commissions and committees	53,600
<i>Section 25</i>	
Official records	875,000

⁴⁹ See *Official Records of the General Assembly, Fourth Session, Supplement No. 5, p. V.*

DOCUMENT A/1637 and Corr.1

Twenty-ninth report of 1950, on financial implications of resolutions adopted by the Economic and Social Council at its eleventh session

[Original text : English]
[8 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the supplementary estimates for the financial year 1951 submitted by the

Secretary-General in documents A/C.5/424 and Corrs.1 and 2.

2. The estimates are set out below :

	Estimate approved by the Fifth Committee	Supplementary estimate (A/C.5/424)	Revised estimate submitted by the Secretary-General (In US dollars)	Revised estimate recommended by the Advisory Committee
Section 10. Department of Economic Affairs	2,085,000	221,200	2,306,200	2,128,500
Section 11. Department of Social Affairs	1,550,000	74,100	1,624,100	1,570,000 ^a
Section 20. United Nations Office at Geneva	4,276,000	49,200	4,325,200	4,303,900
Section 27. Advisory social welfare functions	610,500	158,000	768,500	768,50

^a This figure includes estimated expenditure of \$3,000 for contractual printing (section 26). See paragraph 5 below.

3. Section 10—Department of Economic Affairs Section 11—Department of Social Affairs

The Secretary-General has requested supplementary provision for sections 10 and 11 of the 1951 budget estimates for the purpose of implementing the following resolutions adopted by the Economic and Social Council at its eleventh session (July-August 1950) :

	Supplementary estimate (US dollars)	
Resolution 290 (XI). Full employment	210,950	
Resolution 299 (XI). Report of the Statistical Commission (fifth session) Part F	10,250	221,200
Resolution 308 (XI). Report of the Population Commission (fifth session) Part A	6,000	
Resolution 309 (XI). Report of the Social Commission (sixth session) Part E	29,800	
Part G	38,300	74,100
Consequential increases :		
(i) Section 17. Common staff costs	38,000	
(ii) Section 26. Publications	12,000	50,000
Total of supplementary provision (direct and indirect) proposed for the Departments of Economic Affairs and Social Affairs		345,300

4. In view of the total already approved for the two Departments concerned, which includes provision for 490 established posts in 1951, the Advisory Committee does not find it possible, in present circumstances, to recommend an appropriation of the amount proposed by the Secretary-General. On this point, the Committee offers the following observations :

(i) The budget estimates in respect of the two Departments are prepared in the early months of each year and are intended to cover a period of twelve months from the following January. While the main session of the Economic and Social Council is held about one month after the budget estimates have been considered by the Advisory Committee, it is nevertheless possible, at the time of the Committee's consideration of the estimates, for the competent officials of the Secretariat not only to make a rough forecast of additional requirements likely to result from agenda items submitted to the Council, but also to determine with reasonable accuracy the dates of completion of existing projects. The Committee believes therefore that a far larger proportion of the workload arising out of decisions taken by

the Council at its eleventh session can be absorbed within the provision already approved for sections 10 and 11. It is strengthened in its view by the statement made in the Fifth Committee (250th meeting) by the representative of the Secretary-General to the effect that, *inter alia*, new tasks under the above-mentioned resolution 309 (XI) justified the staffing requested in the original budget estimates for section 11.

(ii) For the implementation of certain parts of resolution 290 (XI) on full employment, it is proposed to appoint three groups of experts at a total estimated cost of \$85,200 covering fees, travel and subsistence expenses. The Advisory Committee sees no reason why the proposed groups of experts should receive fees in addition to subsistence allowance. The Committee considers that the payment of fees in addition to travel and subsistence expenses to members of Committees and Commissions runs counter to the principle accepted by the Secretary-General in General Assembly resolution 231 (III) of 8 October 1948, and it takes the same view as regards groups of experts. It also considers that the number of experts and the duration of the meetings should be the subject of further consideration.

The Committee, while recognizing that a special need may arise in special cases, is of the opinion that the very substantial funds approved by the General Assembly for the Department of Economic Affairs can be justified only if the officials of that Department are recruited on the basis of ability to perform the various tasks laid upon the Department without repeated requests for the assistance and the extra expense of outside experts and consultants. In the contrary case, there would appear to be grounds for a corresponding reduction in the establishment of the Secretariat.

5. On the basis of the above considerations, the Advisory Committee recommends that the supplementary provision for section 10 should be limited to \$43,500 in respect of the travel and subsistence expenses (at \$25 per day) of the three groups of experts, this amount to be inclusive of requirements for contractual printing (\$9,000) and to be allotted at the discretion of the Secretary-General. It is further recommended that, for the reasons set forth in paragraph 4 above, the provision for section 11 should be reduced from \$74,100 to \$20,000 and applied solely to the implementation of part E of Council resolution 309 (XI) relating to the social rehabilitation of the physically handicapped. Requirements for contractual printing should be met out of the proposed appropriation of \$20,000.

A corresponding reduction would fail to be made under section 17 (Common staff costs), in view of the fact

that only a part of the additional staff proposed for the two Departments is recommended for approval.

6. *Section 20. United Nations Office at Geneva*

For the implementation of Council resolution 300 (XI), Annual report of the Economic Commission for Europe, additional provision is requested to an amount of \$49,200. As appears from the report of the Economic and Social Council (A/1345)⁵⁰, annex II, the statement of financial implications submitted to the Council—\$27,888—comprised : \$13,688 to carry out studies arising from the report of the fourth session of the Housing Sub-Committee; \$14,200 for studies in the field of international price formation (E/1674, part IV)⁵¹.

The Advisory Committee sees no reason for the provision of a sum greater than the one indicated to the Council. Accordingly, a supplementary estimate of \$27,900 is recommended for approval under section 20.

7. *Section 27. Advisory social welfare functions*

The Advisory Committee takes note that the supplementary provision of \$158,000 has already been recommended for appropriation by the Fifth Committee.

⁵⁰ *Ibid.*, Fifth Session, Supplement No. 3.

⁵¹ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 10.*

DOCUMENT A/1649

Thirty-second report of 1950, on revised estimates for section 5a, United Nations Field Service

[Original text : English]
[9 December 1950]

1 The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C 5/428) submitting revised estimates for 1951 in respect of the United Nations Field Service.

2 The proposed provision of \$488,000 relates to 125 posts required for the training and assignment of Field Service personnel to the various United Nations missions in the field. Expenditure for 1951 for a further 158 posts (guard duties) is budgeted under sections 16, 18a and 20, while section 16 also contains provision for seventeen posts in the Headquarters unit administering the service. The Advisory Committee considers that the functions and duties of the Field Service should be more clearly defined, and that the qualifications for recruitment to the Service should be extended.

3 The programme of advanced training calls for a considerable expenditure under the items for travel and subsistence of staff and temporary assistance, a sum of \$43,500 being proposed for travel and subsistence

expenses of Field Service personnel detailed to Headquarters for such training. Additional provision is requested for travel within the United States to factories and technical schools, and for instructors to supervise the courses.

4 The Advisory Committee considers that in future the whole of the Service should be brought under a single section of the budget, so that the total expenditures may be readily ascertained.

5 The Advisory Committee recommends an appropriation of \$450,000 for section 5a of the 1951 budget, a part of the reduction of \$38,000 to be applied to the items relating to the programme of advanced training, and the balance to be effected through delays in recruitment.

6 The salaries of the Field Service personnel are gross, and the offsetting revenue in respect of contributions under the Staff Assessment Plan is estimated at \$46,800.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
a) Budget estimates prepared by the Secretary-General			
A/1267 and Corr.1	Budget Estimates for the Financial Year 1951 and Information Annexes		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 5.</i>
A/1267/Add.1	Information Annex IV to Budget Estimates for the Financial Year 1951		<i>Ibid.</i> , Supplement No. 52.

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A/1313 and Corr.1	Advisory Committee on Administration and Budgetary Questions : First Report of 1950 to the General Assembly		<i>Ibid.</i> , Supplement No. 7A.
A/1352	Administrative and budgetary co-ordination between the United Nations and the specialized agencies : report of the Secretary-General		See fascicule on items 12 and 29.
A/1395	Co-ordination between the United Nations and the specialized agencies concentration of effort and resources : note by the Secretary-General		See fascicule on items 12 and 29.
A/1424	Financial implications of the draft resolution proposed by the First Committee (A/1422). Report of the Fifth Committee		See fascicule on item 24.
A/1463	Financial implications of the draft resolution proposed by the First Committee (A/1456). Report of the Fifth Committee		See fascicule on item 68.
A/1506	Financial implications of the establishment of an International Bureau for Declarations of Death. Report of the Fifth Committee		See fascicule on item 48.
A/1508	Compensation to members of commissions, committees or similar bodies in case of injury or death. Report of the Fifth Committee.	57	
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A/1522	Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 458 (V).</i>
A/1537	Financial implications of the draft resolution proposed by the Third Committee (A/1436). Report of the Fifth Committee		See fascicule on item 31.
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A/1572	Financial implications of draft resolutions B and C proposed by the First Committee (A/1536). Report of the Fifth Committee		See fascicule on item 22.
A/1573	Financial implications of the conclusions of the report of the Fourth Committee (A/1550) : report of the Fifth Committee		See fascicule on item 21.
A/1574	Financial implications of the draft resolution proposed by the <i>Ad Hoc</i> Political Committee (A/1561) : report of the Fifth Committee		See fascicule on item 21.
A/1596	Resolution adopted by the General Assembly at its 314th plenary meeting on 1 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 459 (V).</i>
A/1648	Financial implications of draft resolution B proposed by the Sixth Committee (A/1639) : report of the Fifth Committee		See fascicule on item 52.
A/1662	Financial implications of draft resolution I in the report of the Fourth Committee (A/1643) : report of the Fifth Committee		See fascicule on item 35.
A/1663	Financial implications of the draft resolution proposed by the Sixth Committee (A/1626) : report of the Fifth Committee		See fascicule on item 54.

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A/1664	Financial implications of the draft resolution, proposed by the Sixth Committee (A/1631) : report of the Fifth Committee		See fascicule on item 74.
A/1665	Financial implications of draft resolution F, proposed by the Sixth Committee (A/1639) : report of the Fifth Committee		See fascicule on item 52.
A/1666	Financial implications of draft resolution C proposed by the Second Committee (A/1627) : report of the Fifth Committee		See fascicule on item 27.
A/1667	Draft convention on freedom of information—financial implications of draft resolution C proposed by the Third Committee (A/1630) : report of the Fifth Committee		See fascicule on item 30.
A/1678	Financial implications of the draft resolution proposed by the <i>Ad Hoc</i> Political Committee (A/1646) : report of the Fifth Committee		See fascicule on item 20.
A/1684	Draft convention relating to the status of refugees—financial implications of draft resolution B proposed by the Third Committee (A/1682) : report of the Fifth Committee		See fascicule on item 32.
A/1714	Place of meeting of the sixth session of the General Assembly : report of the Fifth Committee		See fascicule on place of meeting of the sixth session of the General Assembly.
A/1718	Financial implications of the draft resolution proposed by the Third Committee (A/1690) : report of the Fifth Committee		See fascicule on item 67.
A/1719	Provisions for the functioning of the High Commissioner's Office for Refugees—financial implications of draft resolution A proposed by the Third Committee (A/1682) : report of the Fifth Committee		See fascicule on item 32.
A/1729	Financial implications of the draft resolution proposed by the <i>Ad Hoc</i> Political Committee (A/1724) : report of the Fifth Committee		See fascicule on item 20.
A/1730	Financial implications of the draft resolution proposed by the <i>Ad Hoc</i> Political Committee (A/1726) : report of the Fifth Committee		See fascicule on item 21.
A/1734	Budget estimates for the financial year 1951. Report of the Fifth Committee.	61	
A/1734/Add.1	Report of the Fifth Committee		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 474 (V).</i>
A/1762	Resolution adopted by the General Assembly at its 326th plenary meeting on 15 December 1950		<i>Ibid.</i> , No. 471 (V).
A/1763	Resolution adopted by the General Assembly at its 326th plenary meeting on 15 December 1950		<i>Ibid.</i> , No. 472 (V).
A/1764	Resolution adopted by the General Assembly at its 326th plenary meeting on 15 December 1950		<i>Ibid.</i> , No. 473 (V).
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A/C.5/384	Financial implications of the draft resolution proposed by the Third Committee (A/1436) : note by the Secretary-General		See fascicule on item 31.
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A/C.5/390	Financial implications of the establishment of the International Bureau for Declarations of Death. Report by the Secretary-General		See fascicule on item 48.
A/C.5/391	Letter dated 25 October 1950 addressed to the Chairman of the Fifth Committee from the President of the General Assembly		Mimeographed document only.
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A/C.5/415	Letter dated 21 November 1950 addressed to the Chairman of the Fifth Committee by the President of the General Assembly		Mimeographed document only.
A/C.5/416	Letter dated 21 November 1950 addressed to the Chairman of the Fifth Committee from the President of the General Assembly		Mimeographed document only.
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A/C.5/419	Revised estimates for the United Nations Commission for the Unification and Rehabilitation of Korea : report by the Secretary-General		See fascicule on item 24.
A/C.5/420	Financial implications of the draft resolution proposed by the <i>Ad Hoc</i> Political Committee (A/1561) : report of the Secretary-General		See fascicule on item 21.
A/C.5/421	Letter dated 29 November 1950 addressed to the Chairman of the Fifth Committee from the President of the General Assembly		Mimeographed document only.
A/C.5/423	Revised estimates for sections 3, The Economic and Social Council, commissions and committees; 3b, Regional economic commissions, and 4, The Trusteeship Council, commissions and committees	40	
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Agenda item 40 : Scale of assessments for the apportionment of the expenses of the United Nations : report of the Committee on Contributions

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DOCUMENT A/1602

Assessment for the Republic of Indonesia

[Original text : English]
[4 December 1950]

1. The Fifth Committee, at its 273rd meeting held on 30 November 1950, decided to refer the question of the assessment for the Republic of Indonesia to the Committee on Contributions for urgent consideration and report. Accordingly, the Committee on Contributions was convened and met on 1 December 1950.

2. After a thorough study of all the relevant economic and statistical data for Indonesia available to the Committee on Contributions, and in consideration of its relative position compared to that of the other Member States, the Committee agreed to recommend that the assessment for the Republic of Indonesia for the year 1951 should be 0.60 per cent.

3. In accordance with a decision of the Fifth Committee, the above assessment will be in addition to the 1951 scale of assessments of 100 per cent as submitted by the Committee on Contributions in its report to the General Assembly (A/1330)¹ and approved by the Fifth Committee at its 274th meeting. In view of the tentative nature of the available data, the Committee on Contributions decided that the assessment recommended for Indonesia should be carefully reconsidered before being

incorporated into the 1952 scale of assessments, in the light of any further information that may then be available.

ASSESSMENT FOR THE REPUBLIC OF INDONESIA FOR THE
FIRST YEAR OF MEMBERSHIP

4. For the year 1950, the Committee on Contributions recommends that Indonesia, which was admitted to membership in the United Nations on 28 September 1950, shall contribute the minimum of 33-1/3 per cent of its percentage assessment for 1951, in accordance with the provisions of General Assembly resolution 69 (I) of 14 December 1946.

5. The Committee on Contributions therefore submits the following additional paragraphs for inclusion in the draft resolution approved by the Fifth Committee at its 274th meeting for adoption by the General Assembly :

The General Assembly resolves :

6. That, for the year 1951, the assessment for the Republic of Indonesia shall be 0.60 per cent, which shall be in addition to the scale of assessments amounting to 100 per cent set out in paragraph 1 above;

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 13*.

7. That, in view of the fact that the Republic of Indonesia became a Member of the United Nations on 28 September 1950, it shall contribute for the year of admission

to membership an amount equal to one-third of the percentage assessment for 1951, calculated on the basis of the budget for 1950.

DOCUMENT A/1669

Report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 271st to 274th meetings inclusive held on 29 and 30 November 1950, considered the scale of assessments for the apportionment of the expenses of the United Nations for the financial year 1951. The Committee had before it the report of the Committee on Contributions (A/1330 and Corr.1).

2. In the course of the discussions, several representatives stressed the necessity of the Committee's having at its disposal adequate and accurate statistical data. Such information, it was stated, was required to establish a scale which fully reflected the facts of the world economic situation. It was realized that lack of data in certain cases was due to the fact that countries did not possess statistical services capable of providing the comprehensive information required, but Member States were urged, as far as possible, to provide the United Nations with adequate and reliable data for their countries. When the Committee had not sufficient official information, it should turn to the most readily available sources of reliable information.

3. Considerable comment was made on the working rule of the Committee on Contributions that generally no change, either upwards or downwards, of more than 10 per cent in any one year should be proposed in the percentage contribution of any country. This rule had been adopted by the Committee because it felt that it should not recommend drastic changes but should move with caution, gradually eliminating maladjustments in the scale. The view was expressed in the Fifth Committee that if this rule was followed, some States would for many years pay a contribution very much lower than would be equitable according to their capacity to pay. The retention of the rule would make it impossible for the Committee on Contributions to establish a scale of assessments reflecting the rapid repair in many countries of war damage and destruction. The Committee on Contributions should therefore not continue to be guided by a rule which tended to perpetuate the inequalities of the existing scale, but should abandon it at least as long as the scale had not become more permanent. On the other hand, the view was also expressed that it should be left to the discretion of the Committee to apply the rule, bearing in mind that a somewhat greater flexibility might be necessary during the next few years.

4. In connexion with the ceiling principle, the representative of the United States of America said that in 1948

the General Assembly had recognized "that in normal times no one Member State should contribute more than one-third of the ordinary expenses of the United Nations for any one year" (resolution 238 A (III) of 18 November 1948). In 1949, a token reduction of 0.10 per cent had been made in the contribution of the United States of America. A further reduction of 0.87 per cent was now recommended. That reduction could not be regarded as substantial, and he believed that a more significant reduction in the United States contribution was justified by the improved conditions in countries which had been given special consideration for war damage. The representative of the Union of Soviet Socialist Republics pointed out that the United States of America had suffered no war damage. On the contrary, its national income and industrial production had increased. Nor had the United States any difficulty in obtaining the necessary currency, since contributions were paid in dollars. There was therefore nothing to justify a reduction of the United States contribution. The view was also expressed that attempts to achieve the ideal envisaged in General Assembly resolution 238 A (III) should not proceed faster than the economic recovery of the world.

5. Owing to the continuing dollar shortage in many countries the proposal that the Secretary-General should again, for the year 1951, be authorized to accept part of the contributions for that year in currencies other than United States dollars was strongly supported. It was stressed that every possible effort should be made to make the arrangement for payment of contributions in currencies other than United States dollars as comprehensive as possible.

6. Several members of the Committee expressed the hope that in future it would be possible to consider the report of the Committee on Contributions at an earlier stage in the General Assembly session.

7. The representative of Cuba objected to his country's percentage contribution being raised by 0.02 as this was not justified by the economic conditions of Cuba. Its exports were closely tied to fluctuations in the world market and had been steadily declining since 1947. He suggested that the Committee on Contributions should consult the governments of Member States when it recommended any changes in their percentage contribution. He would, therefore, have to vote against the report of the Committee on Contributions.

8. The representative of Sweden stated that it had been recognized from the outset that the assessment for Sweden was too high. Successive reductions had been made, but his country's contribution would have to be reduced even more before it could be considered equitable. He hoped that the Committee on Contributions, when studying the assessments of new Members, would reconsider Sweden's percentage contribution and would fix it at a fair and reasonable level.

9. The representative of Canada pointed out that, although the scale of assessments recommended by the Committee was an improvement on the scale in force, he felt that the improvement was not sufficient to remove all its shortcomings. The scale appeared not to take into account the rapid and far-reaching improvement which had taken place in certain countries. Consequently, the contribution of Canada was relatively higher than it should have been. He also stressed the importance of the application of the *per capita* contribution principle. The Canadian delegation was, however, reluctantly prepared to accept the recommendations of the Committee on Contributions for the year 1951 on the understanding that the 10 per cent rule would not be applied next year. If the scale proposed in 1951 were not more equitable, the Canadian delegation would review its position entirely.

10. The representative of the U.S.S.R. pointed out that the economy of the Soviet Union had suffered serious dislocation as a result of the Second World War. War damage had been considerable and, in spite of the remarkable effort to reconstruct the economy and the results obtained he had, due to the heavy losses suffered, to oppose any increase in his country's rate of contribution. Furthermore, the difficulty of securing foreign currency had steadily increased. He therefore recommended that no change should be made in the existing scale for 1951.

11. Certain other delegations, however, maintained that in view of official statements concerning the economic expansion of the U.S.S.R., it would appear that that country was not bearing its equitable share of the cost of the United Nations, owing to the application of the rule established by the Committee on Contributions and to the absence of sufficient statistics.

12. The representatives of the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic, Czechoslovakia and Poland also opposed the proposed increases in their contributions, due to the heavy war damage suffered and the lack of foreign currency. They supported the U.S.S.R. proposal to maintain the present scale for the year 1951.

13. The representative of Greece expressed the view that, although the proposed increase of 0.01 per cent was not very large, the economic conditions of his country, which had been at war until the autumn of 1949, did not justify an increase. Other war-stricken countries had had five years in which to recover, whereas Greece had had only one year. Furthermore, Greece had experienced considerable difficulty in obtaining foreign currency. He therefore proposed that the percentage contribution of his country should be maintained at the existing

rate. On the basis of a subsequent proposal referred to in paragraph 20, he withdrew his motion on the further understanding that his statement and any additional information made available by his government would be considered by the Committee on Contributions.

14. The representative of Israel stated that his government had submitted information to the Committee on Contributions which showed that Israel's contribution should be reduced. If it were decided to revise the Committee's scale of assessments, his delegation would ask for a reduction. If not, it would be prepared to accept the percentage contribution recommended for the year 1951, but it proposed to raise the question again at the next session of the General Assembly.

15. The representative of Guatemala felt that sufficient grounds had not been given for the increase proposed in the percentage contribution of his country and that the data used were somewhat inaccurate. The economic situation in Guatemala had not improved since 1948. He requested that the 1950 scale of assessments should be used also for 1951.

16. The representative of India thought that the economic situation of his country did not warrant an increase in its percentage contribution. Referring to the economic effect of partition and the difficult position of India in regard to foreign exchange and other factors, as well as the improvement effected in the economic conditions of other countries which had suffered temporary dislocation on account of the Second World War, he suggested that the Committee on Contributions should in 1951 reconsider its recommendations in the light of up-to-date statistics. Pending this revision, he proposed that the present scale of assessments should continue in force for 1951.

17. The representative of Venezuela reluctantly accepted the proposed increase in his country's rate of contribution of 0.03, which, he pointed out, was more than 10 per cent, provided the recommendations of the Committee were accepted as a whole. If, however, the scale were changed as a result of the incorporation of the Indonesian assessment, he would ask the Committee on Contributions to consider the possibility of reducing the increase in his country's rate of contribution from 0.03 to 0.02 per cent. In conclusion, he intimated that the action of his delegation in the matter was prompted by a spirit of goodwill and conciliation and a desire to facilitate the work of the Fifth Committee.

18. The representative of Australia proposed that the question of the contribution to be paid by Indonesia should be referred to the Committee on Contributions for immediate consideration. No attempt should be made to integrate the Indonesian assessment into the scale for 1951, since this would necessitate adjusting the scale as a whole. The contribution to be paid by Indonesia for 1951 should be taken into account as income, so that all Member States would benefit proportionately from the proceeds.

19. The representative of France suggested that the contribution of Indonesia should be placed in reserve.

The Committee on Contributions should be invited to suggest how the contribution could most equitably be divided among Member States, and the decision reached on the basis thereof should be retroactive for 1951.

20. The representative of the Union of South Africa suggested a combinaison of the Australian and French proposals. If it were agreed to accept the scale recommended by the Committee on Contributions, the Committee might be asked to re-examine at its 1951 session the case of Member States, such as Greece, whose contributions had been increased before incorporating the assessment of Indonesia into the scale.

21. The U.S.S.R. proposal that the scale of assessments for 1951 should remain the same as in 1950 was rejected by 24 votes to 5, with 15 abstentions.

22. A Pakistani proposal that the report of the Committee on Contributions should be referred back to it for revision of the scale of assessments in the light of the statements made by various delegations during the discussions on the subject, and that meanwhile the rate of contribution for 1951 should remain as for 1950, was rejected by 25 votes to 15, with 4 abstentions.

23. The draft resolution embodying the recommendations of the Committee on Contributions was voted on paragraph by paragraph.

Paragraph 1 (scale of assessments) was adopted by 34 votes to 8, with 3 abstentions.

Paragraph 2 (providing that the scale should be reviewed again in 1951) was adopted by 39 votes to 5, with 1 abstention.

Paragraphs 3, 4 and 5 (providing for the contributions to be paid by Switzerland and Liechtenstein to the expenses of the International Court of Justice, and authorizing the Secretary-General to collect part of the 1951 contributions in currencies other than United States dollars) were adopted unanimously.

The draft resolution as a whole was adopted by 37 votes to 7, with 1 abstention.

24. It was agreed to refer the assessment of Indonesia to the Committee on Contributions for urgent consideration and report. The report of the Committee on Contributions on this subject (A/1602) was considered by the Fifth Committee at its 276th meeting on 6 December 1950.

25. The representative of Indonesia accepted, on behalf of his Government, the recommendations of the Committee on Contributions, which were considered equitable in view of the economic conditions of his country. He also expressed agreement with the draft resolution presented by the Secretary-General, in accordance with which Indonesia would be called upon to pay a sum in respect of the Working Capital Fund for 1951 amounting to 0.60 per cent of the total amount of the Fund.

26. The recommendations of the Committee on Contributions and the Secretary-General were approved, and it was decided to incorporate these recommendations in

the draft resolution to be presented to the General Assembly (see paragraph 23).

27. In consequence, the Fifth Committee decided to recommend to the General Assembly the following resolution :

SCALE OF ASSESSMENTS FOR THE APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS

The General Assembly resolves

1. That the scale of assessments for the 1951 budget shall be as follows :

<i>Country</i>	<i>Per cent</i>	<i>Country</i>	<i>Per cent</i>
Afghanistan	0.06	Luxembourg	0.05
Argentina	1.85	Mexico	0.63
Australia	1.92	Netherlands	1.35
Belgium	1.35	New Zealand	0.50
Bolivia	0.08	Nicaragua	0.04
Brazil	1.85	Norway	0.50
Burma	0.15	Pakistan	0.74
Byelorussian Soviet Socialist Republic	0.24	Panama	0.05
Canada	3.30	Paraguay	0.04
Chile	0.41	Peru	0.20
China	6.00	Philippines	0.29
Colombia	0.37	Poland	1.05
Costa Rica	0.04	Saudi Arabia	0.08
Cuba	0.31	Sweden	1.85
Czechoslovakia	0.99	Syria	0.11
Denmark	0.79	Thailand	0.24
Dominican Republic	0.05	Turkey	0.91
Ecuador	0.05	Ukrainian Soviet Socialist Republic	0.92
Egypt	0.71	Union of South Africa	1.04
El Salvador	0.05	Union of Soviet Socialist Republics	6.98
Ethiopia	0.08	United Kingdom of Great Britain and Northern Ireland	11.37
France	6.00	United States of America	38.92
Greece	0.18	Uruguay	0.18
Guatemala	0.06	Venezuela	0.30
Haiti	0.04	Yemen	0.04
Honduras	0.04	Yugoslavia	0.36
Iceland	0.04		
India	3.41		
Iran	0.45		
Iraq	0.17		
Israel	0.12		
Lebanon	0.06		
Liberia	0.04		
		TOTAL	100.00

2. That, notwithstanding the provisions of rule 159 of the rules of procedure of the General Assembly, the scale of assessments for the apportionment of the expenses of the United Nations shall be reviewed by the Committee on Contributions in 1951 and a report submitted for the consideration of the General Assembly at its next regular session;

3. That Switzerland shall contribute 1.65 per cent of the expenses of the International Court of Justice for the year 1951, this assessment having been established after consultation with the Swiss Government, in accordance with the terms of General Assembly resolution 91 (I) of 11 December 1946;

4. That the Principality of Liechtenstein, having become a party to the Statute of the International Court of Justice on 29 March 1950, shall contribute 0.04 per cent of the expenses of the Court for 1951 and three-quarters of the assessment of 0.04 per cent of the expenses

of the Court for 1950, these assessments having been established after consultation with the Liechtenstein Government, in accordance with General Assembly resolution 363 (IV) of 1 December 1949;

5. That, notwithstanding the terms of financial regulation 5.5, the Secretary-General shall be empowered to accept, at his discretion, and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the financial year 1951 in currencies other than United States dollars;

6. That, for the year 1951, the assessment for the Republic of Indonesia shall be 0.60 per cent, which shall be in addition to the scale of assessments amounting to 100 per cent set out in paragraph 1 above;

7. That, in view of the fact that the Republic of Indonesia became a Member of the United Nations on 28 September 1950, it shall contribute for the year of admission to membership an amount equal to one-third of the percentage assessment for 1951, calculated on the basis of the budget for 1950;

8. That, notwithstanding the provisions of financial regulation 5.8, Indonesia shall not be required to provide its proportion of the total advances to the Working Capital Fund for the year 1951, but shall deposit with the United Nations an amount corresponding to 0.60 per cent of the total amount of the Fund, which shall, upon determination of the 1952 scale of assessments, be credited to the Fund subject to any necessary adjustment.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
A/1330 and Corr. 1	Report of the Committee on Contributions		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 13.</i>
A/1602	Assessment for the Republic of Indonesia	1	
A/1669	Report of the Fifth Committee	2	
A/1670	Union of Soviet Socialist Republics : amendment to the draft resolution proposed by the Fifth Committee (A/1669)		Incorporated in summary record of 324th plenary meeting.
A/1735 and Corr. 1	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 462 (V).</i>
A/C.5/407			Mimeographed document only.
A/C.5/L.97	Draft report of the Fifth Committee		Same as A/1669.



Agenda item 41 : Permanent financial regulations of the United Nations : report of the Secretary-General

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DOCUMENT A/1331

Report of the Secretary-General

[Original text : English]
[22 August 1950]

1. Resolution 80 (I), adopted by the General Assembly on 11 December 1946, reads as follows :

" The General Assembly resolves

" That the following provisional financial regulations be adopted and that the Secretary-General be instructed to submit draft financial regulations to the Advisory Committee on Administrative and Budgetary Questions for consideration and final adoption by the General Assembly at its regular annual session in 1947 ".

2. In accordance with the provisions of resolution 80 (I), draft financial regulations were submitted to the regular annual session of the General Assembly in 1947. In adopting these regulations, however, the General Assembly decided to continue to consider them as provisional, the first paragraph of resolution 163 (II) reading :

" The General Assembly resolves

" 1. That the following Provisional Financial Regulations be adopted in place of those adopted by the

General Assembly at the second part of its first session under resolution 80 (I) ".

3. No change has subsequently been made in the regulations adopted at the second session of the General Assembly. During the period since 1947, however, the financial regulations have been the subject of considerable study, with a view to recommending a permanent set of regulations as foreseen by resolution 80 (I).

4. The question of a common set of financial regulations for the United Nations and the specialized agencies has also been under active consideration during this period. The General Assembly, by resolutions 210 (III) and 311 (IV), adopted on reports of the Joint Second and Third and Fifth Committees, meeting jointly, has given various assignments to the Secretary-General and the heads of the specialized agencies with the object of securing uniformity in financial practices. Many of these assignments, including, for example, studies of funding arrangements and of the form of the budget, have dealt with basic features of financial administration, in respect of which each organization has been compelled to follow the particular provisions of its own financial regulations.

5. As these provisions varied considerably, it became increasingly clear that real progress toward uniformity in financial practices could only be secured as a result of greater uniformity in the financial regulations themselves. With this purpose in view, the Consultative Committee on Administrative Questions, at its eighth session, agreed, after extensive discussion, on a common set of financial regulations, and reported the agreement to the Administrative Committee on Co-ordination. The latter Committee, on 3 May 1950, took note of the agreement and of the fact that the Secretary-General and the head of each specialized agency would present the set of regulations to the appropriate bodies in their respective organizations.

6. The proposed financial regulations as agreed by the Consultative Committee and the Administrative Committee on Co-ordination, with necessary nomenclature adaptations for the United Nations, are set out as Annex A and are proposed by the Secretary-General for adoption as the Financial Regulations of the United Nations in accordance with the provisions of General Assembly resolution 80 (I).

7. Annex B sets out the proposed regulations in comparison with the present provisional regulations, with certain comments. The Secretary-General wishes to draw particular attention to proposed regulations 4.3 and 4.4, dealing with the availability of appropriations and reading as follows :

“ 4.3 Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to meet the outstanding legal obligations as at 31 December of that year. The balance of the appropriations will be surrendered.

“ 4.4 At the end of the twelve-month period provided in regulation 4.3 above, the then remaining balance of any appropriations retained will be surrendered. Any unliquidated prior year obligations shall at that time be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations ”.

The General Assembly will recall the recommendation of the Board of Auditors that a final cut-off date for availability of appropriations should be established. The “ legal obligations ” referred to in regulation 4.3 will, however, need to be defined, and that definition may, in due course, result in the inclusion of some items in the accounts of a particular financial year which would not have been so included under the present United Nations provision whereby only those obligations for goods supplied or services rendered by the end of the financial year are valid for the retention of appro-

priations relating to that year. It has been suggested that the opinion of the Auditors might be sought on the definition of such obligations.

8. It should also be noted that the Consultative Committee agreed that the regulations relating to surrender of savings on appropriations should provide that such savings should be credited to Members' contributions. This agreement was, however, subject to the following reservation as set out in the report of the Consultative Committee :¹

“ Budgetary savings

“ The Committee agreed that although it might be a desirable aim to credit all savings in appropriations as reductions in Members' contributions, such practice was sound only when

“ (i) Contributions by Member States were paid promptly and in full, and

“ (ii) The Working Capital Fund was established in an adequate amount.

“ The Committee agreed that where those two factors did not obtain, it would be unwise for an organization experiencing financial difficulties to distribute purely paper surpluses while an effective deficit resulting from arrears in contributions existed.

“ It was further agreed that the text of this regulation would contain the principle of the distribution of savings on appropriations as a reduction in contributions, but that it would be made clear that this particular provision would be temporarily suspended [by the Conference or Assembly] to meet the requirements of each agency. The alternative methods would be :

“ (a) To credit to Members the savings of appropriations to the extent that those savings are represented by actual cash surpluses;

“ (b) To transfer the savings in appropriations represented by cash and/or arrears receivable to a suspense account for special disposition upon instruction by the Conference or Assembly ”.

9. As stated above, the regulations set out in Annex A are proposed for adoption as the Financial Regulations of the United Nations. These regulations have been submitted to the Advisory Committee on Administrative and Budgetary Questions which will consider them at its autumn session, and report thereon to the General Assembly. In the meantime, the proposed regulations are transmitted herewith for consideration by the Member States.

¹ See document Coord. Prep/R.176.

ANNEX A

PROPOSED FINANCIAL REGULATIONS OF THE UNITED NATIONS

Article I

APPLICABILITY

1.1 These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.

Article II

THE FINANCIAL YEAR

2.1 The financial year shall be the period 1 January through 31 December.

Article III

THE BUDGET

3.1 The annual budget estimates shall be prepared by the Secretary-General.

3.2 The estimates shall cover income and expenditures for the financial year to which they relate, and shall be presented in US dollars.

3.3 The annual budget estimates shall be divided into parts, sections, chapters and articles, and shall be accompanied by such information annexes and explanatory statements as may be requested on behalf of the General Assembly, and such further annexes or statements as the Secretary-General may deem necessary and useful.

3.4 The Secretary-General shall submit to the regular session of the General Assembly budget estimates for the following financial year. The estimates shall be transmitted to all Member States at least five weeks prior to the opening of the regular session of the General Assembly.

3.5 The Secretary-General shall, at least twelve weeks prior to the opening of the regular session of the General Assembly, submit the estimates to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") for examination.

3.6 The Advisory Committee shall prepare a report to the General Assembly on the estimates submitted by the Secretary-General. This report shall be transmitted to all Member States at the same time as the estimates.

3.7 The budget for the following financial year shall be adopted by the General Assembly after consideration and report on the estimates by the Administrative and Budgetary Committee of the Assembly.

3.8 Supplementary estimates may be submitted by the Secretary-General when and as he may deem necessary.

3.9 The Secretary-General shall prepare supplementary estimates in a form consistent with the annual estimates and shall submit such estimates to the General Assembly and to the Advisory Committee. The Advisory Committee shall review such estimates and report thereon to the General Assembly.

Article IV

APPROPRIATIONS

4.1 The appropriations voted by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.

4.2 Appropriations shall be available for obligation during the financial year to which they relate.

4.3 Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to meet the outstanding legal obligations as at 31 December of that year. The balance of the appropriations will be surrendered.

4.4 At the end of the twelve-month period provided in regulation 4.3 above, the then remaining balance of any appropriations retained will be surrendered. Any unliquidated prior obligations shall at that time be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.

4.5 Transfers within the total amount appropriated may be made to the extent permitted by the terms of the budget resolution adopted by the General Assembly.

Article V

PROVISION OF FUNDS

5.1 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.2, shall be financed by contributions from Member States, according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.2 In the assessment of the contributions of Member States, adjustments shall be made to the amount of the appropriations approved by the General Assembly for the following financial year in respect of:

(a) Supplementary appropriations for which contributions have not previously been assessed on the Members;

(b) Miscellaneous income for which credits have not previously been taken into account, and any adjustments in estimated miscellaneous income previously taken into account;

(c) Contributions resulting from the assessment of new Members under the provisions of regulation 5.8;

(d) Any balance of the appropriations surrendered under regulations 4.3 and 4.4.

5.3 After the General Assembly has voted the appropriations and determined the amount of the Working Capital Fund, the Secretary-General shall:

(a) Transmit the relevant documents to Member States;

(b) Inform Members of their commitments in respect of annual contributions and advances to the Working Capital Fund;

(c) Request them to remit their contributions and advances.

5.4 Contributions and advances shall be considered as due and payable in full within 30 days of the receipt of the communication of the Secretary-General referred to in regulation 5.3 above, or as of the first day of the financial year to which they relate, whichever is the later.

5.5 Annual contributions and advances to the Working Capital Fund shall be assessed and paid in US dollars.

5.6 Payments made by a Member State shall be credited first to the Working Capital Fund and then to the contributions due in the order in which the Member was assessed.

5.7 The Secretary-General shall submit to the regular session of the General Assembly a report on the collection of contributions and advances to the Working Capital Fund.

5.8 New Members shall be required to make a contribution for the year in which they become Members and an advance to the Working Capital Fund at rates to be determined by the General Assembly.

5.9 States which are not Members of the United Nations but which become parties to the Statute of the International Court of Justice or other treaty bodies financed from United Nations appropriations shall contribute to the estimated expenses of such bodies at rates to be determined by the General Assembly. Such contributions shall be taken into account as miscellaneous income.

Article VI

FUNDS

6.1 There shall be established a General Fund for the purpose of accounting for the expenditures of the Organization. The contributions paid by Member States under regulation 5.1, miscellaneous income, and any advances made from the Working Capital Fund to finance general expenditures shall be credited to the General Fund.

6.2 There shall be established a Working Capital Fund in an amount and for purposes to be determined from time to time by the General Assembly. The source of monies of the Working Capital Fund shall be advances from Member States in accordance with the scale of assessments as determined by the General Assembly.

6.3 Advances made by Member States to the Working Capital Fund shall be carried to the credit of the Members which have made such advances.

6.4 Advances made from the Working Capital Fund to finance budgetary appropriations during a financial year shall be reimbursed to the Fund as soon as and to the extent that income is available for that purpose.

6.5 Advances made from the Working Capital Fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary estimates, except when such advances are recoverable from some other source.

6.6 Income derived from investments of the Working Capital Fund shall be credited to miscellaneous income.

6.7 Trust, Reserve and Special Funds may be established by the Secretary-General.

6.8 The purpose and limits of each Trust, Reserve and Special Fund shall be clearly defined by the appropriate authority. Unless otherwise provided by the General Assembly, such Funds shall be administered in accordance with these Regulations.

Article VII

OTHER INCOME

7.1 All income, other than :

(a) Contributions to the budget;

(b) Refunds of direct expenditures made during the financial year; and

(c) Advances or deposits to Funds,
shall be classed as miscellaneous income, for credit to the General Fund.

7.2 Voluntary contributions may be accepted by the Secretary-General provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Organization and provided that the acceptance of such contributions which directly or indirectly involve additional financial liability for the Organization shall require the consent of the appropriate authority.

7.3 Monies accepted for purposes specified by the donor shall be treated as Trust or Special Funds under regulations 6.7 and 6.8.

7.4 Monies accepted in respect of which no purpose is specified shall be treated as miscellaneous income and reported as " gifts " in the annual accounts.

Article VIII

CUSTODY OF FUNDS

8.1 The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.

Article IX

INVESTMENT OF FUNDS

9.1 The Secretary-General may make short-term investments of monies not needed for immediate requirements and shall inform the Advisory Committee periodically of such investments which he has made.

9.2 The Secretary-General may make long-term investments of monies standing to the credit of Trust, Reserve or Special Funds as may be provided by the appropriate authority in respect of each such Fund.

9.3 Income derived from investments shall be credited as provided in the rules relating to each Fund.

Article X

INTERNAL CONTROL

10.1 The Secretary-General shall :

(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;

(b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payment has not previously been made;

(c) Designate the officers who may receive monies, incur obligations and make payments on behalf of the Organization;

(d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions in order to ensure :

(i) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Organization;

(ii) The conformity of obligations and expenditures with the appropriations or other financial provision voted by the General Assembly, or with the purposes and rules relating to Trust and other Special Funds;

(iii) The economic use of the resources of the Organization.

10.2 No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Secretary-General.

10.3 The Secretary-General may make such *ex gratia* payments as he deems to be necessary in the interests of the Organization, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.

10.4 The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditors with the annual accounts.

10.5 Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where

the Secretary-General deems that, in the interests of the Organization, a departure from the rule is desirable.

Article XI

THE ACCOUNTS

11.1 The Secretary-General shall maintain such accounts as are necessary and shall submit annual accounts showing for the financial year to which they relate :

- (a) The income and expenditures of all Funds;
- (b) The status of appropriations, including :
 - (i) The original budget appropriations;
 - (ii) The appropriations as modified by any transfers;
 - (iii) Credits, if any, other than the appropriations voted by the General Assembly;
 - (iv) The amounts charged against those appropriations and/or other credits;
- (c) The assets and liabilities of the Organization.

He shall also give such other information as may be appropriate to indicate the current financial position of the Organization.

11.2 The accounts of the Organization shall be presented in US dollars. The accounts may be kept in such currency or currencies as the Secretary-General may deem necessary.

11.3 Appropriate separate accounts shall be maintained for all Trust and other Special Funds.

11.4 The annual accounts shall be submitted by the Secretary-General to the Board of Auditors by 31 March following the end of the financial year.

Article XII

EXTERNAL AUDIT

12.1 A Board of three Auditors, each of whom shall be the Auditor-General (or officer holding equivalent title) of a Member State, shall be appointed by the General Assembly in the manner decided by the Assembly and having regard to the joint system for external audit of the United Nations and specialized agencies. Auditors appointed may be removed only by the Assembly.

12.2 Having regard to the budgetary provisions for the audit, and after consultation with the Advisory Committee relative to the scope of the audit, the Board of Auditors shall perform such an audit as it deems necessary to certify :

- (a) That the financial statements are in accord with the books and records of the Organization;
- (b) That the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions, and other applicable directives;
- (c) That the securities and monies on deposit and on hand have been verified by certificate received direct from the Organization's depositories or by actual count.

12.3 Subject to the directions of the General Assembly, the Auditors shall be the sole judge as to the acceptance in whole or in part of the certifications by the Secretariat and may proceed to such detailed examination and verifications as they choose of all financial records, including those relating to supplies and equipment. The Auditors may engage commercial auditors of international repute.

12.4 The Auditors may affirm by test the reliability of the internal audit and may make such reports with respect thereto as they may deem necessary, to the General Assembly, to the Advisory Committee or to the Secretary-General.

12.5 The Auditors and their staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the Auditors, necessary for the performance of the audit. Information classified in the records of the Secretariat as confidential, and which is required for the purposes of the audit, shall be made available on application to the Assistant Secretary-General in charge of Administrative and Financial Services.

12.6 The Auditors, in addition to certifying the accounts, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices. In no case, however, shall the Auditors include criticism in their audit report without first affording the Secretariat an opportunity of explanation to the Auditors on the matter under observation. Audit objections to any item in the accounts shall be immediately communicated to the Assistant Secretary-General in charge of Administrative and Financial Services.

12.7 The Auditors shall have no power to disallow items in the accounts, but shall draw to the attention of the Secretary-General for appropriate action any transaction concerning which they entertain doubt as to legality or propriety.

12.8 The Auditors shall prepare a report on the accounts certified, and on any matters on which the General Assembly by resolution thereof may from time to time give specific instructions.

12.9 The Auditors shall submit their report to the General Assembly to be available to the Advisory Committee not later than 1 June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report. A member of the Board of Auditors shall be present when the audit report is considered by the Assembly.

Article XIII

RESOLUTIONS INVOLVING EXPENDITURES

13.1 No Council, commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal.

13.2 Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations, unless the Secretary-General certifies that provision can be made under the conditions of the resolution of the General Assembly relating to unforeseen and extraordinary expenses.

Article XIV

DELEGATION OF AUTHORITY

14.1 The Secretary-General may delegate to other officers of the Organization such of his powers as he considers necessary for the effective implementation of these regulations.

Article XV

GENERAL PROVISIONS

15.1 These regulations shall be effective as of the date of their approval by the General Assembly, and may be amended only by the General Assembly.

15.2 In case of doubt as to the interpretation and application of any of the foregoing regulations, the Secretary-General is authorized to rule thereon.

Article XVI

SPECIAL PROVISIONS

16.1 The estimates of the International Court of Justice, and of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body, shall be prepared by the Court and the Board respectively, in consultation with the Secretary-General. These estimates shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

ANNEX B

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<p><i>As approved by the Administrative Committee on Co-ordination and adapted for the United Nations</i></p> <p><i>Article I—Applicability</i></p> <p>1.1 These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.</p> <p><i>Article II—The financial year</i></p> <p>2.1 The financial year shall be the period 1 January through 31 December.</p> <p><i>Article III—The budget</i></p> <p>3.1 The annual budget estimates shall be prepared by the Secretary-General.</p> <p>3.2 The estimate shall cover income and expenditures for the financial year to which they relate, and shall be presented in US dollars.</p> <p>3.3 The annual budget estimates shall be divided into parts, sections, chapters and articles, and shall be accompanied by such information annexes and explanatory statements as may be requested on behalf of the General Assembly, and such further annexes or statements as the Secretary-General may deem necessary and useful.</p>	<p><i>Resolution 163 (II) adopted by the General Assembly on 20 November 1947</i></p> <p>2. These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.</p> <p>4. The financial year shall be the calendar year, 1 January to 31 December.</p> <p>6. The estimates submitted to the General Assembly shall be divided into parts, sections and chapters, and shall be accompanied by :</p> <p style="padding-left: 2em;">(a) A detailed statement of the estimated expenditure provided for under each chapter and each item of a chapter;</p> <p style="padding-left: 2em;">(b) A statement of the estimated miscellaneous or other income under appropriate headings;</p> <p style="padding-left: 2em;">(c) An explanatory statement with regard to the expenditures proposed in connexion with any new activity or any extension of an existing activity;</p>	<p>No change.</p> <p>Drafting change only.</p> <p>New regulation—The concept that the estimates are those of the Secretary-General is clear in the United Nations, but not in some of the agencies.</p> <p>New regulation—Stipulates the currency of the budget. Coverage of income and expenditures is deemed desirable because of (i) shortening of present regulation 6 and (ii) present regulations of several agencies.</p> <p>The detailed outline of the budget has been abbreviated to give more flexibility. There is no intention to change, because of this alteration in the regulation, the format or coverage of the United Nations budget.</p>

PROPOSED REGULATIONS

PRESENT REGULATIONS

COMMENTS

(d) A statement of the estimated expenditure of the current financial year, and the expenditure of the last completed financial year;

(e) An information annex containing the budgets or proposed budgets of the specialized agencies, or such summaries thereof as the Secretary-General may deem appropriate and useful.

3.4 The Secretary-General shall submit to the regular session of the General Assembly budget estimates for the following financial year. The estimates shall be transmitted to all Member States at least five weeks prior to the opening of the regular session of the General Assembly.

3.5 The Secretary-General shall, at least twelve weeks prior to the opening of the regular session of the General Assembly, submit the estimates to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") for examination.

3.6 The Advisory Committee shall prepare a report to the General Assembly on the estimates submitted by the Secretary-General. This report shall be transmitted to all Member States at the same time as the estimates.

3.7 The budget for the following financial year shall be adopted by the General Assembly after consideration and report on the estimates by the Administrative and Budgetary Committee of the Assembly.

3.8 Supplementary estimates may be submitted by the Secretary-General when and as he may deem necessary.

3.9 The Secretary-General shall prepare supplementary estimates in a form consistent with the annual estimates and shall submit such

5. The Secretary-General shall submit to the regular annual session of the General Assembly estimates for the following financial year...

7. ... The estimates, together with the Committee's report, shall be transmitted to all Members at least five weeks prior to the opening of the regular session of the General Assembly.

7. The estimates shall be submitted to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") at least twelve weeks before the opening of the annual session of the General Assembly...

7. ... They (the estimates) shall be examined by the Advisory Committee, which shall prepare a report thereon...

9. The estimates and the reports of the Advisory Committee thereon, shall be submitted to the General Assembly and referred to the Administrative and Budgetary Committee of the General Assembly for consideration and report to the Assembly.

5. ... He (the Secretary-General) may also submit such supplementary estimates as may be deemed necessary for the current financial year...

8. Supplementary estimates shall be submitted to the Advisory Committee for examination and report.

Drafting changes only. The provision that the Advisory Committee report is to go to Members with the estimates is covered under proposed regulation 3.6.

Drafting changes only.

Drafting changes. "Examination" is covered in proposed regulation 3.5.

The fact that the estimates and the report are submitted to the General Assembly is covered by proposed regulations 3.4 and 3.6.

Since, technically, estimates supplementary to the budget document for the following financial year have become known as "supplementary" as well as those for the current year, the proposed regulation has broadened the authority for submission of supplementary estimates.

The proposed regulation is more specific.

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<p>estimates to the General Assembly and to the Advisory Committee. The Advisory Committee shall review such estimates and report thereon to the General Assembly.</p>		
<i>Article IV—Appropriations</i>		
<p>4.1 The appropriations voted by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.</p>	<p>11. The adoption of the budget shall constitute an authorization to the Secretary-General to incur obligations and make expenditures for the purposes for which appropriations have been voted and up to the amounts so voted...</p>	Drafting changes.
<p>4.2 Appropriations shall be available for obligation during the financial year to which they relate.</p>	<p>11. ... The appropriations shall be available for obligations in respect of goods supplied and services rendered in the financial year to which the appropriations relate...</p>	See covering report.
<p>4.3 Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to meet the outstanding legal obligations as at 31 December of that year. The balance of the appropriations will be surrendered.</p>	<p>13. Appropriations shall remain available to the extent that they are required to meet the outstanding obligations as at 31 December represented by goods supplied and services rendered up to and including that date.</p>	
<p>4.4 At the end of the twelve-month period provided in regulation 4.3 above, the then remaining balance of any appropriations retained will be surrendered. Any unliquidated prior year obligations shall at that time be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.</p>	<p>14. The balance of appropriations shall be surrendered in accordance with the provisions of regulation 17. Outstanding obligations not represented by goods supplied or services rendered up to and including 31 December shall be a charge to the appropriations of the succeeding year.</p>	
<p>4.5 Transfers within the total amount appropriated may be made to the extent permitted by the terms of the budget resolution adopted by the General Assembly.</p>	<p>12. Transfers by the Secretary-General within the total amount appropriated under the estimates may be made to the extent permitted by the terms of the budget resolution adopted by the General Assembly.</p>	Drafting changes. In some agencies, the Executive Boards, etc., have some executive responsibility for transfers.
<i>Article V—Provision of funds</i>		
<p>5.1 The appropriations, subject to the adjustments effected in accordance with the provisions of regulation 5.2, shall be financed by contributions from Member States, according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.</p>	<p>15. The appropriations, subject to the adjustments to be effected in accordance with the provisions of regulation 17, shall be financed by contributions from Members according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.</p>	The only change is the number of the regulation referred to.

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<p>5.2 In the assessment of the contributions of Member States, adjustments shall be made to the amount of the appropriations approved by the General Assembly for the following financial year in respect of :</p> <p>(a) Supplementary appropriations for which contributions have not previously been assessed on the Members;</p> <p>(b) Miscellaneous income for which credits have not previously been taken into account, and any adjustments in estimated miscellaneous income previously taken into account;</p> <p>(c) Contributions resulting from the assessment of new Members under the provisions of regulation 5.8;</p> <p>(d) Any balance of the appropriations surrendered under regulations 4.3 and 4.4.</p>	<p>17. In the assessment of the contributions of Members, there shall be adjustments to the amount of the appropriations approved by the General Assembly for the following year in respect of :</p> <p>(a) Supplementary appropriations for which contributions have not previously been assessed on the Members;</p> <p>(b) Estimated miscellaneous income for the financial year to which the appropriations relate;</p> <p>(c) Miscellaneous income of former years for which credit has not previously been taken into account, and deficiencies in estimated income which was previously taken into account;</p> <p>(d) Contributions resulting from the admission of new Members under the provisions of regulation 19;</p> <p>(e) Any balance of the appropriations of the last completed financial year surrendered under regulation 14.</p>	<p>There is no basic change. Paragraphs (b) and (c) of the present regulation have been combined, and the requirement that "estimated" miscellaneous income be credited has been deleted for reasons of flexibility. The United Nations will continue to adjust the appropriations for estimated income.</p>
<p>5.3 After the General Assembly has voted the appropriations and determined the amount of the Working Capital Fund, the Secretary-General shall :</p> <p>(a) Transmit the relevant documents to Member States;</p> <p>(b) Inform Members of their commitments in respect of annual contributions and advances to the Working Capital Fund;</p> <p>(c) Request them to remit their contributions and advances.</p>	<p>18. After the General Assembly has adopted the budget and determined the amount of the Working Capital Fund and its subdivisions, the Secretary-General shall :</p> <p>(a) Transmit all relevant documents to Members;</p> <p>(b) Inform Members of their commitments in respect of annual contributions and of advances to the Working Capital Fund;</p> <p>(c) Request them to remit their contributions and any advances to the Working Capital Fund.</p>	<p>Drafting changes.</p>
<p>5.4 Contributions and advances shall be considered as due and payable in full within 30 days of the receipt of the communication of the Secretary-General referred to in regulation 5.3 above, or as of the first day of the financial year to which they relate, whichever is the later.</p>		<p>New regulation. Several agencies have a regulation of this nature and wish to maintain the provision.</p>
<p>5.5 Annual contributions and advances to the Working Capital Fund shall be assessed and paid in US dollars.</p>	<p>20. Annual contributions and advances to the Working Capital Fund shall be assessed and paid in the currency of the State in which the United Nations has its Headquarters.</p>	<p>Drafting changes.</p>

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
5.6 Payments made by a Member State shall be credited first to the Working Capital Fund and then to the contributions due in the order in which the Member was assessed.	21. Payments made by a Member shall be applied first as a credit to the Working Capital Fund and then to the contributions due in the order in which the Member was assessed.	Drafting changes.
5.7 The Secretary-General shall submit to the regular session of the General Assembly a report on the collection of contributions and advances to the Working Capital Fund.		New regulation.
5.8 New Members shall be required to make a contribution for the year in which they become Members, and an advance to the Working Capital Fund at rates to be determined by the General Assembly.	19. New Members shall be required to make a contribution for the year in which they are first admitted and an advance to the Working Capital Fund, at rates to be determined by the General Assembly.	Drafting change.
5.9 States which are not Members of the United Nations but which become parties to the Statute of the International Court of Justice or other treaty bodies financed from United Nations appropriations shall contribute to the estimated expenses of such bodies at rates to be determined by the General Assembly. Such contributions shall be taken into account as miscellaneous income.	22. States which are not Members of the United Nations but which become parties to the Statute of the International Court of Justice, shall contribute to the expenses of the Court in amounts as may be determined by the General Assembly. Such amounts shall be taken into account as miscellaneous income.	Provision is made for contributions to "other treaty bodies" to cover cases such as the Permanent Central Opium Board.
<i>Article VI—Funds</i>		
6.1 There shall be established a General Fund for the purpose of accounting for the expenditures of the Organization. The contributions paid by Member States under regulation 5.1, miscellaneous income, and any advances made from the Working Capital Fund to finance general expenditures shall be credited to the General Fund.		A General Fund is specified in the regulations of several agencies. This provision would not cause any major change in the United Nations, present practices.
6.2 There shall be established a Working Capital Fund in an amount and for purposes to be determined from time to time by the General Assembly. The source of monies of the Working Capital Fund shall be advances from Member States in accordance with the scale of assessments as determined by the General Assembly.	16. The General Assembly shall determine the amount of the Working Capital Fund and any sub-divisions thereof.	New regulations. These additions are made in order to place in the regulations some of the present practices relative to the Fund which were considered to be of regulatory stature.
6.3 Advances made by Member States to the Working Capital Fund shall be carried to the credit of the Members which have made such advances.		
6.4 Advances made from the Working Capital Fund to finance budgetary appropriations during a financial year shall be reimbursed to the		

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Fund as soon as and to the extent that income is available for that purpose.

6.5 Advances made from the Working Capital Fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary estimates, except when such advances are recoverable from some other source.

6.6 Income derived from investments of the Working Capital Fund shall be credited to miscellaneous income.

6.7 Trust, Reserve and Special Funds may be established by the Secretary-General.

6.8 The purpose and limits of each Trust, Reserve and Special Fund shall be clearly defined by the appropriate Authority Unless otherwise provided by the General Assembly, such Funds shall be administered in accordance with these Regulations.

Article VII—Other income

7.1 All income, other than :
 (a) Contributions to the budget;
 (b) Refunds of direct expenditures made during the financial year; and
 (c) Advances or deposits to Funds, shall be classed as miscellaneous income, for credit to the General Fund.

7.2 Voluntary contributions may be accepted by the Secretary-General provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Organization and provided that the acceptance of such contributions which directly or indirectly involve additional financial liability for the Organization shall require the consent of the appropriate authority.

7.3 Monies accepted for purposes specified by the donor shall be treated as Trust or Special Funds under regulations 6.7 and 6.8.

7.4 Monies accepted in respect of which no purpose is specified shall be treated as miscellaneous income and reported as "gifts" in the annual accounts.

37. Income from investments of the Working Capital Fund shall be accounted for as miscellaneous income...

35. ... The purpose and limits of each trust or other special fund established shall be clearly defined by the appropriate authority.

Drafting change only.

The proposed regulations amplify the present provisions relating to Trust and Special Funds. As regards the authority to establish funds, ample safeguards against any misuse on the authority is provided in proposed regulation 11.3 regarding separate accounts and 6.8 providing that these regulations (including those relating to audit) will govern such funds.

New regulations. Proposed regulation 7.1 is intended to define the concept of miscellaneous income. The other three, 7.2, 7.3 and 7.4, are included to provide the authority to accept gifts and the conditions and controls relating to such acceptance.

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<i>Article VIII—Custody of funds</i>		
8.1 The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.	23. The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.	No change.
<i>Article IX—Investment of funds</i>		
9.1 The Secretary-General may make short-term investments of monies not needed for immediate requirements and shall inform the Advisory Committee periodically of such investments which he has made.	36. The Secretary-General may make short-term investments of monies which are not needed for immediate requirement and shall inform the Advisory Committee periodically of the investments which he has made. Notwithstanding these provisions, the Secretary-General may make long-term investments on account of the Joint Staff Pension Scheme on the advice of the Investments Committee, established under the Provisional Regulations for the United Nations Joint Pension Staff Scheme, and in respect of the Library Endowment and other special funds.	No change in substance. Regulation 9.3 is new and is required to give direction for the crediting of interest income.
9.2 The Secretary-General may make long-term investments of monies standing to the credit of Trust, Reserve or Special Funds as may be provided by the appropriate authority in respect of each such Fund.		
9.3 Income derived from investments shall be credited as provided in the rules relating to each Fund.		
<i>Article X—Internal control</i>		
10.1 The Secretary-General shall :	24. The Secretary-General shall :	There have been some changes in this regulation. Proposed paragraph (d) (ii), covering present paragraph (f) (ii), has been entered to cover Trust and Special Funds. It is considered that present paragraph (b) is covered by the general provisions of proposed regulation 11.1, as is the first portion of present paragraph (c). The latter portion of paragraph (c) is covered in proposed regulation 10.4.
(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;	(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;	
(b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payment has not previously been made;	(b) Cause an accurate record to be kept of all capital acquisitions and all supplies purchased and used;	
(c) Designate the officers who may receive monies, incur obligations and make payments on behalf of the Organization;	(c) Render to the Auditors with the accounts a statement as at 31 December of the financial year concerned, showing the supplies in hand and the assets and liabilities of the Organization, together with a statement of losses of cash, stores and other assets written off under regulation 27;	
(d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions in order to ensure :	(d) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or commodities have been received and that payment has not previously been made;	
(i) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Organization;	(e) Designate the officials who may receive monies, incur obligations and make payments on behalf of the United Nations;	
(ii) The conformity of obligations and expenditures with the appropriations or other financial provision voted by the General Assembly or with the purposes and rules relating to Trust and other Special Funds;		

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
(iii) The economic use of the resources of the Organization.	<p>(f) Maintain an internal financial control which shall provide for an effective current examination or review of financial transactions in order :</p> <p>(i) To ensure the regularity of the receipt, disposal and custody of all funds and other financial resources of the Organization;</p> <p>(ii) To ensure the conformity of all expenditures with the appropriations or other financial provision voted by the General Assembly;</p> <p>(iii) To obviate any uneconomic use of the resources of the Organization.</p>	
10.2 No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Secretary-General.	11. ... The Secretary-General shall make allotments in writing from the appropriations as voted by the General Assembly and under such further sub-headings as may appear appropriate and necessary, before obligations are incurred thereunder.	No change in substance. It was considered that the major importance of the regulation was to provide that no obligations could be incurred without allotments, ensuring central control. " Or other appropriate authorizations " has been included to cover authorizations of an unforeseen, extraordinary nature.
10.3 The Secretary-General may make such <i>ex gratia</i> payments as he deems to be necessary in the interests of the Organization, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.	26. The Secretary-General may make such <i>ex gratia</i> payments as he deems to be necessary in the interests of the United Nations, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.	Drafting change only.
10.4 The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditors with the annual accounts.	27. The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, subject to the requirements of regulation 24 (c).	The proposed regulation covers the provisions of present regulations 24 (c) and 27.
10.5 Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where the Secretary-General deems that, in the interests of the Organization, a departure from the rule is desirable.	28. Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where the Secretary-General deems that, in the interest of the United Nations, a departure from the rule is desirable.	Drafting change only.
<i>Article XI—The accounts</i>		
<p>11.1 The Secretary-General shall maintain such accounts as are necessary and shall submit annual accounts showing for the financial year to which they relate :</p> <p>(a) The income and expenditures of all Funds;</p> <p>(b) The status of appropriations, including :</p> <p>(i) The original budget appropriations;</p>	<p>32. The accounts shall consist of :</p> <p>(a) Budget accounts showing :</p> <p>(i) Original appropriations;</p> <p>(ii) Appropriations after modification by any transfers, carried out in accordance with the provisions of regulation 12;</p> <p>(iii) Credits, if any, other than appropriations made avail-</p>	The proposed regulation is not intended to conflict with the present provisions or practices, but rather to give a more flexible directive with regard to the accounts.

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<p>(ii) The appropriations as modified by any transfers;</p> <p>(iii) Credits, if any, other than the appropriations voted by the General Assembly;</p> <p>(iv) The amounts charged against those appropriations and/or other credits.</p> <p>(c) The assets and liabilities of the Organization.</p>	<p>lable by the General Assembly;</p> <p>(iv) Allotments made;</p> <p>(v) Obligations incurred;</p> <p>(vi) Expenditures.</p> <p>(b) A cash account showing all cash receipts and actual disbursements made;</p> <p>(c) Separate accounts for the Working Capital Fund, its sub-funds, and any other fund which may be established;</p> <p>(d) Property records showing :</p> <p>(i) Capital acquisitions and disposals;</p> <p>(ii) Equipment and supplies purchased, used and on hand;</p> <p>(e) Such records as will provide for a statement of assets and liabilities for each fund at 31 December of each financial year.</p>	
<p>11.2 The accounts of the Organization shall be presented in US dollars. The accounts may be kept in such currency or currencies as the Secretary-General may deem necessary.</p>	<p>29. The accounts of the Organization shall be kept in the currency of the State in which the United Nations has its Headquarters, provided, however, that the local accounts of branch offices may be maintained in the currency of the country in which they are situated.</p>	<p>It was considered that the important item in the present regulation is the presentation of the accounts. The currency of maintenance of accounts is more an internal matter.</p>
<p>11.3 Appropriate separate accounts shall be maintained for all Trust and other Special Funds.</p>	<p>35. Appropriate separate accounts shall be maintained for trust funds and other special funds for the purpose of accounting for unclaimed monies, and monies received and held in suspense, and for projects where the transactions involve a cycle of operations...</p>	<p>It was thought that special accounts set up for unclaimed monies, etc., are matters of routine accounting. The provision relating to Trust and Special Funds is maintained.</p>
<p>11.4 The annual accounts shall be submitted by the Secretary-General to the Board of Auditors by 31 March following the end of the financial year.</p>	<p>33. The accounts shall be submitted by the Secretary-General to the Board of Auditors by 31 March following the end of the financial year.</p>	<p>Drafting change only.</p>
<p><i>Article XII—External audit</i></p>		
<p>12.1 A Board of three Auditors, each of whom shall be the Auditor-General (or officer holding equivalent title) of a Member State, shall be appointed by the General Assembly in the manner decided by the Assembly and having regard to the joint system for external audit of the United Nations and specialized agencies. Auditors appointed may be removed only by the Assembly.</p>	<p>34. A board of three auditors, each of whom shall be the Auditor-General (or officer holding equivalent title) of a Member Government, shall be appointed by the General Assembly as External Auditors of the accounts of the United Nations and of such specialized agencies as shall have agreed thereto. The appointments shall be made in the fol-</p>	<p>The present provisions have been generally redrafted. The more or less procedural material regarding elections has been cut to a minimum as they are covered in resolution 74 (I). On the other hand, much of resolution 347 (IV) covering the common audit principles has been included in the proposed regulations.</p>

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<p>12.2 Having regard to the budgetary provisions for the audit, and after consultation with the Advisory Committee relative to the scope of the audit, the Board of Auditors shall perform such an audit as it deems necessary to certify :</p>	<p>lowing manner, and subject to the following provisions :</p>	
<p>(a) That the financial statements are in accord with the books and records of the Organization;</p>	<p>(a) In 1947, and every year thereafter, the General Assembly at its regular session shall appoint an auditor to take office from 1 July of the following year and to serve for a period of three years;</p>	
<p>(b) That the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions, and other applicable directives;</p>	<p>(b) The auditors in office shall constitute the Board of Auditors, which shall elect its own Chairman and adopt its own rules of procedure.</p>	
<p>(c) That the securities and monies on deposit and on hand have been verified by certificate received direct from the Organization's depositaries or by actual count.</p>	<p>(c) The Board, subject to the budgetary provision made by the General Assembly for the cost of audit, and after consultation with the Advisory Committee on Administrative and Budgetary Questions relative to the scope of the audit, may conduct the audit, subject to the provisions of this regulation, in such manner as it thinks fit and may engage commercial public auditors of international repute;</p>	
<p>12.3 Subject to the directions of the General Assembly, the Auditors shall be the sole judge as to the acceptance in whole or in part of the certifications by the Secretariat and may proceed to such detailed examination and verifications as they choose of all financial records, including those relating to supplies and equipment. The Auditors may engage commercial auditors of international repute.</p>	<p>(d) If any member of the Board ceases to hold the national office described in the opening paragraph of this regulation, he shall be replaced by his successor in the national office described;</p>	
<p>12.4 The Auditors may affirm by test the reliability of the internal audit and may make such reports with respect thereto as they may deem necessary, to the General Assembly, to the Advisory Committee or to the Secretary-General.</p>	<p>(e) The Board of Auditors shall submit its report, together with the certified accounts and such other statements as it thinks necessary, to the General Assembly to be available to the Advisory Committee on Administrative and Budgetary Questions not later than 1 June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report;</p>	
<p>12.5 The Auditors and their staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the Auditors, necessary for the performance of the audit. Information classified in the records of the Secretariat as confidential, and which is required for the purposes of the audit, shall be made available on application to the Assistant Secretary-General in charge of Administrative and Financial Services.</p>	<p>(f) The audit shall be carried out by the Board of Auditors subject to the requirements of the General Assembly as established by resolution thereof.</p>	
<p>12.6 The Auditors, in addition to certifying the accounts, may make such observations as they deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices. In no case, however, shall the Auditors include</p>		

PROPOSED REGULATIONS	PRESENT REGULATIONS	COMMENTS
<p>criticism in their audit report without first affording the Secretariat an opportunity of explanation to the Auditors on the matter under observation. Audit objections to any item in the accounts shall be immediately communicated to the Assistant Secretary-General in charge of Administrative and Financial Services.</p>		
<p>12.7 The Auditors shall have no power to disallow items in the accounts, but shall draw to the attention of the Secretary-General for appropriate action any transaction concerning which they entertain doubt as to legality or propriety.</p>		
<p>12.8 The Auditors shall prepare a report on the accounts certified, and on any matters on which the General Assembly by resolution thereof may from time to time give specific instructions.</p>		
<p>12.9 The Auditors shall submit their report to the General Assembly to be available to the Advisory Committee not later than 1 June following the end of the financial year to which the accounts relate. The Advisory Committee shall forward to the General Assembly its comments, if any, on the audit report. A member of the Board of Auditors shall be present when the audit report is considered by the Assembly.</p>		
<p><i>Article XIII—Resolutions involving expenditures</i></p>		
<p>13.1 No Council, commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal.</p>	<p>38. No resolution involving expenditure from the United Nations funds shall be approved by a Council unless the Council has before it a report from the Secretary-General on the financial implications of the proposals and an estimate of the costs involved in the specific proposal.</p>	<p>No change in substance except that the reports of the Secretary-General will also give administrative implications and will cover decisions of commissions and other bodies, as well as those of the councils.</p>
<p>13.2 Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations, unless the Secretary-General certifies that provisions can be made under the conditions of the resolution of the General Assembly relating to unforeseen and extraordinary expenses.</p>	<p>Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations unless the Secretary-General certifies that provision can be made under the conditions of the resolutions of the General Assembly relating to unforeseen and extraordinary expenses and the Working Capital Fund.</p>	

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Article XIV—Delegation of authority

14.1 The Secretary-General may delegate to other officers of the Organization such of his powers as he considers necessary for the effective implementation of these regulations.

New regulation.

Article XV—General provisions

15.1 These regulations shall be effective as of the date of their approval by the General Assembly, and may be amended only by the General Assembly.

Proposed regulation 15.1 covers the last sentence of present regulation 1; otherwise, these are new regulations carried over from those of certain agencies.

15.2 In case of doubt as to the interpretation and application of any of the foregoing regulations, the Secretary-General is authorized to rule thereon.

Article XVI—Special provisions

16.1 The estimates of the International Court of Justice, and of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body, shall be prepared by the Court and the Board respectively, in consultation with the Secretary-General. These estimates shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

5. ... The estimates of the International Court of Justice shall be prepared by the Court, in consultation with the Secretary-General, and shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

These provisions are proposed to be set out under "Special provisions" in order to maintain the uniformity among agencies of the regulations in the foregoing articles. The special provisions relating to the Court have in practice been extended to the Permanent Central Opium Board, and that practice has been provided for.

1. These regulations are established in accordance with the provisions of rule 37 of the provisional rules of procedure and shall be cited as the Provisional Financial Regulations. They shall become effective as from the date of their approval by the General Assembly.

As noted above, the last sentence of this regulation is covered in proposed regulation 15.1. The first sentence was not considered to be regulatory.

3. These regulations shall apply to the financial administration of the specialized agencies to the extent provided in Agreements entered into between the specialized agencies and the United Nations.

The Agreements are complete and none contemplates the use of the United Nations regulations. Further, the set now proposed is proposed as a common set, so this regulation is redundant.

10. All appropriations shall require a two-thirds majority of the General Assembly in accordance with the provisions of Article 18, paragraph 2, of the Charter of the United Nations.

It was considered that this is a matter for rules of procedure, not for financial regulations.

25. No contract, agreement or undertaking of any nature, involving a charge against the United Nations exceeding \$US100 shall be entered into, or have any force or effect, unless :

It appears that the provisions of this regulation could more logically be covered in the Secretary-General's rules. In particular, it has been accepted that personnel obligations be controlled through the manning

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- (a) Credits are reserved in the accounts to discharge any obligation which may come in course of payment in the financial year under such contract, agreement or undertaking;
- (b) The charge is a proper one against the United Nations; and
- (c) Proof has been provided that the service is for the benefit of the United Nations and the cost thereof is fair and reasonable.
- The Board of Auditors shall draw the attention of the General Assembly to any case where, in the opinion of the Board, any charge has been improperly made or was in any way irregular.
30. There shall be established one cash control record in which shall be recorded all cash receipts accruing to the benefit of the Organization. The cash control record shall be divided into such subsidiary receipts classifications as may be deemed necessary.
31. Cash shall be deposited in one or more bank accounts as required; branch accounts, or special funds which involve a separation of cash assets, shall be established as charges to the cash control record under appropriate regulations as to objects, purposes and limitations of such accounts and funds.
37. ... Income from investments of the Staff Provident Fund shall be credited to the Pension Fund.
- tables with a result that paragraph (a) is not technically operative for a major portion of the budget in any case.
- These regulations are deleted, as in practice they have not been operative from a technical point of view. The Auditors have not criticized present practices in this respect.
- The Provident Fund being almost liquidated, it was considered that this present provision can be covered under proposed regulation 9.3.

DOCUMENT A/1412

Third report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[30 September 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the text, submitted in document A/1331, annex A, of the regulations which the Secretary-General proposes for adoption by the General Assembly as the Financial Regulations of the United Nations.

2. The Advisory Committee takes note of the fact that the draft regulations have been agreed to by the Administrative Committee on Co-ordination and that

they have been, or will be, submitted by the administrative heads of the specialized agencies through the appropriate channels, for adoption as the financial regulations of their respective organizations. In view of this fact, and of the importance which the Advisory Committee attaches to the adoption of uniform regulations as a means to secure co-ordinated administration among the United Nations and the specialized agencies, every effort has been made to focus attention on the most important points, whether of substance or of form.

The amendments set forth below are, for the most part, those likely, in the opinion of the Committee, to ensure a sounder financial administration. In a few cases drafting amendments are proposed which, while not indispensable, may obviate ambiguity of meaning.

3. The financial regulations which it is now proposed to replace were designated by the General Assembly as "Provisional Financial Regulations" (resolution 163 (II)). In the report submitted by the Secretary-General

(A/1331) the term "Permanent Financial Regulations" is used, which the Advisory Committee interprets as signifying a transition from experimental to established procedures. Since, however, it seems probable that in the process of unifying administrative and financial procedures in the United Nations and the specialized agencies, other matters not covered by the present proposals may call for regulation, the Committee suggests that the title might appropriately be limited to "Financial Regulations of the United Nations".

AMENDMENTS AND OBSERVATIONS

Amendments proposed by the Advisory Committee on Administrative and Budgetary Questions to the draft Financial Regulations of the United Nations (A/1331, Annex A)

Observations

Article I

APPLICABILITY

1.1 No change.

Article II

THE FINANCIAL YEAR

2.1 No change.

Article III

THE BUDGET

3.1 No change.

3.2 No change.

3.3 No change.

3.3 Evidence was tendered to the Committee to the effect that the information required under the provisional regulations continue to be supplied without restriction of its scope. On that understanding the Committee agrees to the proposed text.

3.4 No change.

3.5 No change.

3.6 No change.

3.7 No change.

3.8 Supplementary estimates may be submitted by the Secretary-General *whenever necessary*.²

3.9 The Secretary-General shall prepare supplementary estimates in a form consistent with the annual estimates and shall submit such estimates to the General Assembly [and to the Advisory Committee]. The Advisory Committee shall review such estimates and report thereon [to the General Assembly].

3.9 Reference to a body subsidiary to the General Assembly which is required, under its terms of reference, to examine, and report on, the estimates to the General Assembly, is considered superfluous.

Article IV

APPROPRIATIONS

4.1 No change.

² Proposed additions are in italics, proposed deletions are bracketed.

Amendments proposed by the Advisory Committee on Administrative and Budgetary Questions to the draft Financial Regulations of the United Nations (A/1331, Annex A)

Observations

4.2 No change.

4.3 Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to *discharge obligations in respect of goods supplied and services rendered in the financial year and to liquidate any other outstanding legal obligation* of the year. The balance of the appropriations *shall* be surrendered.

4.4 No change.

4.5 No transfer between appropriation sections may be made without authorization by the General Assembly.

4.3 The Committee considers that, in so far as the United Nations is concerned, a definition of the term "legal obligations" is not necessary. Experience has shown that they fall into the following categories: services rendered and goods supplied up to 31 December; commitments to an unspecified amount arising out of General Assembly resolutions, for example, reimbursement of travel expenses of representatives to sessions of the General Assembly, and reimbursement of national income taxation levied upon staff members.

4.5 The regulation proposed by the Secretary-General should, in the opinion of the Committee, be replaced by a regulation to apply when no special direction, for example, in the appropriation resolution, is given by the General Assembly. However, the Assembly annually grants an exemption in that resolution, the exemption being subject to the concurrence of the Advisory Committee.

Article V

PROVISION OF FUNDS

5.1 No change.

5.2 No change.

(a) Supplementary appropriations for which contributions have not previously been assessed on the *Member States*;

(b) No change.

(c) Contributions resulting from the assessment of new *Member States*...

(d) No change.

5.2 (a) Amendment proposed for the sake of uniformity.

(c) Amendment proposed for the sake of uniformity.

(d) Although not proposing an amendment to this regulation, the Committee notes the view expressed by the Consultative Committee that savings on appropriations should be credited to the contributions of Member States only on condition that (i) contributions are paid promptly and in full, and (ii) the Working Capital Fund is established in an adequate amount (A/1331, paragraph 8).

5.3 After the General Assembly has *adopted the budget* and determined the amount of the Working Capital Fund, the Secretary-General shall:

(a) No change.

(b) Inform *Member States* of their commitments in respect of annual contributions and advances to the Working Capital Fund;

(c) No change.

5.3 Amendment proposed for the sake of uniformity with regulation 3.7.

(b) Amendment proposed for the sake of uniformity.

5.4 Contributions and advances shall be considered as due and payable in full within 30 days of the receipt of the communication of the Secretary-General referred to in regulation 5.3 above, or as of the first day of the financial year to which they relate, whichever is the later. *As of 1 January of the following finan-*

5.4 (a) The reference is to the financial year of the United Nations;

(b) The Committee considers that the proposed additional sentence serves to clarify the provisions of Article 19 of the Charter of the United Nations.

Amendments proposed by the Advisory Committee on Administrative and Budgetary Questions to the draft Financial Regulations of the United Nations (A/1331, Annex A)

Observations

cial year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.

- 5.5 Annual contributions and advances to the Working Capital Fund of the United Nations shall be assessed and paid in United States dollars.
- 5.5 In view of the fact that the currency of assessment and payment has been left to the individual decision of each organization concerned, the Committee proposes the insertion of the words " of the United Nations ". It further considers that since a uniform regulation cannot in any case be achieved, the drafting changes proposed by the Secretary-General offer little advantage.
- 5.6 No change.
- 5.7 No change.
- 5.8 New members shall be required to make a contribution for the year in which they become Members and *provide their proportion of the total* advances to the Working Capital Fund at rates to be determined by the General Assembly.
- 5.8 The drafting change proposed by the Committee is intended to remove any possible ambiguity, since the words " an advance to the Working Capital Fund " might be construed as meaning a partial payment on account.
- 5.9 States which are not Members of the United Nations but which become parties to the Statute of the International Court of Justice or [other] treaty bodies financed from United Nations appropriations shall contribute to the estimated expenses of such bodies at rates to be determined by the General Assembly. Such contributions shall be taken into account as miscellaneous income.
- 5.9 The deletion of the word " other " is proposed since the regulation is intended to cover cases such as the one contemplated in resolution 353 (IV) of the General Assembly (Permanent Central Opium Board).

Article VI

FUNDS

- 6.1 No change.
- 6.2, 6.3 There shall be established a Working Capital Fund in an amount and for purposes to be determined from time to time by the General Assembly. The source of monies of the Working Capital Fund shall be advances from Member States, *and these advances, made in accordance with the scale of assessments as determined by the General Assembly, shall be carried to the credit of the Member States which have made such advances.*
- 6.2, 6.3 The Committee is of the opinion that the two regulations may usefully be combined, in order to do away with unnecessary overlapping.
- 6.4 No change.
- 6.5 Except when such advances are recoverable from some other source, advances made from the Working Capital Fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary estimates.
- 6.5 A drafting change is proposed : the transposition of the two parts of the regulation. The Committee further suggests that it may be desirable to clarify the words " from some other source ", for example, through the repayment of loans to specialized agencies or advances from the revolving funds.
- 6.6 No change.
- 6.7 Trust Funds, Reserve and Special Accounts may be established by the Secretary-General *and shall be reported to the Advisory Committee.*
- 6.7 The Committee considers it desirable to make a distinction between Trust Funds which the Secretary-General cannot establish out of budget funds without a specific authorization of the General Assembly, and accounts which can be so established.

Amendments proposed by the Advisory Committee on Administrative and Budgetary Questions to the draft Financial Regulations of the United Nations (A/1331, Annex A)

Observations

6.8 No change.

Article VII

OTHER INCOME

7.1 *All other income, except :*

7.1 The drafting change is proposed for the sake of uniformity with the heading of the article.

7.2 Voluntary contributions, *whether or not in cash*, may be accepted by the Secretary-General provided that the purposes for which the contributions are made are consistent...

7.3 No change.

7.4 No change.

Article VIII

CUSTODY OF FUNDS

8.1 No change.

Article IX

INVESTMENT OF FUNDS

9.1 No change.

9.2 The Secretary-General may make long-term investments of monies standing to the credit of Trust *Funds*, Reserve and Special *Accounts* in such manner as may be provided by the appropriate authority in respect of each such Fund *or Account*.

9.2 Amendment proposed for the sake of uniformity with regulation 6.7.

9.3 No change.

Article X

INTERNAL CONTROL

10.1 No change.

10.2 No change.

10.3 No change.

10.4 No change.

10.5 No change.

Article XI

THE ACCOUNTS

11.1 The Secretary-General shall maintain such *accounting records* as are necessary and shall submit annual accounts...

11.1 The drafting change is proposed for the sake of clarity, in order to avoid the use of the same term for different things.

11.2 The annual accounts of the Organization shall be presented in US dollars. *Accounting records may, however*, be kept in such currency or currencies as the Secretary-General may deem necessary.

11.2 See above (11.1).

11.3 No change.

Amendments proposed by the Advisory Committee on Administrative and Budgetary Questions to the draft Financial Regulations of the United Nations (A/1331, Annex A)

Observations

11.4 The annual accounts shall be submitted by the Secretary-General to the Board of Auditors *not later than 31 March* following the end of the financial year.

11.4 This amendment is proposed in order to indicate the desirability of submitting the annual accounts at the earliest possible date.

Article XII

EXTERNAL AUDIT

(New text for the whole of the article)

12.1 Subject to any special direction of the General Assembly, each audit which the Board of Auditors established under resolution 74 (I) is required to make shall be conducted in accordance with the principles set out in the appendix to the present regulations.

12.1 The Committee proposes this text (12.1 to 12.5) in place of the draft regulations submitted by the Secretary-General, which reproduce a part only of the provisions and principles set forth in General Assembly resolutions 74 (I) and 347 (IV). In the opinion of the Committee, two alternatives are possible: either to incorporate in the financial regulations all relevant parts of the above resolutions or to set out in an annex the principles governing audit procedures which the General Assembly has already adopted (resolution 347 (IV)). The Committee favours the second alternative. The amended draft regulations submitted herewith are limited to those deemed necessary to supplement resolutions 347 (IV) and 74 (I).

12.2 At the commencement of each financial year the Board of Auditors and the Advisory Committee shall be notified as to the sum provided to defray the cost of audit of each Trust Fund, Reserve and Special Account to be performed by the Board during the year. Thereupon, the Board shall consult the Advisory Committee relative to the scope of the several audits to be made by the Board.

12.2, - 12.4 The Committee believes that the provision proposed in regulation 12.2 is desirable as a guidance to the Board of Auditors and as a limitation upon undue expenditure. In adopting the original resolution (74 (I)) on the system of audit, the General Assembly had in view the examination of the budgetary accounts or the United Nations. Since that time, however, various Special Accounts have been created, and audit reports to be submitted to the General Assembly at its fifth session cover budgetary expenditures of approximately \$40,000,000 as against non-budgetary expenditures of approximately \$100,000,000. Draft regulations 12.2, 12.3 and 12.4 provide other safeguards which the Committee considers desirable:

12.3 The Board of Auditors may allocate, subject to the concurrence of the Advisory Committee, the audit work among the members of the Board, provided that two members shall jointly certify the annual accounts submitted by the Secretary-General in accordance with the provisions of regulation 11.4.

(a) The delegation of responsibility for the audits of Special Accounts is made subject to the concurrence of the Advisory Committee;

12.4 Whenever any financial statement is certified by only one member of the Board of Auditors, there shall be associated therewith a certificate of another member of the Board to the effect that the audit programme had been approved by the Board and that all special instructions given by the Board to the member were carried out.

(b) At least two members of the Board must participate in the principal audit—that of the budgetary accounts of the United Nations; and

(c) The Board must collectively agree to the programmes of audit, and certify that the audit has been performed in the manner directed by the Board.

12.5 Whenever it is necessary to make a local or special examination, the Board of Auditors may, subject to the budgetary provision for the audit concerned, arrange for the services of any national auditor-general (or equivalent title) who is eligible to be appointed to the membership of the Board or of commercial public auditors of known repute.

12.5 The Committee considers it desirable to broaden the scope of the relevant regulation in order to permit the Board of Auditors to engage national auditors-general who are not members of the Board. As regards the engagement of commercial auditors, it may in certain cases be necessary to use the services of local firms of auditors who, while of established reputation, are unknown in an international sense.

Amendments proposed by the Advisory Committee on Administrative and Budgetary Questions to the draft Financial Regulations of the United Nations (A/1331, Annex A)

Observations

Article XIII

RESOLUTIONS INVOLVING EXPENDITURES

13.1 No change.

13.1 While not proposing an amendment, the Committee is of opinion that in the preparation of the relevant reports, fuller consideration should be given to the long-term implications of proposals. Experience has shown that proposed projects, although involving little expenditure at the outset, often call for a considerable outlay in subsequent years.

13.2 No change.

Article XIV

DELEGATION OF AUTHORITY

14.1 [Delete].

14.1 The Committee proposes the deletion of this regulation, as being redundant. The Charter of the United Nations has designated the Secretary-General as the chief administrative officer of the Organization, and the delegation of authority is therefore a function implicit in his office. The text might more appropriately form part of the financial rules promulgated by the Secretary-General.

Article XV

GENERAL PROVISIONS

15.1 No change.

15.2 [Delete].

15.2 As in the case of proposed regulation 14.1, the Committee considers it more appropriate to incorporate such a provision in the financial rules.

Article XVI

SPECIAL PROVISIONS

16.1 The estimates of the International Court of Justice [and of the Permanent Central Opium Board and Narcotic Drugs Supervisory Body] shall be prepared by the Court [and the Board respectively] in consultation with the Secretary-General. These estimates shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

16.1 The Committee sees no sufficient reason for a change in the provisional regulation.

APPENDIX TO THE FINANCIAL REGULATIONS

PRINCIPLES TO GOVERN THE AUDIT PROCEDURES OF THE UNITED NATIONS

(For the text of these Principles, see Annex A to General Assembly resolution 347 (IV)).

DOCUMENT A/C.5/L.50

Note by the Secretariat

[Original text: English]
[18 October 1950]

For the convenience of the members of the Fifth Committee, there are attached the financial regulations proposed by the Secretary-General in document A/1331, redrafted with the amendments recommended by the Advisory Committee on Administrative and Budgetary Questions, document A/1412.

FINANCIAL REGULATIONS OF THE UNITED NATIONS

Article I

APPLICABILITY

1.1 These regulations shall govern the financial administration of the United Nations, including the International Court of Justice.

Article II

THE FINANCIAL YEAR

2.1 The financial year shall be the period 1 January to 31 December inclusive.

Article III

THE BUDGET

- 3.1 The annual budget estimates shall be prepared by the Secretary-General.
- 3.2 The estimates shall cover income and expenditures for the financial year to which they relate, and shall be presented in United States dollars.
- 3.3 The annual budget estimates shall be divided into parts, sections, chapters and articles, and shall be accompanied by such information annexes and explanatory statements as may be requested on behalf of the General Assembly, and such further annexes or statements as the Secretary-General may deem necessary and useful.
- 3.4 The Secretary-General shall submit to the regular session of the General Assembly budget estimates for the following financial year. The estimates shall be transmitted to all Member States at least five weeks prior to the opening of the regular session of the General Assembly.
- 3.5 The Secretary-General shall, at least twelve weeks prior to the opening of the regular session of the General Assembly, submit the estimates to the Advisory Committee on Administrative and Budgetary Questions (hereinafter referred to as the "Advisory Committee") for examination.

3.6 The Advisory Committee shall prepare a report to the General Assembly on the estimates submitted by the Secretary-General. This report shall be transmitted to all Member States at the same time as the estimates.

3.7 The budget for the following financial year shall be adopted by the General Assembly after consideration and report on the estimates by the Administrative and Budgetary Committee of the Assembly.

3.8 Supplementary estimates may be submitted by the Secretary-General whenever necessary.

3.9 The Secretary-General shall prepare supplementary estimates in a form consistent with the annual estimates and shall submit such estimates to the General Assembly. The Advisory Committee shall review such estimates and report thereon.

Article IV

APPROPRIATIONS

- 4.1 The appropriations voted by the General Assembly shall constitute an authorization to the Secretary-General to incur obligations and make payments for the purposes for which the appropriations were voted and up to the amounts so voted.
- 4.2 Appropriations shall be available for obligation during the financial year to which they relate.
- 4.3 Appropriations shall remain available for twelve months following the end of the financial year to which they relate to the extent that they are required to discharge obligations in respect of goods supplied and services rendered in the financial year and to liquidate any other outstanding legal obligation of the year. The balance of the appropriations shall be surrendered.
- 4.4 At the end of the twelve-month period provided in regulation 4.3 above, the then remaining balance of any appropriations retained will be surrendered. Any unliquidated prior year obligations shall at that time be cancelled or, where the obligation remains a valid charge, transferred as an obligation against current appropriations.
- 4.5 No transfer between appropriation sections may be made without authorization by the General Assembly.

Article V

PROVISION OF FUNDS

5.1 The appropriations, subject to the adjustments effected in accordance with the provisions of regula-

tion 5.2, shall be financed by contributions from Member States, according to the scale of assessments determined by the General Assembly. Pending the receipt of such contributions, the appropriations may be financed from the Working Capital Fund.

5.2 In the assessment of the contributions of Member States, adjustments shall be made to the amount of the appropriations approved by the General Assembly for the following financial year in respect of :

(a) Supplementary appropriations for which contributions have not previously been assessed on the Member States;

(b) Miscellaneous income for which credits have not previously been taken into account, and any adjustments in estimated miscellaneous income previously taken into account;

(c) Contributions resulting from the assessment of new Member States under the provisions of regulation 5.8;

(d) Any balance of the appropriations surrendered under regulations 4.3 and 4.4.

5.3 After the General Assembly has adopted the budget and determined the amount of the Working Capital Fund, the Secretary-General shall :

(a) Transmit the relevant documents to Member States;

(b) Inform Member States of their commitments in respect of annual contributions and advances to the Working Capital Fund;

(c) Request them to remit their contributions and advances.

5.4 Contributions and advances shall be considered as due and payable in full within 30 days of the receipt of the communication of the Secretary-General referred to in regulation 5.3 above, or as of the first day of the financial year to which they relate, whichever is the later. As of 1 January of the following financial year, the unpaid balance of such contributions and advances shall be considered to be one year in arrears.

5.5 Annual contributions and advances to the Working Capital Fund of the United Nations shall be assessed and paid in United States dollars.

5.6 Payments made by a Member State shall be credited first to the Working Capital Fund and then to the contributions due in the order in which the Member was assessed.

5.7 The Secretary-General shall submit to the regular session of the General Assembly a report on the collection of contributions and advances to the Working Capital Fund.

5.8 New Members shall be required to make a contribution for the year in which they become Members and provide their proportion of the total advances

to the Working Capital Fund at rates to be determined by the General Assembly.

5.9 States which are not Members of the United Nations but which become parties to the Statute of the International Court of Justice or treaty bodies financed from United Nations appropriations shall contribute to the estimated expenses of such bodies at rates to be determined by the General Assembly. Such contributions shall be taken into account as miscellaneous income.

Article VI

FUNDS

6.1 There shall be established a General Fund for the purpose of accounting for the expenditures of the Organization. The contributions paid by Member States under regulation 5.1, miscellaneous income, and any advances made from the Working Capital Fund to finance general expenditures shall be credited to the General Fund.

6.2 There shall be established a Working Capital Fund in an amount and for purposes to be determined from time to time by the General Assembly. The source of monies of the Working Capital Fund shall be advances from Member States, and these advances, made in accordance with the scale of assessments as determined by the General Assembly, shall be carried to the credit of the Member States which have made such advances.

6.3 Advances made from the Working Capital Fund to finance budgetary appropriations during a financial year shall be reimbursed to the Fund as soon as and to the extent that income is available for that purpose.

6.4 Except when such advances are recoverable from some other source, advances made from the Working Capital Fund for unforeseen and extraordinary expenses or other authorized purposes shall be reimbursed through the submission of supplementary estimates.

6.5 Income derived from investments of the Working Capital Fund shall be credited to miscellaneous income.

6.6 Trust Funds, Reserve and Special Accounts may be established by the Secretary-General and shall be reported to the Advisory Committee.

6.7 The purpose and limits of each Trust Fund, Reserve and Special Account shall be clearly defined by the appropriate authority. Unless otherwise provided by the General Assembly, such Funds and Accounts shall be administered in accordance with the present Regulations.

Article VII

OTHER INCOME

7.1 All other income, except :

(a) Contributions to the budget;

(b) Direct refunds of expenditures made during the financial year; and

(c) Advances or deposits to Funds, shall be classed as miscellaneous income, for credit to the General Fund.

7.2 Voluntary contributions, whether or not in cash, may be accepted by the Secretary-General provided that the purposes for which the contributions are made are consistent with the policies, aims and activities of the Organization and provided that the acceptance of such contributions which directly or indirectly involve additional financial liability for the Organization shall require the consent of the appropriate authority.

7.3 Monies accepted for purposes specified by the donor shall be treated as Trust Funds or Special Accounts under regulations 6.6 and 6.7.

7.4 Monies accepted in respect of which no purpose is specified shall be treated as miscellaneous income and reported as "gifts" in the annual accounts.

Article VIII

CUSTODY OF FUNDS

8.1 The Secretary-General shall designate the bank or banks in which the funds of the Organization shall be kept.

Article IX

INVESTMENT OF FUNDS

9.1 The Secretary-General may make short-term investments of monies not needed for immediate requirements and shall inform the Advisory Committee periodically of such investments which he has made.

9.2 The Secretary-General may make long-term investments of monies standing to the credit of Trust Funds, Reserve and Special Accounts as may be provided by the appropriate authority in respect of each such Fund or Account.

9.3 Income derived from investments shall be credited as provided in the rules relating to each Fund or Account.

Article X

INTERNAL CONTROL

10.1 The Secretary-General shall :

(a) Establish detailed financial rules and procedures in order to ensure effective financial administration and the exercise of economy;

(b) Cause all payments to be made on the basis of supporting vouchers and other documents which ensure that the services or goods have been received, and that payments have not previously been made;

(c) Designate the officers who may receive monies, incur obligations and make payments on behalf of the Organization;

(d) Maintain an internal financial control which shall provide for an effective current examination and/or review of financial transactions in order to ensure :

(i) The regularity of the receipt, custody and disposal of all funds and other financial resources of the Organization;

(ii) The conformity of obligations and expenditures with the appropriations or other financial provision voted by the General Assembly, or with the purposes and rules relating to Trust Funds and Special Accounts;

(iii) The economic use of the resources of the Organization.

10.2 No obligations shall be incurred until allotments or other appropriate authorizations have been made in writing under the authority of the Secretary-General.

10.3 The Secretary-General may make such *ex gratia* payments as he deems to be necessary in the interests of the Organization, provided that a statement of such payments shall be submitted to the General Assembly with the annual accounts.

10.4 The Secretary-General may, after full investigation, authorize the writing off of losses of cash, stores and other assets, provided that a statement of all such amounts written off shall be submitted to the Auditors with the annual accounts.

10.5 Tenders for equipment, supplies and other requirements shall be invited by advertisement, except where the Secretary-General deems that, in the interests of the Organization, a departure from the rule is desirable.

Article XI

THE ACCOUNTS

11.1 The Secretary-General shall maintain such accounting records as are necessary and shall submit annual accounts showing for the financial year to which they relate :

(a) The income and expenditures of all Funds;

(b) The status of appropriations, including :

(i) The original budget appropriations;

(ii) The appropriations as modified by any transfers;

(iii) Credits, if any, other than the appropriations voted by the General Assembly;

(iv) The amounts charged against those appropriations and or other credits;

(c) The assets and liabilities of the Organization.

He shall also give such other information as may be appropriate to indicate the current financial position of the Organization.

11.2 The annual accounts of the Organization shall be presented in United States dollars. Accounting records may, however, be kept in such currency or currencies as the Secretary-General may deem necessary.

11.3 Appropriate separate accounts shall be maintained for all Trust Funds, Reserve and Special Accounts.

11.4 The annual accounts shall be submitted by the Secretary-General to the Board of Auditors not later than 31 March following the end of the financial year.

Article XII

EXTERNAL AUDIT

12.1 Subject to any special direction of the General Assembly, each audit which the Board of Auditors established under resolution 74 (I) is required to make shall be conducted in accordance with the principles set out in the appendix to the present regulations.

12.2 At the commencement of each financial year the Board of Auditors and the Advisory Committee shall be notified as to the sum provided to defray the cost of audit of each Trust Fund, Reserve and Special Account to be performed by the Board during the year. Thereupon, the Board shall consult the Advisory Committee relative to the scope of the several audits to be made by the Board.

12.3 The Board of Auditors may allocate, subject to the concurrence of the Advisory Committee, the audit work among the members of the Board, provided that two members shall jointly certify the annual accounts submitted by the Secretary-General in accordance with the provisions of regulation 11.4.

12.4 Whenever any financial statement is certified by only one member of the Board of Auditors, there shall be associated therewith a certificate of another member of the Board to the effect that the audit programme had been approved by the Board and that all special instructions given by the Board to the member were carried out.

12.5 Whenever it is necessary to make a local or special examination, the Board of Auditors may, subject

to the budgetary provision for the audit concerned, arrange for the services of any national Auditor-General (or equivalent title) who is eligible to be appointed to the membership of the Board or of commercial public auditors of known repute.

Article XIII

RESOLUTIONS INVOLVING EXPENDITURES

13.1 No Council, Commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal.

13.2 Where, in the opinion of the Secretary-General, the proposed expenditure cannot be made from the existing appropriations, it shall not be incurred until the General Assembly has made the necessary appropriations, unless the Secretary-General certifies that provision can be made under the conditions of the resolution of the General Assembly relating to unforeseen and extraordinary expenses.

Article XIV

GENERAL PROVISIONS

14.1 These regulations shall be effective as of the date of their approval by the General Assembly, and may be amended only by the General Assembly.

Article XV

SPECIAL PROVISIONS

15.1 The estimates of the International Court of Justice shall be prepared by the Court, in consultation with the Secretary-General. These estimates shall be submitted to the General Assembly by the Secretary-General, together with such observations as he may deem desirable.

APPENDIX

PRINCIPLES TO GOVERN THE AUDIT PROCEDURES OF THE UNITED NATIONS

1. The Board of Auditors shall perform an audit of the accounts of the United Nations, including all Trust and Special Accounts, as it may deem necessary in order to certify :

(a) That the financial statements are in accord with the books and records of the Organization;

(b) That the financial transactions reflected in the statements have been in accordance with the rules and regulations, the budgetary provisions, and other applicable directives;

(c) That the securities and monies on deposit and on hand have been verified by certificate received direct from the Organization's depositaries or by actual count.

2. Subject to the provisions of the Financial Regulations the Board of Auditors shall be the sole judge as to the accept-

ance in whole or in part of certifications by the Secretariat and may proceed to such detailed examination and verification as it chooses of all financial records, including those relating to supplies and equipment.

3. The Board of Auditors may affirm by test the reliability of the internal audit and may make such reports with respect thereto as the Board may deem necessary, to the General Assembly or to the Advisory Committee on Administrative and Budgetary Questions, or to the Secretary-General.

4. The several members of the Board and staff working under its direction shall subscribe to such oath as may be approved by the Advisory Committee on Administrative and Budgetary Questions. Thereupon the members of the

Board and its staff shall have free access at all convenient times to all books of account and records which are, in the opinion of the Board, necessary for the performance of the audit. Information classified as confidential in the records of the Secretariat and which is required by the Board for the purposes of the audit shall be made available on application to the Assistant Secretary-General for Administrative and Financial Services. In the event that the Board is of the opinion that a duty rests on it to draw to the attention of the General Assembly any matter respecting which all or part of the documentation is classified as confidential, direct quotation should be avoided.

5. The Board of Auditors, in addition to certifying the accounts, may make such observations as it may deem necessary with respect to the efficiency of the financial procedures, the accounting system, the internal financial controls and, in general, the financial consequences of administrative practices.

6. In no case, however, shall the Board of Auditors include criticism in its audit report without first affording the Secretariat an opportunity of explanation to the Board on the matter under observation. Audit objections to any items arising during the examination of the accounts shall be immediately communicated to the Assistant Secretary-General for Administrative and Financial Services.

7. The Board of Auditors shall prepare a report on the accounts certified in which it should mention :

(a) The extent and character of its examination or any important changes therein;

(b) Matters affecting the completeness or accuracy of the accounts, such as :

(i) Information necessary to the correct interpretation of the account,

(ii) Any amounts which ought to have been received but which have not been brought to account,

(iii) Expenditures not properly substantiated;

(c) Other matters which should be brought to the notice of the General Assembly, such as :

(i) Cases of fraud or presumptive fraud,

(ii) Wasteful or improper expenditure of United Nations

money or other assets (notwithstanding that the accounting for the transactions may be correct),

(iii) Expenditure likely to commit the United Nations to further outlay on a large scale,

(iv) Any defect in the general system or detailed regulations governing the control of receipts and expenditure, or of supplies and equipment,

(v) Expenditure not in accordance with the intention of the General Assembly, after making allowance for duly authorized transfers within the budget,

(vi) Expenditure in excess of appropriations as amended by duly authorized transfers within the budget,

(vii) Expenditure not in conformity with the authority which governs it;

(d) The accuracy or otherwise of the supplies and equipment records as determined by stock-taking and examination of the records;

In addition, the reports may contain reference to :

(e) Transactions accounted for in a previous year concerning which further information has been obtained, or transactions in a later year concerning which it seems desirable that the General Assembly should have early knowledge.

8. The Board of Auditors, or such of their officers as they may designate, shall certify the financial statements in the following terms :

“ The financial statements of the United Nations for the financial year ended 31 December ... have been examined in accordance with our directions. We have obtained all the information and explanations that we have required, and we certify, as a result of the audit, that, in our opinion, the financial statements are correct ”, adding, should it be necessary :

“ subject to the observations in our report ”.

9. The Board of Auditors shall have no power to disallow items in the accounts, but shall draw to the attention of the Secretary-General for appropriate action any transaction concerning which it entertains doubt as to legality or propriety.

10. A representative of the Board of Auditors shall be present when the Board's report is being considered by the General Assembly.

DOCUMENT A/1496

Report of the Fifth Committee

[Original text : English]
[10 November 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 257th meeting on 30 October 1950, considered the question of permanent financial regulations for the United Nations on the basis of a draft text submitted by the Secretary-General (A/1331) and amendments thereto proposed by the Advisory Committee on Administrative and Budgetary Questions (A/1412).

2. Resolution 80 (I) of 11 December 1946 instructed the Secretary-General to submit draft financial regulations to the Advisory Committee for consideration

and final adoption by the General Assembly at its regular annual session in 1947. In approving the regulations submitted to it at its second session the General Assembly decided, however, to continue to consider them as provisional pending further study and experience. The Fifth Committee was informed that this further study had been conducted during the period since 1947 in close consultation with the specialized agencies, as a result of which the Consultative Committee on Administrative Questions had agreed at its eighth session, after extensive discussions, on a common set of financial regulations and reported this agreement

to the Administrative Committee on Co-ordination. The latter Committee, on 3 May 1950, took note of the agreement and of the fact that the Secretary-General and the head of each specialized agency would present the regulations as drafted to the appropriate bodies of their respective organizations. The Secretary-General had accordingly presented them for consideration by the General Assembly at its fifth session as the permanent financial regulations of the United Nations foreseen by resolution 80 (I).

3. The Advisory Committee, in its report, stressed the importance it attached to the adoption of uniform regulations as a means of securing co-ordinated administration between the United Nations and the specialized agencies. In reviewing the text submitted by the Secretary-General, it had therefore sought to focus attention on the most important points, whether of substance or of form, and to limit its suggested amendments for the most part to those which, in the opinion of the Committee, would ensure a sounder financial administration. The Fifth Committee was subsequently informed that, in these circumstances, the Advisory Committee had refrained from recommending many amendments which they felt would be justified and that those proposed, other than certain minor drafting changes intended to adapt the regulations to United Nations terminology, represented the minimum, subject to which the text as submitted by the Secretary-General could be fully supported.

4. At the outset of the discussion in the Fifth Committee, the representative of the Secretary-General stated that since the proposed regulations had been developed in consultation with the specialized agencies, the amendments recommended by the Advisory Committee had been circulated to the agencies for their comments. Replies received indicated that the secretariats of the agencies had no objections to the changes proposed, subject to the following reservations :

(i) One agency stated its desire to maintain the proposed regulations 14.1 (power of the Secretary-General to delegate authority) and 15.2 (power of the Secretary-General to interpret the regulations), the deletion of which had been recommended by the Advisory Committee.

(ii) One agency stated its desire to retain the proposed regulations 4.3 (definition of availability of appropriations following the close of the financial year) and 4.5 (authority for transfers within the appropriations as voted), to which the Advisory Committee had recommended certain modifications.

(iii) Several agencies pointed out that a number of the alterations recommended by the Advisory Committee, particularly the new text of article XII (external audit), were specifically intended to meet special United Nations requirements. In presenting the regulations to their respective legislative bodies, it would therefore be necessary for similarly appropriate modifications to be introduced.

While the Secretary-General considered it his duty to draw attention to the objections raised by some specialized agencies, he was of the opinion that, so far

as the financial administration of the United Nations was concerned, the proposals of the Advisory Committee were fully acceptable.

5. Having heard these observations, several delegations supported the text as recommended by the Advisory Committee and expressed the hope that Governments which were represented both in the United Nations and in the specialized agencies, would ensure that their delegations acted consistently with a view to securing the adoption of the same model regulations, subject only to such modifications as the constitutional provisions or organizational structure of individual agencies might require.

6. The Fifth Committee then discussed, article by article, the text of the proposed regulations as amended by the Advisory Committee (A/C.5/L.50), in the course of which the following drafting changes were accepted :

(i) In regulation 3.3, the words " by, or " were inserted before the phrase " on behalf of the General Assembly, "

(ii) In regulation 6.2, the words " for the apportionment of the expenses of the United Nations " were added after the phrase " scale of assessments as determined by the General Assembly ".

7. It was agreed that in approving the text of regulation 3.3 dealing with the form and content of the budget estimates, particular note should be taken of the Advisory Committee's comment thereon to the effect that in accepting the new text it was understood that the information specifically called for under the provisional regulation would continue to be supplied without restriction as to its scope.

8. In connexion with article IV (appropriations), the question was raised as to whether the provisions of paragraph 1 were fully consistent with resolution 311 C (IV) requesting specialized agencies to limit their expenditure to the amount of contributions likely to be received. It was the consensus of opinion, however, that so far as the United Nations was concerned, no special action appeared necessary at this juncture. It was also pointed out that the authorization given to the Secretary-General to incur obligations up to the amounts appropriated did not in any way bind him to spend the full amounts so voted, but merely the sums necessary for the proper working of the Organization. Nevertheless, it was agreed that the possibility of future action being necessary in the event of the United Nations finding itself in financial difficulties as a result of non-payment of contributions merited further study. On the suggestion of the representative of Australia, the Advisory Committee was accordingly invited to consider the measures that might be taken should such a situation develop.

9. In commenting on the provisions of regulation 5.5 to the effect that " Annual contributions and advances to the Working Capital Fund of the United Nations shall be assessed and paid in United States dollars ", several delegations concurred in a proposal of the representative of Brazil for inclusion in the financial regulations of a provision authorizing the Secretary-General to

receive contributions in currencies other than United States dollars, and establishing criteria on the basis of which the amounts of such other currencies required by the United Nations in a particular fiscal year, and the allocation of such amounts among Members, might be determined. A number of other delegations, however, while commending the principle underlying the Brazilian proposal, expressed the view that it would be unwise to incorporate any such provision in the financial regulations themselves and urged instead that the practice followed since 1948 be continued, under which this question is dealt with in conjunction with the report of the Committee on Contributions. The Chairman of the Committee on Contributions pointed out, in this connexion, that paragraph 37 of the Committee's report to the fifth session of the General Assembly (A/1330)³ stated that "in view of the continuing dollar shortage in many countries the General Assembly may wish again to empower the Secretary-General to accept part of the 1951 contributions in currencies other than United States dollars". The Committee was also reminded that, at its second session, the General Assembly had been faced with the same problem and had decided against incorporating a special provision in the text of the Provisional Financial Regulations and to adopt instead an accompanying resolution (163 (II)) empowering the Secretary-General to accept, at his discretion, and after consultation with the Chairman of the Committee on Contributions, a portion of the contributions of Member States for the following financial year in currencies other than United States dollars. On the understanding that similar action would be taken so long as the present dollar stringency continued, it was finally agreed that the text of the regulation as recommended by the Advisory Committee might be approved.

10. As regards the provision in sub-paragraph (d) of regulation 5.2, which requires that in the assessment of contributions of Member States adjustments shall be made to the amount of the appropriations approved by the General Assembly for the following financial year in respect of any balance of the appropriations surrendered under regulations 4.3 and 4.4, it was agreed, on the proposal of the representative of Australia, that the Advisory Committee might study the possibility of applying unspent balances of appropriations to contributions in arrears.

³ See *Official Records of the General Assembly, Fifth Session, Supplement No. 13*.

11. In approving regulation 13.1, under which no Council, commission or other competent body shall take a decision involving expenditure unless it has before it a report from the Secretary-General on the administrative and financial implications of the proposal, the Committee took particular note of the comment thereon of the Advisory Committee in its report (A/1412). While not proposing an amendment to the proposed text of this regulation, the Advisory Committee expressed the view that in the preparation of the relevant reports fuller consideration should be given to the long-term implications of proposals, since experience had shown that many projects, although involving little expenditure at the outset, often call for a considerable outlay in subsequent years.

12. Subject to these observations and suggestions, the Fifth Committee unanimously approved the financial regulations of the United Nations as set out in the annex to the present report. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

FINANCIAL REGULATIONS OF THE UNITED NATIONS

The General Assembly,

Taking note of the agreement reached in the Administrative Committee on Co-ordination to recommend a common set of financial regulations for the United Nations and the specialized agencies,

Approving the amendments recommended by the Advisory Committee on Administrative and Budgetary Questions,

1. *Declares* that the Financial Regulations set out in the annex⁴ to the present resolution are adopted in place of those adopted by the General Assembly at its second session under resolution 163 (II);

2. *Expresses* the hope that Member States will support the adoption by the specialized agencies of the Financial Regulations approved herein for the United Nations, with only such alterations as are required to meet the constitutional provisions and organizational structure of the respective agencies.

⁴ For the text of the Financial Regulations, see *Official Records of the General Assembly, Fifth Session, Supplement No. 20*, annex to resolution 456 (V).

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
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A/1412	Third report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	18	

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A/C.5/L.50	Note by the Secretariat	25	
A/C.5/L.72	Draft report of the Fifth Committee		Same as A/1496.
A/1520	Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 456 (V).</i>



Agenda item 42 : Permanent staff regulations of the United Nations : report of the Secretary-General

C O N T E N T S

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DOCUMENT A/1360

Report of the Secretary-General

[Original text : English]
[13 September 1950]

1. In a report to the second session of the General Assembly on the subject of provisional staff regulations (A/435), the Secretary-General stated his belief that there was not sufficient experience to warrant the proposal that those regulations should be made permanent at that time, and consequently recommended that the staff regulations should remain provisional until a later session of the General Assembly.

2. After more than four years of experience in administering the United Nations Secretariat and in the problems of inter-agency co-ordination, the Secretary-General is of the opinion that the time has now come for the formulation of permanent staff regulations. It is his strong belief, held also by the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331),¹ that much would be gained from putting on a permanent basis the fundamental conditions of service and the basic regulations in which the rights, duties and obligations of the Secretariat staff are defined.

3. The drive towards a unified international civil service through inter-agency co-ordination on personnel matters has been persistent since the creation of the United Nations and since the specialized agencies were brought into relationship with the United Nations. In the majority of agreements

entered into between the United Nations and the specialized agencies² the article on personnel arrangements pledges both parties to develop common personnel standards, methods and arrangements designed to avoid serious discrepancies in terms and conditions of employment, to avoid competition in recruitment of personnel, and to facilitate the interchange of personnel in order to obtain the maximum benefits from their services.

4. The desirability of administrative co-ordination has been re-emphasized at each session of the General Assembly. The detailed techniques to improve such co-ordination have been repeatedly considered by the Advisory Committee on Administrative and Budgetary Questions.

5. During the last two years, the question of common personnel standards, including such matters as salary, allowance and leave systems, and the basic assumptions underlying the staff regulations of the United Nations and the specialized agencies, has been given special attention by the Administrative Committee on Co-ordination and has been the subject of continuing study.

6. Further, in its report on recruitment methods and standards for the United Nations and the specialized

¹ See *Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex*, vol. II, para. 48.

² International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, Food and Agriculture Organization, International Civil Aviation Organization, World Health Organization, International Refugee Organization.

agencies³ the International Civil Service Advisory Board, while endorsing the high desirability of inter-agency transfers and promotions, pointed out that the lack of uniform provisions in the staff regulations of the agencies had interfered greatly with the mobility of staff. The report said in part:

« ... the Board noted that so long as the staff regulations and conditions of employment vary so materially between participating organizations, regular transfers as a normal part of an international civil service career cannot be accomplished. Up to the present time, so-called transfers, because of the differences in classification and grading, salary rates, types of appointment, provident and pension fund, have been more often in the nature of terminations and new appointments than transfers in the real sense. »

7. Having regard to the above developments, the Secretary-General is under an obligation to secure as much uniformity as possible, with the object of further progress towards the development of a unified international civil service. With this obligation in mind, a series of discussions have been held with administrative representatives of the specialized agencies concerned for the purpose of drafting a common set of permanent staff regulations. The result is the attached proposed Permanent Staff Regulations (annex A), the basic principles of which have been agreed upon by the United Nations and the specialized agencies as a common pattern. Regulation 4.4 appears in a revised form which has not yet been discussed with administrative representatives of the specialized agencies.

8. Each member of the Administrative Committee on Co-ordination has been requested to bring the principles contained in the proposed Permanent Staff Regulations before the appropriate authorities of his agency, though the Committee in its eighth report to the Economic and Social Council (E/1865 para.21) recognized that.

“ ... while the agencies should do the utmost to implement these principles, the diversity of structure may make it difficult, if not impossible, for certain of the agencies to agree on an identical form or wording of basic regulations. It is also recognized that agreement on these principles does not affect the constitutional position relating to the competence to approve and amend staff regulations within each agency, nor the freedom of each agency to complement these principles on any point on which more detailed provision would appear desirable. ”

9. In presenting these regulations, the Secretary-General is in fullest agreement with the recommendation in the first report of the Advisory Group of Experts on Administrative, Personnel and Budgetary Questions that “ the Staff Regulations to be approved by the General Assembly should embody broad principles only appropriate for legislation, and that the application

of these principles should be embodied in staff rules to be promulgated by the Secretary-General ”.⁴

10. The Secretary-General has consulted closely, during the preparation of these regulations, with the Staff Committee of the United Nations and has benefited from its comments. The Staff Committee endorses the majority of the regulations as they now stand, and in particular shares with the Secretary-General the desire to see that they should, as far as practicable, be kept free of administrative encumbrances.

11. Understandably there were points of difference. The Staff Committee was of the opinion that the approval of the General Assembly should be explicitly required for the manner in which posts are classified and for the social security scheme, and that the General Assembly should establish the salary system. The Committee maintained that adequate provision had not been made for staff participation in the discussion and in the application of policies and procedures relating to staff questions; it wished the word “ contract ” to be used in the regulations; regretted that regulation 4.4 accorded no preferential treatment to staff members; desired the reinsertion in the regulations of the specific terms of notice and indemnity payment upon termination, and of a regulation on training; and, in accordance with the previously expressed views of staff representatives, asked that the expatriation allowance should be retained in place of the proposed repatriation grant. The Staff Committee also recommended that, except for Assistant Secretaries-General, all “ staff members shall be granted permanent contracts after a probationary period not to exceed two years ”, with fixed-term appointments preceding such action.

12. The Secretary-General, after giving sympathetic scrutiny to these and other more detailed points on which the Staff Committee had made representations, reached the conclusion that these several recommendations were not appropriate to the common pattern of staff regulations, and that they did not take sufficient account of the realities and developing needs of the international civil service.

13. Finally, the Staff Committee asked that it should be permitted to present its views directly to the General Assembly. The Secretary-General believed that such a course would be administratively unsound and would establish an unfortunate precedent, but that the final decision must of course lie with the General Assembly.

14. The Secretary-General recommends that the General Assembly approve the following draft resolution and the accompanying Permanent Staff Regulations for the United Nations Secretariat proposed in annex A. For convenient reference, a comparative paper (annex B) has been prepared showing the proposed Permanent Staff Regulations in relation to the Provisional Staff Regulations.

⁴ See *First Report of the Advisory Group of Experts on Administrative, Personnel and Budgetary Questions to the Secretary-General of the United Nations*, para. 12, page xiv.

³ See Coord/Civil Service/2/Rev. 1, para. 58.

DRAFT RESOLUTION

The General Assembly,

Having regard to the fact that the United Nations has now acquired sufficient experience to warrant the adoption of permanent staff regulations,

Noting that substantial agreement has been reached regarding a common pattern of staff regulations for the United Nations and the specialized agencies in order

further to facilitate inter-agency co-ordination in personnel matters,

Adopts as permanent the Staff Regulations embodying the fundamental conditions of service and the basic rights, duties and obligations of the United Nations Secretariat staff as contained in annex A. These regulations shall be effective on 1 January 1951 and shall supersede the Provisional Staff Regulations and all other regulations affecting the staff, including those deriving from resolutions of the General Assembly, in force before the above date and which are contrary to these Staff Regulations.

ANNEX A

PROPOSED PERMANENT STAFF REGULATIONS OF THE UNITED NATIONS

SCOPE AND PURPOSE

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the United Nations Secretariat staff. They are the broad principles of personnel policy for the guidance of the Secretary-General in the staffing and administration of the Secretariat. The Secretary-General may, as chief administrative officer, provide and enforce such staff rules consistent with these principles as he considers necessary.

Article I

DUTIES, OBLIGATIONS AND PRIVILEGES

- 1.1 All staff members of the Organization are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the United Nations only in view.
- 1.2 All staff members are subject to the authority of the Secretary-General and to assignment by him to any of the activities or offices of the United Nations. They are responsible to him in the exercise of their functions. In principle, the whole time of staff members shall be at the disposal of the Secretary-General.
- 1.3 In the performance of their duties staff members shall neither seek nor accept instructions from any government or from any other authority external to the Organization.
- 1.4 No staff member shall accept, hold or engage in any office or occupation which is incompatible with the proper discharge of his duties with the United Nations.
- 1.5 Staff members shall conduct themselves at all times in a manner compatible with their status as international civil servants. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.
- 1.6 Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except in the course of their duties or

by authorization of the Secretary-General. At no time shall they in any way use to private advantage information known to them by reason of their official position. These obligations do not cease with separation from service.

- 1.7 No staff member shall accept any honour, decoration, favour, gift or remuneration from any government, or from any other source external to the Organization, if such acceptance is incompatible with his status as an international civil servant.
- 1.8 Any staff member who becomes a candidate for a public office of a political character shall resign from the Secretariat.
- 1.9 The immunities and privileges attaching to the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to staff members for non-performance of their private obligations or failure to observe laws and police regulations. The decision whether to waive any privileges or immunities of the staff in any case that arises shall rest with the Secretary-General.
- 1.10 All staff members shall subscribe to the following oath or declaration :

“ I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any government or other authority external to the Organization ”.
- 1.11 The oath or declaration shall be made orally by the Assistant Secretaries-General at a public meeting of the General Assembly, and by the other staff members before the Secretary-General or his authorized deputy.

Article II

CLASSIFICATION OF POSTS AND STAFF

- 2.1 Appropriate provision shall be made by the Secretary-General for the classification of posts and staff according to the nature of the duties and responsibilities required.

Article III

SALARIES AND RELATED ALLOWANCES

- 3.1 The salaries for Assistant Secretaries-General and Principal Directors shall be determined by the General Assembly as specified in appendix I of these regulations.
- 3.2 The salaries of other staff members shall be determined by the Secretary-General at levels below that adopted for the post of Principal Director; salaries and wages for stenographic, clerical and manual work, and for work of a comparable nature, shall be fixed in accordance with the best prevailing conditions of employment in the locality of the United Nations office concerned.
- 3.3 The basic salary rates may be adjusted at duty stations away from Headquarters by the application of salary differentials which take into account relative cost of living, standards of living and related factors.
- 3.4 The Secretary-General shall establish a scheme for the payment of children's allowances, education grants and such other allowances as he may deem necessary in the interests of the Organization.

Article IV

APPOINTMENT AND PROMOTION

- 4.1 The Secretary-General shall appoint staff members as required.
- 4.2 The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting and maintaining the staff on as wide a geographical basis as possible.
- 4.3 Selection of staff members shall be without regard to race, creed or sex. So far as is practicable, selection shall be made on a competitive basis.
- 4.4 Vacancies shall be filled on a competitive basis. Without prejudice to the inflow of fresh talent at all levels, the experience of persons already in the service of the United Nations shall be taken into account in promotions. This consideration shall also be applied, on a reciprocal basis, to the specialized agencies brought into relationship with the United Nations.
- 4.5 Appointments of Assistant Secretaries-General and Principal Directors shall be for a period not to exceed five years, subject to renewal. Other staff members shall be granted either permanent or temporary appointments, under such terms and conditions consistent with these regulations as the Secretary-General may prescribe.
- 4.6 The Secretary-General shall establish appropriate medical standards which prospective staff members shall normally be required to meet before appointment.

Article V

ANNUAL AND SPECIAL LEAVE

- 5.1 Staff members shall be allowed appropriate annual leave. In exceptional cases, special leave may be authorized by the Secretary-General.
- 5.2 In order that staff members may take their leave periodically in their home countries, the United Nations shall

allow necessary travelling time for that purpose under conditions and definitions prescribed by the Secretary-General.

Article VI

SOCIAL SECURITY

- 6.1 Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund.
- 6.2 The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death arising out of or in the course of performing official duties on behalf of the United Nations.

Article VII

TRAVEL AND REMOVAL EXPENSES

- 7.1 Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall pay the travel expenses of staff members and, in appropriate cases, their dependants
 Upon appointment and on subsequent change of official duty station,
 Upon the taking of leave at home when authorized, and
 Upon separation from the service.
- 7.2 Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall pay removal costs for staff members
 Upon appointment and on subsequent change of official duty station, and
 Upon separation from the service.

Article VIII

STAFF RELATIONS

- 8.1 The Secretary-General shall make provision for staff participation in the discussion of policies relating to staff questions.

Article IX

SEPARATION FROM SERVICE

- 9.1 Staff members may resign from the Secretariat upon giving the Secretary-General the notice required under the terms of their appointment.
- 9.2 The Secretary-General may terminate the appointment of a staff member in accordance with the terms of his appointment, or if the necessities of the service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory, or if he is, for reasons of health, incapacitated for further service.
- 9.3 If the Secretary-General terminates an appointment the staff member shall be given notice and indemnity payment in accordance with the terms of his appointment.
- 9.4 The Secretary-General shall establish a scheme for the payment of repatriation grants in accordance with the maximum rates and conditions specified in appendix II of these regulations.

9.5 Normally, staff members shall not be retained in active service beyond the age specified in the Pension Fund regulations as the age of retirement. The Secretary-General may, in the interest of the Organization, extend this age limit in exceptional cases.

Article X

DISCIPLINARY MEASURES

10.1 The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory. He may summarily dismiss a member of the staff for serious misconduct.

10.2 The Secretary-General may establish administrative machinery with staff participation which shall be available to advise him in disciplinary cases.

Article XI

APPEALS

11.1 The Secretary-General shall establish administrative machinery with staff participation to advise him in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of appointment, including all pertinent regulations and rules, or against disciplinary action.

11.2 Provision shall be made for an Administrative Tribunal which, under conditions prescribed in its statute, shall hear and pass judgment upon applications from staff members alleging non-observance of their terms of appointment, including all pertinent regulations and rules.

Article XII

GENERAL PROVISIONS

12.1 These regulations may be supplemented or amended by the General Assembly, without prejudice to the acquired rights of staff members.

APPENDIX I

SALARIES FOR ASSISTANT SECRETARIES-GENERAL AND PRINCIPAL DIRECTORS ⁵

An Assistant Secretary-General shall receive a salary of... (subject to the staff assessment plan), together with an

allowance varying from ... to ... at the Secretary-General's discretion.

The allowances for Assistant Secretaries-General are deemed to include all representation (including hospitality) and special allowances, such as housing, education and children's allowances, but not such reimbursable allowances as travel, subsistence and removal costs upon appointment, transfer or termination of appointment with the Organization, official travel and home leave travel.

A Principal Director shall receive a salary of ... (subject to the staff assessment plan and salary differentials wherever applied), and shall be eligible for such special allowances as are available to staff members generally, such as education and children's allowances. Hospitality expenses of Principal Directors will be reimbursable up to a maximum of ... per annum, on the basis of expenses actually incurred.

APPENDIX II

REPATRIATION GRANT ⁶

In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate, except those terminated by summary dismissal. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall vary with the length of service with the United Nations (exclusive of periods when an expatriation allowance was received). The maximum rates payable shall be as follows :

<i>Years of continuous service away from home country</i>	<i>Staff member with neither a wife, dependent husband nor dependent child at time of separation</i> (Months of salary)	<i>Staff member with a wife, dependent husband or dependent child at time of separation</i> (Months of salary)
<i>After :</i>		
2 years.....
3 years....
4 years.....
5 years.....
6 years.....
7 years.....
8 years.....
9 years.....
10 years.....
11 years.....
12 years.....

The maximum grant payable under this plan shall be... (net) for a staff member without dependants and... (net) for a staff member with dependants.

ANNEX B

COMPARISON BETWEEN THE PROPOSED PERMANENT STAFF REGULATIONS AND THE PROVISIONAL STAFF REGULATIONS

<i>Proposed permanent staff regulations</i>	<i>Provisional staff regulations</i>	<i>Comments</i>
<i>Note :</i> The proposed Permanent Staff Regulations set out in the present Annex were prepared in consultation with administrative representatives of the specialized agencies.	As adopted by General Assembly resolution 13 (I), and amended by resolutions 82 C (I), 161 (II) and 352 (IV).	

⁵ The salary and allowance figures for Assistant Secretaries-General and Principal Directors will be inserted in the above draft after a decision has been taken in connexion with the consideration of the general question of the salary, allowance and leave system.

⁶ The maximum rate figures will be inserted in the above draft after a decision has been taken in connexion with the consideration of the general question of the salary, allowance, and leave system.

*Proposed permanent staff regulations**Provisional staff regulations**Comments*

SCOPE AND PURPOSE

SCOPE AND PURPOSE

The Staff Regulations embody the fundamental conditions of service and the basic rights, duties and obligations of the United Nations Secretariat staff. They are the broad principles of personnel policy for the guidance of the Secretary-General in the staffing and administration of the Secretariat. The Secretary-General may, as chief administrative officer, provide and enforce such Staff Rules consistent with these principles as he considers necessary.

The first sentence of this preamble is generally in accordance with General Assembly resolution 13 (I), paragraph 10 (adopted on 13 February 1946); the latter portion clarifies the nature and inter-relation of the Staff Regulations and the Staff Rules.

Article I

DUTIES, OBLIGATIONS AND PRIVILEGES

1.1 All staff members of the Organization are international civil servants. Their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the United Nations only in view.

Regulation 1

The Secretary-General and all members of the staff of the Organization are international civil servants, and their responsibilities are not national but exclusively international. By accepting appointment, they pledge themselves to discharge their functions and to regulate their conduct with the interests of the United Nations only in view. In the performance of their duties they shall not seek nor receive instructions from any Government or from any other authority external to the Organization. All members of the staff are subject to the authority of the Secretary-General, and are responsible to him in the exercise of their functions.

1.1, 1.2, 1.3 Regulations 1.1, 1.2 and 1.3 incorporate the substance of provisional regulations 1 and 17.

Article 100, paragraph 1, of the Charter of the United Nations reads: " In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any Government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization ".

1.2 All staff members are subject to the authority of the Secretary-General and to assignment by him to any of the activities or offices of the United Nations. They are responsible to him in the exercise of their functions. In principle, the whole time of staff members shall be at the disposal of the Secretary-General.

Regulation 17

The whole time of members of the staff shall be at the disposal of the Secretary-General. The Secretary-General shall establish a normal working week.

1.3 In the performance of their duties staff members shall neither seek nor accept instructions from any Government or from any other authority external to the Organization.

1.4 No staff member shall accept, hold or engage in any office or occupation which is incompatible with the proper discharge of his duties with the United Nations.

Regulation 7

No member of the staff shall accept, hold, or engage in any office or occupation which in the opinion of the Secretary-General is incompatible with the proper discharge of his duties with the United Nations.

1.4 No change in substance (provisional regulation 7).

Proposed permanent staff regulations

1.5 Staff members shall conduct themselves at all times in a manner compatible with their status as international civil servants. They shall avoid any action and in particular any kind of public pronouncement which may adversely reflect on that status. While they are not expected to give up their national sentiments or their political and religious convictions, they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

1.6 Staff members shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any information known to them by reason of their official position which has not been made public, except in the course of their duties or by authorization of the Secretary-General. At no time shall they in any way use to private advantage information known to them by reason of their official position. These obligations do not cease with separation from service.

1.7 No staff member shall accept any honour, decoration, favour, gift or remuneration from any Government, or from any other source external to the Organization, if such acceptance is incompatible with his status as an international civil servant.

1.8 Any staff member who becomes a candidate for a public office of a political character shall resign from the Secretariat.

1.9 The immunities and privileges attaching to the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to staff members for non-performance of their private obligations or failure to observe laws and police regulations. The decision whether to waive any privileges or immunities of the staff in any case that arises shall rest with the Secretary-General.

*Provisional staff regulations**Regulation 6*

Members of the staff shall avoid any action, and in particular any kind of public pronouncement or activity which may adversely reflect on their position as international civil servants. They are not expected to give up their national sentiments or their political and religious convictions; but they shall at all times bear in mind the reserve and tact incumbent upon them by reason of their international status.

Regulation 5

Members of the staff shall exercise the utmost discretion in regard to all matters of official business. They shall not communicate to any person any unpublished information known to them by reason of their official position except in the course of their duties or by authorization of the Secretary-General.

Regulation 9

No member of the staff shall accept any honour, decoration, favour, gift or fee from any Government or from any other source external to the Organization during the period of his appointment, except for war services.

Regulation 8

Any member of the staff who becomes a candidate for a public office of a political character shall resign from the Secretariat.

Regulation 4

The immunities and privileges attaching to the United Nations by virtue of Article 105 of the Charter are conferred in the interests of the Organization. These privileges and immunities furnish no excuse to the staff members who enjoy them for non-performance of their private obligations or failure to observe laws and police regulations. In any case where these privileges and immunities arise, the staff member concerned shall immediately report to the Secretary-General, with whom alone it rests to decide whether they shall be waived.

Comments

1.5 Drafting changes only (provisional regulation 6).

1.6 References to private advantage and obligations after separation from service are new; otherwise no change in substance (provisional regulation 5).

1.7 Condition changed from "except for war services" (provisional regulation 9) to "if such acceptance is incompatible with his status as an international civil servant".

1.8 Drafting change only (provisional regulation 8).

1.9 No change in substance (provisional regulation 4).

Proposed permanent staff regulations

1.10 All staff members shall subscribe to the following oath or declaration :

" I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as an international civil servant of the United Nations, to discharge these functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization ".

1.11 The oath or declaration shall be made orally by the Assistant Secretaries-General at a public meeting of the General Assembly, and by the other staff members before the Secretary-General or his authorized deputy.

Article II

CLASSIFICATION OF POSTS AND STAFF

2.1 Appropriate provision shall be made by the Secretary-General for the classification of posts and staff according to the nature of the duties and responsibilities required.

Article III

SALARIES AND RELATED ALLOWANCES

3.1 The salaries for Assistant Secretaries-General and Principal Directors shall be determined by the General Assembly as specified in Annex I of these Regulations.

3.2 The salaries of other staff members shall be determined by the Secretary-General at levels below that adopted for the post of Principal Director ; salaries and wages for stenographic, clerical and manual work, and for work of a comparable nature, shall be fixed in accordance with best prevailing conditions of employment in the locality of the United Nations office concerned.

3.3 The basic salary rates may be adjusted at duty stations away from Headquarters by the application of salary differentials which take into account relative cost of living, standards of living and related factors.

*Provisional staff regulations**Regulation 2*

Upon accepting their appointment, all members of the staff shall subscribe to the following oath or declaration :

" I solemnly swear (undertake, affirm, promise) to exercise in all loyalty, discretion and conscience the functions entrusted to me as a member of the international service of the United Nations, to discharge those functions and regulate my conduct with the interests of the United Nations only in view, and not to seek or accept instructions in regard to the performance of my duties from any Government or other authority external to the Organization ".

Regulation 3

The oath or declaration shall be made orally by the Secretary-General and Assistant Secretaries-General at a public meeting of the General Assembly, and by the other higher officers in public before the Secretary-General or his authorized deputy.

Regulation 16

Pending the adoption of a permanent classification plan, the salaries of the members of the staff other than Assistant Secretaries-General and Directors shall be determined by the Secretary-General within a range between the salary adopted by the General Assembly for the post of Director and the best salaries and wages paid for stenographic, clerical and manual work at the seat of the United Nations.

Comments

1.10 Line 2 of the oath " as a member of the international service of the United Nations " changed to " as an international civil servant of the United Nations " in agreement with administrative representatives of the specialized agencies (provisional regulation 2).

1.11 Omits reference to Secretary-General and removes requirement that " other higher officers " must take oath in public (provisional regulation 3).

2.1 New regulation : the General Assembly provided for the creation of a temporary classification system for posts by resolution of 13 February 1946. This resolution would be superseded by the Permanent Staff Regulations.

3.1 Salaries for Assistant Secretaries-General and Principal Directors were set by General Assembly resolution of 13 February 1946. This resolution would be superseded by the Permanent Staff Regulations and Annex I thereto.

3.2 Agreed with administrative representatives of specialized agencies to recommend reference to " work of a comparable nature " and to change " best salaries and wages... at the seat of the United Nations " to " best prevailing conditions of employment in the locality of the United Nations office concerned " (provisional regulation 16).

3.3 New regulation : this regulation is designed to give flexibility to the basic salary scheme.

Proposed permanent staff regulations

3.4 The Secretary-General shall establish a scheme for the payment of children's allowances, education grants and such other allowances as he may deem necessary in the interests of the Organization.

*Provisional staff regulations**Regulation 30*

As from 1 January 1948, full-time members of the staff, with the exception of those specifically excluded by resolution of the General Assembly, shall be entitled to a children's allowance of \$ US 200 *per annum* in respect of each child under the age of sixteen years, or, if the child is in full-time attendance at a school or a university (or similar educational institution), under the age of eighteen or twenty-two years respectively; provided that, if both parents are members of the staff of the United Nations, only one allowance will be paid in respect of each of their children; and provided further that, where the Secretary-General deems it advisable, no allowance or an allowance of an amount other than \$ US 200 may be paid under special circumstances, as for example, short-term assignments or assignments at duty stations where the levels of United Nations salary scales are fixed at levels varying from the Headquarters scale.

Regulation 33

Each full-time member of the staff, with the exception of those specifically excluded by a resolution of the General Assembly, entitled to receive a children's allowance under regulation 30, who is employed by the United Nations in a country other than his own country as specified in his letter of appointment shall be entitled to the following education grant:

(a) The sum of \$ US 200 *per annum* for each child, in respect of whom a children's allowance is payable, in full-time attendance at a school or a university in his home country; provided that where a child attended such an educational institution for a period of less than two-thirds of any one scholastic year, the allowance shall be reduced to such proportion of \$ US 200 as the period so attended bears to a full scholastic year;

(b) Once in each scholastic year the travelling expenses of the outward and return journey of such a child by a route approved by the Secretary-General;

(c) Should staff members elect to send their children to special national schools in the area where they are serving, including international schools organized for children of United Nations staff members, rather than to schools in their home

Comments

3.4 Retains children's allowance and education grants as permanent features, but leaves detailed conditions and rates to the Staff Rules; provides authority for the Secretary-General to establish other allowances, such as travel subsistence allowance for staff members and their dependants, as necessary; replaces provisional regulations 30, 33 and 34.

*Proposed permanent staff regulations**Provisional staff regulations**Comments*

countries, the United Nations will pay for each child otherwise eligible for the education grant, an allowance equal to the difference between the cost of education at the special school which he attends and the cost at a comparable school attended by children of persons normally resident in the area, provided that the allowance shall not exceed \$ US 200 per year. This allowance shall be payable only when there is a valid reason for the child not to attend school in the home country; for instance, in the case of children under eleven years of age or when the health of the child is such that return to the home country is not feasible.

If both parents are members of the staff of United Nations, only one grant will be paid in respect of each of their children.

Regulation 34

The Secretary-General may decide in each case whether allowances or grants under regulations 30 and 33 shall extend to adopted children or step-children.

Article IV

APPOINTMENT AND PROMOTION

4.1 The Secretary-General shall appoint staff members as required.

4.2 The paramount consideration in the appointment, transfer or promotion of the staff shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting and maintaining the staff on as wide a geographical basis as possible.

4.3 Selection of staff members shall be without regard to race, creed or sex. So far as is practicable, selection shall be made on a competitive basis.

4.1 New regulation: Article 101, paragraph 1, of the Charter reads: "The staff shall be appointed by the Secretary-General under regulations established by the General Assembly".

4.2, 4.4 Regulations 4.2 and 4.4 incorporate the substance of provisional regulation 14.

Article 101, paragraph 3, of the United Nations Charter reads: "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible".

4.3 Regulation 4.3 incorporates the substance of provisional regulations 10 and 11.

Article 8 of the Charter reads: "The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs". The wording of

Regulation 10

Men and women are equally eligible for all posts in the Secretariat.

Regulation 11

So far as practicable, appointments to posts in the Secretariat shall be made on a competitive basis.

Proposed permanent staff regulations

Provisional staff regulations

Comments

4.4 Vacancies shall be filled on a competitive basis. Without prejudice to the inflow of fresh talent at all levels, the experience of persons already in the service of the United Nations shall be taken into account in promotions. This consideration shall also be applied, on a reciprocal basis, to the specialized agencies brought into relationship with the United Nations.

Regulation 14

With due regard to the maintenance of the staff on as wide a geographical basis as possible and without prejudice to the inflow of fresh talent at the various levels, vacancies shall be filled by promotion of persons already in the service of the United Nations in preference to appointments from outside. This consideration shall also be applied, on a reciprocal basis, to the specialized agencies brought into relationship with the Organization.

regulation 4.3, as prepared in consultation with administrative representatives of the specialized agencies, has been broadened to guard against distinction based on race or creed as well.

4.4 The Secretary-General believes that the provision he has proposed will preserve a proper balance with respect to personnel selection and advancement. It establishes clearly a preference for members already on the staff in all normal cases where a number of suitably qualified candidates are available. At the same time, it gives only proper recognition to the fundamental principle of competition. That principle not only has long been recognized by experienced national administrations but it is stated clearly in the Charter itself. In Article 101, the Charter states: "The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence and integrity". The Secretary-General believes it would be a great mistake for the General Assembly to reverse that position by implication. To reduce the matter to more practical terms, he hopes that in all cases, for example, where Member Governments offer the services of highly outstanding officials, no barrier or no implied barrier to their engagement will be imposed by the General Assembly in the form of a restrictive staff regulation.

4.5 Appointments of Assistant Secretaries-General and Principal Directors shall be for a period not to exceed five years, subject to renewal. Other staff members shall be granted either permanent or temporary appointments, under such terms and conditions consistent with these regulations as the Secretary-General may prescribe.

Regulation 12

Persons appointed to permanent posts in the Secretariat shall serve such probationary period as may be prescribed by the Secretary-General.

4.5 The General Assembly, by resolution of 13 February 1946, prescribed five-year terms for the Assistant Secretaries-General and Principal Directors. The latter portion of the proposed permanent regulation 4.5 incorporates the substance of provisional regulations 12 and 12A, except for the specific mention of a probationary period.

Regulation 12A

The appointment of any member of the staff for a probationary period or on a short-term contract, which shall include any temporary contract, may be subject to such conditions as the Secretary-General may deem desirable.

In discussion with administrative representatives of the specialized agencies, it has been agreed that in-service training is an inescapable responsibility of the administration, and that specific mention of it, as in provisional regulation 13, is not necessary.

Regulation 13

The Secretary-General shall provide facilities to train members of the staff in subjects relating directly or indirectly to their duties. This

*Proposed permanent staff regulations**Provisional staff regulations**Comments*

4.6 The Secretary-General shall establish appropriate medical standards which prospective staff members shall normally be required to meet before appointment.

training shall apply particularly to members on probation whose earlier educational opportunities have been inadequate or whose language qualifications are deficient.

4.6 New regulation: to give clear authority for requiring medical examinations before appointment.

Article V

ANNUAL AND SPECIAL LEAVE

5.1 Staff members shall be allowed appropriate annual leave. In exceptional cases, special leave may be authorized by the Secretary-General.

Regulation 18

Members of the staff shall be allowed sick leave, maternity leave, special leave, annual local leave and home leave, as prescribed by the Secretary-General.

5.1 Sick and maternity leave as provided in provisional regulation 18 are transferred to regulation 6.2, "Social security", without change in substance.

5.2 In order that staff members may take their leave periodically in their home countries, the United Nations shall allow necessary travelling time for that purpose, under conditions and definitions prescribed by the Secretary-General.

5.2 Home leave has been defined in terms consistent with the recommendations of the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331, para. 122) accepted by the Secretary-General.

Article VI

SOCIAL SECURITY

6.1 Provision shall be made for the participation of staff members in the United Nations Joint Staff Pension Fund in accordance with the regulations of that Fund.

Regulation 26

Pending the establishment of a permanent staff retirement scheme, a deduction shall be made from the salaries of members of the staff and paid into a staff provident fund to which the United Nations shall make an additional contribution.

6.1 New regulation: the Staff Provident Fund is now obsolete (provisional regulation 26). The United Nations Joint Staff Pension Fund Regulations were adopted in permanent form by General Assembly resolution 248 (III) of 7 December 1948.

6.2 The Secretary-General shall establish a scheme of social security for the staff, including provisions for health protection, sick leave and maternity leave, and reasonable compensation in the event of illness, accident or death arising out of or in the course of performing official duties on behalf of the United Nations.

Regulation 27

A member of the staff who is injured as the result of an accident incurred in the course of his duty or who is compelled to discontinue his employment as a result of sickness directly attributable to his work in the service of the United Nations shall receive reasonable compensation. Should the staff member die in such circumstances, reasonable compensation shall be paid to his widow or such dependants as the Secretary-General may determine.

6.2 Regulation 6.2 provides the basis for a comprehensive social security scheme for staff members, in accordance with the recommendations of the Committee of Experts on Salary, Allowance and Leave Systems (A/C.5/331, paras. 129-147). This regulation incorporates, *inter alia*, provisional regulation 27.

Article VII

TRAVEL AND REMOVAL EXPENSES

7.1 Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall pay the travel expenses of staff members and in appropriate cases, their dependants.

Regulation 24

The travel expenses and travel allowances of members of the staff in respect of authorized journeys on the business of the United Nations shall

7.1, 7.2 No substantial change as compared with provisional regulations 24 and 25.

The change of wording from staff members' "wives and dependent

Proposed permanent staff regulations

Upon appointment and on subsequent change of official duty station,
 Upon the taking of leave at home when authorized and
 Upon separation from the service.

7.2 Subject to conditions and definitions prescribed by the Secretary-General, the United Nations shall pay removal costs for staff members

Upon appointment and on subsequent change of official duty station, and
 Upon separation from the service.

Article VIII

STAFF RELATIONS

8.1 The Secretary-General shall make provision for staff participation in the discussion of policies relating to staff questions.

Article IX

SEPARATION FROM SERVICE

9.1 Staff members may resign from the Secretariat upon giving the Secretary-General the notice required under the terms of their appointment.

9.2 The Secretary-General may terminate the appointment of a staff member in accordance with the terms of his appointment, or if the necessities of the service require abolition of the post or reduction of the staff, if the services of the individual concerned prove unsatisfactory, or if he is, for reasons of health, incapacitated for further service.

9.3 If the Secretary-General terminates an appointment the staff member shall be given notice and indemnity payment in accordance with the terms of his appointment.

Provisional staff regulations

be paid by the Organization subject to such conditions as may be prescribed by the Secretary-General.

Regulation 25

Subject to such conditions as may be prescribed by the Secretary-General, the United Nations shall pay the removal costs and the travel expenses and travel allowances of members of the staff, and, in appropriate cases, their wives and dependent children.

(a) Upon appointment to the Secretariat and on subsequent change of official station;

(b) At appropriate intervals for a journey to and from the place recognized as the staff member's home at the time of the initial appointment; and

(c) Upon termination of appointment.

Regulation 15

The Secretary-General shall provide machinery through which members of the staff may participate in the discussion of questions relating to appointments and promotion.

Regulation 21

The Secretary-General may terminate the appointment of a member of the staff in accordance with the terms of his appointment, if made under the provisions of regulation 12A, or if the necessities of the service require the abolition of the post or a reduction of the staff, or if the services of the individual concerned prove unsatisfactory.

Regulation 22

If the Secretary-General terminates an appointment under regulation 21 he shall give at least three months' notice and pay an indemnity equivalent to at least three months'

Comments

children " to " their dependants " is to guard against distinction in eligibility between male and female staff members in the field of travel expenses, and to allow equitable definitions of dependants by the Secretary-General.

8.1 The subjects for discussion with the staff representatives have been generalized to " policies relating to staff questions ", to avoid the misapprehension that individual cases of appointment and promotion must be so discussed (provisional regulation 15).

9.1 New regulation : this regulation recognizes resignation as a form of separation from service.

9.2 Termination " for reasons of health " is an addition to grounds for termination (provisional regulation 21). This provision has been incorporated into the proposed regulation 9.2 after consultation with administrative representatives of the specialized agencies.

9.3 Details of the periods of notice and the amounts of indemnity to be provided under different types of appointment have been taken out of the Staff Regulations and would be provided under the Staff Rules (provisional regulation 22).

*Proposed permanent staff regulations**Provisional staff regulations**Comments*

- 9.4 The Secretary-General shall establish a scheme for the payment of repatriation grants in accordance with the maximum rates and conditions specified in annex II of these Regulations.
- 9.5 Normally, staff members shall not be retained in active service beyond the age specified in the Pension Fund regulations as the age of retirement. The Secretary-General may, in the interest of the Organization, extend this age limit in exceptional cases.
- 9.4 New regulation : this proposed scheme of repatriation grants (annex II to the Staff Regulations) replacing the existing scheme of expatriation allowances, is subject to the decision of the General Assembly. It was recommended in the report of the Committee of Experts on Salary, Allowance and Leave Systems and accepted by the Secretary-General.
- 9.5 No substantial change, except for deletion of the limit of extension to sixty-five years (provisional regulation 20).

Regulation 20

The normal age of retirement for members of the staff shall be sixty years. In exceptional circumstances the Secretary-General may, in the interest of the Organization, extend this age limit to sixty-five years if it would be in the interest of the United Nations to do so.

Article X

DISCIPLINARY MEASURES

- 10.1 The Secretary-General may impose disciplinary measures on staff members whose conduct is unsatisfactory. He may summarily dismiss a member of the staff for serious misconduct.
- 10.2 The Secretary-General may establish administrative machinery with staff participation which shall be available to advise him in disciplinary cases.
- 10.1 Disciplinary measures on grounds of unsatisfactory work as contained in provisional regulation 19 are deleted, since these contingencies have been covered by the proposed regulation 9.2.
- 10.2 Regulation 10.2 deals with the same subject as provisional regulation 23 (a); " shall " has been changed to " may " and " before disciplinary action is taken against any staff member " has been deleted, after consultation with administrative representatives of the specialized agencies.

Regulation 19

The Secretary-General may impose disciplinary measures on members of the staff whose conduct or work is unsatisfactory. He may discharge a member of the staff who persistently fails to give satisfactory service. He may summarily dismiss a member of the staff for serious misconduct.

Article XI

APPEALS

Regulation 23

- 11.1 The Secretary-General shall establish administrative machinery with staff participation to advise him in case of any appeal by staff members against an administrative decision alleging the non-observance of their terms of appointment, including all pertinent regulations and rules, or against disciplinary action.
- (a) The Secretary-General shall establish joint administrative machinery with staff participation to advise him before disciplinary action is taken against any staff member.
- (b) The Secretary-General shall establish joint administrative machinery with staff participation to
- 11.1 Regulation 11.1 incorporates the substance of provisional regulation 23 (b). Reference to appeals against " established administrative practices " has been deleted.
- 11.2 Regulation 11.2 incorporates in substance provisional regulation 23 (c), and sets out the opera-

Proposed permanent staff regulations

Provisional staff regulations

Comments

11.2 Provision shall be made for an Administrative Tribunal which, under conditions prescribed in its statute, shall hear and pass judgment upon applications from staff members alleging non-observance of their terms of appointment, including all pertinent regulations and rules.

advise him in case of any appeal by staff members against any administrative decision alleging the non-observance of contracts of appointment or regarding the application of rules and regulations and established administrative practices or against disciplinary action.

tion of the Administrative Tribunal as " under conditions prescribed in its statute ".

(c) An Administrative Tribunal shall be established to hear and pass judgment upon applications from staff members alleging non-observance of their contracts of employment or terms of appointment, including all pertinent regulations and rules.

Article XII

GENERAL PROVISIONS

12.1 These Regulations may be supplemented or amended by the General Assembly, without prejudice to the acquired rights of staff members.

Regulation 28

These Regulations may be supplemented or amended by the General Assembly without prejudice to the acquired rights of members of the staff.

12.1 Drafting change only (provisional regulation 28).

Regulation 29

The Secretary-General shall report annually to the General Assembly such staff rules and amendments thereto as he may make to implement these Regulations,

Provisional regulation 29 has been suppressed to achieve agreement with specialized agencies, and since all staff rules and amendments thereto are sent to all Member Governments on a current basis.

DOCUMENT A/1731

Report of the Fifth Committee

[*Original text : English*]
[14 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 282nd meeting held on 13 December 1950, considered the question of permanent staff regulations for the United Nations. As a basis for such consideration, the Committee had before it a report of the Secretary-General (A/1360) to which was annexed a set of draft permanent regulations recommended by the Secretary-General for adoption in place of the provisional regulations currently in force.

2. In view of the fact that pressure of more urgent business had made it impossible for the Committee to give this important matter the careful and thorough consideration it merited and in order that the new salary, allowance and leave arrangements decided upon might first be implemented, it was agreed that adoption of permanent regulations should be deferred until the sixth

regular session. Its was also agreed that the Advisory Committee on Administrative and Budgetary Questions should be requested to examine the proposals of the Secretary-General and to report thereon to the General Assembly.

3. The Fifth Committee therefore decided to recommend to the General Assembly the adoption of the following resolution :

PERMANENT STAFF REGULATIONS OF THE UNITED NATIONS

The General Assembly,

Taking note of the administrative problems arising out of the changes proposed in the United Nations salary, allowance and leave system for 1951,

1. *Resolves* that consideration of the question of permanent staff regulations be deferred until the sixth session of the General Assembly;
2. *Requests* the Advisory Committee on Administrative and Budgetary Questions to examine the proposals presented by the Secretary-General on this matter (A/1360) and to report thereon to the General Assembly at its sixth session.

Check list of documents

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A/1731	Report of the Fifth Committee	15	
A/1760	Resolution adopted by the General Assembly at its 326th plenary meeting on 15 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 469 (V)</i>



Agenda item 43 : Appointments to fill vacancies in the membership of subsidiary bodies of the General Assembly : (a) Advisory Committee on Administrative and Budgetary Questions; (b) Committee on Contributions; (c) Board of Auditors; (d) Investments Committee : confirmation of the appointment made by the Secretary-General; (e) United Nations Administrative Tribunal.

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(a) Advisory Committee on Administrative and Budgetary Questions

DOCUMENT A/1318

Note by the Secretary-General

[Original text : English]
[21 August 1950]

1. The rules of procedure of the General Assembly provide that :

“ Rule 154

“ The General Assembly shall appoint an Advisory Committee on Administrative and Budgetary Questions (hereinafter called the ‘Advisory Committee’), with a membership of nine, including at least two financial experts of recognized standing.

“ Rule 155

“ The members of the Advisory Committee, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The two financial experts shall not retire simultaneously. The General Assembly shall appoint the members of the Advisory Committee at the regular session immediately preceding the expiration of the term of office of the members, or, in the case of vacancies, at the next session. ”

2. The present membership of the Committee is as follows :

Mr. Thanassis Aghnides (Greece)
Mr. André Ganem (France)

Mr. William O. Hall (United States of America)
Mr. C. L. Hsia (China)
Mr. Valentin I. Kabushko (Union of Soviet Socialist Republics)
Mr. Olyntho P. Machado (Brazil)
Sir William Matthews (United Kingdom)
Mr. Jan Papanek (Czechoslovakia).
Mr. N. Sundaresan (India)

3. At its second regular session, the General Assembly (resolution 148 (II)) appointed the following to be members of the Committee for a period of three years :

Mr. André Ganem
Mr. Jan Papanek
Mr. N. Sundaresan

4. The terms of office of Mr. Ganem, Mr. Papanek and Mr. Sundaresan expire on 31 December 1950, and it is therefore necessary that the General Assembly should appoint three persons to fill the resulting vacancies. The members appointed will serve for a period of three years, commencing on 1 January 1951.

5. At the fourth session of the General Assembly, the Fifth Committee, after secret ballots, submitted to the General Assembly a draft resolution containing the names of the persons recommended by the Fifth Committee for appointment.

6. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure should be followed this year.

DOCUMENT A/C.5/432**Letter of resignation of Mr. Kobushko**

[Original text : English/Russian]
[5 December 1950]

1. The Chairman of the Fifth Committee has received the following letter dated 5 December 1950 from Mr. V. I. Kobushko, who was appointed a member of the Advisory Committee on Administrative and Budgetary Questions for a three-year term commencing on 1 January 1949, under the terms of General Assembly resolution 236 (III) of 16 October 1948 :

" I have the honour to inform you hereby that in view of the fact that I have received a new appointment I shall not be able in the future to participate in the work of the Advisory Committee on Adminis-

trative and Budgetary Questions and that I am resigning for this reason.

" I request you to inform the General Assembly of my resignation.

(Signed) " V. KOBUSHKO "

2. The General Assembly has therefore before it the appointment of a member of the Advisory Committee on Administrative and Budgetary Questions to replace Mr. Kobushko for the remainder of his term of office.

DOCUMENT A/C.5/L.88**Note by the Secretariat**

[Original text : English]
[27 November 1950]

The following persons have been proposed for appointment to the Advisory Committee on Administrative and Budgetary Questions, in whose membership three vacancies will occur as from 1 January 1951 consequent on the expiration of the three-year terms of appointment of Mr. André Ganem, Mr. Jan Papanek and Mr. N. Sundaresan (A/1318) :

Mr. Rafik Asha

Graduated American University, Beirut, as Bachelor of Commerce; Master of Business Administration, New York University 1931; 1928-1932 bank official; 1932-1941 professor of economics, banking, finance, accounting and auditing in colleges and military academies in Baghdad; 1941-1944 Deputy Director-General of Supplies in Ministry of Supplies, Syria; represented Syria in all Middle East Supply Centre meetings in Cairo during last war; organized and established the Arab Bank Limited in Beirut and managed it during 1944; appointed first Chargé d'Affaires of Syria in Cairo in 1945; transferred to New York as Consul General in the latter part of 1945; in 1946 appointed alternate representative to United Nations and Syrian Delegate to Governmental Postal Experts Conference; 1947 appointed alternate representative to Security Council, Committee on Conventional Armaments, Committee of Experts, Committee on the Admission of New Members, representative to the first special session of the General Assembly; elected member of Committee on Contributions; 1948 alternate representative to the second special session of the General Assembly; represented the Kingdom of Yemen on the Interim Committee; Syrian representative to the fourth and fifth Sessions of the General Assembly; representative of Syria on the Fifth Committee; elected second Vice-President of the Society of Foreign Consuls General in New York.

Mr. Harry Cairnes Elwins

Educated Flinders School and Geelong College, Victoria, Australia; 1916-1922 Chief Accountant, Department of Repatriation; 1922-1940 Commonwealth Public Service Inspector, Melbourne, Canberra, Sydney; 1940-1941, Finance Member Military Board; 1941-1946, Finance Member of Air Board; 1946-1948, Comptroller of the United Nations, New York; member of Australian Institute of Chartered Accountants and of Australian Chartered Institute of Secretaries.

Mr. André Ganem

Educated University of Paris; formerly professor at several schools and universities in France, Sweden and Denmark; Chief of Foreign Affairs Department of newspapers *Quotidien* and *Temps*; 1927-1929 correspondent in Berlin; 1929-1930 correspondent at Hague Conference; 1931-1940 member of League of Nations Secretariat; member of French delegation to the San Francisco Conference (1945), and to all sessions of the General Assembly since 1946; member of the Advisory Committee on Administrative and Budgetary Questions since 1946.

Mr. Braj Kumar Nehru

Educated Allahabad University, London School of Economics, Balliol College, Oxford, Inner Temple, London; entered Indian Civil Service 1934; served until 1939 in various capacities in the Province of the Punjab as Magistrate, Civil Judge, and Collector of Revenue; also as President, Murree Municipality and Chairman, Murree Cooperative Bank; transferred to Government of India in 1939 and appointed Under Secretary in the Department of Education, Health and

Lands; Officer on special duty in the office of Accountant-General, Bombay and Reserve Bank of India 1939-1940; retransferred to Government of India in Ministry of Finance as Under Secretary 1940; worked in the Budget, Monetary and Expenditure Divisions; Secretary, Public Accounts Committee of the Legislature, 1941-1945; promoted to Deputy Secretary, 1944 and Joint Secretary, 1947; Controller of Capital Issues 1947-1949; organized and thereafter headed the External Finance Division of the Ministry of Finance; represented India at the Reparations Conference at Paris 1945; Sterling Balances Negotiations with the United Kingdom in 1947, 1948 and 1949; Commonwealth Finance Ministers' Conference, London, 1949-1950; United Nations General Assembly, New York, 1949-1950; Food and Agriculture Organization Conference, Washington, D. C., 1949; member of the Food and Agriculture Organization's Financial Control, Contributions and Headquarters Advisory Committees; investigated on behalf of India the Australian system of federal finance, 1946; appointed Executive Director for India, International Bank for Reconstruction and Development and Financial Counselor, Embassy of India, 1949.

Mr. Jiri Nosek

Graduate of the School of Economics and Political Sciences at Prague, Czechoslovakia; Adviser to the Czechoslovak delegation to the second session of the General Assembly; alternate representative on the Third Committee at the third and fourth Sessions of the General Assembly; representative of Czechoslovakia on the Fifth Committee of the General Assembly at its fifth session; acting permanent representative of Czechoslovakia to the United Nations.

Dr. Emilio N. Oribe

Doctor of Law, University of Paris; 1946-1949 Secretary of Embassy, Uruguayan Embassy at Paris; Member of the Uruguayan delegation to the third, fourth and fifth sessions of the General Assembly in 1948, 1949, 1950; since 1949, Secretary-General of the permanent Uruguayan delegation to the United Nations; member of the United Nations Administrative Tribunal.

Dr. Jan Papanek

Educated *École libre des sciences politiques* (1921); *Institut des hautes études internationales* (1922); *Académie de droit international* (1923); LL.D. University of Paris (1922); LL.D. University of Prague (1928); entered the Czechoslovakian diplomatic service in 1922; subsequently serving in Budapest, Washington, Pittsburgh and New York; Parliamentary Secretary of the Ministry of Foreign Affairs in Prague; personal representative of President Benes in the United States during Second World War with rank of Minister Plenipotentiary (1942) and later Ambassador (1947); from 1946 to March 1948, permanent representative of Czechoslovakia to the United Nations; member of the Czechoslovakian delegation to the San Francisco Conference (1945) and the first and second sessions of the General Assembly; Chairman of the Second Committee of the General Assembly at its second special session in 1947; representative of Czechoslovakia in the Economic and Social Council 1946-1947 and Vice-President and acting President in 1947; member of the Committee on Contributions 1947-1949 and of the Advisory Committee on Administrative and Budgetary Questions 1948-1950. Since 1949, lecturer on the United Nations in the Graduate School of New York University.

DOCUMENT A/C.5/L.88/Add.1

Note by the Secretariat

[Original text : Russian/English]
[5 December 1950]

Consequent on the vacancy created in the Advisory Committee on Administrative and Budgetary Questions following the resignation of Mr. V. I. KOVUSHKO (U.S.S.R), the following name should be added to those proposed for appointment to membership of that Committee: *Mr. Igor V. Chechelkin* (Union of Soviet Socialist Republics).

Graduate of the Gorki State University (1939);

1939-1942, Chief of the Bureau of Projects and Estimates of the Executive Council of the City of Gorki; 1942-1944, Graduate student in Economics, Institute of International Economics and Politics; 1945-1949, Secretary with the U.S.S.R. Embassy in Washington; 1949-1950 with the Ministry of Foreign Affairs of the U.S.S.R. (Moscow); at the present time, First Secretary of the U.S.S.R. Mission to the United Nations.

DOCUMENT A/1671

Report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 275th and 276th meetings held

on 5 and 6 December 1950, considered a note by the Secretary-General (A/1318) concerning the vacancies which will occur in the membership of the Advisory

Committee on Administrative and Budgetary Questions at the expiration of the term of office of three of its members on 31 December 1950. The Committee also had before it document A/C.5/432, containing a letter of resignation, effective 5 December 1950, from Mr. V. I. Kabushko, who was appointed a member of the Advisory Committee on Administrative and Budgetary Questions for a term of three years commencing on 1 January 1949, under the provisions of General Assembly resolution 236 (III) of 16 October 1948.

2. The Chairman had previously invited members of the Fifth Committee to suggest names of persons who might be recommended to the General Assembly for appointment to membership of the Advisory Committee in accordance with the terms of rules 154 and 155 of the rules of procedure of the General Assembly. At the time when the matter was considered by the Fifth Committee, seven candidates have been proposed.

3. Three votes by secret ballot were taken for the purpose of deciding those who should be recommended for three-year terms of appointment in place of the three members whose terms of appointment will expire on 30 December 1950. On the first ballot, Mr. André Ganem received 36 votes; as no other candidate received the required majority, the Committee proceeded to a second vote. On the second ballot, Mr. Rafik Asha received 36 votes; as no other candidate received the required majority, the Committee proceeded to a third vote. On the third ballot, Mr. Braj Kumar Nehru received 30 votes; no other candidate received the required majority.

4. At the end of the voting on the candidates to fill vacancies which will occur in the membership of the Advisory Committee at the expiration of the term of office of three of its members on 31 December 1950, the Fifth Committee proceeded to vote by secret ballot to fill the vacancy in the membership of the Advisory Committee which had occurred because of the resignation of Mr. V. I. Kabushko. As a result of the ballot, Mr. Igor V. Chechetkin received 39 votes.

5. The Fifth Committee, therefore, recommends to the General Assembly the adoption of the following resolution :

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP
OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE
AND BUDGETARY QUESTIONS

The General Assembly

1. *Appoints* the following persons as members of the Advisory Committee on Administrative and Budgetary Questions :

Mr. Rafik Asha;
Mr. Igor V. Chechetkin;
Mr. André Ganem;
Mr. Braj Kumar Nehru;

2. *Declares* Mr. Rafik Asha, Mr. André Ganem and Mr. Braj Kumar Nehru to be appointed for a three-year term to commence on 1 January 1951, and Mr. Igor V. Chechetkin to be appointed for a one-year term to commence on 1 January 1951.

(b) Committee on Contributions

DOCUMENT A/1319

Note by the Secretary-General

[Original text: English]
[21 August 1950]

1. The rules of procedure of the General Assembly provide that :

“ Rule 158

“ The members of the Committee on Contributions, no two of whom shall be nationals of the same State, shall be selected on the basis of broad geographical representation, personal qualifications and experience, and shall serve for a period of three years corresponding to three financial years, as defined in the regulations for the financial administration of the United Nations. Members shall retire by rotation and shall be eligible for reappointment. The General Assembly shall appointed the members of the Committee on Contributions at the regular session immediately preceding the expiration of the term of office of the members, or, in case of vacancies, at the next session. ”

2. The present membership of the Committee is as follows :

Mr. Rafik Asha (Syria)
Mr. H. Campion (United Kingdom)
Mr. René Charron (France)
Mr. P. M. Chernyshev (Union of Soviet Socialist Republics)
Mr. Seymour Jacklin (Union of South Africa)
Mr. Kan Lee (China)
Mr. Frank Pace (United States of America)
Mr. Josué Saenz (Mexico)
Mr. Mitchell W. Sharp (Canada)
Miss M. Z. N. Witteveen (Netherlands).

3. The following three members of the Committee on Contributions were appointed by the General Assem-

bly on 1 November 1947 (resolution 149 (II)) for a three-year term which expire on 31 December 1950 :

Mr. Rafik Asha
Mr. H. Champion
Miss M. Z. N. Witteveen.

The General Assembly should therefore appoint three persons to fill the resulting vacancies. The members thus appointed will serve for a period of three years, commencing on 1 January 1951.

4. At the fourth session, the Fifth Committee, after a secret ballot, submitted to the General Assembly a draft resolution including the names of the persons recommended by the Fifth Committee for appointment.

5. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure be followed this year.

DOCUMENT A/C.5/422

Letter of resignation of Mr. Pace

[Original text : English]
[1 December 1950]

1. The Secretary-General has received the following letter from Mr. Frank Pace, Jr., who was appointed a member of the Committee on Contributions for a three-year term commencing on 1 January 1950 under the terms of General Assembly resolution 345 (IV) of 24 November 1949 :

“ Washington
“ 24 November 1950

“ I regret to inform you that I shall be unable to

attend further meetings of the Committee on Contributions.

“ Accordingly I am hereby tendering my resignation as a member of the Committee effective January 1, 1951.

(Signed) “ Frank PACE, JR. ”

2. The General Assembly has therefore before it the appointment of a member of the Committee on Contributions to replace Mr. Pace, for the remainder of his term of office.

DOCUMENT A/C.5/L.87/Rev.1

Note by the Secretariat

[Original text : English]
[29 November 1950]

The following persons have been proposed for appointment to the Committee on Contributions. The General Assembly is required to appoint four persons, one to serve for two years (the remainder of the term of appointment of Mr. Frank Pace, who is resigning), and three for a full three-year period, consequent on the expiration of the terms of appointment of Mr. Rafik Asha, Mr. H. Champion and Miss M. Z. N. Witteveen (A/1319) :

Mr. Rafik Asha

Graduated American University, Beirut, as Bachelor of Commerce; Master of Business Administration, New York University (1931); 1928-1932 bank official; 1932-1941 professor of economics, banking, finance, accounting and auditing in colleges and military academies in Baghdad; 1941-1944 Deputy Director-General of Supplies in Ministry of Supplies, Syria; represented Syria in all Middle East Supply Centre meetings in Cairo during Second World War; organized and established the Arab Bank Limited in Beirut and managed it during 1944; appointed first Chargé d'Affaires of Syria in Cairo

in 1945; transferred to New York as Consul General in the latter part of 1945; in 1946 appointed alternate representative to United Nations and Syrian delegate to Governmental Postal Experts Conference; 1947 appointed alternate representative to Security Council, Committee on Conventional Armaments, Committee of Experts, Committee on the Admission of New Members, representative at the first special session of the General Assembly; elected member of Committee on Contributions 1948; alternate representative at the second special session of the General Assembly; represented the Kingdom of Yemen at the Interim Committee; Syrian representative at the fourth and fifth Sessions of the General Assembly, representative of Syria on the Fifth Committee; elected second Vice-President to the Society of Foreign Consuls General in New York.

Sir Sydney Caine, K.C.M.G.

Head of the United Kingdom Treasury and Supply Delegation to the United States of America, British Embassy, Washington (D.C.); United Kingdom civil

servant; Board of Inland Revenue, three years; Colonial Office at home and abroad from 1926 till 1947; H. M. Treasury since 1947; now stationed at Washington.

Dr. Adolfo Nass

1937-1943 University of Geneva and Caracas; Doctor in Political Sciences, University of Caracas; 1943 entered Ministry of External Relations of Venezuela; 1943-1945 Chief of Service, Post-War Planning Commission; 1945 Chief of Service, Inter-American Relations Section; 1946 Chief of Service, International Organizations Section; Chief of Section of Relations with non-American States; 1948 Associate Professor of International Law, University of Caracas; Counselor, permanent delegation of Venezuela to the United Nations; Secretary, Venezuelan delegation to San Francisco Conference (1945); member, *Ad Hoc* Committee on proposed Economic Commission for the Middle East (1948); member, Economic and Social Council's *Ad Hoc* Committee on Procedure; alternate representative to 8th and 9th Sessions of the Economic and Social Council; member, *Ad Hoc* Committee on Implementation of Recommendations on Economic and Social Matters (1949); alternate member, fourth session, Transport and Communications Commission; alternate representative, Technical Assistance Conference (1950); member of Venezuelan delegation to second, third, fourth and fifth sessions of the General Assembly; Venezuelan representative on the Fifth Committee of the General Assembly since 1947; member of Caracas Bar Association and of American Society of International Law.

Mr. Ramji Ram Saksena

B.Sc., LL.B., M.A., University of Allahabad; 1920-1921 Professor of Economics, Allahabad University; 1923, entered Imperial Customs Service; 1934, First Secretary, Central Board of Revenue and Under-Secretary to the Government of India, Finance Department; 1937-1940, India Government Trade Commissioner to Japan; 1941-1947 India Government Trade Commissioner to Australia and New Zealand; 1947-1948 Joint Secretary, Ministry of External Affairs; since May 1948, Consul General of India in New York; represented India at UNRRA Conference at Lapstone, Australia; the Eco-

nomics Commission for Asia and the Far East, Baguio, Philippines; second part of the third session of the United Nations General Assembly; United Nations Economic and Employment Commission; fourth session of the United Nations General Assembly, Technical Assistance Conference, Economic and Social Council, Inter-Governmental Maritime Consultative Organization, Food and Agriculture Organization Conference and the International Cotton Advisory Committee.

Mr. Elmer Boyd Staats

A. B. McPherson College, 1935; M. A. University of Kansas, 1936; Ph. D. University of Minnesota, 1939; Administrative Analyst, United States Bureau of Budget, 1939-1943; Budget Examiner, 1943-1947; Assistant Director, Bureau of Budget, 1947; Assistant Director for Legislative References, 1947-1949; Executive Assistant Director, 1949, Assistant Director, 1950; Lecturer in Public Administration, American University, 1942, George Washington University, 1944-1949; contributor to *American Economic Review* and various professional journals in the field of public administration; member: American Political Science Association, American Economic Association, American Society for Public Administration.

Miss Maria Z. N. Witteveen

Doctor of Law, Leyden University, Netherlands; member of the League of Nations Secretariat 1931-1939; secretary to Netherlands delegation to Executive Committee of United Nations Preparatory Commission, the Preparatory Commission; first part of first session of General Assembly and last League of Nations Assembly in Geneva (1946); Secretary-General of Netherlands delegation to Paris Peace Conference, 1946; member of Netherlands delegation to second part of first session, second, third, fourth and fifth sessions of the General Assembly; representative of Netherlands on Fifth Committee; Netherlands representative on Executive Board of UNICEF; adviser of Netherlands delegation to Economic and Social Council; member since 1948 and presently Chairman of Committee on Contributions; member of permanent Netherlands delegation to the United Nations, with the rank of Counsellor of Embassy.

DOCUMENT A/1672

Report of the Fifth Committee

[Original text: English]
[12 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee at its 276th meeting held on 6 December 1950, considered a note by the Secretary-General (A/1319) concerning the vacancies which will occur in the membership of the Committee on Contributions at the expiration of the term of office of three of its members on 31 December 1950. The Fifth Committee was also informed by the Secretary-General (A/C.5/422) that

Mr. Frank Pace Jr., who was appointed a member of the Committee on Contributions for a three-year term commencing 1 January 1950 under the terms of General Assembly resolution 345 (IV), had tendered his resignation effective on 1 January 1951.

2. The Chairman had previously invited members of the Fifth Committee to suggest names of persons who might be recommended to the General Assembly for

appointment to membership of the Committee on Contributions in accordance with the provisions of rules 157 and 158 of the rules of procedure of the General Assembly. At the time when the matter was considered by the Fifth Committee, the names of six candidates had been proposed. Prior to a vote being taken, however, the names of two of these candidates were withdrawn.

3. In view of the fact that there were thus four candidates for appointment to four vacancies, the Committee agreed that a vote by secret ballot might be dispensed with, on the understanding, however, that this would not create a precedent. The representative of the United States of America having indicated that Mr. Elmer Boyd Staats, who had been proposed by his delegation, would prefer to be appointed for a two-year period (the unexpired portion of the term of appointment of Mr. Frank Pace Jr.), the Fifth Committee decided, by

acclamation, to recommend to the General Assembly the adoption of the following resolution :

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE COMMITTEE ON CONTRIBUTIONS

The General Assembly,

1. *Appoints* the following persons as members of the Committee on Contributions :

Sir Sydney Caine;
Dr. Adolfo Nass;
Mr. Elmer Boyd Staats;
Miss Maria Z. N. Witteveen.

2. *Declares* Sir Sydney Caine, Dr. Adolfo Nass and Miss Maria Z. N. Witteveen to be appointed for a three-year term, and Mr. Elmer Boyd Staats for a two-year term, to commence on 1 January 1951.

(c) Board of Auditors

DOCUMENT A/1320

Note by the Secretary-General

[Original text : English]
[21 August 1950]

1. Provisional financial regulation 34 (resolution 163 (II) of the General Assembly) provides that :

“ A board of three auditors, each of whom shall be the Auditor-General (or officer holding equivalent title) of a Member Government, shall be appointed by the General Assembly as External Auditors of the accounts of the United Nations and of such specialized agencies as shall have agreed thereto. The appointments shall be made in the following manner, and subject to the following provisions :

“ (a) In 1947, and every year thereafter, the General Assembly at its regular session shall appoint an auditor to take office from 1 July of the following year and to serve for a period of three years. ”

2. The present membership of the Board of Auditors is as follows :

The Auditor-General (or officer holding equivalent title) of Canada;

The Auditor-General (or officer holding equivalent title) of Colombia;

The Auditor-General (or officer holding equivalent title) of Denmark.

3. The Auditor-General (or officer holding equivalent title) of Colombia was appointed to the Board by the General Assembly on 1 November 1947 (resolution 150 (II)) for a three-year term which will expire on 30 June 1951. To fill the resulting vacancy, the General Assembly will therefore be required at its fifth regular session in 1950 to appoint as a member of the Board the Auditor-General (or officer holding equivalent title) of a Member State. The auditor thus appointed will serve for a period of three years commencing 1 July 1951.

4. At the fourth regular session, the Fifth Committee submitted to the General Assembly a draft resolution including the name of the Member State whose Auditor-General (or officer holding equivalent title) was recommended by the Fifth Committee for appointment. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure be followed this year.

DOCUMENT A/C.5/L.86

Note by the Secretariat

[Original text : English]
[27 November 1950]

1. The General Assembly is required to appoint the Auditor-General (or officer holding equivalent title) of a Member State to the Board of Auditors to fill the vacancy occasioned by the expiration of the term of

appointment of the Auditor-General of Colombia (A/1320).

2. The Auditor-General of Colombia has been proposed for reappointment. No further proposals have been received.

DOCUMENT A/1673**Report of the Fifth Committee**

[Original text : English]
[11 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 276th meeting held on 6 December 1950, considered a note by the Secretary-General (A/1320) concerning the vacancy which will occur in the membership of the Board of Auditors at the expiration of the term of office of one of its members on 30 June 1951.

2. The Chairman had previously invited members of the Fifth Committee to submit proposals with respect to Auditors-General (or officials holding equivalent title) of Member States who might be recommended to the General Assembly for appointment to membership of the Board of Auditors. At the time when the matter was considered by the Fifth Committee, only one proposal had been submitted, namely, that the retiring member

of the Board, the Auditor-General of Colombia, should be recommended for reappointment.

3. The proposal for reappointment of the Auditor-General of Colombia was adopted by acclamation, and the Fifth Committee, therefore, recommends to the General Assembly the adoption of the following resolution :

APPOINTMENT TO FILL A VACANCY IN THE
MEMBERSHIP OF THE BOARD OF AUDITORS

The General Assembly

Appoints the Auditor-General of Colombia as a member of the Board of Auditors for a three-year term to commence on 1 July 1951.

(d) Investments Committee : confirmation of the appointment made by the Secretary-General

DOCUMENT A/1458**Note by the Secretary-General**

[Original text : English]
[25 October 1950]

1. The General Assembly, on 15 November 1947, adopted resolution 155 (II) establishing an Investments Committee.

2. Under the provisions of this resolution, the term of office of one of the appointed members of the Investments Committee, Mr. Jacques Rueff, will expire on 31 December 1950.

3. Resolution 155 (II) provides, *inter alia*, that :

“ The normal term of office of a member of the Investments Committee shall be three years, and members shall be eligible for reappointment. At the regular session of the General Assembly each year, the Secretary-General shall submit the appointments which he has made after consultation with the Advisory Committee on Administrative and Budgetary Questions.”

4. In accordance with the above provision, the Secretary-General desires to submit to the General Assembly for

its approval the reappointment by him of Mr. Jacques Rueff, Honorary Governor of the *Banque de France*, to fill the vacancy which will occur in the membership of the Investments Committee on 1 January 1951. The Advisory Committee on Administrative and Budgetary Questions has concurred in this appointment, and Mr. Rueff has indicated his willingness to accept the appointment if it is approved by the General Assembly.

5. The following resolution is therefore proposed for adoption by the General Assembly :

“ The General Assembly

“ Approves the reappointment by the Secretary-General of Mr. Jacques Rueff, Honorary Governor of the *Banque de France*, as a member of the Investments Committee for a three-year term to commence on 1 January 1951. ”

DOCUMENT A/1674

Report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 276th meeting held on 6 December 1950, considered a note by the Secretary-General (A/1458) concerning the reappointment of Mr. Jacques Rueff, Honorary Governor of the *Banque de France*, to fill the vacancy which will occur in the membership of the Investments Committee at the expiration of the term of office of this member on 1 January 1951.

2. The Committee was informed that the Secretary-General had reappointed Mr. Rueff and that the Advisory Committee on Administrative and Budgetary Questions had concurred in this reappointment. There being no objection, the reappointment made by the Secretary-General was approved.

3. In consequence, the Fifth Committee decided to recommend to the General Assembly the adoption of the following resolution :

APPOINTMENT TO FILL A VACANCY IN THE MEMBERSHIP OF THE INVESTMENTS COMMITTEE

The General Assembly

Confirms the reappointment by the Secretary-General of Mr. Jacques Rueff, Honorary Governor of the *Banque de France*, as a member of the Investments Committee for a three-year term to commence on 1 January 1951.

(e) United Nations Administrative Tribunal

DOCUMENT A/1321

Note by the Secretary-General

[Original text : English]
[21 August 1950]

1. Article 3 (paragraphs 1 and 2) of the Statute of the Administrative Tribunal (resolution 351 A (IV)) provides that :

“1. The Tribunal shall be composed of seven members, no two of whom may be nationals of the same State. Only three shall sit in any particular case.

“2. The members shall be appointed by the General Assembly for three years, and they may be reappointed; provided, however, that of the members initially appointed, the terms of two members shall expire at the end of one year, and the terms of two members shall expire at the end of two years. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.”

2. At its fourth regular session, the General Assembly (resolution 351 B (IV)) appointed the following to be members of the Tribunal commencing on 1 January 1950 :

For three years : Madame Paul Bastid
Lt.-General His Highness Maharaja Jam Shri Digvijayasinghji Sahib
Mr. Omar Loutfi

For two years : Mr. Roland Andrews Egger
Dr. Emilio N. Oribe

For one year : Sir Sydney Caine
Dr. Vladimir Outrata.

3. Mr. Loutfi submitted his resignation by letter dated 25 May 1950, and the President of the Tribunal formally notified the Secretary-General of the vacancy by letter of 8 June 1950. Since Mr. Loutfi's term had not expired, the member appointed to replace him will hold office for the remainder of his term.

4. The terms of office of Sir Sydney Caine and Dr. Outrata expire at the end of 1950. They are eligible for reappointment.

5. The General Assembly will therefore be called upon to appoint three persons, one to serve on the Tribunal for two years and two for three years.

6. As regards the commencing date of terms of office of members, article 1 of the rules adopted by the Administrative Tribunal on 7 June 1950 (A/CN.5/2)¹ provides that :

“Subject to any contrary decision of the General

¹ See *Administrative Tribunal, Statute and Rules*.

Assembly of the United Nations, the term of office of members of the Tribunal shall commence on the first day of December in the year of their appointment by the General Assembly."

7. At the fourth regular session of the General

Assembly, the Fifth Committee, after secret ballot, submitted to the General Assembly names of the persons recommended for appointment as members of the Tribunal. With a view to expediting the business of the General Assembly, it is suggested that a similar procedure should be followed this year.

DOCUMENT A/C.5/L.89

Note by the Secretariat

[Original text: English/French]
[27 November 1950]

The following persons have been proposed for appointment to the United Nations Administrative Tribunal. The General Assembly is required to appoint three persons, one to serve for two years (the remainder of the term of appointment of Mr. Omar Loutfi, who has resigned) and two for a full three-year period consequent on the expiration of the initial terms of appointment of Sir Sydney Caine and Mr. V. Outrata.

The Right Honourable Lord Crook, of Carshalton, Surrey, England.

A member, for the past 25 years, of the Civil Service National Whitley Council for the Administrative Staffs of the Civil Service of Great Britain; a pioneer of and lecturer on the Whitley system of staff relationships; since 1925 General Secretary of the Ministry of Labour Staff Association and since 1929 editor of *Civil Service Argus*; experience in British local government service: Honorary Secretary, Labour Parliamentary Association, 1947; has been and is currently Chairman of a number of fact-finding committees and committees of inquiry; elevated to the peerage in 1947 for public and political services; member of United Kingdom delegation to fifth session, General Assembly; representative on the Fifth Committee.

Mr. Roland Lebeau

Doctor of Laws; attached to the Legal Service of the *Banque Nationale de Belgique*, 1927-1930; member of the Official Relations Section of the International Labour Office, 1930-1945, and in that capacity, in particular, member of various joint commissions dealing with staff matters, or staff representative on such bodies; Staff Counsellor for the submission of cases before the Administrative Tribunal of the League of Nations; member of the Board of Administration of the Staff Pensions Fund; since 1945, Counsellor of Legation in the Belgian diplomatic service, and in that capacity, in particular, Secretary-General of the Belgian delegation to the San Francisco Conference, to the Preparatory Commission of the United Nations and to the first and fifth sessions of the General Assembly; titular or alternate representative of Belgium in the Fifth Committee

of the General Assembly; alternate representative of Belgium on the Economic and Social Council; alternate member for Belgium in the Commission on Human Rights; President of the Joint Staff Pension Fund of the United Nations, 1946-1950; Chairman of the Appeals Board of the United Nations Secretariat, 1947-1950; now Director of Personnel at the Ministry of Foreign Affairs, Brussels.

Mr. Vladimir Outrata

Law Faculty Charles University and School of Economics in Prague, Czechoslovakia, 1928-1933, *Université de Paris*, 1933-1934; entered the diplomatic service 1935, Attaché and Secretary to the Czechoslovak Legation, Paris, 1937-1940; Ministry of Foreign Affairs of the Czechoslovak Government in London, 1940-1941; First Secretary to the Czechoslovak Embassy in Moscow, 1941-1945; Professor of Constitution of Law School and Social Science in Prague, 1946-1948; appointed Ambassador of Czechoslovakia to the United States of America, 1948; elected member of Administrative Tribunal for one year in 1949; Chairman of the Sixth Committee at the fifth Session of the General Assembly.

Mr. Hamed Sultan

Professor of international law in the Faculty of Law of the University of Fouad I; Judge of the Alexandria Prize Court; Counsel in the Court of Cassation; founding member, member of the Board of Administration and Secretary-General of the Egyptian International Law Society and of the Royal Society of Political Economy and Comparative Legislation; alternate representative of Egypt to the General Assembly of the United Nations; former alternate representative and technical adviser to the various Egyptian delegations to the General Assembly of 1949; and former technical adviser and secretary-general of the Egyptian delegation to the Security Council in 1947; member of several committees of experts in the Ministry of Justice and in the Office of the President of the Council of Ministers; author of several books and articles published in Egypt in Arabic and French on public and private international law.

DOCUMENT A/1675

Report of the Fifth Committee

[Original text : English]
[12 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee at its 276th meeting held on 6 December 1950, considered a note by the Secretary-General (A/1321) concerning the vacancies occurring in the membership of the United Nations Administrative Tribunal as a result of the expiration of the initial terms of office of two of its members. The Fifth Committee was also informed that Mr. Omar Loutfi, who was appointed by resolution 351 B (IV) for a three-year term commencing 1 January 1950, had submitted his resignation, and that it would be necessary, therefore, to recommend the appointment of a third person to hold office for the remainder of Mr. Loutfi's term of appointment.

2. The Chairman had previously invited members of the Fifth Committee to suggest the names of persons who might be recommended to the General Assembly for appointment to the membership of the Tribunal in accordance with article 3 of the Statute of the Tribunal. At the time when the matter was considered by the Fifth Committee, the names of four candidates had been proposed.

3. A vote by secret ballot was first taken, with the following results, for the purpose of deciding on those who should be recommended for a three-year term of appointment in place of the two members whose initial terms of appointment had expired.

<i>Number of ballot papers :</i>	55
<i>Invalid ballots :</i>	0
<i>Number of valid ballots :</i>	55
<i>Abstentions :</i>	1
<i>Number of valid votes cast :</i>	54
<i>Required majority :</i>	28

The result of the voting was as follows :

The Right Honourable Lord Crook.....	40
Mr. Vladimir Outrata	32
Mr. Roland Lebeau	21

4. A second vote by secret ballot was then taken for the purpose of deciding who should be recommended for the two-year term of appointment (representing the unexpired portion of the term of appointment of Mr. Omar Loutfi). The results of this vote were as follows :

<i>Number of ballot papers :</i>	55
<i>Invalid ballots :</i>	0
<i>Number of valid ballots :</i>	55
<i>Abstentions :</i>	2
<i>Number of valid votes cast :</i>	53
<i>Required majority :</i>	27

The result of the voting was as follows :

Mr. Hamed Sultan	38
Mr. Roland Lebeau	14

6. The Committee therefore recommends to the General Assembly the adoption of the following resolution :

APPOINTMENTS TO FILL VACANCIES IN THE MEMBERSHIP OF THE UNITED NATIONS ADMINISTRATIVE TRIBUNAL

The General Assembly

1. *Appoints* the following persons as members of the United Nations Administrative Tribunal :

The Right Honourable Lord Crook;
Mr. Vladimir Outrata;
Mr. Hamed Sultan.

2. *Declares* the Right Honourable Lord Crook and Dr. Vladimir Outrata to be appointed for a three-year term ending 30 November 1953, and Dr. Hamed Sultan for a period ending 30 November 1952.²

² Article 1 of the rules adopted by the Administrative Tribunal on 7 June 1950 provides that :

« Subject to any contrary decision of the General Assembly of the United Nations, the term of office of members of the Tribunal shall commence on the first day of December in the year of their appointment by the General Assembly. »

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A/1736	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 463 (V).</i>
A/1737	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Ibid.</i> , No. 464 (V).
A/1738	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Ibid.</i> , No. 465 (V).
A/1739	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Ibid.</i> , No. 466 (V).
A/1740	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Ibid.</i> , No. 467 (V).
A/C.5/422	Letter of resignation of Mr. Pace.	6	
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A/C.5/L.94	Draft report of the Fifth Committee		Same as A/1674.
A/C.5/L.95	Draft report of the Fifth Committee		Same as A/1673
A/C.5/L.98	Draft report of the Fifth Committee		Same as A/1675.
A/C.5/L.99	Draft report of the Fifth Committee		Same as A/1672.
A/C.5/L.100	Draft report of the Fifth Committee		Same as A/1671.



Agenda item 44 : United Nations Joint Staff Pension Fund : annual report of the United Nations Staff Pension Committee

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DOCUMENT A/1335

Annual report of the United Nations Staff Pension Committee acting as the Joint Staff Pension Board

[Original text : English]
[24 August 1950]

I. OPERATIONS OF THE FUND

During the year 1949, the operations of the United Nations Joint Staff Pension Fund have continued to expand. The number of United Nations staff members participating actively on 31 December 1949 was 3,544, an increase of 1,562 members during the year. It will be recalled that a new provision, approved by the General Assembly in 1948 (resolution 248 (III)), brought staff members into the Fund on completing one year's service. This provision accounts largely for the increased membership in 1949.

2. The financial statements attached to the present report show the position of the Fund as at 31 December 1949. The general information contained in the body of the report relates to the position at the same date. All information relates to the United Nations only, as none of the specialized agencies had executed agreements to enter the Fund prior to that date.

A. Membership

3. The movement in the membership of the Fund since its inception on 27 January 1947 up to 31 December 1949 was as follows :

Staff members entering the Fund	3,980
Staff members withdrawing	439
	3,541

Acting membership at 31 December 1949 3,541

B. Medical standards

4. During the current year, the United Nations Staff Pension Committee, in consultation with the Chief Medical Officer of the United Nations, has adopted revised medical standards for immediate coverage by the insurance provisions of the scheme. These new standards are closely related to the United Nations standards for employment, and the Committee has agreed that, in normal circumstances, the medical report prepared by the Health Service of the United Nations for employment purposes shall form the basis of the recommendations made to it for insurance purposes.

5. Since the inception of the Fund, 3,838 medical examinations have been performed in 36 countries, the resulting rate of deferments with respect to benefits under article 5 and 7 of the Fund regulations being approximately 5 per cent of the number examined.

C. Payment of benefits

6. *Withdrawal benefits.* From the inception of the Fund, withdrawal benefits have been paid to 407 par-

ticipants under the provisions of article 10 of the regulations. During the first five years of membership the withdrawal benefit paid is the equivalent of a member's own contributions to the Fund *plus* interest. The total amount of such benefits paid was \$US 251,053.65.

7. *Retirement benefits.* Up to 31 December 1949 thirteen staff members had qualified for retirement benefit under article 4 of the regulations. Six of these benefits were of an annual value less than \$120 and were commuted for lump-sum payments. The seven retirement benefits being currently paid have a total annual value of \$1,596.08.

8. *Widows' benefits.* Widows of two deceased participants were in receipt of benefits, the total annual value of which is \$2,120.73.

9. *Children's benefits.* Benefits were being paid in respect of three children of beneficiaries, the total annual value of which is \$900.

10. *Disability benefits.* During the year 1949, disability benefits were paid to two participants in the Fund. The annual value of these benefits currently payable is \$2,859.00.

11. *Benefits payable to designated beneficiaries.* On the death, while in active employment, of a participant who leaves no beneficiary entitled to a substantive benefit under the regulations, a benefit equal to the participant's own contributions to the Fund, with interest, becomes payable to any person whom the beneficiary has designated to receive this benefit. Five such benefits have been paid.

D. *Validation of non-pensionable service*

12. Up to 31 December 1949, payments amounting to a total of \$23,576.93 have been received from 127 participants, after qualifying to enter the Fund, for the purpose of making pensionable their periods of service prior to entering the Fund in harmony with article 3 of the regulations.

E. *Voluntary purchase of additional retirement benefit*

13. Applications have been received from three participants in the Fund to make deposits, in accordance with article 18, for the purpose of purchasing retirement benefit in addition to the normal pension to which they would become entitled under the regulations. Many other participants have requested information.

II. FINANCIAL POSITION AT 31 DECEMBER 1949

Statements submitted

14. There are attached to this report annexes A and B containing :

Annex A

(1) A statement of cash income and disbursements from the inception of the Fund, showing an accumulated fund of \$US 7,920,212.87;

(2) A statement of the assets comprising that Fund.

Annex B

A detailed statement of the investments included in the statement of assets, amounting at cost to \$7,818,853.61.

15. These statements do no more than to record in summary form the income and expenditure of the Fund on a strictly cash basis, and to show how the accumulated excess of income over expenditure was invested at 31 December 1949. No balance sheet showing the true liability of the Fund can be prepared until an actuarial valuation of the Fund has been made. The first actuarial valuation of the Fund as at 31 December 1949 is at present being carried out and an actuarial balance sheet based thereon, together with the report of the actuary, will be presented to the General Assembly at its sixth session.

16. *Investments.* The investments of the Fund have been made in accordance with the policy laid down by the Investments Committee appointed as provided in article 25. The rate of yield of the present investments is slightly in excess of 2 1/2 per cent *per annum*, which was the rate of interest assumed for the actuarial basis of the Fund.

17. The members of the Investments Committee are as follows: Mr. Ivar Rooth, Mr. Jacques Rueff, and Mr. L. R. Rounds.

III. ORGANIZATION

A. United Nations Staff Pension Committee

18. The United Nations Staff Pension Committee, in accordance with transitional provision D of the regulations, has so far performed the functions attributed to the Joint Staff Pension Board, pending the setting up of that Board following upon the admission of member organizations into the Fund.

19. The term of the elected members of the Staff Pension Committee expired on 31 December 1949. The General Assembly on 24 November 1949 (resolution 348 (IV)), elected new representatives and the United Nations participants in the Fund subsequently also elected three new representatives. The membership of the new Committee is as follows :

Elected by the General Assembly :

Members :

Mr. R. T. Cristóbal
Mr. E. de Holte Castello
Mr. N. I. Klimov

Alternates :

Miss Carol C. Laise
Dr. A. Nase
Mr. P. Ordonneau

Appointed by the Secretary-General :

Members :

Mr. Hans C. Andersen
Mrs. Alva Myrdal
Mr. Georges Palthey

Alternates :

Mr. W. P. Barrett
Mr. Laurence Michelmore
Mr. Hanna Saba

Elected by the participants :

Members :

Mr. Marc Schreiber
Mr. Raphael Trachtenberg
Mr. David Vaughan

Alternates :

Mr. François Eyriey
Mr. Charles Hogan
Mr. Georges Rabinovich

20. At a joint meeting of the new and the old Committees appreciation was recorded of the work performed by the members retiring at that time, special reference being made to the devoted services of Mr. Roland Lebeau, who had been Chairman of the Committee since it began its work in January 1947.

21. Mr. R. T. Cristóbal and Mr. Marc Schreiber were unanimously elected Chairman and Vice-Chairman, respectively, for the ensuing year.

B. Agreements with specialized agencies

22. On 8 May 1950, an agreement was signed in Geneva by the Secretary-General of the United Nations and by the Director-General of the World Health Organization, providing for the entrance of the latter organization into the Joint Staff Pension Fund with effect from 1 May 1949. An agreement with the Food and Agriculture Organization has been completed and is awaiting formal execution, by which that organization will enter the Fund with effect from 1 April 1950.

23. Following on decisions by their governing bodies to enter the Joint Staff Pension Fund, negotiations

are well advanced with the United Nations Educational, Scientific and Cultural Organization, the International Civil Aviation Organization and the International Labour Organisation.

24. It is hoped that these agreements will be completed in time to enable all five of the associated member organizations, which have so far decided to enter the United Nations Joint Staff Pension Fund, to be represented together with the United Nations at the first session of the Joint Staff Pension Board convening in September 1950. If these hopes are realized, the number of participants in the United Nations Joint Staff Pension Fund will be in excess of 6,000.

C. Joint Staff Pension Board

25. In view of the admission of WHO and the entry of FAO as member organizations in the Fund, the Joint Staff Pension Board must now be constituted in accordance with article 12 and provision D of the regulations. The first session of the Board has been convened for 18 September 1950, when it will assume the administration of the Joint Fund and will have on its agenda matters relating to medical, financial and general procedures affecting the future administration of the Fund as a joint fund.

D. Actuarial valuations

26. The United Nations Staff Pension Committee decided that an actuarial valuation of the Fund should be carried out as at 31 December 1949 prior to the entry of the specialized agencies into the Fund, and appointed Mr. George Buck of New York and Dr. Hans Wyss of Zurich to collaborate in that valuation and to prepare a report. As soon as that report has been received it will be distributed by the Board as directed in article 31 of the regulations.

ANNEX A

UNITED NATIONS JOINT STAFF PENSION FUND

1. Statement showing cash receipts and cash disbursements from the inception of the Fund on 27 January 1947 to 31 December 1949		<i>US dollars</i>
CASH RECEIPTS :		
<i>Contributions to the Fund by the staff</i>	<i>US dollars</i>	
Normal contributions at the rate of 7 per cent of salaries	1,827,058.75	
Staff balances in the Provident Fund transferred to the Pension Fund—12 per cent of salaries	1,375,772.46	
Voluntary contributions to make past service pensionable	23,576.93	
Contributions to cover leave without pay .	177.66	
Voluntary contributions for purchase of additional benefit	6,419.96	
Total staff contributions	<u>3,233,005.76</u>	
<i>Contributions to the Fund by the United Nations</i>		
Normal contributions at the rate of 14 per cent of salaries	3,654,117.50	
Payment in complement of staff balances transferred from Provident Fund—9 per cent of salaries	1,031,829.24	
Contributions to make past service pensionable	47,153.85	
Total of United Nations contributions	<u>4,733,100.59</u>	
Total of all contributions	7,966,106.35	
Income from investments, interest charged, etc.....	220,783.91	
Total of case receipts	<u>8,186,890.26</u>	

CASH DISBURSEMENTS :

	US dollars
<i>Payment of benefits</i>	
Retirement benefits	13,352.20
Disability benefits	238.00
Widows' benefits	1,808.54
Children's benefits	225.00
Withdrawal benefits	251,053.65
Total of cash disbursements	266,677.39

SUMMARY

Total of cash receipts (as above)	8,186,890.26
Less : total of cash disbursements (as above)	266,677.39
Accumulated fund at 31 December 1949	7,920,212.87
(Funded by the net assets shown below)	

2. *Statement of assets at 31 December 1949*
(*representing the Accumulated Fund*)

	US dollars
Cash at bank	42,466.84
Sum due from the United Nations	23,836.55
Investments at cost (see annex B)	7,818,853.61
Interest due and accrued	35,055.87
Total assets	7,920,212.87

The audit certificate of the Board of Auditors of the United Nations in respect of the year ended 31 December 1949 (A/1256)¹ covers the investments and other assets held for various trust funds, including those related to the Joint Staff Pension Board.

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 6.*

ANNEX B

UNITED NATIONS JOINT STAFF PENSION FUND INVESTMENTS AS AT 31 DECEMBER 1949

<i>Securities</i>	<i>Par Value</i>	<i>Book Value</i>	<i>Securities</i>	<i>Par Value</i>	<i>Book Value</i>
	<i>In US dollars</i>			<i>In US dollars</i>	
US Savings Bonds Registered, Series F, dated 1 Nov. 1946, due 1 Nov. 1958	135,125.00	108,263.85	US Treasury Bonds, 2 1/2 %, due 15 June 1967	200,000.00	204,168.06
US Savings Bonds Registered, Series F, dated 1 Jan. 1947, due 1 Jan. 1959	135,125.00	107,810.15	Philadelphia Electric Co., 1st and refunding mortgage, 2 3/4 %, due 1 Nov. 1967 ..	120,000.00	121,293.81
US Savings Bonds Registered, Series F, dated 1 Dec. 1947, due 1 Dec. 1959	95,000.00	74,073.51	Consolidated Natural Gas Co., Debenture, 2 3/4 %, due 1 Apr. 1968	120,000.00	122,597.51
US Savings Bonds Registered, Series F, dated 1 Apr. 1948, due 1 Apr. 1960	270,250.00	208,966.35	Public Service Electric and Gas Co., 1st and refunding mortgage, 3 1/4 %, due 1 July 1968	11,000.00	11,685.41
US Savings Bonds Registered, Series F, dated 1 July 1948, due 1 July 1960	1,934,150.00	1,486,167.98	Ohio Power Co., 1st mortgage, 3 1/4 %, due 1 Oct. 1968 ..	100,000.00	106,040.40
US Savings Bonds Registered, Series F, dated 1 Jan. 1949, due 1 Jan. 1961	135,125.00	102,533.25	US Treasury Bonds, 2 1/2 %, due 15 Dec. 1968	200,000.00	203,374.57
American Telephone and Telegraph Co. Debenture, 2 3/4 %, due 15 Dec. 1961	120,000.00	123,856.20	US Treasury Bonds, 2 1/2 %, due 15 March 1970	200,000.00	202,495.38
US Treasury Bonds, 2 1/4 %, due 15 June 1962	700,000.00	704,985.49	Cleveland Electric Illuminating Co., 1st mortgage, 3 %, due 1 July 1970	120,000.00	125,633.25
Chicago Union Station Co., 1st mortgage, 3 1/8 %, due 1 July 1963	125,000.00	129,764.25	Boston Edison Co., 1st mortgage, Series A, 2 3/4 %, due 1 Dec. 1970	120,000.00	120,927.44
Quaker Oats Company, Debenture, 2 3/8 %, due 1 July 1964	60,000.00	59,986.23	Detroit Edison Co., Guaranteed refunding mortgage, Series H, 3 %, due 1 Dec. 1970	135,000.00	139,830.91
National Steel Corporation, 1st collateral mortgage, 3 %, due 1 Apr. 1965	120,000.00	124,786.58	US Treasury Bonds, 2 1/2 %, due 15 March 1971	200,000.00	208,799.50
Texas Corporation, Debenture, 3 %, due 1 May 1965 ..	120,000.00	126,106.50	Standard Oil Co. of New Jersey, Debenture, 2 3/8 %, due 15 May 1971	140,000.00	134,169.52
Southern California Edison Co., Ltd, 1st mortgage, 3 %, due 1 Sept. 1965	111,000.00	115,703.13	Consolidated Edison Co. of New York, 1st and refunding mortgage, Series C, 2 3/4 %, due 1 June 1972	135,000.00	134,752.84
Atlantic Refining Co., Debenture, 2 5/8 %, due 15 Jan. 1966	60,000.00	59,642.31	US Treasury Bonds, 2 1/2 %, due 15 June 1972	200,000.00	201,520.97
Monongahela Railway Co., Guaranteed, 1st mortgage, " B ", 3 1/4 %, due 1 Feb. 1966	71,000.00	73,375.41	Pacific Gas and Electric Co., 1st and refunding mortgage, 3 %, Series L, due 1 June 1974	150,000.00	154,449.64
Standard Oil Co. of California, Debenture, 2 3/4 %, due 1 Aug. 1966	60,000.00	61,273.16	Government of Canada, 2 3/4 %, due 1 Sept. 1974	520,000.00	526,748.30
			Kansas City Terminal Railway Co., 1st mortgage, 2 3/4 %, due 1 Oct. 1974	50,000.00	51,604.79

<i>Securities</i>	<i>Par Value</i>	<i>Book Value</i>	<i>Securities</i>	<i>Par Value</i>	<i>Book Value</i>
	<i>In US dollars</i>			<i>In US dollars</i>	
Consumers Power Company, 1st mortgage, 2 7/8 %, due 1 Sept. 1975	135,000.00	136,744.88	Illinois Bell Telephone Co., 1st mortgage, Series B, 3 %, due 1 June 1978	130,000.00	138,040.78
American Telephone and Tele- graph Co., Debenture, 2 3/4 %, due 1 Oct. 1975 ..	100,000.00	94,424.88	Duke Power Co., 1st and refunding mortgage, 2 7/8 %, due 1 Feb. 1979	140,000.00	145,265.07
Cincinnati Gas and Electric Co., 1st, mortgage, 2 3/4 %, due 1 Oct. 1975	135,000.00	137,961.59	Delaware Power and Light Co., 1st mortgage and Collateral Trust, 2 7/8 %, due 1 July 1979	150,000.00	155,422.41
Northern States Power Co., 1st mortgage, 2 3/4 %, due 1 Oct. 1975	140,000.00	141,998.82	Totals	8,322,775.00	7,818,853.61
Buffalo Niagara Electric Co., 1st mortgage, 2 3/4 %, due 1 Nov. 1975	140,000.00	139,362.27			
Union Pacific Railroad Co., Debenture, 2 7/8 %, due 1 Feb. 1976	150,000.00	153,306.16			
Pacific Telephone and Tele- graph Co., Debenture, 3 1/4 %, due 1 Mar. 1978 ..	130,000.00	138,940.10			

The audit certificate of the Board of Auditors of the United Nations in respect of the year ended 31 December 1949 (A/1256, pages 18 and 19) covers the investments and other assets held for various trust funds including those related to the Joint Staff Pension Board.

DOCUMENT A/1449

Report of the Fifth Committee

*[Original text : English]
[18 October 1950]*

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting held on 26 September 1950, the Fifth Committee considered, at its 237th meeting held on 2 October 1950, the annual report submitted by the United Nations Staff Pension Committee, acting as the Joint Staff Pension Board, on the operation of the Pension Fund (A/1335). This report was submitted pursuant to article 35 of the regulations for the Joint Staff Pension Fund adopted by the General Assembly on 7 December 1948 (resolution 248 (III)).

2. After receiving additional information from the Chairman of the United Nations Staff Pension Committee with respect to revision of the Fund's medical requirements, and from the Assistant Secretary-General for

Administrative and Financial Services with respect to the Fund's investments, the Fifth Committee decided to recommend to the General Assembly the adoption of the following resolution :

UNITED NATIONS JOINT STAFF PENSION FUND : ANNUAL REPORT OF THE UNITED NATIONS STAFF PENSION COMMITTEE

The General Assembly

Takes note of the annual report of the United Nations Staff Pension Committee for the year ended 31 December 1949.

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A/1449	Report of the Fifth Committee	5	
A/1485	Resolution adopted by the General Assembly at its 302nd plenary meeting on 3 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 453 (V).</i>



Agenda item 45 : Expenses of the Permanent Central Opium Board. Assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs : report of the Secretary-General

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DOCUMENT A/1418

Report of the Secretary-General

[Original text : English]
[6 October 1950]

1. The Economic and Social Council, on 2 March 1949, adopted resolution 201 (VIII) the last paragraph of which reads as follows :

“ Recommends to the Secretary-General that, in consultation with the Permanent Central Opium Board, he prepare plans for assessing signatories of the 1925 Convention who are not Members of the United Nations for their fair share of the expenses of the Permanent Central Board, and submit such plans to the fourth session of the General Assembly. ”

2. In compliance with the terms of the resolution, the Secretary-General prepared plans for the assessment of signatories of the 1925 Convention which are not Members of the United Nations, and submitted such plans to the General Assembly at its fourth session (A/976).¹

3. After further consideration, however, the Secretary-General later submitted to the Fifth Committee another document (A/C.5/340)² suggesting that, as

the expenses of the Permanent Central Opium Board were only a part of the expenses involved in the international administration in the field of narcotic drugs, the question might profitably be deferred to the fifth session of the General Assembly to permit a more extensive study of the problem.

4. The General Assembly, on 24 November 1949, adopted resolution 353 (IV), requesting the Secretary-General to undertake a thorough study of the general question, regard being had to the total expenses incurred in connexion with the international administration of narcotic drugs and of such other functions or powers responsibility for which is shared by non-members of the United Nations under existing treaties. The Secretary-General was also requested to submit the results of his study, together with appropriate recommendations, for the consideration of the General Assembly at its next regular session.

5. In accordance with the provisions of the resolution, the Secretary-General undertook a study of the expenses borne in the regular budget of the United Nations in connexion with or resulting from international treaties the parties to which include States not Members of the United Nations.

¹ See *Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex, vol. I.*

² *Ibid.*

6. Exclusive of the costs in relation to the international administration in the field of narcotic drugs, and the costs of the International Court of Justice which are already assessed in part against non-members of the United Nations, the Secretary-General was not able to select any expenses resulting from international treaties in respect of which he considered that he could recommend an assessment on non-member States. In all cases, the attribution of costs between those relating to responsibilities under the Charter and the scope of operations under United Nations programmes and those costs relating solely to operations under such international treaties could not be made, in the opinion of the Secretary-General, in a manner sufficiently clear to defend any particular amount as assessable on non-member States. Further, even by using certain arbitrary breakdowns, the amounts are so small at this time that the income would not warrant the administrative expense that would be involved in such an operation.

7. On the other hand, as the Secretary-General indicated in his second report to the fourth session of the General Assembly (A/C.5/340) it does appear that certain costs in connexion with the international administration in the field of narcotic drugs, in addition to the direct meeting and secretariat costs of the Permanent Central Opium Board, might be reasonably added to the figure on which assessments on non-member States could be based. A statement showing the functions and obligations of the organs of the United Nations under the international instruments on narcotic drugs is attached as an annex to the present report. Taking into account the contents of this annex, the Secretary-General recommends that the items listed below might be considered in determining the figure against which would be calculated the assessments of non-members of the United Nations signatories to conventions relating to the international control of narcotic drugs.

A. *Meetings of the Permanent Central Opium Board and the Narcotic Drugs Supervisory Body*

8. The Secretary-General considers that a fair share of the direct costs of the meetings (including contractual printing) might be considered as assessable on non-member States.

B. *Secretariat of the Permanent Central Opium Board and the Narcotic Drugs Supervisory Body*

9. In his first report to the fourth session (A/976), the Secretary-General included only the salaries of the above secretariat and the direct office costs related thereto. It is now suggested that the common staff costs for this secretariat might also be included, as well as a proportionate share of the common service costs at Geneva.

C. *Division of Narcotic Drugs of the Department of Social Affairs*

10. The Secretary-General recommends that the salaries and common staff costs of the officials of the

Division of Narcotic Drugs who are fully and exclusively employed on work relating to provisions of the international agreements might be included in the assessment figure, as well as a proportion of the common service costs relative to those officials. Any departmental contractual printing directly resulting from the provisions of the agreements would also be included.

D. *Commission on Narcotic Drugs of the Economic and Social Council*

11. It is considered that the direct meeting costs of the Commission on Narcotic Drugs could be included in the assessment figure. Although the Secretary-General realizes that the Commission does not deal solely with items relating to the international agreements on narcotic drugs, it is pointed out that only the direct costs would be included, and not the indirect costs of servicing the meetings.

E. *Economic and Social Council*

12. The Secretary-General would find it difficult for the time being to attribute any of the particular costs of the meetings of the Economic and Social Council to the international agreements as against the United Nations' own responsibilities.

13. It is further noted that the international instruments on narcotic drugs place upon the World Health Organization certain obligations resulting in expenses for that organization. Although final agreement has not been reached with WHO on this matter, it would appear that the most simple administrative approach would be for the United Nations to include in its calculations the expenses of WHO directly relating to the above obligations and then turn over to WHO its share of the collections.

14. Based on the 1951 budget estimates, an application of the principles set out in the two paragraphs above would give an assessment base figure of about \$US 200,000 against which non-member States could be assessed their fair share. However, in keeping with the practice of the League of Nations in this respect, the Secretary-General proposes that any assessment might be carried out on an actual expense basis; in other words, in 1951 the Secretary-General would assess the non-member States for their fair share of the 1950 expenses.

15. There still remains the question of the scale according to which the non-member States should be assessed. In this connexion the Secretary-General, in his first report to the fourth session, suggested that the General Assembly might consider two methods of assessment:

(a) To follow the method used in assessing the contribution of non-member States to the expenses of the International Court of Justice, whereby the General Assembly, on the recommendation of the Committee on Contributions, establishes the percentage contribution to be paid, this assessment being based on the same principles as are used for the assessment of Member States in apportioning the expenses of the United Nations;

(b) To divide the signatories to the various international agreements on narcotic drugs which are not Members of the United Nations into broad groups according to relative capacity to pay, as might be determined on a general basis with the statistical information on hand, and assess a flat sum for each group each year, depending on the estimated expenses concerned.

Although the Secretary-General in the same report suggested a development of method (b), he recommended the application of that method only as an interim measure until such time as the Committee on Contributions could consider the assessments. The Secretary-General now suggests that method (b) might be eliminated as a possibility, and that the question of the scale or rate of assessment on the non-member States might be referred to the Committee on Contributions for consideration at its next regular session, on the understanding that the recommendations of the Committee would be applied to the 1950 expenses. As the non-member States have no vote on the matter, and as the method adopted for contributions by non-members to the International Court of Justice provides for consultation with those non-members on the rate of assessments, use of this method would avoid any question of action having been taken without due representation of the parties affected.

16. When seeking payment of contributions from non-member States, the Secretary-General would be guided by the resolutions of the General Assembly regulating the relationship with these States.

17. The Secretary-General proposes the following draft resolution for adoption by the General Assembly :

EXPENSES RESULTING FROM OBLIGATIONS PLACED ON THE UNITED NATIONS BY INSTRUMENTS RELATING TO THE CONTROL OF NARCOTIC DRUGS : ASSESSMENTS OF NON-MEMBER STATES SIGNATORIES OF THOSE INSTRUMENTS

The General Assembly,

Taking note of the report of the Secretary-General to the fifth session of the General Assembly on the question of assessment of signatories of international instruments relating to the control of narcotic drugs, which are non-members of the United Nations, for their fair share of expenses resulting from obligations placed on the United Nations by those instruments,

Approves the principle proposed by the Secretary-General for determining the expenses to be considered as assessable on such non-members;

Requests the Committee on Contributions to determine the rates at which such non-members should be assessed by the same method as that followed in determining the assessment of non-members which are parties to the Statute of the International Court of Justice for their share of the expenses of the Court;

Directs the Secretary-General to seek payment of such amounts as are determined by the method established above in respect of the 1950 expenses and those of future years.

ANNEX

FUNCTIONS AND OBLIGATIONS OF THE ORGANS OF THE UNITED NATIONS UNDER THE INTERNATIONAL INSTRUMENTS ON NARCOTIC DRUGS

The functions and obligations of the organs of the United Nations under the international instruments on narcotic drugs are listed below :

I. *The Secretary-General*

*International Opium Convention signed at The Hague on 23 January 1912*³

(a) To transmit laws and regulations furnished by Governments (article 21).

(b) To transmit statistical information on trade in narcotic drugs furnished by Governments (article 21).

(c) To communicate notice of denunciation (article 25).

*Agreement on Opium Smoking signed at Geneva on 11 February 1925*³

(a) To receive and publish information with regard to the number of opium smokers (article X).

(b) To act as depository of notifications of accession in respect of protectorates and to notify same to the other Parties (article XIII).

(c) To act as depository of and register instruments of ratification (article XIV).

(d) To receive and communicate to other Parties notifications of denunciation (article XV).

*Convention signed at Geneva on 19 February 1925*³

(a) To inform the Parties of the acceptance by any one of them of the recommendation of the World Health Organization (WHO) bringing an additional drug under the provisions of the Convention (article 10).

(N.B. The practice is as follows : A Party desiring to submit a new drug to the provision of the 1925 Convention addresses a notification to the Secretary-General, who forwards it to the other Parties and to WHO. If WHO finds that the drug is addiction-producing and recommends that it should be brought under control, and if a Party accepts this recommendation, the Secretary-General is under an obligation to inform all the Parties of such acceptance.)

(b) To appoint the Secretary and staff of the Permanent Central Opium Board and to exercise control of this staff in administrative matters (article 20).

(c) To transmit requests of the Permanent Central Opium Board to the Parties for explanations regarding accumulation of excessive quantities of narcotic substances (article 24, paragraph 1).

(d) To transmit to the Parties texts of laws and/or regulations received from the other Parties (article 30).

(N.B. Implementation of this provision implies printing, translation and mailing of the texts of the laws or regulations received by the Secretary-General.)

(e) To transmit to the other Parties the decision of Parties to a dispute " to submit it for an advisory opinion to the technical body appointed by the Economic and Social

³ As amended by the Protocol of 11 December 1946.

Council", or "to resort to arbitration" (article 32, paragraph 6).

(f) To act as depository of the instruments of ratification, and to notify all the Members of the United Nations and non-member States of the receipt of such instruments (article 34).

(g) To act as depository of instruments of accessions, and to notify their receipt to all the Members of the United Nations signatories to the Conventions and to signatory non-member States (articles 35 and 39).

(h) To keep a special record "showing which States have signed, ratified, acceded to or denounced the present Convention". To keep this record open to the Parties and to publish it from time to time (article 37).

(i) To notify the receipt of any denunciation of the Convention (articles 38 and 39).

(j) To invite non-member States to accede to the Convention, by communicating to the State concerned a copy of the text of the Convention (articles 34 and 35).

*Convention for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, signed at Geneva on 13 July 1931*⁴

(a) To provide the Secretariat of the Supervisory Body and to ensure close collaboration of that Body with the Permanent Central Opium Board (article 5, para. 6).

(b) To forward to all the Members of the United Nations and to non-member States the annual statement of the Supervisory Body (article 5, para. 7).

(c) To receive from a State Party and to advise the other Parties and WHO of any notification concerning new drugs (article 11, paragraph 2); to communicate to all States Members of the United Nations and to non-member States the decisions of WHO regarding such drugs (article 11, paragraph 5); and to perform the same functions in the procedure provided for the revision of such decisions of WHO and of the body of three experts (article 11, paragraph 7).

(d) To forward to any Party to the Convention requests of the Permanent Central Opium Board for explanations (article 14, paragraph 3).

(e) To communicate to the Parties information on manufacture of drugs and/or cessation of manufacture, as furnished by governments (article 20, paragraph 3).

(N.B. Notifications of individual cases communicated by governments and publication of an annual list of drug factories.)

(f) To communicate to the Parties texts of laws and regulations communicated by the other Parties (article 21).⁵

(N.B. This involves editing, translation, printing and circulation.)

(g) To communicate to the Parties annual reports furnished by the other Parties (article 21).

N.B. This involves editing, translation, printing and circulation.)

(h) To forward to the Parties particulars of cases of illicit traffic reported by the other Parties (article 23).

N.B. This involves summarizing, translation, printing and distribution.)

(i) To communicate to all Member and non-member States declarations and notices made in pursuance of the colonial clause (article 26).

(j) To act as depository of instruments of ratification and accession and notify their receipt to all the Members of the United Nations and to non-member States (articles 28 and 29).

(k) To act as depository of instruments of denunciation and to notify all the Members of the United Nations and non-member States of their receipt (article 32).

(l) To receive requests for revision of the Convention and to notify the other Contracting Parties thereof (article 33).

(m) To invite non-member States to become Parties to the Convention, by communicating to the State concerned a copy of the text of the Convention (articles 28 and 29).

*Agreement on Suppression of Opium Smoking signed at Bangkok on 27 November 1931*⁶

(a) To act as depository of notifications of accession in respect of protectorate territories and to notify the accession to all the other Parties (article V).

(b) To receive notifications of denunciation and to communicate same to all the other Parties (article VII).

*Convention for the Suppression of the Illicit Traffic in Dangerous Drugs, signed at Geneva on 26 June 1936*⁶

(a) To communicate laws and regulations and annual reports on the working of the Convention forwarded by governments (article 16).

(b) To communicate to all the Members of the United Nations and to non-member States all declarations and notices made in pursuance of the colonial clause (article 18, paragraph 4).

(c) To act as depository of instruments of ratification and accession and to notify their receipt to all the Members of the United Nations and to non-member States (articles 20 and 21).

(d) To act as depository of instruments of denunciation and to notify their receipt to all Members of the United Nations and to non-member States (article 24).

(e) To receive and communicate to the other Contracting Parties requests for the revision of the Convention (article 25).

(f) To invite non-member States to accede to the Convention by communicating to the State concerned a copy of the text of the Convention (articles 20 and 21).

Protocol signed at Lake Success on 11 December 1946 amending the Agreements, Conventions and Protocols on Narcotic Drugs

(a) To act as depository of instruments of acceptance of the Protocol (article VI).

(b) To register and publish the amendments made in each instrument by "the present Protocol" (article VIII).

(c) To invite States Parties to the Agreements, Conventions and Protocols on narcotic drugs to sign or accept the Protocol of 1946, by communicating to the Party concerned a copy of the text of that Protocol (article V).

⁴ As amended by the Protocol of 11 December 1946.

⁵ *Ibid.*

⁶ As amended by the Protocol of 11 December 1946.

Protocol of 19 November 1948 bringing under international control drugs outside the scope of the Convention of 13 July 1931 for Limiting the Manufacture and Regulating the Distribution of Narcotic Drugs, as amended by the Protocol signed at Lake Success on 11 December 1946

(a) To receive notifications in connexion with the procedure for bringing drugs not covered by the Convention of 1931 under international control (article 1, paragraph 1, and article 3).

(b) To transmit the aforesaid notifications to the other Parties, to the Commission on Narcotic Drugs, and to WHO (article 1, paragraph 1, and article 3).

(c) To transmit notifications of decisions or findings by WHO to all States Members of the United Nations, to non-member States, to Parties to the Protocol of 1948, to the Commission on Narcotic Drugs and to the Permanent Central Opium Board (article 1, paragraph 3, and article 3).

(d) To communicate decisions of the Commission on Narcotic Drugs to the States Parties, to WHO and to the Permanent Central Opium Board (article 2).

(e) To act as depository of instruments of acceptance of the Protocol (article 5).

(f) To notify all Members of the United Nations and non-member States of all signatures to and acceptances of the Protocol, and of all notifications made in pursuance of the colonial clause (article 8) and the denunciation clause (article 9) (article 10).

II. *The Economic and Social Council*

1925 Convention

(a) To receive findings of WHO in connexion with the procedure exempting preparations from international control, and to communicate such findings to the Parties (article 8).

(b) To receive information and recommendations from WHO in connexion with procedure bringing additional drugs under international control, and to communicate such recommendations to the Parties (article 10).

(c) To appoint members of the Permanent Central Opium Board (article 19).

(d) To make arrangements, in consultation with the Permanent Central Opium Board, for the organization and working of the Board. To approve appointment of the Secretary and staff of the Board by the Secretary-General (article 20).

(e) To take up cases in which excessive quantities of narcotic substances are accumulating in a country or in which there is a danger of that country becoming a centre of the illicit traffic :

(i) On the initiative of the Permanent Central Opium Board, which may recommend a drug embargo;

(ii) On the initiative of the country concerned;

(iii) On the initiative of an exporting country not willing to act on the recommendation of a drug embargo (article 24, paragraphs 2, 3 and 4).

(f) To receive the annual report of the Permanent Central Opium Board on its work (article 27).

(g) To appoint a technical body, to which parties to a dispute may submit the dispute for an advisory opinion (article 32, paragraph 1).

Protocol of 1948

(a) To invite non-member States to become Parties to the Protocol (article 5).

III. *The Commission on Narcotic Drugs of the Economic and Social Council*

1931 Convention

(a) To appoint a member of the Supervisory Body (article 5, paragraph 6).

(b) To select a member of a body of three experts in connexion with the procedure for bringing new drugs under international control (article 11, paragraph 4).

(c) To draw up from time to time a form for use by Governments in framing their annual reports (article 21).

Protocol of 1948

(a) To consider and decide whether or not the measures applicable to drugs specified in article 1, paragraph 2, group I of the 1931 Convention should provisionally apply to a drug (the object of a notification), pending the decision of WHO (article 2).

IV. *The International Court of Justice*

1925 Convention

(a) To exercise jurisdiction over disputes arising in regard to the interpretation or application of the Convention which it has not been found possible to settle either directly or on the basis of the advice of the technical body referred to in the Convention, unless settlement is attained by way of arbitration or otherwise by application of some existing convention or in virtue of an arrangement specially concluded (article 32, paragraph 4).

(b) To decide questions of international law or questions as to the interpretation of the Convention arising during proceedings before that technical body or an arbitral tribunal (article 32, paragraph 7).

1931 Convention

(a) To exercise jurisdiction over " a dispute of any kind relating to the interpretation or application of the present Convention " under the circumstances and subject to the conditions specified in the Convention (article 25).

1936 Convention

(a) To exercise jurisdiction over " a dispute of any kind relating to the interpretation or application of the present Convention " under the circumstances and subject to the conditions specified in the Convention (article 17).

DOCUMENT A/1461

Ninth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[26 October 1950]

1. In accordance with a decision taken by the Fifth Committee at its 247th meeting on 13 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered the report submitted by the Secretary-General (A/1418) on the assessment of non-members of the United Nations, signatories of the Convention of 19 February 1925 relating to narcotic drugs, for their share of the expenses of the Permanent Central Opium Board.

2. In requesting the Secretary-General to study, and make recommendations on, the above question (resolution 353 (IV) of 24 November 1949), the General Assembly directed that he should have regard not only to the total expenses incurred in connexion with the international administration of narcotic drugs, but also to other functions or powers for which non-members of the United Nations share responsibility under existing treaties.

3. The Advisory Committee takes note that, apart from the expenditure for the international administration of narcotic drugs, the Secretary-General does not recommend any further assessments on non-members of the

United Nations in respect of expenses arising out of international treaties.

4. In paragraph 7 of his report, the Secretary-General has enumerated the items (A, B, C and D) which, under his recommendation, would comprise the aggregate figure of assessable expenditure in respect of the international administration of narcotic drugs. The Advisory Committee concurs in this recommendation, as well as in the provisional recommendation in paragraph 8, which relates to similar expenses incurred by the World Health Organization.

5. As regards the scale of assessment to be applied to non-members of the United Nations, the Committee considers that method (a) proposed by the Secretary-General in paragraph 10 of his report is an equitable one. Under this method, the scale of assessment to be recommended by the Committee on Contributions would be applied retroactively in respect of the 1950 expenses.

6. The Advisory Committee therefore recommends for adoption the draft resolution submitted by the Secretary-General (A/1418, para. 12).

DOCUMENT A/1497

Report of the Fifth Committee

[Original text: English]
[10 November 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 258th meeting held on 31 October 1950, considered the question of assessment of non-members of the United Nations which are signatories of the Convention of 19 February 1925 relating to narcotic drugs. Pursuant to General Assembly resolution 353 (IV), the Secretary-General had submitted for the consideration of the General Assembly a report (A/1418) embodying the results of a comprehensive study of this question, regard being had to the total expenses incurred in connexion with the international administration of narcotic drugs and of such other functions or powers, the responsibility for which is shared by non-members of the United Nations under existing treaties. In addition to the report of the Secretary-General, the Fifth Committee had before it the observations thereon of the Advisory Committee on Administrative and Budgetary Questions (A/1461).

2. The Fifth Committee was informed that, exclusive of the costs relating to international administration in

the field of narcotic drugs and the costs of the International Court of Justice which are already assessed in part against non-members of the United Nations, the Secretary-General was not able to select any expenses resulting from international treaties in respect of which he considered that he could recommend an assessment on non-member States. In the case, however, of international administration in the field of narcotic drugs, the view was expressed by the Secretary-General that, in addition to direct meeting and secretariat costs of the Permanent Central Opium Board, certain other costs enumerated in his report might reasonably be deemed to comprise assessable expenditure towards which non-member States might be asked to contribute. The Advisory Committee indicated its concurrence in the recommendation made by the Secretary-General with respect to such expenditure, as well as in his provisional recommendation that the United Nations should include in its calculations similar expenses incurred by the World Health Organization, on the understanding that, should these proposals be approved, the United Nations would

turn over to the World Health Organization its share of such collections.

3. As regards the scale of assessment to be applied to non-members of the United Nations, the Advisory Committee expressed the opinion that the first of the alternative methods proposed by the Secretary-General would be an equitable one, namely, that the General Assembly, on the recommendation of the Committee on Contributions, should establish the percentage contribution to be paid, this assessment being based on the same principles as those which are being used for the assessment of Member States in apportioning the expenses of the United Nations (i.e., the method presently used in assessing contributions of non-member States to the expenses of the International Court of Justice). An assurance was given by the Secretary-General in his report that, when seeking payment of contributions from non-member States, he would be guided by the resolutions of the General Assembly regulating the relationships with those States.

4. The Fifth Committee approved without discussion or objection the recommendation by the Advisory Committee that the draft resolution as submitted by the Secretary-General for the purpose of giving effect to his proposals should be adopted.

5. Accordingly, the Fifth Committee recommends to the General Assembly the adoption of the following resolution :

EXPENSES RESULTING FROM OBLIGATIONS PLACED ON THE UNITED NATIONS BY INSTRUMENTS RELATING TO THE CONTROL OF NARCOTIC DRUGS : ASSESSMENT OF NON-MEMBER STATES SIGNATORIES OF THOSE INSTRUMENTS

The General Assembly,

Taking note of the report of the Secretary-General to the fifth session of the General Assembly on the question of assessment of signatories of international instruments relating to the control of narcotic drugs, which are non-members of the United Nations, for their fair share of expenses resulting from obligations placed on the United Nations by those instruments,

1. *Approves* the principle proposed by the Secretary-General for determining the expenses to be considered as assessable on such non-members;

2. *Requests* the Committee on Contributions to determine the rates at which such non-members should be assessed by the same method as that followed in determining the assessment of non-members which are parties to the Statute of the International Court of Justice for their share of the expenses of the Court;

3. *Directs* the Secretary-General to seek payment of such amounts as are determined by the method established above in respect of the 1950 expenses and those of future years.

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A/C.5/L.69	Draft report of the Fifth Committee		Same as A/1497.



Agenda item 46 : Organization of a United Nations postal administration : report of the Secretary-General

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DOCUMENT A/1394/Rev.1

Report of the Secretary-General

[Original text : English]
[26 September 1950]

1. The General Assembly, by resolution 342 (IV) adopted on 20 October 1949 :

(i) Took note of the report of the Secretary-General on the organization of a United Nations postal administration (A/988) ¹ and of the report of the Advisory Committee on Administrative and Budgetary Questions (A/1002) ²;

(ii) Requested the Secretary-General, in accordance with the provisions of resolution 232 (III) of 8 October 1948, to continue the preparation of necessary arrangements for the establishment of a United Nations postal administration;

(iii) Requested the Secretary-General to submit a new report on the matter to the General Assembly not later than the beginning of the fifth regular session.

2. In accordance with paragraph (ii) above, the Secretary-General has prepared, in consultation with the

Government of the United States of America, a draft agreement for the establishment of a United Nations postal administration. A copy of the draft agreement is attached hereto as Annex 1.

3. The proposed agreement is similar in its terms to an existing agreement between the Swiss Government and the Principality of Liechtenstein. Provision is made for the Post Office Department of the United States of America to perform all of the usual postal services on behalf of the United Nations postal administration, using United Nations postage stamps, subject to terms of reimbursement for such services as stipulated in the agreement. The United Nations would operate a separate agency for the sale of United Nations postage stamps for philatelic purposes, retaining all revenue derived from such philatelic sales for its own use.

4. In the course of negotiations with the Government of the United States of America, the Secretary-General considered two alternate plans involving,

(a) Assumption by the United Nations of full responsibility for operating a United Nations postal administra-

¹ See *Official Records of the General Assembly, Fourth Session, Fifth Committee, Annex*, vol. I, p. 140.

² *Ibid.*, p. 144.

tion to provide either the normal postal service or a limited postal service, based upon estimates contained in document A/988, or

(b) An agreement similar to the Swiss-Liechtenstein contract.

Because of numerous administrative difficulties foreseeable in plan (a) and confirmed in subsequent negotiations with the Government of the United States of America, plan (b) is submitted as the more practical and workable arrangement for operating a United Nations postal administration in conformity with paragraph (ii) of resolution 232 (III).

5. A United Nations postal administration operated in accordance with the terms of the proposed agreement would, in the conduct of its postal services, observe the provisions of the Universal Postal Union convention and regulations in the same manner as any branch post office operated by the Government of the United States of America. Its relationship with the Universal Postal Union from the postal point of view would be in accordance with the resolution adopted by the Executive and Liaison Commission of the Universal Postal Union meeting in Locarno in October 1948 (A/988).

6. In the course of discussions with representatives of the United States of America, it was specifically recognized that implementation of several provisions contained in the proposed agreement would require considerable administrative and detailed operational adjustment. Many of the problems can best be resolved on the basis of actual experience. For example, without some basis derived from results it is difficult to arrive at an exact formula for division of revenue as between postage stamps sold for philatelic purposes and for use on mail matter (section 3 of the draft agreement). Under this provision stamps sold specifically for philatelic purposes might possibly be diverted for use on mail matter and, conversely, stamps sold specifically for mailing purposes might be diverted to philatelic purposes. These two possibilities bear on the operational problem of ascertaining the intent of the purchasers as between the United Nations Post Office Station and the philatelic agency. Because of operational problems of this nature, section 8, sub-section (ii) of the draft agreement provides that one or both of the parties concerned may request a revision of some parts of the agreement after one year of experience in actual operation.

7. Estimated costs of the United Nations postal administration pursuant to the proposed agreement would be incurred mainly for the salaries of a small staff to direct the philatelic agency, initial designing and printing of postage stamps and conducting normal business relations with the Post Office Department of the United States of America. The Secretariat would, however, continue its present internal postal services concerned with the internal collection and distribution of mail and the packaging and preparation of mail to be posted at the United Nations post office (as operated by the Post Office Department of the United States of America). A detailed estimate of operating costs for

the first year is given below. Excluding staff costs given in (a), expenditures may well be reduced in subsequent years of operation.

	<i>US dollars</i>
(a) Staff costs (salaries) for the philatelic agency. This estimate is based on gross salaries at appropriate grades and steps and includes provision for pertinent allowances	40,000
(b) Travel and miscellaneous expenditures incident to completion of preparatory arrangements in collaboration with the Post Office Department of the United States of America and to the establishment of administrative relationship with the Universal Postal Union	3,000
(c) Cost of printing postage stamps for official mail, private mail posted by delegations, Secretariat and visiting public in the Headquarters Building, including also \$5,000 for the expenses of an international competition for United Nations stamp designs, if required	15,000
(d) Cost of printing stamps for philatelic sales, and other incidental expenses relative to the operation of a philatelic sales agency, not including staff costs, after denominations and designs have been decided upon. It should be noted that some of these costs will be non-recurring, depending upon the popularity of the first issues with philatelists. If, however, there is justification for changes in stamp designs, such charges would require new engravings and added printing costs	25,000
TOTAL	83,000

8. It is estimated that the United Nations Postal Administration may expect revenue from sales of stamps by the philatelic agency amounting to approximately \$ 300,000 in the first year, leaving a net revenue of \$217,000. These estimates, however, are necessarily somewhat speculative.

9. The question of adopting suitable postage stamp designs for various denominations of United Nations stamps will doubtless be of concern to all Members, and perhaps non-members, of the United Nations. The rather wide field of possible designs appropriate to the United Nations is likely, in the opinion of the Secretary-General, to invite a corresponding variety of opinions as to the propriety or significance of designs which may be adopted unless an approved procedure is established prior to issuance. The Secretary-General therefore requests that he be authorized, on adoption of the proposed United States-United Nations Postal Agreement, to constitute or designate a representative body empowered by the General Assembly to give final approval to designs for United Nations postage stamps.

10. By virtue of the plan of operation envisaged in the proposed draft agreement whereby the Post Office Department of the United States of America will perform all normal postal services on behalf of the United Nations postal administration, it has not been necessary to expend any of the sum of \$ US 10,000 provided in the 1950 budget for consultant services.

11. It is estimated that a period of six months will be required to put into operation a United Nations postal administration after the approval and execution of the United States-United Nations Postal Agreement.

12. The following draft resolution is submitted for the consideration of the General Assembly, should it decide to proceed with the organization of a United Nations Postal Administration on the basis of the foregoing arrangements.

ORGANIZATION OF A UNITED NATIONS POSTAL
ADMINISTRATION

The General Assembly,

Referring to resolutions 232 (III) of 8 October 1948 and 342 (IV) of 20 October 1949, adopted at its third and fourth regular sessions respectively, and in particular to paragraphs 2 and 3 of resolution 342 (IV), and

Having considered the report of the Secretary-General on the organization of a United Nations Postal Administration and the observations thereon submitted by

the Advisory Committee on Administrative and Budgetary Questions,³

1. *Takes note* of the draft agreement between the United States of America and the United Nations for the establishment of a United Nations Postal Administration in conformity with the Headquarters Agreement;

2. *Requests* the Secretary-General to proceed with the conclusion of the aforesaid agreement and with the necessary arrangements for the establishment of a United Nations Postal Administration at the earliest possible date consistent with sound administrative arrangements;

3. *Authorizes* the Secretary-General to appoint a committee which shall be empowered to give final approval to designs for United Nations postage stamps;

4. *Requests* the Secretary-General to submit to the General Assembly, not later than the beginning of its seventh regular session, a comprehensive report on the establishment and operations of the United Nations Postal Administration.

³ The observations of the Advisory Committee were issued later as document A/1453.

ANNEX

UNITED STATES—UNITED NATIONS POSTAL AGREEMENT

Agreement made this... day of..., 1950, between the United States of America and the United Nations.

Whereas, a certain Agreement between the United States of America and the United Nations, dated the 26th day of June, 1947, regarding the Headquarters of the United Nations (said Agreement being hereinafter referred to as the "Headquarters Agreement") provides that in the event that the United Nations should propose to organize its own postal service, the conditions under which such service shall be set up shall be the subject of a Supplemental Agreement; and

Whereas, the United Nations desires to establish a postal service in conformity with the Headquarters Agreement,

Now therefore, the parties hereto agree as follows :

1. *Scope of agreement*

(i) Subject to the provisions of this Agreement, there shall be established a United Nations Post Office Station in the Headquarters District of the United Nations, as defined in the Headquarters Agreement, which shall be operated by the United States Post Office Department.

(ii) The United Nations Post Office Station shall provide at the prevailing rates all the services offered by any United States Post Office having comparable operations, excepting that the United Nations Post Office Station shall only use United Nations postage stamps.

2. *Supply of United Nations postage stamps and stamped paper*

(i) The United Nations shall at its own expense furnish all United Nations postage stamps required under the terms of this Agreement.

(ii) In the event the United Nations shall produce or authorize production of stamped envelopes and post cards,

such envelopes or post cards shall conform to the specifications of the United States Post Office Department as to size and as to quality of paper used.

(iii) No United Nations postage stamps shall be distributed except in accordance with the terms of this Agreement.

3. *Sale of United Nations postage stamps*

(i) The United Nations Post Office Station shall sell only United Nations postage stamps which shall be provided by the United Nations free of charge in such quantities as may be necessary to fulfill all reasonable needs of the United Nations Post Office Station. All revenue derived from such sales of United Nations postage stamps and for other services rendered by the United Nations Post Office Station shall be retained by the United States Post Office Department as full and complete compensation for performance of its obligations under terms of this Agreement, except, however, that the United States Post Office Department shall be reimbursed for performance of any postal services resulting from use of United Nations postage stamps sold for philatelic purposes under the provisions of subsection (ii) of this section which are used as postage on mail matter posted at the United Nations Post Office Station by being paid an amount equal to the face value of any such stamps so used as postage.

(ii) The United Nations may maintain a separate agency for the sale of United Nations postage stamps for philatelic purposes in response to orders received by mail. Subject to the provisions of sub-section (i) of this section, all revenue derived from such philatelic sales of United Nations postage stamps shall be retained by the United Nations for its own use.

4. *United Nations postmarks*

The United Nations shall furnish all postmarking stamps to be applied to mail posted for mailing in the Headquarters

District and shall furnish all such postmarking stamps to the United Nations Post Office Station free of charge. All postmarks shall be designated as United Nations postmarks.

5. *United Nations Post Office Station premises*

The United Nations shall provide the United States Post Office Department at the expense of the United Nations with the quarters, custodial services and utilities necessary to enable the United States Post Office Department to operate the United Nations Post Office Station in the Headquarters District.

6. *Staff and equipment*

Except as otherwise provided in this Agreement, the United States Post Office Department will provide at its own expense all staff, equipment and other services and facilities necessary to enable the United States Post Office Department to operate the United Nations Post Office Station under the terms of this Agreement.

7. *Postal address of the United Nations*

The postal address of the Headquarters District of the United Nations shall be "United Nations, New York".

8. *Duration of the Agreement*

(i) This Agreement shall take effect on a date to be agreed upon between the United Nations and the United States Post Office Department.

(ii) This Agreement shall be subject to revision, on the written proposal of either contracting party, after one year from the date of commencement of operations.

(iii) This Agreement may be terminated by either party giving the other written notice of its intention to terminate such Agreement at least twelve (12) months in advance of the termination date fixed in such notice.

IN WITNESS WHEREOF the respective representatives have signed this Agreement and have affixed their seals hereto.

DONE in duplicate this day of, 19...

FOR THE GOVERNMENT OF THE UNITED STATES
OF AMERICA :

President (Seal)

FOR THE UNITED NATIONS :

Secretary-General (Seal)

DOCUMENT A/1453

Eighth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[19 October 1950]

1. In accordance with a decision taken by the Fifth Committee at its 247th meeting on 13 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered the report submitted by the Secretary-General on the organization of a United Nations postal administration (A/1394/Rev.1).

2. The Committee takes note that, under the terms of General Assembly resolution 342 (IV), paragraph 2, the Secretary-General has proposed the establishment of a United Nations postal administration on the basis set forth in the draft agreement annexed to his report mentioned above.

3. The draft agreement provides, *inter alia* :

(a) That the United States Post Office Department will provide, on behalf of the United Nations postal administration, "all the services offered by any United States Post Office having comparable operations", subject to the terms of compensation stipulated in the draft agreement (sections 1 (ii) and 3 (i));

(b) That the United Nations Post Office will use only United Nations postage stamps (section 1 (ii));

(c) That the United Nations may operate a separate philatelic agency for the sale of United Nations postage stamps for philatelic purposes, and that all revenue from such sales will be retained by the Organization (section 3 (ii));

(d) That the United Nations will furnish the necessary postage stamps free of charge to the United Nations Post Office, together with postmarking stamps (section 3 (i) and 4);

(e) That the United Nations will provide at its own expense the necessary premises, custodial services and utilities (section 5);

(f) That the United States Post Office Department will provide at its own expense all staff, equipment and other services and facilities necessary for the operation of the United Nations Post Office (section 6).

4. The estimate submitted by the Secretary-General for the operation of the United Nations postal administration shows that expenditure will amount in the first full year to \$ US 83,000 and to a somewhat lower figure in subsequent years. Offsetting revenue from the sale of stamps for philatelic purposes is tentatively estimated at \$ US 300,000 in the first year.

5. The Advisory Committee believes that the proposed plan is well conceived and that, apart from other considerations, the United Nations will derive advantage in terms of publicity from the issue of special postage stamps. Accordingly, the Committee recommends for adoption the draft resolution submitted by the Secretary-General (A/1394/Rev.1, para. 12).

DOCUMENT A/1507

Report of the Fifth Committee

[Original text : English]
[14 November 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 258th meeting held on 31 October 1950, considered the question of the organization of a United Nations postal administration.

2. The Committee had before it the report (A/1394/Rev.1) requested of the Secretary-General by General Assembly resolution 342 (IV), which instructed him to continue with the preparation of the necessary arrangements for the establishment of a United Nations postal administration in accordance with the terms of resolution 232 (III), and to submit a new report on the matter to the General Assembly not later than the beginning of the fifth regular session. In his report the Secretary-General informed the General Assembly that, pursuant to its instructions, he had prepared, in consultation with the Government of the United States of America, a draft agreement (see annex) for the establishment of a United Nations postal administration which provided, *inter alia* :

(a) That the United States Post Office Department would provide, on behalf of the United Nations postal administration, "all the services offered by any United States Post Office having comparable operations", subject to the terms of compensation stipulated in the draft agreement (sections 1 (ii) and 3 (i));

(b) That the United Nations Post Office would use only United Nations postage stamps (section 1 (ii));

(c) That the United Nations might operate a separate philatelic agency for the sale by mail of United Nations postage stamps for philatelic purposes, and that all revenue from such sales would be retained by the Organization (section 3 (ii));

(d) That the United Nations would furnish the necessary postage stamps free of charge to the United Nations Post Office, together with postmarking stamps (sections 3 (i) and 4);

(e) That the United Nations would provide at its own expense the necessary premises, custodial services and utilities (section 5);

(f) That the United States Post Office Department would provide at its own expense all staff, equipment and other services and facilities necessary for the operation of the United Nations Post Office (section 6).

It was explained that, in view of the numerous administrative difficulties foreseeable under the plan which had originally been considered (i. e., for the United Nations to assume full responsibility for operating its own postal administration) a more practical and workable arrangement, which would nevertheless be in conformity with paragraph (2) of General Assembly resolution 232 (III), had been negotiated.

3. The estimates submitted by the Secretary-General for the operation of a United Nations postal administration on the proposed basis indicated that expenditure would amount in the first full year to \$83,000 and to a somewhat lower figure in subsequent years. Offsetting revenue from the sale of stamps for philatelic purposes was tentatively estimated at \$300,000 for the first year. Postal expenses would, of course, still require to be provided for under section 18 of the budget estimates, to the amount of approximately \$180,000.

4. In addition to the report of the Secretary-General, the Fifth Committee also had before it the eighth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1453), which expressed the view that the proposed plan was well conceived in that (a) it offered substantial advantages in terms of publicity for the United Nations; (b) was administratively simple since actual postal services would be entrusted to those most competent to carry them out, i. e. the officials of the United States Post Office Department; and (c) some revenue would accrue to the Organization. Accordingly, the Advisory Committee recommended for adoption the draft resolution submitted by the Secretary-General.

5. In the course of discussion in the Fifth Committee it was stated by the Chairman of the Advisory Committee and by the representative of the Secretary-General that the plan applied for the time being solely to the United Nations Headquarters, although it was hoped that in due course similar arrangements might be extended to other United Nations offices and to the specialized agencies.

6. Several delegations urged that extreme care be exercised in connexion with the operations of the philatelic agency to avoid placing the United Nations in a situation which would be incompatible with its dignity and prestige. Attention was also called to the danger of flooding the market with United Nations stamps, with a consequent depreciation of their face value and loss of revenue to the Organization. The Committee was assured on behalf of the Secretary-General that the position in this respect would be carefully watched.

7. A number of delegations, while generally approving the terms of the draft agreement, expressed regret that, under article 3 (ii), the activities of the separate agency to be maintained by the United Nations for the sale of stamps for philatelic purposes would be limited to fulfilling orders received by mail. In the opinion of these delegations, the revenue which should accrue to the United Nations would be substantially decreased if the Organization were to be precluded from participating

in direct sales of United Nations stamps to the public. Other delegations, however, while sympathizing with this point of view, stressed that it was specifically recognized in the agreement itself that implementation of several of its provisions would require considerable administrative and operational adjustment. Without some experience, for example, it was difficult to arrive at an exact formula for the division of revenue as between postage stamps sold for philatelic purposes and those sold for use on mail matter. Those stamps sold specifically for philatelic purposes (by the United Nations philatelic agency) might possibly be diverted for use on mail matter and, conversely, those sold specifically for mailing purposes (by the United Nations Post Office Station) might be diverted to philatelic use. Because of operational problems of this nature, article 8, paragraph (ii) of the draft agreement provided that one or both the parties concerned might request a review of some parts of the agreement after one year's experience of actual operation.

8. Subject to these comments, the Fifth Committee unanimously approved the provisions of a draft resolution taking note of the draft agreement between the United States of America and the United Nations for the establishment of a United Nations postal administration, requesting the Secretary-General to proceed with the conclusion of this agreement and with the necessary arrangements for establishing such an administration, authorizing him to appoint a committee to give final approval to designs for United Nations postage stamps, and requesting him to submit a comprehensive report on the actions taken not later than the beginning of the seventh regular session of the General Assembly.

9. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

ORGANIZATION OF A UNITED NATIONS POSTAL ADMINISTRATION

The General Assembly,

Referring to resolutions 232 (III) of 8 October 1948 and 342 (IV) of 20 October 1949, adopted at its third and fourth regular sessions respectively, and in particular to paragraphs 2 and 3 of resolution 342 (IV),

Having considered the report of the Secretary-General on the organization of a United Nations postal administration and the observations thereon submitted by the Advisory Committee on Administrative and Budgetary Questions,

1. *Takes note of the annexed draft agreement⁴ between the United States of America and the United Nations for the establishment of a United Nations postal administration in conformity with the Headquarters Agreement;*
2. *Requests the Secretary-General to proceed with the conclusion of the aforesaid agreement and with the necessary arrangements for the establishment of a United Nations postal administration at the earliest possible date consistent with sound administrative arrangements;*
3. *Authorizes the Secretary-General to appoint a committee which shall be empowered to give final approval to designs for United Nations postage stamps;*
4. *Requests the Secretary-General to submit to the General Assembly, not later than the beginning of its seventh regular session, a comprehensive report on the establishment and operations of the United Nations postal administration.*

⁴ For the text of the Postal Agreement between the United Nations and the United States of America, see *Official Records of the General Assembly, Fifth Session, Supplement No. 20*, annex to resolution 454 (V).

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A/1518	Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November 1950		<i>Official Records of the General Assembly, Fifth Session, No. 454 (V).</i>
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Agenda item 47 : United Nations telecommunications system :
report of the Secretary-General

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DOCUMENT A/1454

Report of the Secretary-General

[Original text : English]
[25 October 1950]

1. The General Assembly at its first session unanimately approved a recommendation from the Technical Advisory Committee on Information which said, in part :

“ The Department (of Public Information) should actively assist and encourage the use of radio broadcasting for the dissemination of information about the United Nations. To this end it should, in the first instance, work in close co-operation with radio broadcasting organizations of the Members. *The United Nations should also have its own radio broadcasting station or stations with the necessary wave-lengths for communication both with Members and with branch offices, and for the origination of United Nations programmes.* The station might also be used as a centre for national broadcasting systems which desire to co-operate in the international field. The scope of the radio broadcasting activities of the United Nations should be determined after consultation with national radio broadcasting organizations. ” (Resolution 13 (I), annex 1.)

2. A comprehensive plan designed to give effect to the above recommendations was prepared during 1947 by a Committee of radio experts and presented to the General Assembly at its second regular session (A/335)¹. Consideration of the question of a United Nations telecommunications system was deferred, however, until the third regular session when the General Assembly, on 18 November 1948, adopted resolution 240 (III), in which it :

(a) Approved in principle the establishment of a United Nations telecommunications system;

(b) Reaffirmed the United Nations position as an operating agency in the field of international telecommunications and called upon all Member Governments to support at all international telecommunications conferences the requirements of the United Nations for

¹ See *Official Records of the General Assembly, Second Session, Supplement No. 9.*

frequencies and services envisaged in the report of the Advisory Committee on United Nations Telecommunications (A/335);

(c) Authorized the Secretary-General to present to the General Assembly at its regular session of 1950 such recommendations as he deemed necessary to implement a United Nations telecommunications system.

3. Resolution 240 (III), for the purposes of implementation, raises two problems: (a) that of the physical requirements of the United Nations for radio broadcasting and "point-to-point" facilities; and (b) that of obtaining allocation of United Nations wave-lengths, etc., so that United Nations services can operate independently of national frequency assignments. In considering his recommendations concerning United Nations requirements for telecommunications facilities, as well as the present report on the progress of negotiations concerning frequency assignments, the Secretary-General has felt that a primary consideration to be borne in mind is that these two problems are closely inter-related; that is to say, continuance of present United Nations radio services, or of services in any way comparable thereto in scope and coverage, cannot be fully assured unless the Organization is able to make use of its own frequencies. It can only do this, and at the same time safeguard its claim to those frequencies, to the extent that it is able to find ways and means of acquiring certain minimal broadcasting facilities of its own. In consequence, in formulating his recommendations pursuant to resolution 240 (III), the Secretary-General has assumed that Member Governments are desirous of placing the United Nations radio services on a firm and continuing basis if an efficient plan can be developed without prohibitive financial implications.

A. RECOMMENDATIONS FOR A UNITED NATIONS TELECOMMUNICATIONS PLAN

4. In addition to making provision for radio broadcasting facilities, a comprehensive telecommunications plan should take account of the need for "point-to-point" facilities for written record and telephone traffic between United Nations Headquarters, overseas offices and missions in the field. The Secretary-General has been studying this latter problem in connexion with the requirements of the Field Service and with the traffic requirements between Headquarters and overseas offices and missions. Although such a communications system was originally contemplated, it is not proposed that any attempt should be made at this time to proceed with its development since, for the time being, existing commercial facilities appear to be sufficient and the present volume of traffic would not warrant the additional expenditure involved. The following proposals, therefore, are concerned with the question of broadcasting facilities only.

5. In the opinion of the Secretary-General, the developments of the last few years have demonstrated beyond reasonable doubt the necessity for the United Nations to have at its disposal at least minimal broadcasting facilities under United Nations control and

capable of reaching all Member States. It may be noted that almost twenty years ago at a time when international broadcasting was in its infancy, the League of Nations had the foresight and the wisdom to secure its own facilities. Today, when international broadcasting has become a major instrument of international communication, its value to an international organization responsible for world peace will hardly be questioned.

6. The original plan proposed in 1947 called for a comprehensive world-wide communications network to be constructed by the United Nations at an estimated cost of \$ US 9 million. In terms of present procurement costs, the figure to implement such a plan today would be in the neighbourhood of \$ US 16 million. Obviously, expenditure on such a scale could not be seriously considered at this time. Moreover, the short-wave spectrum is now so crowded that there would be no practical possibility of obtaining the necessary number of frequencies to operate the facilities envisaged in these original recommendations.

7. The modified plan now presented proposes the construction by the United Nations of minimal facilities only, to be used for services of special priority and services to areas which cannot be effectively or appropriately served by the use of available national facilities. In all other respects, the United Nations would continue to depend for a substantial part of its requirements on facilities leased or loaned from Member States. In this connexion, it should be stated that it is impossible to reach all parts of the world with transmitters located in the proximity of the United Nations Headquarters. Some relay point is therefore necessary and, for technical reasons, North Africa would be the most desirable location for relay purposes.

8. The procurement is proposed, therefore, of one 200-kilowatt transmitter in the New York area, which can be operated separately as two 100-kilowatt transmitters or in combination as one 200-kilowatt transmitter. This transmitter would be equipped with antennas beamed on Europe, Africa and Latin America. The relay installation in North Africa would consist of two 50-kilowatt transmitters with antennas directed to South Africa, Europe, the Middle East and Asia.

9. In order to minimize construction and operating costs, it is proposed that these facilities should be operated under a maintenance and service contract by an outside contractor. This would eliminate the costly purchase of land and construction of new buildings to house the transmitter facilities.

10. It is estimated that 50 per cent of the present United Nations broadcast schedule could be accommodated on these facilities. The operating costs under a maintenance and service contract would be comparable to the costs involved for an equal amount of time on the nationally operated facilities which have been used in accordance with the General Assembly's budgetary authorizations in the past. These installations could also be used as an emergency communications system to

link United Nations Headquarters with missions in the field.

11. It should be noted that the proposed plan conforms to all the telecommunications provisions in article II, section 4, of the agreement between the United Nations and the United States of America [General Assembly resolution 169 (II)] regarding the Headquarters of the United Nations. Before the equipment was placed in service, all necessary co-ordinating action would be taken with the appropriate regulatory bodies of Member States concerning frequencies, operating procedures and engineering practices. It is felt that the facilities proposed would, in terms of efficiency, be comparable to the best in the world today.

12. The total estimated capital cost for this plan is estimated at \$ US 1,983,000. It is proposed that the Secretary-General should be empowered to explore the possibilities for and to accept voluntary contributions and/or donations for the implementation of the plan.

13. It is estimated that annual operational costs will amount in 1953 to \$61,000 and in later years to \$96,000. This latter amount will be practically offset by reductions in the cost of leased transmitting facilities which would amount, on the basis of the 1951 budget as approved at first reading by the Fifth Committee, to approximately \$95,290.

B. ALLOCATION OF WAVE-LENGTHS TO THE UNITED NATIONS

14. In March 1947, an agreement was reached between the United Nations and the Swiss Federal Government concerning the transfer to the United Nations of the rights and the use of certain frequencies (wave-lengths) formerly used by the League of Nations for its radio services and registered by the Swiss Federal Government at the Bureau of the International Telecommunications Union. This draft agreement was ratified by the Swiss Federal Government. The Bureau of the International Telecommunications Union was duly informed, in April 1947, of this agreement and was requested to reserve these former League of Nations wave-lengths for use by the United Nations. The final consummation of the agreement between the Swiss Government and the United Nations was held by the International Telecommunications Union to be dependent on the approval by the United Nations General Assembly of a United Nations telecommunications plan. This approval was given in principle by resolution 240 (III) adopted at the third session of the Assembly.

15. During the International Telecommunications Union Conference held in Atlantic City, New Jersey, in 1947, it was decided by the Conference to recognize the United Nations Secretariat as a special member of the Union, with all the rights and obligations of a full member of the Union, but without the right to vote. As a direct consequence of this decision, the United Nations has been able to participate in all subsequent meetings of the International Telecommunications Union concerned

with international broadcast frequencies. Through participation in the technical committees of the ITU, the United Nations has been able to modify its original requirements in the light of existing conditions and on the basis of minimum requirements. The schedule of modified United Nations requirements has been duly registered with the Bureau of the International Telecommunications Union. All readjustments of the original United Nations requirements reached as a result of the ITU Conferences in Mexico City and Rapallo, Italy, have been acceptable to the United Nations.

16. The agreement between the Swiss Federal Government and the United Nations envisaged the transfer of six international high-frequency wave-lengths with exclusive rights and six others with subsidiary or joint priority. An assignment of joint priority means that the United Nations will share the wave-length with the Swiss Government and other member nations of the International Telecommunications Union. The modified requirements of the United Nations, however, do not envisage the necessity of using all these frequencies.

17. The United Nations has, for nearly four years, been entirely dependent on the generosity of one or two Member States for most of the facilities necessary to carry United Nations broadcasts. The provision of these frequencies to the United Nations has even been made at the expense of the national requirements of the countries concerned. While it is expected that the United Nations will be able to continue to lease some transmitting facilities from Member States, it has become evident that the Organization cannot continue to depend on one or two Member States to provide from their own national allotments all the frequencies required for United Nations services. If, therefore, the United Nations broadcasting services are to be maintained at their present state, the Organization is obliged to make use of its own frequencies. Furthermore, it will be recognized that the longer the Organization delays exercising its frequency claims, the more difficult it will become to assert these claims in practice.

18. A detailed technical study is now under way to determine what portion of United Nations broadcast schedules can be continued on national frequencies and what portion can be continued only by making use of frequencies registered in the name of the United Nations. It is the intention to make use of United Nations frequencies, where necessary, as of 1 May 1951.

19. If the proposals outlined in this report commend themselves to Members of the General Assembly, the Secretary-General will submit for their consideration the following draft resolution :

UNITED NATIONS TELECOMMUNICATIONS SYSTEM

The General Assembly,

1. *Instructs* the Secretary-General to proceed with the implementation of the proposals outlined in document A/1454 for a modified United Nations telecom-

munications system, provided that the capital expenditure involved does not constitute a net addition to the budget of the United Nations;

2. *Authorizes* the Secretary-General to accept for this purpose such voluntary contributions and/or dona-

tions as would be appropriate and necessary to carry out these proposals in whole or in part;

3. *Requests* the Secretary-General to report on this matter to the sixth regular session of the General Assembly.

DOCUMENT A/1492

Fifteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions on financial implications of the draft resolution proposed by the Secretary-General (A/1454)

[Original text: English]
[8 November 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the financial implications of the draft resolution proposed by the Secretary-General (A/1454) on the subject of a United Nations telecommunications system.

2. By resolution 240 (III) of 18 November 1948, the General Assembly, while approving in principle the establishment of a United Nations telecommunications system, authorized the Secretary-General to present to the General Assembly at its fifth session the recommendations which he deemed necessary to implement such a system.

3. The total capital cost of the proposed plan is estimated at \$1,983,000 (A/1454, para. 12), and the Secretary-General would be authorized under paragraph 2 of the draft resolution to accept "such voluntary contributions and/or donations as would be appropriate and necessary to carry out these proposals in whole or in part".

4. The Advisory Committee takes note that the proposed facilities would, it is estimated, accommodate 50 per cent of the present broadcasting schedule of the

United Nations. On the basis of that schedule, no net addition to the budget in respect of the operating costs of the system (\$96,000) is anticipated, since the Organization will dispense with certain transmitting facilities which at present entail rental charges of over \$95,000.

5. The conditions governing the acceptance of donations or contributions must clearly be consonant with the dignity of the Organization and afford the necessary safeguards for the independent operation and security of the telecommunications system. Consequently, the Advisory Committee considers it desirable that, should the General Assembly approve the proposed plan, an interpretation of paragraph 2 of the draft resolution should be given for the guidance of the Secretary-General.

6. The observations which the Advisory Committee has offered in the preceding paragraphs are subject to the definitive decision of policy to be taken by the General Assembly. With this reservation, the Committee has reached the conclusion that the proposed plan would offer an appreciable advantage to the Organization.

DOCUMENT A/C.5/401

Note by the Secretary-General

[Original text: English]
[14 November 1950]

1. At the 263rd meeting of the Fifth Committee on 9 November 1950, further clarification was sought of the course of action intended by the Secretary-General in connexion with the implementation, if authorized, of the plan for a United Nations telecommunications system as outlined in document A/1454, dated 25 October 1950.

2. The Secretary-General wishes to reaffirm the statement made on his behalf to the Fifth Committee during the initial discussion of this plan, and previously to the Advisory Committee on Administrative and

Budgetary Questions, to the effect that the integrity and dignity of the United Nations would be fully protected in every respect in connexion with the acceptance of any donations for this purpose.

3. The Secretary-General, furthermore, wishes to recall that the General Assembly, at its third session, authorized him to present to the General Assembly at its regular session in 1950 "such recommendations as he deemed necessary to implement a United Nations telecommunications system" [resolution 240 (III)]. While the experience gained has fully proved the urgent need

for the establishment of such a system in order to protect the interests of the United Nations in the field of radio broadcasting, the financial implications were such that the Secretary-General hesitated to present proposals which would involve capital expenditure for the Organization amounting to several million dollars. Steps were therefore taken to explore the possibility of implementing a modified telecommunications plan through outside donations without incurring any capital expenditure for the Organization and within the present authorization for operational expenditure. While no formal negotiations have taken place, these informal explorations have indicated that possibilities exist of obtaining sufficient donations on the sole condition that they be used for the furtherance of United Nations interests in the field of broadcasting. The proposal for implementation called for in General Assembly resolution 240 (III) was thereafter worked out on the principles described above and as outlined in document A/1454.

4. In response to specific questions raised with regard to policies involved in the operation of the proposed telecommunications system and the principles underlying the acceptance of donations for its establishment, the Secretary-General wishes to state, without reservation, that it is not his intention to permit the United Nations telecommunications system at any time or in any way to be used for commercial purposes or for any other ends not in accordance with the specific interests of the Organization. It is therefore clear that no donation would

be acceptable if any condition other than the furtherance of United Nations interests were attached.

5. To safeguard further the Organization's position and to dispel such doubts as might exist concerning future operational policies, the Secretary-General proposes the following amendment to replace paragraph 2 of the original draft resolution presented in document A/1454, paragraph 19 :

" Authorizes the Secretary-General to accept for this purpose such voluntary contributions and/or donations as would be appropriate and necessary to carry out these proposals in whole or in part, it being understood that any and all facilities or funds made available to the United Nations as a result of such voluntary gifts or contributions would become the exclusive property and be under the sole control of the United Nations. "

6. In addition to the explanation contained in document A/1454 regarding United Nations frequencies, the Secretary-General has pleasure in reporting that in all proposals presented to and considered by the International Telecommunications Union, United Nations frequency requirements necessary for the implementation of a United Nations telecommunications system have been fully recognized. The International Telecommunications Union has also accepted the United Nations as an operating broadcasting agency and a non-voting member of the ITU.

DOCUMENT A/1635

Report of the Fifth Committee

[Original text : English]
[7 December 1950]

1. In accordance with instructions given by the General Assembly at its 285th plenary meeting, the Fifth Committee, at its 263rd and 274th meetings on 9 and 30 November 1950, considered recommendations submitted by the Secretary-General pursuant to the third paragraph of General Assembly resolution 240 (III) of 18 November 1948, for the implementation of a United Nations telecommunications system.

2. In addition to the proposals of the Secretary-General (A/1454) the Fifth Committee had before it the observations thereon of the Advisory Committee on Administrative and Budgetary Questions, as contained in its fifteenth report of 1950 (A/1492).

3. In resolution 240 (III), the General Assembly approved, in principle, the establishment of a United Nations telecommunications system, reaffirmed the United Nations as an operating agency in the field of international telecommunications, and authorized the Secretary-General to present to the fifth regular session such recommendations as he deemed necessary for the

purpose of giving effect to the Assembly's decision. It was pointed out by the Secretary-General in his report that, in addition to making provision for radio broadcasting facilities, a comprehensive telecommunications plan should take account of the needs of " point-to-point " facilities for written record and telephone traffic between the United Nations Headquarters, overseas offices and missions in the field. The Secretary-General recommended, however, that the development of such facilities should not be proceeded with for the time being, since existing commercial arrangements appeared to be adequate, and the present volume of traffic would not warrant the additional expenditure involved. Accordingly, his proposals envisaged the construction by the United Nations of minimal broadcasting facilities only, to be used for services of special priority and services to areas which could not be effectively or appropriately served by the use of available national facilities. The procurement was proposed, therefore, of one 200-kilowatt transmitter in the New York area equipped with antennas beamed on Europe, Africa and Latin America, with a relay installation in North Africa consisting of two 50-kilowatt trans-

mitters with antennas directed to South Africa, Europe, the Middle East and Asia. In order to minimize construction and operating costs, the Secretary-General proposed that these facilities should be operated under a maintenance and service contract by an outside contractor, in which event it was estimated that operating costs would be comparable to the costs involved for an equal amount of time on the nationally operated facilities presently in use. The new facilities to be acquired and operated by the United Nations would, it was estimated, accommodate 50 per cent of the present broadcasting schedule. On this basis it was anticipated that no net addition to the budget in respect of operating costs would be incurred, since the Organization would dispense with certain transmitting facilities which currently entail rental charges of over \$95,000. The total estimated capital cost of the modified plan recommended by the Secretary-General was estimated at \$1,983,000. The Secretary-General proposed that he should be authorized to accept for this purpose such voluntary contributions or donations as would be appropriate and necessary to carry out his suggestions in whole or in part. The General Assembly was further informed that in all proposals presented to and considered by the International Telecommunications Union, United Nations frequency requirements necessary for the implementation of the United Nations telecommunications system had been fully recognized, in addition to which, the International Telecommunications Union had accepted the United Nations as an operating broadcasting agency and a non-voting member of the Union.

4. The Advisory Committee on Administrative and Budgetary Questions expressed the view that the proposed plan would offer an appreciable advantage to the United Nations, subject, however, to the conditions governing the acceptance of donations or contributions being clearly consonant with the dignity of the Organization, and affording the necessary safeguards for the independent operation and security of the telecommunications system. Consequently, the Advisory Committee considered it desirable that the Secretary-General should be given clear guidance in this connexion should the General Assembly decide to approve the plan as recommended.

5. During the initial discussion of the Secretary-General's proposals at the 263rd meeting of the Fifth Committee, certain delegations, before taking a decision, asked the Secretary-General for additional information as to what negotiations, if any, were taking place, the nature of the voluntary contributions envisaged, and whether sponsored radio was in any way involved. In response to these requests, the Secretary-General submitted a further note (A/C.5/401), in which the Fifth Committee was assured that the integrity and dignity of the United Nations would be fully protected in every respect

in connexion with the acceptance of any donations that might be offered for the purpose of implementing the proposed telecommunications plan. The Fifth Committee was advised that, while no formal negotiations had taken place, informal explorations had indicated that possibilities existed of obtaining sufficient donations on the sole condition that they be used for the furtherance of United Nations interests in the field of broadcasting. The Secretary-General wished, however, to state, without reservation, that it was not his intention to permit the United Nations telecommunications system at any time or in any way to be used for commercial purposes, or for any other ends not in accordance with the specific interests of the Organization. No donation, therefore, would be acceptable if any condition other than the furtherance of such interests were attached.

6. At the 274th meeting of the Fifth Committee these assurances were reaffirmed, including the assurance that approval of the Secretary-General's recommendations would not involve the United Nations in any additional or supplementary expenditure for either capital or operational purposes. It was further stated, on behalf of the Secretary-General, that the criteria of furthering exclusively the interests of the United Nations would preclude acceptance of any donation or contribution which carried with it any political, economic or moral obligation. With this understanding, the Fifth Committee unanimously approved a draft resolution instructing the Secretary-General to proceed with the implementation of the proposals as recommended.

7. The Fifth Committee, therefore, recommends to the General Assembly the adoption of the following resolution :

UNITED NATIONS TELECOMMUNICATIONS SYSTEM

The General Assembly,

1. *Instructs* the Secretary-General to proceed with the implementation of the proposals outlined in document A/1454 for a modified United Nations telecommunications system, provided that the capital expenditure involved does not constitute a net addition to the budget of the United Nations;

2. *Authorizes* the Secretary-General to accept for this purpose such voluntary contributions and/or donations as would be appropriate and necessary to carry out these proposals in whole or in part, it being understood that any and all facilities or funds made available to the United Nations as a result of such voluntary gifts or contributions would become the exclusive property and be under the sole control of the United Nations;

3. *Requests* the Secretary-General to report on this matter to the sixth session of the General Assembly.

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<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
A/1454	Report of the Secretary-General	1	
A/1492	Fifteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions, on financial implications of the draft resolution proposed by the Secretary-General (A/1454)	4	
A/1635	Report of the Fifth Committee	5	
A/1712	Resolution adopted by the General Assembly at its 320th plenary meeting on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 460 (V).</i>
A/C.5/401	Note by the Secretary-General	4	
A/C.5/L.93	Draft report of the Fifth Committee		Same as A/1635



Agenda item 48 : Convention on the declaration of death of missing persons : report of the Secretary-General

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DOCUMENT A/1329

Report of the Secretary-General

[Original text : English]
[22 August 1950]

1. Pursuant to resolution 369 (IV), adopted by the General Assembly on 3 December 1949, a United Nations Conference on the Declaration of Death of Missing Persons was convened and met at Lake Success, New York, from 15 March to 6 April 1950.

2. As a result of the deliberations of the Conference and of a Drafting Committee appointed by it, the Conference established and opened for accession by States the Convention on the Declaration of Death of Missing Persons (A/CONF.1/9).

3. Article 8, paragraph 1, of this Convention provides that :

“1. There shall be established within the framework of the United Nations an international bureau for declarations of death. The Secretary-General of the United Nations shall determine its seat, composition, organization and method of operation.”

The functions and procedures of this Bureau are set forth in articles 8, 9, 10, 11 and 12 of the Convention.

Article 15 of the Convention states that :

“ The establishment of the International Bureau provided for in article 8 shall require the approval of the General Assembly of the United Nations. ”

4. Although the Convention has not yet come into force¹ the Secretary-General suggests that it would be advisable for the General Assembly, at its current session, to determine whether to approve the establishment of the International Bureau for Declarations of Death. Approval by the General Assembly, together with the necessary budget authorization, would enable the Secretary-General to establish the Bureau as soon as the Convention comes into force. A decision in regard to the Bureau would also be of assistance to interested States in determining whether to accede to the Convention.

5. In accordance with rule 152 of the rules of procedure of the General Assembly, the Secretary-General will submit to the Fifth Committee (Administrative and

¹ Article 14 of the Convention provides that it shall come into force thirty days after accession to it by two States. No accessions have yet been received.

Budgetary) Committee an estimate of expenditures that might be anticipated should the establishment of the Bureau be approved by the General Assembly and should the Convention enter into force. Meanwhile, it should be noted that the time of the establishment of such a Bureau would be governed by the date when the Convention came into force. The work which would devolve upon the International Bureau for Declarations of Death arises from the terms of articles 8, 9 and 10 of the Convention which require the Bureau to establish a central registry; to receive authenticated copies of declarations of death of missing persons; to communicate with tri-

bunals in respect of situations specified in articles 9 and 10; and to publish periodically lists of applications, final decisions and certificates. Hence, the main expenditures would be in connexion with the maintenance of a very small staff (registrar and appropriate assistants) and adequate provision for stationery, postage and printing. The amount of correspondence, registry work, and contractual printing involved would depend upon the number of accessions to the Convention. It is difficult to estimate at this time the financial provision which would have to be made for a full year of operation, but it is expected that a sum of about \$50,000 would suffice.

DOCUMENT A/C.5/390

Financial implications of the establishment of an international bureau for declarations of death : report of the Secretary-General

[Original text : English]
[25 October 1950]

In accordance with rule 152 of the rules of procedure of the General Assembly, the following estimates of expenditures in connexion with the establishment of an international bureau for declarations of death (A/1329) is submitted below, on the assumption that the location of the Bureau will be at the United Nations office at Geneva and that the Convention on the Declaration of Death of Missing Persons will come into force in 1951.

	<i>US dollars</i>
Established posts	31,000
Communications services	10,000
Travel on official business	2,000
Contractual printing	7,000
TOTAL	50,000

1. *Established posts—\$31,000*

As defined by the terms of articles 8, 9 and 10 of the Convention on the Declaration of Death of Missing Persons (A/CONF.1/9) the work of the International Bureau would be to establish a central registry, to receive authenticated copies of declarations of death of missing persons, to communicate with tribunals in respect of situations specified in Articles 9 and 10, and to publish periodically

lists of applications, final decisions and certificates. On this basis, it would be necessary to have a Registrar, one assistant-Registrar and three secretarial and clerical staff members. The salaries in 1951, plus related common staff costs, would amount to \$31,000.

2. *Communications services—\$10,000*

The Registry will have to be in constant touch with competent tribunals in various countries by mail and by cable or long distance telephone service.

3. *Travel on official business—\$2,000*

It will be necessary for the Registrar to travel on official business to other countries in Europe or to report at Headquarters.

4. *Contractual printing—\$7,000*

The periodic publications will have to be printed and communicated to various parties and to the tribunals concerned. Provision is made for the equivalent of 270 pages of English text in any two languages.

The above estimates relate to one full year of operation of the International Bureau for Declarations of Death.

DOCUMENT A/1489

Financial implications of the establishment of an international bureau for declarations of death : fourteenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[6 November 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/390) on the financial implications of the establishment of an international bureau for declarations of death in accordance with the terms of

article 8, paragraph 1, of the Convention on the Declaration of Death of Missing Persons (A/CONF.1/9).

2. Article 14, paragraph 1, of the Convention provides that it shall come into force thirty days after accession

to it by two States. The Advisory Committee was informed that no accessions have yet been received.

3. The estimate submitted by the Secretary-General (A/C.5/390) in accordance with rule 152 of the rules of procedure of the General Assembly, is based on the assumption that the Convention will come into force during 1951. The total of \$50,000 covering a period of twelve months comprises :

	<i>US dollars</i>
Established posts (including related common staff costs)	31,000
Communications services	10,000
Travel on official business	2,000
Contractual printing	7,000

4. The Advisory Committee considers that, in view of the nature of the communications to be addressed to tribunals, the bulk of the expenditure related to communications services go towards letter postage. A reduction of at least \$5,000 is therefore recommended.

5. The Advisory Committee recommends that, since certain of the functions of the International Bureau might be performed by existing staff members—and more particularly the functions of the Deputy Registrar—no

personnel should be recruited until a need is clearly established. It considers that the estimate for established posts should be reduced by \$5,000 to a total of \$26,000. Furthermore, the date for the establishment of the Bureau cannot be foreseen, and it is therefore recommended that provision should be made under the resolution relating to the Working Capital Fund for the withdrawal from the Fund of a sum not exceeding \$40,000, should it be required during 1951.

6. The Convention is open for accession not only on behalf of Members of the United Nations, but also on behalf of non-member States which are parties to the Statute of the International Court of Justice and other non-member States to which an invitation is addressed, upon their request, by the Economic and Social Council (article 13). The Advisory Committee therefore recommends that the expenses of the International Bureau should be assessed upon such non-member States following the principle adopted in connexion with the expenses of the International Court of Justice, the amount of the assessment being fixed by the General Assembly on the recommendation of the Committee on Contributions.

DOCUMENT A/1506

Report of the Fifth Committee

*[Original text : English]
[13 November 1950]*

1. In accordance with rule 152 of the rules of procedure and with the request of the President of the General Assembly in his letter of 25 October 1950 to the Chairman of the Fifth Committee (A/C.5/391), the Fifth Committee, at its 263rd meeting held on 9 November 1950, considered the financial implications of the proposed establishment of an international bureau for declarations of death, as provided for in article 8 of the Convention on the Declaration of Death of Missing Persons.

2. The Committee had before it a report by the Secretary-General (A/C.5/390) in which it was informed that, on the assumption that the proposed Bureau would be located at the United Nations Office at Geneva, and that the Convention would come into force in 1951, the establishment of the Bureau would involve an estimated expenditure for one full year of operation of \$50,000, comprising \$31,000 for established posts, \$10,000 for communications services, \$2,000 for travel on official business and \$7,000 for contractual printing.

3. In its fourteenth report of 1950 (A/1489) the Advisory Committee on Administrative and Budgetary Questions expressed the opinion that the estimates, as submitted by the Secretary-General, should be reduced by \$10,000 (\$5,000 from the amount appropriated for established posts, and \$5,000 from communications services) in view of the probability that the bulk of anticipated expenditure under the latter heading would be for letter postage, and that it considered certain of the

functions of the Bureau might be performed by existing staff members, more particularly the functions of the Deputy Registrar. The Advisory Committee also recommended that no personnel should be recruited until a need was clearly established. On behalf of the Secretary-General, the Committee was assured that this recommendation would be strictly adhered to. Moreover, since the date of the establishment of the Bureau could not at present be foreseen, the Advisory Committee suggested that, in the event of funds being required during 1951, provision should be made under the resolution relating to the Working Capital Fund for the withdrawal, for this purpose, of a sum not exceeding \$40,000. Noting that the Convention is open for accession not only to Members of the United Nations, but also to non-member States, which are parties to the Statute of the International Court of Justice and other non-member States to which an invitation is addressed, upon their request, by the Economic and Social Council, the Advisory Committee further recommended that the expenses of the International Bureau should be assessed on such non-member States in accordance with the principle adopted in connexion with the expenses of the International Court of Justice, the amount of the assessment being fixed by the General Assembly on the recommendation of the Committee on Contributions.

4. Following a clarification of certain points relating to the provisions of the Convention and the intentions

of the Secretary-General with regard to the establishment and administration of the proposed Bureau, the recommendations of the Advisory Committee, with which the Secretary-General concurred, were approved by 32 votes to none, with 10 abstentions.

5. The Fifth Committee therefore decided to inform the General Assembly :

(a) That the establishment of an international bureau for declarations of death, in accordance with the terms of article 8 of the Convention on Declaration of Death of Missing Persons, would involve an estimated expen-

diture, on the basis of a full year's operation, of \$40,000;

(b) That, in the event of funds being required during 1951, for this purpose, provision should be made under the resolution relating to the Working Capital Fund for the withdrawal from the Fund of a sum not exceeding \$40,000;

(c) That the expenses of the International Bureau should be assessed upon such non-member States as may become parties to the Convention, in accordance with the principle adopted in this respect in connexion with the expenses of the International Court of Justice.

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A/1506	Report of the Fifth Committee	3	
A/1510	Belgium, Denmark, Sweden, Uruguay : draft resolution		Incorporated in the 305th plenary meeting, para. 82.
A/1523	Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 493 (V).</i>
A/C.5/390	Financial implications of the establishment of an international bureau for declarations of death : report of the Secretary-General	2	
A/C.5/391	Letter dated 25 October 1950 from the President of the General Assembly addressed to the Chairman of the Fifth Committee		Mimeographed document only.
A/C.5/L.78	Draft report of the Fifth Committee		The text is the same as that of A/1506.



Agenda item 49 : Question of the majority required for the adoption by the General Assembly of amendments to and parts of proposals relating to important questions : report of the Secretary-General

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DOCUMENT A/1356

Report of the Secretary-General

[Original text : English]
[11 September 1950]

A. INTRODUCTION

1. In paragraph 34 of its report to the fourth session of the General Assembly the Special Committee on Methods and Procedures¹ drew the attention of the Assembly to the question of the majority needed in plenary meetings for the adoption of amendments relating to proposals on questions which, by virtue of Article 18 of the Charter, are to be decided upon by a two-thirds majority of the members present and voting. The question was also raised of the majority required in cases where the General Assembly, before voting on proposals requiring a two-thirds majority as a whole, proceeds to separate votes on parts of these proposals.

2. The Special Committee noted that "existing rules of procedure do not indicate whether amendments to proposals requiring a two-thirds majority for adoption also have to satisfy the same requirement. Nor do they state whether or not, when proposals are voted in parts, each part requires a two-thirds majority for

adoption". In view of "the difficulties which arose in the past in this connexion and the particular importance of this question, which relates to the application and the interpretation of Article 18, paragraphs 2 and 3, of the Charter", the Special Committee recommended that this problem should be examined by the General Assembly with particular care and a final decision reached only on the basis of a thorough legal analysis. The report of the Special Committee also mentioned a suggestion of the representative of Belgium that a request to the International Court of Justice for an advisory opinion might be envisaged.

3. The question was examined at the 156th and 157th meetings of the Sixth Committee.² By 28 votes to 7, with 14 abstentions, the Sixth Committee recommended to the General Assembly the adoption of a new rule of procedure [rule 76 (a)], originally proposed by the representative of Belgium, worded as follows :³

¹ The Special Committee was established by General Assembly resolution 271 (III) of 29 April 1949. Its report is contained in document A/937 (see *Official Records of the fourth session of the General Assembly, Supplement No. 12*).

² See *Official Records of the fourth session of the General Assembly, Sixth Committee*, p. 85-93.

³ A/C.6/L.22 : incorporated in the summary record of the 156th meeting, paragraph 65. *Ibid.*, *Sixth Committee*, p. 86. See also report of the Sixth Committee, A/1026. *Ibid.*, *Plenary meetings, Annexes*.

“ Decisions of the General Assembly on amendments bearing on proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting.”

In view of this decision, a proposal by the representative of France to request the International Court of Justice to give an advisory opinion was not put to the vote.

4. The report of the Sixth Committee on matters arising out of the report of the Special Committee on Methods and Procedures was examined by the General Assembly at its 235th and 236th plenary meetings. The representative of Australia introduced an amendment ⁴ (a) to delete new rule 76 (a); and (b) to add a paragraph to the draft resolution proposed by the Sixth Committee requesting the Secretary-General “ to make the ‘ thorough legal analysis ’ suggested by the Special Committee on Methods and Procedures of the questions raised in paragraph 34 of its report, taking into account the proposal submitted to the Sixth Committee by the Belgian delegation and the discussions in the Sixth Committee and in plenary meetings and to submit a report to the fifth regular session of the General Assembly ”. The two parts of the Australian amendment were adopted by 27 votes to 23, with 3 abstentions, and by 37 votes to 6, with 9 abstentions, respectively. ⁵

B. PRECEDENTS

5. The question of the majority required for the adoption by the General Assembly of amendments to proposals relating to important questions and for the adoption of parts of such proposals was not discussed at the San Francisco Conference. Nor was it examined by the Preparatory Commission of the United Nations, its Executive Committee or the various Committees of the General Assembly which were responsible for the drafting of Assembly rules of procedure. The Assembly rules on voting in plenary meetings reproduce textually the three paragraphs of Article 18 of the Charter.

6. The question was raised, however, at some of the plenary meetings of the Assembly when the issue arose in connexion with the examination of specific draft resolutions. A careful examination of the Official Records of the General Assembly shows that these precedents are not numerous, as presidential rulings and Assembly decisions were made only in the infrequent cases when contested amendments or parts of proposals were likely to obtain a simple majority, while it was doubtful whether they would receive a majority of two-thirds.

7. At its 52nd plenary meeting, held during the second part of the first session, the General Assembly examined the question whether a draft resolution on the treatment of Indians in the Union of South Africa, submitted by the Joint First and Sixth Committee (A/205), and an amendment to this resolution requesting the Interna-

tional Court of Justice for an advisory opinion, proposed by the delegation of the Union of South Africa (A/205/Add.1), required a two-thirds majority for adoption. Various representatives presented their views as to the correct application of paragraphs 2 and 3 of Article 18 of the Charter. The President asked the Assembly to decide by a vote whether it considered the question under consideration as an important matter requiring a decision by a two-thirds majority. The Assembly expressed itself in the affirmative by 29 votes to 24, with one abstention. The President had stated prior to this vote that, if the Assembly decided that the question was an important one in the sense of Article 18, paragraph 2, of the Charter, then all questions relating to it would require a two-thirds majority. At the request of the representative of France, the President also declared that he thought that the manner in which the question had been put could not create any precedent. The President then ruled that the amendment proposed by the delegation of the Union of South Africa required a two-thirds majority for adoption, but he implied that while this text would be put to the vote first, it was doubtful whether, although called an amendment, it could be considered as such as its object was to replace entirely the draft resolution submitted by the Committee. ⁶

8. At the 64th plenary meeting held during the second part of the first session, the Assembly examined a draft resolution on regional conferences of representatives of non-self-governing territories which was presented by the Fourth Committee. The President's ruling that the draft resolution required a two-thirds majority for adoption was upheld by the Assembly. Several amendments were submitted and before voting took place, the President stated that “ amendments do not require a two-thirds majority; they are adopted if they obtain a simple majority ”. A Cuban amendment which obtained 23 votes to 14, with 17 abstentions, was considered as adopted. The amended resolution was adopted by 31 votes to 1, with 21 abstentions.

9. At the 118th plenary meeting, held during its second session, the General Assembly voted paragraph by paragraph on a draft resolution presented by the First Committee on the relations of Members of the United Nations with Spain. ⁷ The second paragraph of the proposed resolution stated that : “ The General Assembly reaffirms its resolution adopted on 12 December 1946 concerning the relations of Members of the United Nations with Spain ”. The President ruled that a two-thirds majority was required for the adoption of this paragraph and it was declared rejected, with 29 votes in favour, 16 against, and 8 abstentions. ⁸

10. During the same session, at the 123rd plenary meeting, in the course of the voting on an amendment to a draft resolution presented by the Sixth Committee on

⁶ *Official Records of the second part of the first session of the General Assembly, Plenary meetings, p. 1048-1061.*

⁷ *Official Records of the second session of the General Assembly, Plenary meetings, Vol. II, p. 1612.*

⁸ *Ibid.*, p. 1095-1096.

⁴ A/1036. *Ibid.*, *Plenary meetings, Annexes.*

⁵ *Ibid.*, *Plenary meetings, p. 151-166.*

the question of genocide⁹, the President stated that he had been advised by the Secretariat that in the absence of any demand to the contrary, decisions of the General Assembly were taken by the usual simple majority unless that were contested. In this case, a vote of 29 in favour, 15 against, with 8 abstentions, was considered sufficient to carry the amendment. This declaration was contested from the floor by the representative of the Union of Soviet Socialist Republics. The President stated that he was ready to consult the Assembly whether it wished to vote on the amendment by a two-thirds majority, but the representative of the Soviet Union did not insist.¹⁰

11. At the 135th plenary meeting, held during the second special session of the General Assembly, in the course of the consideration of a draft resolution on the temporary administration of Jerusalem,¹¹ various amendments were considered as adopted although they had obtained only a simple majority. The resolution as a whole was not adopted, having failed to obtain a majority of two-thirds. (The vote was 20 in favour, 15 against, with 19 abstentions).¹²

12. At the 160th plenary meeting, held during the first part of the third session, the General Assembly examined various draft resolutions proposed by the Fourth Committee¹³ on matters arising out of the report of the Trusteeship Council. The President declared that a two-thirds majority would be required for decisions. At the request of the representative of the United States of America, resolution II, on administrative unions affecting Trust Territories, was voted paragraph by paragraph; one paragraph in the preamble and four paragraphs in the operative part of the resolution were declared rejected, having failed to obtain a two-thirds majority.¹⁴

13. At the 218th plenary meeting, held during the second part of the third session, various amendments were proposed to a draft resolution presented by the First Committee on the question of the disposal of the former Italian colonies.¹⁵ The draft resolution itself was voted upon in parts. Although the *Official Records* contain several indications that certain amendments were "adopted, having obtained the required two-thirds majority", they also include an explanation by the President, in connexion with the voting on an Iranian amendment, that: "it was the absolute practice of the Assembly that, if an amendment to a text did not involve any decision, a two-thirds majority was not required for its adoption".¹⁶ It was considered that each

paragraph of the draft resolution on the disposal of the former Italian colonies required a two-thirds majority for adoption; and sub-paragraph (c) of paragraph 1, relating to the placing of Tripolitania under Italian Trusteeship, and paragraph 2 relating to the placing of the former Italian Somaliland under Italian Trusteeship, were rejected, having obtained only 33 votes in favour, 17 against, with 8 abstentions, and 35 votes in favour, 19 against, with 4 abstentions, respectively.¹⁷

14. At the 240th plenary meeting, held during the fourth session, the General Assembly considered several draft resolutions presented by the Fourth Committee on matters arising out of the report of the Trusteeship Council. In draft resolution I on the political advancement of Trust Territories,¹⁸ the second and fourth paragraphs were not adopted, having failed to obtain a two-thirds majority.¹⁹

15. Similarly, at the 269th plenary meeting, after the first of the draft resolutions presented by the Fourth Committee on the question of South West Africa, which reiterated previous Assembly resolutions on this subject,²⁰ had been declared by the President to require a two-thirds majority for adoption, and after confirmation of this ruling by the Assembly, a vote was taken in parts. In the second paragraph of the operative part of the draft resolution, the words "and expresses its regret that the Union of South Africa has decided not to take them into account" were deleted from the resolution, the vote being 27 votes in favour, 14 against, with 11 abstentions.²¹

16. Thus it results from this study of precedents in the General Assembly, that a two-thirds majority was always required in the past when parts of proposals relating to important questions were voted upon before these proposals were put to the vote as a whole. The practice of adopting amendments to important proposals by a simple majority also seems to be established, although in this respect some of the precedents are less conclusive.

17. The views expressed by representatives during the discussion of this problem at the fourth session, in the Sixth Committee and in the plenary meetings, can be summarized as follows:

(a) Some representatives, forming the majority of the Sixth Committee, considered that amendments to important proposals and parts of such proposals required a two-thirds majority for adoption.

(b) Other representatives were of the opinion that a simple majority was sufficient.

(c) Still other representatives were of the opinion that the "importance" of specific amendments or parts of proposals should be determined in each case by the

⁹ *Ibid.*, Annexes, p. 1627-1628.

¹⁰ *Ibid.*, Vol. II, p. 1305-1306. No explicit determination had been made that the resolution on genocide required a two-thirds majority for adoption.

¹¹ *Official Records of the second special session of the General Assembly, Annexes*, p. 37-42.

¹² *Ibid.*, Plenary meetings, p. 33-36.

¹³ *Official Records of the third session of the General Assembly, Part I, Plenary meetings, Annexes*, p. 352-365.

¹⁴ *Ibid.*, Plenary meetings, p. 489-492.

¹⁵ *Ibid.*, Part II, Plenary meetings, Annexes, p. 98-99.

¹⁶ *Ibid.*, Plenary meetings, p. 587. The amendment proposed by the representative of Iran provided for two representatives of the people of the Territory, instead of one, on the proposed advisory council for Tripolitania.

¹⁷ *Ibid.*, p. 584-593.

¹⁸ A/1028; *Official Records of the fourth session of the General Assembly, Plenary meetings, Annexes*.

¹⁹ *Ibid.*, Plenary meetings, p. 188.

²⁰ A/1180; *Ibid.*, Plenary meetings, Annexes.

²¹ *Ibid.*, Plenary meetings, p. 535.

General Assembly in the light of the provisions of Article 18 of the Charter, and that the two-thirds rule or the simple majority rule should be applied in accordance with this determination.

Arguments based on the text of Article 18 of the Charter, as well as arguments of a procedural nature, were invoked in support of these divergent points of view.

C. ARTICLE 18 OF THE CHARTER

18. Article 18 of the Charter reads as follows :

Article 18

“ 1. Each Member of the General Assembly shall have one vote.

“ 2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting. These questions shall include : recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 c of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

“ 3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.”

19. The main legal argument advanced in the Sixth Committee and in plenary meetings in favour of the view that a majority of two-thirds is required for the adoption of amendments to proposals relating to important questions, or for the adoption of parts of such proposals, is that the term “ decisions ” in Article 18, paragraph 2, relates to votes on amendments and parts, as well as to the final vote on the proposal. Once it has been determined that the voting on proposals on a given question is to be governed by Article 18, paragraph 2, any decision, whether on a proposal, part of a proposal or an amendment, should be considered as a decision on an important question and, consequently, as requiring a two-thirds majority. The decisive factor, then, is whether a question belongs to the categories enumerated in Article 18, paragraph 2,²² or has been added to the list of these categories by application of Article 18, paragraph 3.

20. The main legal argument in favour of the point of view that a simple majority is sufficient is that the term “ decisions ” in Article 18, paragraph 2, of the Charter is to be construed as applying only to final decisions of the General Assembly on questions requiring a two-thirds majority under the Charter, and that the preli-

minary votes of a purely procedural nature, the purpose of which is to determine the form in which a draft resolution is to be submitted for final approval by the Assembly, cannot be considered as important decisions. It was also argued that decisions by simple majority are the rule in the Assembly, and that Article 18, paragraph 2, providing for a two-thirds majority vote, establishes an exception and should, therefore, be subject to a restrictive interpretation. Such a restrictive interpretation would lead to the conclusion that a two-thirds majority requirement would only apply to final decisions on important questions. As mentioned earlier, certain representatives were of the opinion that a majority of two-thirds should be required only for amendments to, or parts of, proposals which are themselves considered by the General Assembly as important.

21. The records of the San Francisco Conference are of little assistance in ascertaining the validity of these opinions. No specific support, however, is to be found in these records for the view that the simple majority is the rule in the General Assembly and the two-thirds majority the exception. The prevailing opinion of the authors of the Charter appears to have been that certain decisions of the General Assembly, because they bear on certain types of questions, are of such gravity that they need a particularly wide support from Members, while other decisions require only a simple majority of votes.

22. As to the text of the Charter itself, it may be of some interest to note the manner in which the expression “ decisions ” is used in the various articles regarding voting in the Assembly and in the Councils. With respect to the General Assembly, the term “ decisions ”, as used in Article 18, refers to all types of action which the General Assembly takes by a vote while performing its functions under the Charter, whether it makes “ recommendations ” under Articles 10, 11, 13, 14 and others, or takes “ decisions ” to admit a State to membership in the United Nations under Article 4 or to expel a Member from the Organization under Article 6, or acts on reports from the Councils, or gives its “ approval ” to the budget of the Organization under Article 17 and so forth.

23. Similarly, the term “ decisions of the Security Council ” in Article 27 of the Charter refers to all types of action which the Security Council may take, whether it does so under Chapter V on the procedure and organization of the work of the Council, or under Chapter VI in relation to the pacific settlement of disputes, or whether it makes “ recommendations ” or “ decisions ” under Chapter VII. The same remarks apply to “ decisions of the Economic and Social Council ”, referred to in Article 67, and to “ decisions of the Trusteeship Council ”, referred to in Article 89 of the Charter.

24. These observations show that the term “ decisions ” in the Charter Articles relating to voting is used in a broad sense to cover all types of action by United Nations organs. The text of the Charter, however, furnishes no specific answer to the question whether these “ decisions ” are only the final decisions of these organs on matters submitted to them, or whether this

²² See also Articles 108 and 109 of the Charter.

term also applies to procedural decisions of these organs made prior to the adoption of final resolutions.

25. The conclusion which can be drawn from the examination of the Charter and the absence of all discussion of the problem at the San Francisco Conference is that the matter is essentially a procedural one, and that the applicable provision is Article 21 of the Charter, which entitles the General Assembly to adopt such rules of procedure as it may consider appropriate for the efficient conduct of its business. Were this conclusion accepted, the Assembly would be free to decide on the required majority for amendments to and parts of important proposals with the sole limitation that the rules so adopted should not produce results inconsistent with the principles and purposes of Article 18 of the Charter.

26. It may be added to these observations on Article 18 of the Charter in its relation to Article 21, that the General Assembly is fully entitled to interpret these provisions. Should it be considered that the question of voting on amendments and parts of proposals relating to important questions is not included among the questions covered by Article 18, paragraph 2, the Assembly would still be entitled, by application of Article 18, paragraph 3, to add, by a simple majority, this question to the categories which require a two-thirds majority.

D. PROCEDURE OF THE GENERAL ASSEMBLY

27. During the debate in the Sixth Committee and in plenary meetings of the General Assembly, the proponents of a two-thirds majority rule drew attention to certain inconsistencies in the procedure as at present applied, the opportunities it provides for procedural manoeuvring and the risks it creates of arriving at final texts of resolutions which are not acceptable to a two-thirds majority of the Members. The proponents of a simple majority rule, and those representatives who expressed themselves in favour of a simple majority for "non-important" amendments to important proposals and for "non-important" parts of such proposals, stressed that this would be a more flexible procedure in plenary meetings and would have the advantage of widening the scope of agreement among delegations. They insisted on the harmful effects which would result in this respect from making the adoption of amendments more difficult.

28. By virtue of rule 89 of its rules of procedure, the Assembly may, upon the request of a representative, vote separately on parts of a proposal or of an amendment. The parts of the proposal or of an amendment which have been approved are then put to the vote as a whole.

29. Requests for a separate vote on parts of an important proposal were made in the past mainly by delegations which (a) were willing to accept a proposal as a whole, but desired to indicate by a negative vote or by an abstention their opposition to or their reservation on certain specific parts of the proposal; or (b) wished to eliminate from a draft resolution some of the parts which

they considered as not acceptable, in order that they might be in a position to vote for the remainder of the proposal. The possibility of eliminating parts of proposals relating to important questions by the method of separate voting would disappear if a simple majority were declared sufficient for their adoption. It is doubtful whether the Assembly would wish to abandon this procedure, which has proved useful in the past. Moreover, this change in the existing practice would not have the effect of facilitating the passage of draft resolutions, as the retention in the final draft of parts of proposals to which there are strong objections would oblige the delegations concerned to vote against the draft resolution as a whole when it is presented to the vote of the Assembly.

30. Rule 90 of the Assembly rules of procedure states that a motion is considered an amendment to a proposal if it merely adds to, deletes from, or revises part of a proposal. When amendments are moved to a proposal they are voted upon first. If one or more amendments are adopted, the amended proposal is then voted upon.

31. An amendment to delete part of a proposal has the same purpose as a motion to vote on that part separately, indicated above. Recent practice in the General Assembly with respect to proposals requiring a two-thirds majority for adoption shows, however, that use is more frequently made of the procedure of "voting in parts", as one third plus one of the members present and voting are sufficient according to this procedure to eliminate parts of a proposal, while a majority is necessary to carry an amendment to delete.

32. The purpose of an amendment to add to or revise part of a proposal is to alter the form or, as is more frequently the case in the plenary meeting of the Assembly, the substance, of a proposal. It was pointed out in the General Assembly that a simple majority rule for the adoption of such amendments enables a majority of the representatives to add a new part to the final text of a draft resolution or to revise part of a draft resolution, while, when a proposal relating to an important question is voted in parts, a two-thirds majority is necessary to retain each of its component parts.

33. Moreover, when amendments to "add to" a proposal or "to revise" a proposal obtain a simple majority, but not a two-thirds majority, and are considered as carried, it is the proposal as amended which is put to the final vote of the Assembly. It may happen that, in some cases, a majority of two-thirds may be found for the amended proposal, although the history of the debates in the General Assembly does not furnish many examples in this respect. There is, however, a greater risk that, if the amendment is adopted by a simple majority only, the proposal as amended will also fail to receive a two-thirds majority, in which case the Assembly will find itself with no resolution on the question under consideration unless new draft resolutions are moved from the floor or the matter is referred back to a Committee.

34. It is assumed that the General Assembly will wish to be guided by the following considerations in reaching a decision on the problem :

(a) The necessity of adopting an orderly procedure permitting the arrival, by successive stages, at the final text of a draft resolution on which the Assembly may vote without any risk of ambiguity.

It would appear that the most effective method in this respect would be a procedure by which all decisions pertaining to proposals on important questions would be subject to a two-thirds majority requirement.

(b) The importance of enabling members of the General Assembly forming a two-thirds majority on a certain question to express, without being hindered by procedural obstacles, their views and their will as to the action to be taken by the Assembly.

It would seem important in this connexion to prevent the alteration of a draft resolution by a simple majority of the members in a manner which, when the final vote is taken, would make its acceptance by a majority of two-thirds more difficult.

(c) The need to protect the rights of the members forming the minority on the question considered by the General Assembly.

The best interests of the minority would seem to lie in a fixed and clear rule which does not make the adoption of amendments on parts of proposals on a particular issue dependent on the will of the majority.

35. The conclusions of the Secretary-General are, therefore, that (a) the majority requirement for amendments to proposals relating to important questions should be the same as for parts of such proposals; and (b) that a two-thirds majority should be required for both amendments to and parts of proposals relating to important questions.

Should the Assembly share these views, the adoption of a new rule of procedure, 85 (a), worded as follows might be envisaged :

“ *New rule 85 (a)* ”

“ Decisions of the General Assembly on amendments to proposals relating to important questions and on parts of such proposals shall be taken by a two-thirds majority of the Members present and voting. ”

DOCUMENT A/C.6/L.110

Belgium : draft resolution

[*Original text : French*]
[27 September 1950]

The General Assembly,

Bearing in mind its resolution 362 (IV) of 22 October 1949 on the methods and procedures of the General Assembly;

Having examined the report of the Secretary-General drawn up in application of paragraph 7 of that resolution;

Decides to insert in its rules of procedure a new rule, rule 85 (a), worded as follows :

“ *New rule, 85 (a)* ”

“ Decision of the General Assembly on amendments bearing on proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting. ”

Decides that this new rule of procedure shall enter into force as soon as this resolution has been adopted by the General Assembly.

DOCUMENT A/1433

Report of the Sixth Committee

[*Original text : French*]
[7 October 1950]

1. The question with which this report is concerned was placed on the agenda of the fifth session of the General Assembly on 26 September 1950 and was referred to the Sixth Committee for consideration on the same date.

2. The question of the majority needed in plenary meetings for the adoption of amendments relating to proposals on questions which, by virtue of Article 18 of the Charter, are to be decided upon by a two-thirds majority of the members present and voting, and the question of the majority required for the adoption of

parts of such proposals when put to the vote separately, were brought to the attention of the General Assembly by the Special Committee on Methods and Procedures. This Committee had been set up during the second part of the third session to consider the methods and procedures which would enable the General Assembly and its Committees to discharge their functions more effectively and expeditiously. ²³

²³ Resolution 271 (III) of 29 April 1949.

3. The Special Committee on Methods and Procedures noted in paragraph 34 of its report to the fourth session of the General Assembly (A/937) that "existing rules of procedure do not indicate whether amendments to proposals requiring a two-thirds majority for adoption also have to satisfy the same requirement. Nor do they state whether or not, when proposals are voted in parts, each part requires a two-thirds majority for adoption". In view of "the difficulties which arose in the past in this connexion and the particular importance of this question which relates to the application and the interpretation of Article 18, paragraphs 2 and 3 of the Charter", the Special Committee recommended that this problem should be examined by the General Assembly with particular care and a final decision reached only on the basis of a thorough legal analysis.

4. In paragraph 7 of resolution 362 (IV) adopted by the General Assembly on 22 October 1949, the Secretary-General was requested "to make the 'thorough legal analysis' suggested by the Special Committee, of the questions raised in paragraph 34 of the Special Committee's report, taking into account the proposal submitted to the Sixth Committee by the Belgian delegation and the discussions in the Sixth Committee and in the plenary meeting, and to submit a report to the fifth regular session of the General Assembly".

5. In pursuance of this resolution, the Secretary-General submitted a detailed report to members of the General Assembly on 11 September 1950 (A/1356). The Secretary-General's study begins with a historical sketch of the subject and summarizes the views expressed by various delegations during the fourth session. It includes an analysis of precedents, from which the conclusion arises that a two-thirds majority was always required in the past when parts of proposals relating to important questions were voted upon before these proposals were put to the vote as a whole. The practice of adopting amendments to important proposals by a simple majority also seems to be established, although in this respect some of the precedents are less conclusive.

6. The analysis of Article 18 and other Articles of the Charter shows, in particular, that the term "decisions" in the Articles relating to voting is used in a broad sense to describe all types of action by organs of the United Nations. The Secretary-General concludes from the examination of the Charter and the absence of any discussion of the problem at the San Francisco Conference that the question of the majority required for the adoption of amendments to important questions or of parts of such important proposals is essentially one of General Assembly procedure and that, by virtue of Article 21 of the Charter, the Assembly is free to decide that question, with the sole limitation that the rules so adopted should not produce results inconsistent with the principles and purposes of Article 18.

7. As regards procedure, the Secretary-General's report analyses the existing rules for voting on amendments and parts of proposals and concludes, taking into account the necessity of adopting an orderly procedure in plenary meetings and the respective interests of the majority and minority of delegations with regard to a

given question: (a) that the majority requirement for amendments to proposals relating to important questions should be the same as for parts of such proposals; and (b) that a two-thirds majority should be required for both amendments to and parts of proposals relating to important questions. The Secretary-General therefore suggested the adoption of a new rule of procedure 85 (a) worded as follows:

"New rule 85 (a)

"Decisions of the General Assembly on amendments to proposals relating to important questions and on parts of such proposals shall be taken by a two-thirds majority of the Members present and voting".

8. The Sixth Committee considered the Secretary-General's report at its 213th and 214th meetings. The representatives of Thailand, France, Belgium, India, the Dominican Republic, Australia, the United Kingdom, Brazil, Cuba, the United States of America, Burma, Syria and the Philippines, in that order, expressed their agreement with the conclusions of the Secretary-General.

9. The representative of Yugoslavia stated that his delegation maintained the position it had adopted during the preceding session of the General Assembly. Its reservations were based on the consideration that only final decisions of the General Assembly on important questions should require a qualified majority. The representative of Yugoslavia thought it advisable to retain that flexibility in the procedure of the plenary Assembly which would offer the greatest opportunities for conciliating the various views.

10. A draft resolution was introduced by the representative of Belgium during the discussion. This draft restated the text of the new rule 85 (a) proposed by the Secretary-General, with a slight formal amendment to render the wording more precise. The draft also provided that the new rule of procedure should enter into force as from the adoption of the resolution by the General Assembly.

11. The representative of Argentina suggested that the new rule should follow rule 84, rather than rule 85. The Philippine representative, who shared this view, submitted an amendment to that effect, which the Committee adopted by 27 votes to none, with 14 abstentions. The Belgian draft resolution, thus amended, was then adopted by 45 votes to none, with 3 abstentions.

12. The Sixth Committee therefore recommends to the General Assembly adoption of the following draft resolution:

QUESTION OF THE MAJORITY REQUIRED FOR THE ADOPTION BY THE GENERAL ASSEMBLY OF AMENDMENTS TO AND PARTS OF PROPOSALS RELATING TO IMPORTANT QUESTIONS

The General Assembly,

Considering its resolution 362 (IV) of 22 October 1949 on the methods and procedures of the General Assembly;
Having examined the report drawn up by the Secre-

tary-General in pursuance of paragraph 7 of the above-mentioned resolution;

Resolves to insert in its rules of procedure a new rule 84 (a) worded as follows :

“ *New rule 84 (a)*

“ Decisions of the General Assembly on amendments

to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting. ”

Resolves that this new rule of procedure shall enter into force as from the adoption of this resolution by the General Assembly.

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/C.6/L.1 10	Belgium : draft resolution	6	Quoted in 213th meeting, paragraph 51, not as document A/C.6/L.110



Agenda item 50 : Reparation for injuries incurred in the service of the United Nations : report of the Secretary-General (A/1347)

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DOCUMENT A/1347

Report of the Secretary-General

*[Original text : English]
[5 September 1950]*

1. The General Assembly, on 1 December 1949, adopted resolution 365 (IV) concerning reparation for injuries incurred in the service of the United Nations. By the terms of that resolution, the Secretary-General was authorized, on the basis of proposals made by him in his report of 23 August 1949 (A/955), to present an international claim against the Government of a State, Member or non-member of the United Nations, alleged to be responsible, with a view to obtaining the reparation due in respect of the damage caused to the United Nations and in respect of the damage caused to the victim or to persons entitled through him and, if necessary, to submit to arbitration such claims as cannot be settled by negotiation. The resolution further authorized the Secretary-General "to take the steps and to negotiate in each particular case the agreements necessary to reconcile action by the United Nations with such rights as may be possessed by the State of which the victim is a national".

2. In accordance with paragraph 3 of resolution 365 (IV), the Secretary-General submits herewith a report on the status of claims for injuries incurred in the service of the United Nations, and proceedings in connexion with them.

PROCEDURE ADOPTED BY THE SECRETARY-GENERAL

3. In accordance with the proposals previously submitted by the Secretary-General to the General Assembly (A/955, paragraph 21), the Secretary-General decided to adopt the following procedure: determine which of the cases appear likely to involve the responsibility of a State; consult with the Government of the State of which the victim was a national in order to determine whether that Government has any objection to the presentation of a claim or desires to join in submission; present, in each such case, an appropriate request to the State involved for the initiation of negotiations to determine the facts, and the amount of reparations, if any, involved.

4. With respect to the damages, the Secretary-General was guided by the following principles (A/955, paragraph 23): the reparations requested should be reasonably adequate to compensate the Organization and the victim or the persons entitled through him; the State involved should be given appropriate assurances that it would not be subjected to multiple claims by the United Nations, the victim and the State of the victim's nationality for the same damages; the Secretary-General would not advance any claim for exemplary damages.

INJURIES AND DEATH OF UNITED NATIONS AGENTS IN PALESTINE

5. On the basis of information available to the United Nations, the following cases of injuries or death of United Nations agents in Palestine were first considered by the Secretary-General,¹ and a preliminary determination was made to the effect that these cases might involve the responsibility of States :

The death of Thomas C. Wasson, American Consul-General in Jerusalem, and a member of the United Nations Truce Commission, who was shot by a sniper on 23 May 1948 in Jerusalem.

The death of Commandant Rene de Labarriere and the wounding of Commandant Etienne de Canchy, United Nations observers from France, who were victims of an explosion on 6 July 1948 in the Nazareth region².

The death of Ole Helge Bakke, a member of the United Nations Secretariat, who was shot by a soldier of the Arab Legion near Jerusalem on 13 July 1948.³

The death of Lt. Colonel Joseph Queru and Captain Pierre Jeannel, United Nations observers from France, who were killed at the Gaza airfield on 28 August 1948 by troops under Egyptian command.⁴

The death of Count Folke Bernadotte, United Nations Mediator in Palestine, and Colonel Andre Serot, United Nations observer from France, who were killed by irregular forces in territory under Israel control in Jerusalem on 17 September 1948.

COMMUNICATIONS TO THE GOVERNMENTS OF THE COUNTRIES OF WHICH THE VICTIMS WERE NATIONALS

6. In December 1949, the Secretary-General addressed a letter to each of the governments of the countries of

¹ See A/674.

² By a letter of 28 September 1948, the Minister for Foreign Affairs of the Provisional Government of Israel informed the Secretary-General that the cause of the tragic event was the entry of the United Nations observers into a mined area without prior notice, and that this was contrary to the established practice of informing the Israel authorities in advance and awaiting an escort before crossing into Israel-occupied territory.

³ In a letter of July 1948 from Brigadier Commander Lash of the Arab Legion to Colonel Brunsson, the Mediator's personal representative, it was stated : " After studying the proceedings of the Court of Inquiry into the incident, I have come to the conclusion that Bakke has been shot by an Arab Legion soldier who was excited by enemy machine gun fire. The Commanding Officer of the Company concerned has been relieved of his command and is under arrest awaiting trial by court-martial. The entire company of which the guilty soldier is a member has been withdrawn from the City of Jerusalem. I have to express my profound regret that troops under my command should have been involved in such an incident."

⁴ In a letter dated 13 September 1948 from the President of the Council of Ministers of Egypt to the Mediator, it was stated that the incident was due to a combination of unfortunate circumstances outside the control of the Egyptian authorities. It was added, however, that the Egyptian military command would not fail to take all appropriate measures to prevent any recurrence of such a mistake in the future. In a subsequent letter dated 4 December 1948 from the Egyptian Minister for Foreign Affairs to the Acting Mediator, the position of the Egyptian Government was confirmed, and it was stated that it was difficult for that Government to assume responsibility for this unfortunate incident. While expressing the Egyptian Government's profound regret for the incident, the Minister for Foreign Affairs added that the Egyptian military command had already taken all the necessary measures to avoid the recurrence of a similar error in the future.

which the victims were nationals, namely, France, Norway, Sweden and the United States of America, in which those governments were advised that the Secretary-General contemplated bringing international claims against the responsible States for the damage caused to the United Nations in connexion with the death of or injury to its agents. The Secretary-General stated that he was also prepared to claim reparation for the damage caused to the victims or to persons entitled through them, and asked the governments whether they had any objection to the presentation by the United Nations of a claim in this respect, and if not, whether they desired to join in the submission of the claim.

CLAIM FOR THE DEATH OF COUNT BERNA DOTTE

7. After receiving appropriate assurances from the Swedish Government regarding the presentation by the United Nations of a claim with respect to the death of Count Folke Bernadotte, the Secretary-General, on 21 April 1950, addressed a letter to the Minister for Foreign Affairs of Israel requesting a formal apology to the United Nations for the murder of the Mediator in territory under the control of the Israel Government, the continuation and intensification of the government's efforts to apprehend and bring to justice the perpetrators of the crime, and the payment to the United Nations of the sum of \$54,628 as reparation for the monetary damage borne by the United Nations. It was stated in the letter that, in view of the decision of the widow of the late Mediator not to present a claim for pecuniary redress with regard to the damage suffered by her on account of the death of Count Bernadotte, the monetary reparation demanded was limited to the pecuniary damage suffered by the United Nations in connexion with the murder of the Mediator. The claim by the United Nations was based upon three elements of responsibility : failure to exercise due diligence and to take all reasonable measures for the prevention of the assassination; liability of the government for actions committed by irregular forces in territory under the control of the Israel authorities; and failure to take all the measures required by international law and by the Security Council resolution of 19 October 1948 to bring the culprits to justice.

8. The Israel Government replied to the Secretary-General by a letter dated 14 June 1950 (S/1506). With respect to the Secretary-General's contention that the government had failed to exercise due diligence in the protection of the Mediator, the Israel Government stated : " It is clear that the government would have done wiser had it been more precise in acquainting itself with the real desires and attitude of Count Bernadotte and not allowed the matter to rest on inferences, however strong, which led to the belief that an armed escort was not desired in view of his special position as United Nations Mediator." As regards the complaint that the government had failed to take all the measures which would have been required to apprehend the culprits, the Israel Government admitted that a number of gaps and omissions had been established in the policy inquiry following the assassination. It was stated in the letter that the Israel Government had decided, without admitting the

validity of all the legal contentions put forward on behalf of the United Nations, to take the action requested in the Secretary-General's letter. Accordingly, a remittance of \$54,628 was enclosed as reparation for the damage borne by the United Nations. Furthermore, the government expressed to the United Nations " its most sincere regret that this dastardly assassination took place on Israeli territory, and that despite all its efforts the criminals have gone undetected ", and added that " these facts are deeply deplored ". With regard to the continuation and intensification of the government's efforts to apprehend the culprits, the Israel Government stated that " the government is forced to the conclusion that nothing fresh is likely to emerge from a re-examination of the crime, carried out on the basis of the existing material, both that on the police file and that assembled by the army. This does not, however, imply that the government regards the case as closed, but that the course of further investigation will depend on the nature and value of any fresh evidence that may come to light ".

9. On 22 June 1950, the Secretary-General replied to the Government of Israel. After expressing his regret that the efforts so far made by that government had not resulted in the apprehension and trial of the perpetrators of the crime, the Secretary-General stated that the payment of indemnity, the expression of regret and the report on the steps taken to date, which were included in the Israel Government's letter, constituted substantial compliance with the claim submitted in the Secretary-General's letter of 21 April 1950.

ACTION TAKEN WITH RESPECT TO THE INJURIES OR DEATH OF FRENCH MILITARY OBSERVERS IN PALESTINE

10. With respect to the death of Commandant de Labarriere, Lt. Colonel Queru, Captain Jeannel and Colonel Serot, and the injuries to Captain de Canchy, United Nations military observers from France, the French Government has advised the Secretary-General that it has no objection to the presentation of claims by the United Nations for damage caused to the victims or persons entitled through them. After receiving this assurance, the Secretary-General, on 31 July 1950, addressed a letter to the French Government in which it was stated that the United Nations would include in its claims a demand for reparation for damage to the victims if a request to this effect were made by the claimants through the French Government. Furthermore, the Secretary-General indicated that, with respect to the amount of the indemnity to be demanded for the death of the military observers, he intended to apply the generally accepted principle of international law to the effect that the indemnity should be equivalent to the financial contribution which the dependants would have probably received from the deceased during a normal life expectancy. In accordance with this principle, the Secretary-General indicated the elements of information to be submitted by the claimants, on the basis of which the Secretary-General would determine the amount of reparation to be demanded for damage to the victims or persons entitled through them. It was further stated that the United Nations had already paid the sum of

\$25,000 as compensation with respect to each of the death cases, and would therefore withhold that amount from any recoveries obtained from the responsible governments as compensation for damage to the victim's dependants. Finally, the Secretary-General, in order to avoid the possibility of multiple claims against the responsible governments, requested assurance from the French Government that it had no intention of presenting claims with respect to the injuries or death of the French military observers in Palestine.

11. On receipt of a request from the claimants and of appropriate assurance from the French Government, the Secretary-General will initiate negotiations with the governments held responsible in connexion with the incidents involving the French military observers in Palestine. If, on the other hand, any or all of the victims' dependants decide not to request the United Nations to present claims on their behalf, the Secretary-General intends to limit the claims to the damage caused to the United Nations in connexion with the injuries and death of these United Nations agents.

DEATH OF OLE HELGE BAKKE

12. An exchange of letters took place between the Secretary-General and the Norwegian Government in connexion with the death of Mr. Bakke, a national of Norway. Appropriate assurances have been received that the Norwegian Government has no objection to the presentation by the United Nations of a claim in respect of damage caused to the victim's dependants, and that the government does not intend to present a separate claim for the death of Mr. Bakke.

13. The Secretary-General, on 27 July 1950, addressed a letter to Mr. Bakke's widow inquiring whether she wished to request the United Nations to include in its claim a demand for reparation for the pecuniary damage suffered by her as Mr. Bakke's principal dependant. Mrs. Bakke replied that she did not wish to press charges against the Jordan Government in connexion with her husband's death. Having been informed by the Norwegian Government that Mr. Bakke's mother was partially dependent upon her son, the Secretary-General asked the Norwegian Government to ascertain whether Mr. Bakke's mother wished to bring a claim through the United Nations. Since Mr. Bakke has a daughter by his first wife, a Swedish national, and he had contributed to the child's support, the Secretary-General also requested the Swedish Government to ascertain whether a claim should be brought by the United Nations on behalf of Mr. Bakke's daughter. Further action on this claim will be taken by the Secretary-General upon receipt of replies from the Governments of Norway and Sweden.

DEATH OF THOMAS C. WASSON

14. The Government of the United States of America, on 23 February 1950, advised the Secretary-General that it was not possible, in the light of the information available to that Government, to fix responsibility for the death of Mr. Wasson. On the basis of the reports submitted to the Secretary-General by the Government

of the United States and the information available to the United Nations, the Secretary-General has decided that, unless new evidence is obtained, there are not sufficient elements to enable him to bring an international

claim against a Government. Accordingly, the Secretary-General does not at the present time intend to take any further action with respect to the death of Mr. Wasson.

DOCUMENT A/1420

Report of the Sixth Committee

[Original text : English]
[4 October 1950]

1. By resolution 365 (IV) of 1 December 1949 the General Assembly requested the Secretary-General to submit an annual report to subsequent sessions of the General Assembly on the status of claims for injuries incurred in the service of the United Nations, and proceedings in connexion with them.

2. Pursuant to this resolution, the Secretary-General submitted to the General Assembly a report (A/1347) concerning the procedure adopted by the Secretary-General and the steps taken with respect to cases of injuries or deaths of United Nations agents in Palestine.

3. The General Assembly, at its 285th plenary meeting of 26 September 1950, referred this item to the Sixth Committee for consideration.

4. The Sixth Committee discussed this report at its 214th meeting held on 27 September 1950. On the

motion of the representative of Uruguay, the Committee decided by 48 votes to none, with 3 abstentions, to recommend to the General Assembly that it take note of the report of the Secretary-General.

5. Accordingly, the Sixth Committee submits for the approval of the General Assembly the following draft resolution :

REPARATION FOR INJURIES INCURRED IN THE SERVICE OF THE UNITED NATIONS

The General Assembly,

Takes note of the report of the Secretary-General, pursuant to resolution 365 (IV) of 1 December 1949, on the status of claims for injuries incurred in the service of the United Nations and the proceedings in connexion with them.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1347	Report of the Secretary-General	1	
A/1420	Report of the Sixth Committee	4	
A/1477	Resolution adopted by the General Assembly at its 299th plenary meeting, on 1 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No 476 (V).</i>

**GENERAL
ASSEMBLY**



ANNEXES

FIFTH SESSION

NEW YORK, 1950

Official Records

Agenda item 51 : Designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act

C O N T E N T S

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Plenary meetings (first phase) :		
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DOCUMENT A/1337

Report of the Secretary-General

[Original text : English]
[24 August 1950]

1. The General Assembly, by resolution 268 (III) of 28 April 1949, adopted certain amendments to the General Act of 26 September 1928 for the Pacific Settlement of International Disputes, with a view to restoring to the General Act its original efficacy.

2. Article 43, paragraph 1, of the Revised General Act provides as follows :

“ The present General Act shall be open to accession by the Members of the United Nations, by the non-member States which shall have become parties to the Statute of the International Court of Justice or to which the General Assembly of the United Nations shall have communicated a copy for this purpose ”.

3. To this end, article 46 instructs the Secretary-General to transmit a certified true copy of the Revised General Act to each of the non-member States designated by the General Assembly.

4. The Secretary-General submitted to the General Assembly at its fourth session a report (A/941) drawing attention to the fact that it rested with the General Assembly to give the Secretary-General such instructions as it might deem fit in this matter.

5. After discussion in its Sixth Committee, the General Assembly adopted, on 3 December 1949, resolution 372 (IV) by which it noted that no State Member of the United Nations had as yet adhered to the Revised General Act, and therefore decided to defer to a later

date the consideration of the question relating to non-member States.

6. As required by article 43, paragraph 3, of the Revised General Act, the Secretary-General has included in his Annual Report on the Work of the Organization¹ the following information regarding the current status of accessions to the Revised General Act :

ACCESSIONS

A	B	C
All the provisions of the Act (chapters I, II, III and IV)	Provisions relating to conciliation and judicial settlement (chapters I and II) together with the general provisions dealing with these procedures (chapter IV)	Provisions relating to conciliation (chapter I) and the general provisions concerning that procedure (chapter IV)
Belgium... 23 December 1949	Sweden... 22 June 1950 With the reservation provided in article 39, paragraph 2 (a) with the effect of excluding from the procedure described in the present Act disputes arising out of facts prior to the accession	None

¹ See *Official Records of the fifth session of the General Assembly, Supplement No. I*, p. 123.

7. Pursuant to paragraph 1 of its article 44, the Revised General Act comes into force on the ninetieth day following the receipt by the Secretary-General of the second instrument of accession, that of Sweden. The Act thus comes into force on 20 September 1950.

8. In the light of the entry into force of the Revised General Act, the Secretary-General submits the present report on the assumption that the General Assembly may now wish to designate the non-member States to which a certified copy of the Revised General Act should be communicated.

9. In this connexion, attention is invited to General Assembly resolution 368 (IV) of 3 December 1949, con-

cerning invitations to non-member States to become parties to the Convention on the Prevention and Punishment of the Crime of Genocide. The relevant passage of that resolution recorded the decision of the General Assembly as follows :

“ *Considering* that it is desirable to send invitations to those non-member States which..... have expressed a desire to advance international co-operation,

“ 1. *Decides* to request the Secretary-General to dispatch the invitations above-mentioned to each non-member State which is or hereafter becomes an active member of one or more of the specialized agencies of the United Nations... ”.

DOCUMENT A/1633

Report of the Sixth Committee

[Original text : French]
[6 December 1950]

1. The Secretary-General, in his report to the General Assembly (A/1337) indicated that, in the light of the entry into force of the Revised General Act for the Pacific Settlement of International Disputes on 20 September 1950, the General Assembly might perhaps wish to designate the non-member States to which a certified copy of the Revised General Act should be communicated for the purpose of accession to it.

2. At its 285th meeting on 26 September 1950, the General Assembly decided to refer the question for study to the Sixth Committee, which considered it at its 250th meeting on 4 December 1950.

3. At that meeting, the Belgian representative submitted a draft resolution (A/C.6/L.164) requesting the Secretary-General to transmit a certified true copy of the Revised General Act to each non-member State which is or hereafter becomes an active member of one or more of the specialized agencies of the United Nations.

4. The representative of the Union of South Africa proposed that the question should be deferred until the next regular session of the General Assembly, pointing out that as only two States had acceded to the Revised

General Act, the question was not urgent, that it would be certain to give rise to long and difficult discussions and that various delegations wished to study it again.

5. The Committee adopted the South African proposal by 14 votes to 10, with 9 abstentions.

6. The Sixth Committee accordingly proposes that the General Assembly adopt the following draft resolution :

DESIGNATION OF NON-MEMBER STATES TO WHICH A CERTIFIED COPY OF THE REVISED GENERAL ACT FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES SHALL BE COMMUNICATED BY THE SECRETARY-GENERAL FOR THE PURPOSE OF ACCESSION TO THIS ACT

The General Assembly

Decides to defer until its sixth session consideration of the question of the designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated for the purpose of accession to this Act.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other source</i>
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A/1633	Report of the Sixth Committee	2	
A/1698	Resolution adopted by the General Assembly at its 320th plenary meeting on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 480 (V).</i>
A/C.6/L.164	Belgium : draft resolution		Incorporated in 250th meeting, paragraph 67.



Agenda item 52 : Report of the International Law Commission on the work of its second session (A/1316)

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DOCUMENT A/C.6/L.128**Cuba, Egypt, France, Iran, United Kingdom and United States of America : joint draft resolution**[Original text : French]
[23 October 1950]*The General Assembly,**Having regard* to paragraph 21 of the report of the International Law Commission (A/1316),*Noting* the inadequacy of the emoluments paid to the members of the International Law Commission,*Bearing in mind* the importance of the Commission's

work, the eminence of its members and the method of their election,

Decides to modify as follows article 13 of the statute of the International Law Commission :

" Members of the Commission shall be paid travel expenses, and shall also receive a special allowance, the amount of which shall be determined by the General Assembly. "

DOCUMENT A/C.6/L.129**Philippines : amendment to the joint draft resolution submitted by Cuba, Egypt, France, Iran, United Kingdom and United States of America (A/C.6/L.128)**[Original text : English]
[23 October 1950]

Amend the last paragraph to read as follows :

" Members of the Commission shall be paid travel

expenses, and shall also receive a special allowance *or honorarium*, the amount of which shall be determined by the General Assembly. "**DOCUMENT A/C.6/L.130****United Kingdom : draft resolution**[Original text : English]
[23 October 1950]*The General Assembly,**Considering* that it is of the greatest importance that the work of the International Law Commission should be carried on in the conditions most likely to enable it to achieve rapid and positive results;*Having regard* to certain doubts which have been

expressed whether such conditions exist at the present time;

Requests the Commission to review its statute with the object of making recommendations to the sixth regular session of the General Assembly concerning revisions of the statute which may appear desirable in the light of experience for the promotion of the Commission's work.**DOCUMENT A/C.6/L.131****Cuba, Egypt : joint draft resolution**[Original text : English]
[23 October 1950]*The General Assembly,**Considering* that article 13 of the statute of the International Law Commission, as amended, provides that the special allowance to be paid to the members of the

International Law Commission shall be determined by the General Assembly,

Resolves to fix the amount of this special allowance at thirty-five dollars per day.

DOCUMENT A/C.6/L.132

Cuba, Chile, Egypt, Iran, Turkey : joint draft resolution

[Original texts : Spanish-English]
[25 October 1950]

The General Assembly,

Having noted that the present three-year term of office of members of the International Law Commission is not sufficient to enable the Commission to achieve the tasks on which it is engaged before the current period of office expires,

Considering that a more extended term is necessary

both now and in the future in order to enable positive results to be achieved within the period of office of individual members of the Commission,

Resolves that article 10 of the statute of the Commission be amended by the substitution of five for three years, this extension to be applicable to the terms of the members of the Commission elected in 1948.

DOCUMENT A/C.6/L.134

Panama : amendment to the joint draft resolution submitted by Cuba, Egypt, France, Iran, United Kingdom and United States of America (A/C.6/L.128)

[Original text : English]
[26 October 1950]

Insert between paragraphs 3 and 4 the following paragraph :

" Considering that the nature and scope of the work of the Commission are such as to require its members to

devote considerable time in attendance of the necessarily long sessions of the Commission and that it is in the interest of the United Nations to enable the members to do so. "

DOCUMENT A/C.6/L.137

Belgium : amendment to the joint draft resolution submitted by Cuba, Chile, Egypt, Iran and Turkey (A/C.6/L.132)

[Original text : French]
[27 October 1950]

Delete the second paragraph and replace by the following :

" Considering that in order to enable positive results to be achieved, the term of office of the present members should be extended, "

Delete the third paragraph and replace by the following :

" Resolves that, subject to any modifications which the General Assembly may make in the statute of the International Law Commission, and without prejudice to such modifications, the present term of office of the members of the International Law Commission shall by way of exception be extended by two years, making a total period of five years from their election in 1948. "

DOCUMENT A/C.6/L.138

Letter dated 30 October 1950 from the Chairman of the Sixth Committee to the President of the General Assembly

[Original text : English]
[30 October 1950]

In view of rule 152 of the rules of procedure, I have the honour to communicate to you that the Sixth Committee at its 229th meeting adopted by 37 to 1, with 6 abstentions, draft resolution A/C.6/L.132, as amended, as follows :

" The General Assembly,

" Having regard to paragraph 21 of the report of the International Law Commission (A/1316),

" Noting the inadequacy of the emoluments paid

to the members of the International Law Commission,

" *Bearing in mind* the importance of the Commission's work, the eminence of the members and the method of their election,

" *Considering* that the nature and scope of the work of the Commission are such as to require its members to devote considerable time in attendance of the necessarily long sessions of the Commission,

" *Decides* to modify as follows article 13 of the statute of the International Law Commission :

" Members of the Commission shall be paid travel expenses, and shall also receive a special allowance, the amount of which shall be determined by the General Assembly. "

The above draft resolution was considered by the Sixth Committee at its 226th, 227th, 228th and 229th meetings.

I should also like to draw your attention to a *vœu* approved by the Sixth Committee at the 229th meeting, the text of which is appended as an annex below.

ANNEX

1. The Sixth Committee, at its 229th meeting, upon the motion of the representative of Iran, decided to express the following *vœu* :

" The Sixth Committee expresses the desire that the special allowance provided for in the draft resolution adopted by it on 28 October 1950 should be 35 dollars per day. "

2. The above *vœu* was approved by a roll call vote as follows :

In favour : Argentina, Belgium, Brazil, Burma, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Guatemala, Iran, Iraq, Mexico,

Norway, Pakistan, Panama, Peru, Saudi Arabia, Syria, Thailand, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Australia, Byelorussian Soviet Socialist Republic, Czechoslovakia, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics.

Abstaining : Canada, Indonesia, Netherlands, Philippines, Sweden.

3. After the voting the representatives of Afghanistan, Greece and India, who were absent during the roll call, asked to be considered as voting in favour of the *vœu* proposed by the Iranian representative.

DOCUMENT A/C.6/L.157/Rev.1

Canada and Union of South Africa : revised joint draft resolution

[Original text : English]
[24 November 1950]

The General Assembly,

Recalling that in its resolution 260 B (III), it considered " that, in the course of development of the international community, there will be an increasing need of an international judicial organ for the trial of certain crimes under international law ", and that, in the same resolution, it invited the International Law Commission " to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes, jurisdiction over which will be conferred upon that organ by international conventions ",

Having given preliminary consideration to part IV of the report of the second session of the International Law Commission,

Recalling that pursuant to its resolutions 95 (I) 177 (II) and 489 (V), the International Law Commission is to prepare a code of offences against the peace and security of mankind,

Bearing in mind also no useful purpose will be served by setting up an international penal tribunal unless it can function effectively,

Considering that it is preferable to make a final decision concerning the desirability and possibility of establishing an international penal court in the light of the text of the laws which such court would have to apply,

Decides to postpone further consideration of part IV of the report of the second session of the International Law Commission until after the Commission has submitted its codification of offences against the peace and security of mankind.

DOCUMENT A/C.6/L.158

United States of America : amendment to the joint draft resolution submitted by Cuba, France and Iran (A/C.6/L.151)

[Original text : English]
[23 November 1950]

In the fourth paragraph delete the words " a preliminary draft convention ", and insert in lieu thereof of the words " preliminary draft conventions or proposals. "

DOCUMENT A/C.5/438

Financial implications of draft resolution F on agenda item 52, proposed by the Sixth Committee : Report of the Secretary-General

[Original text : English]
[8 December 1950]

1. At its 244th session on 27 November 1950, the Sixth Committee adopted a draft resolution that a committee composed of representatives of 17 Member States should meet at Geneva on 1 August 1951 for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international penal tribunal. It also requests the Secretary-General, *inter alia*, to make all necessary arrangements for the convening of the committee and for its meetings.

2. In accordance with rule 152 of the rules of procedure of the General Assembly, the following estimates are made on the assumption that the committee would meet in Geneva for a maximum period of five weeks shortly after the adjournment of the meetings of the International Law Commission, so that the staff serving the International Law Commission could be used for the meetings of this committee.

	US dollars
Travel and subsistence of staff	4,080
Printing	4,510
TOTAL	8,590

3. Under travel and subsistence of staff, provision is made for 40 days *per diem* at the reduced rate, as the staff would have been there for the International Law Commission meetings. No travel expenses would be necessary.

4. Under contractual printing, provision is made for printing the report of the committee in five languages, estimated at about 48 English text pages.

5. Should the General Assembly approve the draft resolution, as recommended by the Sixth Committee, it would be necessary to add \$4,080 to section 1 of the budget estimates for 1951, The General Assembly, Commissions and Committees, and \$4,510 to section 25, Official Records.

DOCUMENT A/1639

Report of the Sixth Committee

[Original text : English]
[8 December 1950]

I. INTRODUCTION

1. The General Assembly, at its 285th plenary meeting on 26 September 1950, decided to refer to the Sixth Committee, for consideration, the report (A/1316)¹ of the International Law Commission on its second session, held in Geneva from 5 June to 29 July 1950.

2. The Sixth Committee began its consideration of the report at its 225th meeting on 20 October 1950. It decided, after discussion, to take up the first four of the six parts of the report in numerical order. At its 245th meeting on 28 November 1950, it further decided not

to proceed with a debate on parts V and VI, as these parts were intended merely to give information regarding the progress of the work of the International Law Commission on subjects on which final reports would be submitted to the General Assembly at a future session.

II. CONSIDERATION OF PART I OF THE REPORT OF THE INTERNATIONAL LAW COMMISSION : GENERAL (INTRODUCTION AND MISCELLANEOUS DECISIONS)

3. The Sixth Committee discussed part I of the report at its 226th to 229th meetings inclusive, from 23 to 28 October 1950. Three principal questions were dealt

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 12*.

with during these debates, namely, the desirability of inviting the Commission to review its statute with the object of recommending revisions thereof to the General Assembly, the emoluments of the members of the Commission and the extension of their term of office.

4. The question of a review of the statute was raised in connexion with doubts expressed by a number of delegations as to whether the existing working conditions of the International Law Commission were such as to enable it to achieve rapid and positive results. It was pointed out that the Commission had been overloaded with special tasks entrusted to it by the General Assembly and lately also by the Economic and Social Council, and that the Commission had consequently made little progress in its essential work, the codification of international law. Many delegations considered that if this situation were not improved the prestige and utility of the Commission might suffer. They were therefore of the opinion that the Commission should examine its statute with a view to ascertaining whether it could not be revised in order to improve the conditions under which the Commission was carrying on its work. The United Kingdom, accordingly, introduced a draft resolution (A/C.6/L.130) requesting the Commission to review its statute with the object of making recommendations to the sixth session of the General Assembly concerning such revisions of the statute as might appear desirable in the light of experience for the promotion of the Commission's work. Some delegations considered the terms used in the United Kingdom draft resolution too broad and suggested that the scope of the proposed review of the statute should be more precisely defined. Thus, France laid before the Committee an amendment (A/C.6/L.133) specifying that the purpose of the review would be to submit recommendations to the General Assembly concerning the organization of the Commission and especially concerning the methods most likely to ensure the continuity of its work. The Union of Soviet Socialist Republics proposed to limit further the scope of the review of the statute and submitted an amendment (A/C.6/L.135) to the effect that the Commission would be requested to review the terms of article 17 of its statute with the object of rendering it impossible for any task to be assigned to the Commission without a special decision of the General Assembly in each specific case.

5. Before the United Kingdom draft resolution (A/C.6/L.130) and the two amendments thereto were put to the vote, the French amendment (A/C.6/L.133) was withdrawn. The USSR amendment (A/C.6/L.135) was rejected by 26 votes to 6, with 10 abstentions. The United Kingdom draft resolution was thereafter adopted by 36 votes to 7, with 2 abstentions. This draft resolution is contained in part VI of the present report.

6. In paragraph 21 of its report (A/1316), the International Law Commission had suggested that the General Assembly, in order to make service in the Commission less onerous financially for its members, might wish to reconsider the terms of article 13 of the Commission's statute according to which the members of the Commission shall be paid travel expenses and a *per diem* allowance at the same rate as the allowance paid to members

of commissions of experts of the Economic and Social Council.

7. The great majority of the delegations were of the opinion that the present emoluments paid to the members of the Commission were inadequate, and favoured a revision of article 13 in order to allow the General Assembly to exercise wider discretion in determining the allowance to be accorded to them. Cuba, Egypt, France, Iran, the United Kingdom and the United States introduced a joint draft resolution (A/C.6/L.128) whereby the General Assembly, considering paragraph 21 of the report of the International Law Commission, the inadequacy of the emoluments paid to the members of the Commission, the importance of the Commission's work, the eminence of its members and the method of their election, would decide to modify article 13 as follows :

“ Members of the Commission shall be paid travel expenses, and shall also receive a special allowance, the amount of which shall be determined by the General Assembly. ”

Panama presented an amendment (A/C.6/L.134) which, after having been slightly modified following a suggestion by the French representative, proposed to add to the preamble of the joint draft resolution (A/C.6/L.128) a further consideration, namely, that the nature and scope of the work of the Commission were such as to require its members to devote considerable time in attendance at the necessarily long sessions of the Commission. This amendment, as modified, was accepted by the sponsors of the joint draft resolution.

8. The proposal to revise article 13 of the statute was opposed by certain delegations on the ground that the members of the International Law Commission should not, with respect to subsistence allowance, be treated differently from equally eminent experts working for the United Nations in other fields. It was also pointed out by these representatives that the Advisory Committee on Administrative and Budgetary Questions had recommended that the subsistence allowance for members of subsidiary bodies of the General Assembly should be raised from twenty to twenty-five dollars when they were meeting in New York.

9. Other delegations, while concurring with the majority view that article 13 should be revised, also thought it inadvisable to pay to the members of the International Law Commission a higher subsistence allowance than to other experts. According to this trend of opinion, it would be preferable to accord to the members of the Commission a honorarium or a special yearly allowance as a remuneration for the considerable amount of work required of them not only during, but also between, the sessions of the Commission. Amendments to that effect were introduced by the delegation of the Philippines (A/C.6/L.129) and of Norway (A/C.6/L.136).

10. When put to the vote, the Norwegian amendment was rejected by 16 votes to 13, with 16 abstentions, and the Philippines amendment was defeated by 13 votes to 1, with 31 abstentions. At the request of the Union of South Africa, the Panamanian addition to the preamble of the joint draft resolution was thereafter put to the

vote separately and was adopted by 31 votes to 2, with 10 abstentions. Finally, the joint draft resolution as modified and as a whole, was adopted by 37 votes to 1, with 6 abstentions. The draft resolution, as adopted, is included in part VI of the present report.

11. The Sixth Committee also considered a joint draft resolution (A/C.6/L.131) presented by Cuba and Egypt, whereby the General Assembly would fix at thirty-five dollars per day the amount of the special allowance to be paid to the members of the Commission according to the proposed new wording of article 13. Opinion was divided as to whether the Sixth Committee was competent to entertain such a proposal. Some delegations held that there was nothing in the rules of procedure of the General Assembly to prevent the Sixth Committee from adopting the draft resolution. Other delegations argued the contrary view that, as the draft resolution dealt with a purely financial question, it was outside the competence of the Sixth Committee and was a matter to be decided by the Fifth Committee. After consultation among delegations, a compromise solution was reached. The joint draft resolution (A/C.6/L.131) was replaced by a proposal introduced by Iran that the Sixth Committee should adopt the following *vœu* :

“ The Sixth Committee expresses the desire that the special allowance provided for in the draft resolution adopted by it on 28 October 1950 should be thirty-five dollars per day. ”

12. At the request of Egypt, a roll-call vote was taken on the *vœu*. It was adopted by 31 votes to 8, with 5 abstentions, as follows :

In favour : Argentina, Belgium, Brazil, Burma, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Guatemala, Iran, Iraq, Mexico, Norway, Pakistan, Panama, Peru, Saudi Arabia, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Australia, Byelorussian Soviet Socialist Republic, Czechoslovakia, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics.

Abstaining : Canada, Indonesia, Netherlands, Philippines, Sweden.

After the voting, the representatives of Afghanistan, Greece and India, who were absent during the roll-call vote, asked to be counted as voting in favour of the *vœu*.

13. In view of rule 152 of the rules of procedure, the Chairman of the Sixth Committee, in a letter dated 30 October 1950 (A/C.6/L.138), communicated to the President of the General Assembly the draft resolution adopted by the Committee regarding article 13 of the statute of the International Law Commission, together with the *vœu* expressed by the Committee concerning the amount of the special allowance to be paid to the members of the Commission.

14. A majority of the delegations were in favour of extending the term of office of the present members of the Commission from three years to five. In support of this

view, it was pointed out that the Commission would not be able to finish some of its most important tasks during the current period of office and that the work in progress on these tasks should not be interrupted by a change in membership. In particular, it would be highly detrimental to the efficiency of the Commission if new rapporteurs had to take over subjects on which a considerable volume of work had already been done. Against this view it was argued by some delegations that, even if the term of office of the present members were prolonged to five years, the same problem might arise at the end of the extended period. Attention was also drawn to the fact that, according to article 10 of the statute of the Commission, the members were eligible for re-election and that there was no reason to doubt that the General Assembly would re-elect those members whose work it felt had been most useful.

15. Cuba, Chile, Egypt, Iran and Turkey introduced a joint draft resolution (A/C.6/L.132) which, in its operative part, set forth a decision to amend article 10 of the statute of the Commission in order to extend the term of office of the members from three years to five; this extension to be applicable to the term of the members of the Commission elected in 1948. Belgium submitted an amendment (A/C.6/L.137) by which the scope of the operative part of the joint draft resolution would be limited to an extension of the term of the present members of the Commission, and the preamble of the draft resolution would be accordingly reworded. This amendment was accepted by the sponsors of the joint draft resolution after the Belgian representative had consented to delete from his text a phrase stating that the extension was made “ by way of exception ”.

16. When put to the vote, the joint draft resolution, as amended, was adopted by 37 votes to 8, with 2 abstentions. This draft resolution, as adopted, is included in part VI, below.

III. CONSIDERATION OF PART II OF THE REPORT OF THE INTERNATIONAL LAW COMMISSION : WAYS AND MEANS FOR MAKING THE EVIDENCE OF CUSTOMARY INTERNATIONAL LAW MORE READILY AVAILABLE .

17. The Sixth Committee considered part II of the report of the International Law Commission at its 230th and 231st meetings on 30 October and 2 November 1950.

18. It appeared clearly from the debate that the delegations were of the view that finding ways and means for making the evidence of customary international law more readily available was essentially a practical task which could be accomplished without a previous agreement on a precise definition of customary international law. Decisions by the Sixth Committee on the practical recommendations put forward by the International Law Commission in part II of its report should, therefore, not be taken to imply approval of statements of a theoretical or general character made by the Commission in this connexion. Some of these statements drew critical comments from several delegations. In particular,

criticisms were levelled against the statement in paragraph 30 of the Commission's report that article 24 of the statute of the Commission seemed to depart from the classification of sources of international law followed in article 38 of the Statute of the International Court of Justice, by including judicial decisions on questions of international law among the evidences of customary international law. A number of delegations declared that, in so far as this statement implied that article 38 of the Statute of the Court did not accept judicial decisions on questions of international law as evidence of customary international law, they dissented from such an interpretation of article 38.

19. The practical recommendations submitted by the International Law Commission in paragraphs 90-94 of its report were carefully considered by the Sixth Committee. It was noted that part of this vast programme of work was already being carried out by the Secretariat and that other parts of the programme entailed financial and administrative implications which needed further study. With respect to the recommendation in paragraph 92 that the Registry of the International Court of Justice should publish occasional digests of the Court's *Reports*, it was pointed out that such digests were already published in the Court's *Yearbook*. The suggestion in paragraph 94 that the General Assembly should give consideration to the desirability of an international convention concerning the general exchange of official publications relating to international law and international relations was supported by several delegations, but the majority view was that the question was not yet ripe for a decision.

20. The delegations of Israel, the United Kingdom and the United States of America introduced a joint draft resolution (A/C.6/L.139) which, after having been amended by its sponsors in accordance with suggestions made by other delegations during the debate, was adopted by 41 votes to none, with 2 abstentions. As approved, the draft resolution takes note of part II of the Commission's report, expresses appreciation of the work of the Commission on the subject and invites the Secretary-General, in preparing his future programme of work in this field, to consider and report to the General Assembly upon the recommendations contained in paragraphs 90, 91 and 93 of the Commission's report in the light of the discussion held and the suggestions made thereon in the Sixth Committee. An amendment submitted by India to the effect that the Secretary-General should be requested to "take account of the possibility of co-ordination with similar activities undertaken by him" was withdrawn on the understanding that the suggestion would be recorded in the present report. The draft resolution, as adopted, is contained in part VI, below.

IV. CONSIDERATION OF PART III OF THE REPORT OF THE INTERNATIONAL LAW COMMISSION: FORMULATION OF THE NÜRNBERG PRINCIPLES

21. Part III of the report of the International Law Commission was considered by the Sixth Committee at its 231st to 239th meetings inclusive, from 2 to 14 Novem-

ber 1950. Some delegations held the view that the formulation of the Nürnberg principles submitted by the International Law Commission in part III of its report should not be discussed in substance by the Committee at the present session. In support of this opinion, it was argued that the Commission had failed to consult the Governments of Member States in the course of its work on the subject, as was required by articles 16 and 21 of its statute and that, in consequence of this omission, the Sixth Committee did not have at its disposal the necessary data for a thorough examination of the formulation submitted. On the other hand, the majority of the delegations were in favour of discussing the formulation in substance. A number of these delegations took the position that, in directing it to formulate the Nürnberg principles, the General Assembly had assigned to the International Law Commission a special task which did not come under the procedural rules contained in articles 16 and 21 and that, consequently, the Commission had not violated its statute by reporting directly to the General Assembly without consulting the Governments. Other delegations adhering to the majority view based their opinion on the practical consideration that a substantive debate was most likely to promote a solution of the problems facing the Committee in connexion with the Nürnberg principles and their formulation. The Sixth Committee accordingly entered upon a discussion in substance of part III of the Commission's report and the formulation of the Nürnberg principles included therein. In the course of these debates, careful attention was given to the terms of reference of the Commission contained in General Assembly resolution 177 (II), as well as to the interpretation placed upon them by the Commission. The Sixth Committee further examined in detail the principles formulated in the report. Finally, the Committee discussed the question of the action which should be recommended to the General Assembly regarding the formulation submitted by the Commission.

22. With respect to its terms of reference under sub-paragraph (a) of General Assembly resolution 177 (II), namely, to "formulate the principles of international law recognized in the charter of the Nürnberg Tribunal and in the judgment of the Tribunal", the International Law Commission stated in paragraph 96 of its report that it had considered whether or not it should ascertain to what extent the principles contained in the charter and judgment constituted principles of international law. The Commission had reached the conclusion that, since the Nürnberg principles had been affirmed by the General Assembly in its resolution 95 (I), the task entrusted to the Commission by sub-paragraph (a) of resolution 177 (II) was not to express any appreciation of these principles as principles of international law but merely to formulate them. In general, this interpretation of the Commission's terms of reference met with approval within the Sixth Committee.

23. Divergent opinions were expressed regarding the application by the Commission of its terms of reference in other respects. A number of delegations felt that the Commission had adhered too closely to the wording of the charter of the Nürnberg Tribunal and, by this method, had been led to formulate rules rather than

principles. It had also failed to pay sufficient attention to the fact that, as the Nürnberg charter had been prepared with a view to prosecuting the major war criminals only, the details of its provisions could not always be applied to ordinary war criminals. Instead of copying to a large extent the specific rules of the charter, the Commission should therefore have formulated merely the general concepts of fundamental importance embodied in the charter and judgment. In the view of some delegations, the Commission should also have gone further and have set forth the general principles of international law on which the charter and judgment had been based. According to this opinion, the Commission had not pursued its task exhaustively; it had only classified the juridical provisions and rulings of the charter and judgment while it ought to have stated the underlying principles with a view to promoting the future development of international penal law. Several representatives, on the other hand, spoke in defence of the Commission on these points, and maintained that the Commission had correctly interpreted its mandate. The task of the Commission was, in their view, not to formulate a few principles in very general terms or to set forth the underlying principles of international law, but to abstract both from the charter and from the proceedings of the Nürnberg Tribunal, a basic set of rules and principles which could form a species of small code on the subject to serve as a point of departure for further efforts in this field.

24. In this connexion, consideration was also given to the relation between the formulation of the Nürnberg principles and the task entrusted to the Commission in sub-paragraph (b) of General Assembly resolution 177 (II), namely, to prepare a draft code of offences against the peace and security of mankind, indicating clearly the place to be accorded therein to these principles. It appeared from the debates that the majority of the representatives agreed with the view expressed by the International Law Commission that it was not bound to insert the Nürnberg principles in their entirety in the draft code and that it was not precluded from suggesting modification or development of the principles for the purpose of their incorporation in the draft code.

25. Numerous representatives also commented on the text of the seven principles formulated by the Commission. A great variety of views were expressed, and opinion was generally too divided to permit conclusions as to the sense of the Committee on the controversial issues. Some of the questions discussed are reviewed below.

26. Principles I and II gave rise to an exchange of opinions regarding the position of the individual in international law. Some members affirmed that the individual as well as the State could now be held directly responsible under international law. Others considered this opinion exaggerated and contended that there was no need to abandon the classic concept that international law is essentially concerned with relations between States. They agreed that individuals who committed crimes under international law should be subject to trial and punishment, but asserted that this aim could be achieved by imposing upon States the obligation to punish the authors of such crimes or to allow them to be

punished by other States or by a legally constituted international tribunal. In this connexion, several delegations also took exception to the statement made by the Commission to the effect that principles I and II implied the supremacy of international law over national law. It was argued by these delegations that the supremacy of international law was a theoretical concept which was far from being universally accepted. It was also affirmed by some delegations that this concept was contrary to the constitutions of their countries. On the other hand, a number of delegations agreed with the view of the Commission on this point.

27. Opinion was also divided on the question whether the International Law Commission had been justified in departing from the provisions of articles 7 and 8 of the Nürnberg charter when formulating principle III on the responsibility of heads of States and responsible government officials, and principle IV on the effect of superior orders. While a number of delegations were in favour of these changes as bringing the two principles in closer conformity with general principles of criminal law, others thought that the Commission should have retained the provisions of the Nürnberg charter in this respect. Doubts were, in particular, expressed as to principle IV that superior orders are not a defence provided a moral choice was possible to the offender. It was contended that the term "moral choice", taken from the judgment, was ambiguous and should not have been included, at least not without clarification by definition or exemplification.

28. The right of a defendant to a fair trial on the facts and law, as provided in principle V, was, in substance, favoured by most delegations. Some representatives, however, regretted that the words "on the facts and law" had been included in the text of the principle, as this specification seemed to exclude questions of procedure from the principle of a fair trial. Against this opinion it was affirmed by other representatives that the word "law" referred not only to substantive law but also to procedural law.

29. Among the questions raised in relation to principle VI defining categories of international crimes, particular attention was given to the definition of crimes against humanity. Some delegations criticized the Commission for having retained the provision in article 6 (c) of the Nürnberg charter that crimes against humanity could be committed only in connexion with crimes against peace, or war crimes. They asserted that this limitation did not apply to the concept of crimes against humanity as such, but only to the competence of the Nürnberg Tribunal to take cognizance of these crimes. In their opinion, crimes against humanity constituted a separate and independent category of international crimes distinguished from similar crimes under national law by the characteristic that they were, in general, committed by governments, or with the complicity or tolerance of governments, and, therefore, could be punished only on the international level. The concept of crimes against humanity had, furthermore, been incorporated in the Convention on the Prevention and Punishment of the Crime of Genocide, which would soon

come into force. It would, therefore, in the view of these delegations, be contrary to international law to lay down as a principle that crimes against humanity could be committed only in connexion with crimes against peace, or war crimes. On the other hand, other delegations maintained that no crimes against humanity existed under international law outside of those defined by the Nürnberg charter. They therefore considered that the definition of crimes against humanity given in principle VI was correct in substance. Some of these delegations, however, regretted that the Commission had not laid down, in the principle itself, that crimes against humanity could be committed both before and after a war. It was not sufficient, in their view, to state this fact only in the commentary to principle VI, as the Commission had done.

30. Certain delegations felt that principle VII was too broadly drafted, as it applied ordinary rules of complicity not only to war crimes and crimes against humanity, but also to crimes against peace. They argued that the Nürnberg Tribunal had taken great care to limit the scope of crimes against peace and had convicted only persons in very high positions of this crime. In contradiction to the stand thus taken by the Tribunal, principle VII made every person who, according to the general rules of complicity, was an accomplice to a crime against peace, guilty of an international crime. On the other hand, several delegations expressed their agreement with principle VII as formulated, since in their view the courts would in each instance have wide discretion as to the application of the principle.

31. With respect to the question as to what action should be taken by the General Assembly on part III of the report of the International Law Commission various procedures were suggested in the course of the deliberations. The Byelorussian Soviet Socialist Republic presented a proposal (A/C.6/L.140) according to which the draft formulation of the Nürnberg principles submitted by the International Law Commission would be referred back to the Commission for presentation to the Member States for their comments. France submitted a draft resolution (A/C.6/L.141/Rev.1) requesting the International Law Commission to continue its study of the Nürnberg principles and calling attention to the need of giving, within the framework of this study, a permanent validity to the principles, especially with regard to crimes against humanity as crimes independent of crimes against peace, and war crimes. This latter draft resolution was subsequently replaced by a joint draft resolution (A/C.6/L.146), presented by Argentina, Denmark, the Dominican Republic, Egypt, France, the Netherlands, Norway, Pakistan, Peru, Sweden and Syria under which the International Law Commission would be invited to reconsider its formulation of the Nürnberg principles in the light of the observations made thereon by delegations during the present session of the General Assembly. The United Kingdom, on the other hand, proposed a draft resolution (A/C.6/L.142) whereby the General Assembly would take note of the formulation of the Nürnberg principles contained in part III of the Commission's report. An amendment to the United Kingdom draft was presented by Cuba (A/C.6/L.144) drawing attention

to the close relation between the formulation of the Nürnberg principles and the task of preparing a draft code of offences against the peace and security of mankind. This amendment was accepted by the representative of the United Kingdom. Similar amendments to the United Kingdom draft resolution were submitted by Iran (A/C.6/L.143) and Uruguay (A/C.6/L.148), and Venezuela introduced an amendment (A/C.6/L.147) suggesting a drafting change in its preamble.

32. After deliberation among the sponsors and other interested delegations, all the draft resolutions and amendments referred to in the foregoing paragraph, with the exception of the Byelorussian Soviet Socialist Republic draft resolution (A/C.6/L.140), were superseded by a new joint draft resolution (A/C.6/L.149) submitted by Argentina, Cuba, Denmark, the Dominican Republic, Egypt, France, Iran, the Netherlands, Norway, Pakistan, Peru, Sweden, Syria, the United Kingdom, the United States and Venezuela. The first three paragraphs of this joint draft resolution were of a formal and historical character. The fourth paragraph recalled that the International Law Commission had formulated certain principles recognized, according to the Commission, in the charter and judgment of the Nürnberg Tribunal, and that many delegations had made observations during the present session on this formulation. As some delegations had maintained, in the course of the debates, that to take note of the Commission's formulation would, in view of the history of the question, virtually imply approval of the principles as formulated by the Commission, this paragraph was worded to make it clear beyond doubt that no such approval was intended. After a drafting change, suggested by Belgium, had been accepted by the sponsors, the fifth paragraph stated that it was appropriate to give the governments of Member States full opportunity to furnish their observations on the formulation. Without implying that the Commission had violated its statute in omitting to consult the governments in connexion with its work on the Nürnberg principles, the paragraph was meant to give satisfaction to those delegations which had advocated such consultation. The sixth and seventh paragraphs constituted the operative part of the draft resolution, inviting the Governments of Member States to furnish their observations on the formulation submitted by the Commission and requesting the Commission, in preparing the draft code of offences against the peace and security of mankind, to take account of the observations made on this draft formulation by delegations during the present session as well as of any observation which might be made by governments.

33. An amendment (A/C.6/L.150) to the seventh paragraph of the joint draft resolution was proposed by Poland, to the effect that the International Law Commission would be invited to take the observations made in the Sixth Committee and by governments into consideration in the final formulation of the principles of the Nürnberg charter and judgment.

34. In the voting, the draft resolution of the Byelorussian SSR (A/C.6/L.140) was rejected by 21 votes to 5, with 15 abstentions. The first, second and third paragraphs of the joint draft resolution (A/C.6/L.149)

were adopted unanimously. The fourth paragraph was adopted by 36 votes to 2, with 2 abstentions. The fifth paragraph, as modified, and the sixth paragraph were put to the vote together and adopted by 36 votes to none, with 6 abstentions. The Committee then proceeded to vote on the Polish amendment (A/C.6/L.150) to the seventh paragraph and rejected this amendment by 21 votes to 7, with 11 abstentions. The seventh paragraph was thereafter adopted by 32 votes to 5, with 3 abstentions. Finally, the joint draft resolution (A/C.6/L.149), as modified, was adopted as a whole by 32 votes to 1, with 8 abstentions. This draft resolution contained in part VI of the present report.

V. CONSIDERATION OF PART IV OF THE REPORT OF THE INTERNATIONAL LAW COMMISSION : THE QUESTION OF INTERNATIONAL CRIMINAL JURISDICTION

35. The Sixth Committee discussed part IV of the report of the International Law Commission on the question of international criminal jurisdiction at its 240th to 246th meetings inclusive, from 16 to 29 November 1950. The problems dealt with in the course of the debates were related both to the substantive question of the desirability and possibility of establishing an international penal court and to the procedural question as to what action should be recommended to the General Assembly in this matter at the present session.

36. With respect to the substantive question, some representatives were of the opinion that, as the punishment of crimes committed in the territory of a State was a matter within the jurisdiction of that State, the establishment of an international criminal court would be contrary to the sovereign rights of States. Other delegations held that the creation of such a court was not a practical project. They felt that a court, without an international police force to bring the accused before it and to execute its sentences, would be unable to function effectively. Furthermore, as in their opinion the question of desirability was dependent on that of practical possibility, they also doubted whether it was desirable to set up the court in existing circumstances. The contrary position favouring the setting up of an international penal court was based on the view that the creation of an international criminal jurisdiction vested with power to try and punish persons who disturbed international public order was desirable as an effective contribution to the peace and security of the world. It was pointed out that public opinion had been in favour of an international criminal jurisdiction since the end of the First World War. It was denied that the establishment of such a court would constitute an infringement of national sovereignty, as the court could be created by an international convention adhered to voluntarily by the States. By using this procedure there would, furthermore, be no need for an amendment of the Charter of the United Nations. The establishment of such a court would also be in complete conformity with the principle of international co-operation laid down in the Charter.

37. The majority of the delegations, however, felt

that the question of the establishment of an international penal court could not be settled *in abstracto*, preferring therefore not to take a position on the question whether an international criminal court was possible or desirable until they had before them a draft statute of the said court and, if possible, a draft code of the law which the court would apply. Accordingly, the Committee gave careful consideration to the procedural question before it. Several representatives held the view that further consideration of part IV of the report of the International Law Commission should be postponed until after the Commission had submitted its draft code of offences against the peace and security of mankind. Others, on the other hand, were of the opinion that at this stage it would be preferable to set up an inter-governmental committee which could prepare a draft statute of an international criminal court, taking into account also the political aspects of the matter. It was also emphasized that the setting up of such a committee would be without prejudice to the question of the desirability or possibility of establishing such a tribunal.

38. Canada submitted a draft resolution (A/C.6/L.155) which was replaced by a draft resolution presented jointly by Canada and the Union of South Africa (A/C.6/L.157), and subsequently revised by its sponsors (A/C.6/L.157/Rev.1). This last proposed postponement of consideration of part IV of the report of the International Law Commission until after the Commission had submitted its codification of offences against the peace and security of mankind.

39. Cuba, on the other hand, placed before the Committee a draft resolution (A/C.6/L.126) which suggested that the International Law Commission should be instructed to prepare a draft statute governing the establishment and functions of an international penal tribunal for the trial of persons charged with genocide or other crimes over which jurisdiction may be conferred upon that organ by international conventions. In the course of the deliberations, the Cuban delegation withdrew this draft resolution in favour of a draft resolution presented jointly by Cuba, France and Iran (A/C.6/L.151). In its operative part, the joint draft resolution proposed that a committee composed of representatives of fifteen Member States should meet in Geneva on 1 August 1951 for the purpose of preparing a preliminary draft convention relating to the establishment and the statute of an international penal court, for submission to the next regular session of the General Assembly. It also suggested that the governments of Member States should be invited to address to the Secretary-General their comments on the organization and functioning of such a court, and to instruct the Secretary-General to transmit such comments to the inter-governmental committee.

40. Amendments to this joint draft resolution (A/C.6/L.151) were submitted by Israel (A/C.6/L.152), the United Kingdom (A/C.6/L.153) and the United States of America (A/C.6/L.158). In the light of these amendments, Cuba, France and Iran submitted a revised draft resolution (A/C.6/L.151/Rev.1), which incorporated, in substance, all the amendments, except one of those suggested by the United Kingdom. This latter amend-

ment was however re-drafted by its sponsor, submitted as an amendment (A/C.6/L.159) to the revised draft resolution and, in this new form was accepted by the sponsors of that draft resolution. The joint draft resolution, as amended, recalled, in its first paragraph, resolution 260 B (III) inviting the International Law Commission to study the desirability and possibility of establishing an international penal court, and in its second paragraph took account of the conclusion reached by the Commission that the creation of such a court was desirable and possible. In the third paragraph it referred to article VI of the Convention on the Prevention and Punishment of the Crime of Genocide, and in the fourth paragraph it included the United Kingdom amendment that a final decision regarding the setting up of an international penal court could not be taken except on the basis of concrete proposals. Consequently, in the operative part, it recommended the establishment of a committee composed of representatives of seventeen Member States which should meet in Geneva on 1 August 1951 for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court. It further requested the Secretary-General to prepare and submit to this inter-governmental committee one or more preliminary draft conventions and proposals regarding such a court, to make all necessary arrangements for the convening of the committee and for its meetings, to communicate to the governments of Member States the report of the Committee so that their observations could be submitted not later than 1 June 1952, and to place this question on the agenda of the seventh session of the General Assembly.

41. Prior to the voting, the representatives of Canada and the Union of South Africa moved that their joint draft resolution (A/C.6/L.157/Rev.1) should be voted upon first. They felt that it dealt with a previous question, *i.e.*, whether measures for establishing an international penal tribunal should be undertaken immediately or be postponed until the International Law Commission had prepared a draft code of offences against the peace and security of mankind. Moreover, they wished to reserve the right to make further amendments to the joint draft resolution submitted by Cuba, France and Iran if their draft resolution should not be adopted. This motion was not adopted, 18 votes being cast in favour and 18 against, with 11 abstentions.

42. At this point, the representative of Canada submitted an amendment to replace the second paragraph of draft resolution A/C.6/L.151/Rev.1 by the second paragraph of draft resolution A/C.6/L.157/Rev.1 which merely stated that the General Assembly had given "preliminary consideration to part IV of the report of the second session of the International Law Commission". This amendment was adopted by 20 votes to 16, with 12 abstentions. The draft resolution of Cuba, France and Iran, as amended, was voted upon in parts and finally adopted by 35 votes to 6, with 8 abstentions. In adopting this draft resolution, it was clearly the sense of the Committee that the establishment of the inter-governmental committee, for the purpose of preparing

one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court, would in no way commit the Governments as to the ultimate desirability and possibility of establishing such a court.

43. The Committee then considered the question of the composition of the inter-governmental committee. The Rapporteur introduced a proposal (A/C.6/L.160 and Corrs. 1 to 3) to the effect that the inter-governmental committee should be composed of representatives of the following Member States: Brazil, China, Cuba, Egypt, France, Iran, Israel, the Netherlands, Pakistan, Peru, Poland, Sweden, Syria, the Union of Soviet Socialist Republics, the United Kingdom, the United States of America and Uruguay. He then suggested that the membership of the Committee should be increased to nineteen and that Australia and India should be added to the list. However, as the representatives of Poland and the USSR stated that their countries were unable to accept membership on the Committee, Australia and India were included on the list without changing the number of members. The representative of Sweden thereupon requested that Denmark should be substituted for his country. The Rapporteur's proposal, as thus modified, was adopted by 36 votes to none, with 6 abstentions. The final text of the draft resolution is contained in part VI of the present report.

VI. DRAFT RESOLUTIONS RECOMMENDED BY THE SIXTH COMMITTEE

44. In consequence of the decisions taken, the Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS SECOND SESSION.

Resolution A

REVIEW BY THE INTERNATIONAL LAW COMMISSION OF ITS STATUTE WITH THE OBJECT OF RECOMMENDING REVISIONS THEREOF TO THE GENERAL ASSEMBLY

The General Assembly,

Considering that it is of the greatest importance that the work of the International Law Commission should be carried on in the conditions most likely to enable the Commission to achieve rapid and positive results,

Having regard to certain doubts which have been expressed whether such conditions exist at the present time,

Requests the International Law Commission to review its statute with the object of making recommendations to the sixth session of the General Assembly concerning revisions of the statute which may appear desirable, in the light of experience, for the promotion of the Commission's work.

*Resolution B*AMENDMENT TO ARTICLE 13 OF THE STATUTE OF THE
INTERNATIONAL LAW COMMISSION*The General Assembly,*

Having regard to paragraph 21 of the report of the International Law Commission on the work of its second session (A/1316),

Noting the inadequacy of the emoluments paid to the members of the International Law Commission,

Bearing in mind the importance of the Commission's work, the eminence of its members and the method of their election,

Considering that the nature and scope of the work of the Commission are such as to require its members to devote considerable time in attendance at the necessarily long sessions of the Commission,

Decides to amend as follows article 13 of the statute of the International Law Commission :

" Members of the Commission shall be paid travel expenses, and shall also receive a special allowance, the amount of which shall be determined by the General Assembly. "

*Resolution C*EXTENSION OF THE TERM OF OFFICE OF THE PRESENT
MEMBERS OF THE INTERNATIONAL LAW COMMISSION*The General Assembly,*

Having noted that the present three-year term of office of members of the International Law Commission is not sufficient to enable the Commission to achieve the tasks on which it is engaged before the current period of office expires,

Considering that, in order to enable positive results to be achieved, the term of office of the present members should be extended,

Resolves that, subject to any modifications which the General Assembly may make in the statute of the International Law Commission, and without prejudice to such modifications, the term of office of the present members of the Commission shall be extended by two years, making a total period of five years from their election in 1948.

*Resolution D*WAYS AND MEANS FOR MAKING THE EVIDENCE OF CUSTOMARY
INTERNATIONAL LAW MORE READILY AVAILABLE*The General Assembly,*

Noting part II (Ways and means for making the evidence of customary international law more readily available) of the report of the International Law Commission on the work of its second session (A/1316),

Appreciating the work of the International Law Commission on this subject,

Invites the Secretary-General, in preparing his future programme of work in this field, to consider and report to the General Assembly upon the recommendations contained in paragraphs 90, 91 and 93 of part II of the report of the International Law Commission in the light of the discussion held and the suggestions made thereon in the Sixth Committee.

Resolution E

FORMULATION OF THE NÜRNBERG PRINCIPLES

The General Assembly,

Having considered part III (Formulation of the Nürnberg principles) of the report of the International Law Commission on the work of its second session (A/1316),

Recollecting that the General Assembly, by its resolution 95 (I) of 11 December 1946, unanimously affirmed the principles of international law recognized by the charter of the Nürnberg Tribunal and the judgment of the Tribunal,

Considering that, by its resolution 177 (II) of 21 November 1947, the General Assembly directed the International Law Commission to formulate those principles, and also to prepare a draft code of offences against the peace and security of mankind,

Considering that the International Law Commission has formulated certain principles recognized, according to the Commission, in the charter and judgment of the Nürnberg Tribunal, and that many delegations have made observations during the fifth session of the General Assembly on this formulation,

Considering that it is appropriate to give the governments of Member States full opportunity to furnish their observations on this formulation,

1. *Invites* the governments of Member States to furnish their observations accordingly;

2. *Requests* the International Law Commission, in preparing the draft code of offences against the peace and security of mankind, to take account of the observations made on this formulation by delegations during the fifth session of the General Assembly and of any observations which may be made by governments.

Resolution F

INTERNATIONAL CRIMINAL JURISDICTION

The General Assembly,

Recalling that in its resolution 260 B (III) of 9 December 1948, it considered ' that, in the course of development of the international community, there will be an increasing need of an international judicial organ for the trial of certain crimes under international law ', and that, in the same resolution, it invited the International Law Commission ' to study the desirability and possibility of establishing an international judicial organ

for the trial of persons charged with genocide or other crimes over which jurisdiction will be conferred upon that organ by international conventions’;

Having given preliminary consideration to part IV of the report of the International Law Commission on the work of its second session,

Bearing in mind article VI of the Convention on the Prevention and Punishment of the Crime of Genocide,

Bearing in mind, further, that a final decision regarding the setting up of such an international penal tribunal cannot be taken except on the basis of concrete proposals,

1. *Decides* that a committee composed of the representatives of the following seventeen Member States, namely, Australia, Brazil, China, Cuba, Denmark, Egypt, France, India, Iran, Israel, the Netherlands, Pakistan, Peru, Syria, the United Kingdom of Great Britain and

Northern Ireland, the United States of America and Uruguay, shall meet in Geneva on 1 August 1951 for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court;

2. *Requests* the Secretary-General to prepare and submit to the committee referred to above one or more preliminary draft conventions and proposals regarding such a court;

3. *Requests* the Secretary-General to make all necessary arrangements for the convening of the committee and for its meetings;

4. *Requests* the Secretary-General to communicate the report of the committee to the governments of Member States so that their observations may be submitted not later than 1 June 1952, and to place the question on the agenda of the seventh session of the General Assembly.

DOCUMENT A/1640

Argentina, Chile, Colombia, Cuba, Dominican Republic, Egypt, India, Iran, Lebanon, Mexico, Panama, Syria, Turkey, Uruguay, Venezuela : amendment to draft resolution B submitted by the Sixth Committee (A/1639)

[Original text: French]
[8 December 1950]

Add the following paragraph at the end of draft resolution B submitted by the Sixth Committee :

“Fixes the special allowance for members of the International Law Commission at thirty-five dollars per day.”

DOCUMENT A/1648

Financial implications of draft resolution B on agenda item 52, proposed by the Sixth Committee (A/1639) : Report of the Fifth Committee

[Original text: English]
[9 December 1950]

1. In accordance with rule 152 of the General Assembly rules of procedure and with the request of the President of the General Assembly in his letter of 30 October 1950 to the Chairman (A/C.5/394), the Fifth Committee, at its 258th and 259th meetings held on 31 October and 4 November 1950, considered the administrative and budgetary implications of draft resolution B and of the *vœu* adopted by the Sixth Committee concerning a special allowance for members of the International Law Commission (A/1639).

2. The Fifth Committee noted that under the terms of the draft resolution, article 13 of the statute of the Commission would be modified to provide that “Members of the Commission shall be paid travel expenses, and shall also receive a special allowance, the amount of which shall be determined by the General Assembly”; and that, in addition, the Sixth Committee had approved a *vœu*, to the effect that the special allowance provided for in the draft resolution should be thirty-five dollars per day. Discussion of the Sixth Committee’s proposals was taken up by the Fifth Committee concurrently with its consi-

deration of recommendations submitted by the Advisory Committee on Administrative and Budgetary Questions pursuant to the request of the General Assembly for a comprehensive review of the rate of subsistence allowances paid to members of commissions, committees and other subsidiary bodies of the General Assembly and other organs of the United Nations. The conclusions reached by the Fifth Committee as a result of its review of subsistence rates generally have been embodied in a separate report to the General Assembly (A/1538).

3. In the course of the debate, the view was expressed by a number of delegations that the question of a fee for services furnished by members of expert bodies was a separate question from that of daily subsistence allowance. Attention was also called to the fact that the Fifth Committee had recommended and the General Assembly had approved in 1949 budgetary provision for the payment of a \$1,500 honorarium to each of five rapporteurs and the Chairman of the International Law Commission for work performed between sessions of the Commission in preparation for those sessions. It was

pointed out that some of the arguments which were used in 1949 to justify the payment of honoraria were now being advanced to secure the special daily allowance for members of the International Law Commission. If, therefore, it was the intention to increase the *per diem* payable to those members, the Advisory Committee might be asked to examine the proposal together with the existing system providing for the payment of honoraria.

4. The representative of Brazil, however, pointed out that no definition of the meaning of "special allowance" existed in the draft resolution of the Sixth Committee. Since the Advisory Committee had already recommended a re-affirmation of the principle that daily allowances were intended to cover subsistence and not a fee for services, and since it had further suggested that, should its recommendations for an adjustment of daily subsistence rates be approved, the General Assembly might wish to reconsider the position for allowances at present paid on a differing basis, it seemed clear that the Advisory Committee would not be able to recommend an exception in the case of the International Law Commission and no useful purpose would therefore be served by such reference to the Advisory Committee.

5. In the opinion of other delegations, however, the proposal of the Sixth Committee to modify article 13 of the statute of the International Law Commission appeared to have reference not to any fee for services but rather to the payment, in view of the nature and scope of the Commission's work, the eminence of its members, and the method of their election, of a special daily allowance during sessions of the Commission. It was the view of a majority of the representatives of the Fifth Committee

that in the matter of subsistence allowance it would be difficult in practice and, in any event, undesirable in principle, to discriminate between expert bodies with respect to the amount of subsistence *per diem*. The representative of Sweden, without making a proposal, expressed the opinion that the members of the International Law Commission, even if they ought not to be granted a higher daily subsistence allowance, should have a special fee for the services they are carrying out.

6. The Fifth Committee, having decided (A/1538) to recommend the adoption of the general subsistence rates proposed by the Advisory Committee (twenty-five dollars per day at Headquarters, twenty dollars per day elsewhere), was then invited to consider whether an exception should be made in the case of the International Law Commission. The proposal that a special subsistence allowance of thirty-five dollars per day should be fixed for members of that body was rejected by 19 votes to 15, with 7 abstentions.

7. The Fifth Committee therefore advises the General Assembly

(a) That adoption of the draft resolution of the Sixth Committee, under which provision would be made in the Statute of the International Law Commission for the payment of a special allowance to members of that Commission, would involve (on the assumption that such an allowance would be at the rate of thirty-five dollars per day) expenditure in 1951 amounting to \$20,025; and

(b) That the Fifth Committee, on administrative grounds, is unable to recommend special treatment for the International Law Commission with respect to daily subsistence allowances.

DOCUMENT A/1656

Financial implications of draft resolution F on agenda item 52, proposed by the Sixth Committee (A/1639) : thirty-ninth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[9 December 1950]

1. The Secretary-General has submitted (A/C.5/438) the following estimate of the financial implications of draft resolution F proposed by the Sixth Committee (A/1639), which provides in the fifth paragraph for a meeting at Geneva of a committee of seventeen representatives for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court, viz.

	<i>US dollars</i>
Subsistence of staff	4,080
Contractual printing (section 25)	4,510
TOTAL	8,590

No travel expenses will be incurred, since staff members detailed from Headquarters will service successive sessions of the International Law Commission and the proposed committee, and the necessary provision for travel

has already been included under section 1, chapter IV, of the budget estimates.

2. Having regard to the fact that the committee of seventeen representatives will deal with a limited agenda, the Advisory Committee considers that a reduction should be possible in the number of staff members proposed to be assigned to the session. Accordingly, it recommends for approval the following appropriation :

	<i>US dollars</i>
Subsistence of staff under section 1	3,000
Contractual printing (section 25 — Official Records)	4,000
TOTAL	7,000

This represents a reduction of \$1,590 on the estimate submitted.

DOCUMENT A/1665

Financial implications of draft resolution F on agenda item 52, proposed by the Sixth Committee (A/1639) :
report of the Fifth Committee[Original text: English]
[11 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 5 December 1950 to the Chairman (A/C.5/431), the Fifth Committee, at its 278th meeting held on 11 December 1950, considered the financial implications of draft resolution F proposed by the Sixth Committee (A/1639) which provides in paragraph 1 of the operative part for a meeting at Geneva of a committee composed of representatives of seventeen Member States for the purpose of preparing one or more preliminary draft conventions and proposals relating to the establishment and the statute of an international criminal court.

2. The Committee had before it a report of the Secretary-General (A/C.5/438) and the thirty-ninth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1656). It was estimated by the Secretary-General that the proposed meeting would involve an additional expenditure of \$4,080 under section 1 of the budget estimates for 1951 (for travel

and subsistence of staff) and an additional \$4,510 under section 25 (for printing). It was the view of the Advisory Committee, that, since the committee of seventeen representatives would be dealing with a limited agenda, a reduction should be possible in the number of staff members proposed to be assigned to the session. It accordingly recommended that the Secretary-General's estimates under section 1 and section 25 of the budget estimates should be reduced to \$3,000 and \$4,000 respectively.

3. The recommendation of the Advisory Committee was approved by the Fifth Committee by 29 votes to 4, with two abstentions.

4. The Fifth Committee therefore decided to inform the General Assembly that adoption of draft resolution F proposed by the Sixth Committee would require supplementary budgetary provision for 1951 in the total amount of \$7,000.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other source</i>
A/1316	Report of the International Law Commission on the work of its second session		<i>General Assembly, Official Records, Fifth Session, Supplement No. 12</i>
A/1639	Report of the Sixth Committee	6	
A/1640	Argentina, Chile, Colombia, Cuba, Dominican Republic, Egypt, India, Iran, Lebanon, Mexico, Panama, Syria, Turkey, Uruguay, Venezuela : amendment to draft resolution B submitted by the Sixth Committee (A/1639) . .	14	
A/1648	Financial implications of draft resolution B on agenda item 52, proposed by the Sixth Committee (A/1639) : report of the Fifth Committee	15	
A/1656	Financial implications of draft resolution F on agenda item 52, proposed by the Sixth Committee (A/1639) : thirty-ninth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	16	
A/1665	Financial implications of draft resolution F on agenda item 52, proposed by the Sixth Committee (A/1639) : report of the Fifth Committee	16	
A/1702	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 484 (V)</i>
A/1703	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 485 (V)</i>

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A/1704	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 486 (V).</i>
A/1705	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 487 (V).</i>
A/1706	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 488 (V).</i>
A/1707	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 489 (V).</i>
A/C.6/L.126	Cuba : draft resolution		Incorporated in 240th meeting, paragraph 2.
A/C.6/L.128	Cuba, Egypt, France, Iran, United Kingdom and United States of America : joint draft resolution	2	
A/C.6/L.129	Philippines : amendment to the joint draft resolution submitted by Cuba, Egypt, France, Iran, United Kingdom and United States (A/C.6/L.128)	25	
A/C.6/L.130	United Kingdom : draft resolution	2	
A/C.6/L.131	Cuba, Egypt : joint draft resolution	2	
A/C.6/L.132	Cuba, Chile, Egypt, Iran, Turkey : joint draft resolution .	3	
A/C.6/L.133	France : amendment to the United Kingdom draft resolution (A/C.6/L.130)		Incorporated in 228th meeting, paragraph 61.
A/C.6/L.134	Panama : amendment to the joint draft resolution submitted by Cuba, Egypt, France, Iran, United Kingdom and United States of America (A/C.6/L.128)	3	
A/C.6/L.135	Union of Soviet Socialist Republics : amendment to the draft resolution submitted by the United Kingdom (A/C.6/L.130)		Incorporated in 228th meeting, paragraph 65.
A/C.6/L.136	Norway : amendment to the joint draft resolution submitted by Cuba, Egypt, France, United Kingdom and United States of America (A/C.6/L.128)		Incorporated in 228th meeting, paragraph 74.
A/C.6/L.137	Belgium : amendment to the joint draft resolution submitted by Cuba, Chile, Egypt, Iran and Turkey (A/C.6/L.132)	3	
A/C.6/L.138	Letter dated 30 October 1950 from the Chairman of the Sixth Committee to the President of the General Assembly .	4	
A/C.6/L.139	Israel, United Kingdom and United States : joint draft resolution		Incorporated in 231st meeting, paragraphs 4 and 71.
A/C.6/L.140	Soviet Socialist Republic of Byelorussia : draft resolution		Incorporated in 232nd meeting, paragraph 49.
A/C.6/L.141/Rev.1 (English only)	France : draft resolution		Incorporated in 232nd meeting, paragraph 78.
A/C.6/L.142	United Kingdom : draft resolution		Incorporated in 233rd meeting, paragraph 11.
A/C.6/L.143	Iran : amendment to the draft resolution submitted by the United Kingdom (A/C.6/L.142)		Incorporated in 234th meeting, paragraph 63.
A/C.6/L.144	Cuba : amendment to the draft resolution submitted by the United Kingdom (A/C.6/L.142)		Incorporated in 233rd meeting, paragraph 43.

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other source</i>
A/C.6/L.146	Argentina, Denmark, Dominican Republic, Egypt, France, Netherlands, Norway, Pakistan, Peru, Sweden and Syria : joint draft resolution replacing the draft resolution submitted by France (A/C.6/L.144/Rev.1)		Incorporated in 236th meeting, paragraph 21.
A/C.6/L.147	Venezuela : amendment to the draft resolution submitted by the United Kingdom (A/C.6/L.142)		Incorporated in 235th meeting, paragraph 72.
A/C.6/L.148	Uruguay : amendment to the United Kingdom draft resolution (A/C.6/L.142)		Incorporated in 238th meeting, paragraph 21.
A/C.6/L.149	Argentina, Cuba, Denmark, Dominican Republic, Egypt, France, Iran, Netherlands, Norway, Pakistan, Peru, Sweden, Syria, United Kingdom, United States of America and Venezuela : joint draft resolution replacing A/C.6/L.144/Rev.1, 142, 144, 146 and 147		Incorporated in 239th meeting, paragraph 4.
A/C.6/L.150	Poland : amendment to the joint draft resolution (A/C.6/L.149)		Incorporated in 239th meeting, paragraph 10.
A/C.6/L.151	Cuba, France, Iran : joint draft resolution		Incorporated in 240th meeting, paragraph 3.
A/C.6/L.151/Rev.1	Cuba, France, Iran; revised joint draft resolution		Incorporated in 244th meeting, paragraph 1.
A/C.6/L.152	Israel : amendments to the joint draft resolution submitted by Cuba, France, Iran (A/C.6/L.151)		Incorporated in 242nd meeting, paragraph 6.
A/C.6/L.153	United Kingdom : amendments to the joint draft resolution submitted by Cuba, France, and Iran (A/C.6/L.151)		Incorporated in 242nd meeting, paragraph 11.
A/C.6/L.155	Canada : draft resolution		Incorporated in 242nd meeting, paragraph 38.
A/C.6/L.157	Canada and Union of South Africa : joint draft resolution		Incorporated in 243rd meeting, paragraph 12.
A/C.6/L.157/Rev.1	Canada and Union of South Africa : revised joint draft resolution	4	
A/C.6/L.158	United States of America : amendment to the joint draft resolution submitted by Cuba, France and Iran (A/C.6/L.151)	5	
A/C.6/L.159	United Kingdom : amendment to the revised joint draft resolution submitted by Cuba, France and Iran (A/C.6/L.151/Rev.1)		Incorporated in 244th meeting, paragraph 13.
A/C.6/L.160	Egypt, Uruguay, Turkey : proposal for the composition of the Committee on International Criminal Jurisdiction		Incorporated in 246th meeting, paragraph 1.
A/C.6/L.160/Corr.1	Corrigendum		
A/C.6/L.160/Corr.2	Corrigendum		
A/C.6/L.160/Corr.3	Egypt, Uruguay, Turkey : proposal for the composition of the Committee on International Criminal Jurisdiction—Corrigendum		Incorporated in 246th meeting, paragraph 2.
A/C.5/394	Letter dated 30 October 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document.
A/C.5/431	Letter dated 5 December 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document.
A/C.5/438	Financial implications of draft resolution F on agenda item 52, proposed by the Sixth Committee (A/1639) : report of the Secretary-General	5	



Agenda item 53 : Draft rules for the calling of non-governmental conferences

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DOCUMENT A/1333

Report of the Secretary-General

[Original text : English]
[23 August 1950]

1. The General Assembly on 3 December 1949, adopted resolution 367 (IV) in which the Secretary-General was requested " to prepare, after consulting the Economic and Social Council, draft rules for the calling of non-governmental conferences, with a view to their study by the General Assembly ".

2. Accordingly, the Secretary-General consulted the Economic and Social Council at its eleventh session, submitting to the Council for this purpose a memorandum setting forth the Secretary-General's views and presenting alternative sets of rules (E/1723). In a resolution adopted on 20 July 1950, the Council advised the Secretary-General that it had approved the following draft rules for the calling of non-governmental conferences, and recommended that the Secretary-General should submit the draft rules to the General Assembly.

3. The Secretary-General therefore transmits the following draft rules to the General Assembly for its consideration :

" Rule 1

" The Economic and Social Council, after consultation with the Secretary-General, may at any time decide to call a non-governmental conference on any matter within its competence.

" Rule 2

" 1. When the Council has decided to call a conference, as provided for in rule 1, it shall :

" (a) Prescribe the terms of reference;

" (b) Fix the date, the place and the appropriate duration of the conference and prepare its provisional agenda;

" (c) Determine who shall be invited;

" (d) Make recommendations for financing, subject to the applicable regulations, rules and resolutions of the General Assembly;

" (e) Make such other arrangements in connexion with the conference as it sees fit.

" 2. The Council may decide to entrust the Secretary-General with any or these tasks or authorize him to introduce such modifications as circumstances require.

" Rule 3

" The Secretary-General shall notify all Members of the United Nations of the conference and shall send them copies of the provisional agenda. He shall also inform each Member State of the invitations issued. "

DOCUMENT A/1632

Report of the Sixth Committee

[Original text: English]
[6 December 1950]

1. By resolution 367 (IV) of 3 December 1949, the General Assembly requested the Secretary-General to prepare, after consulting the Economic and Social Council, draft rules for the calling of non-governmental conferences, with a view to their study by the General Assembly.

2. Accordingly, the Secretary-General consulted the Economic and Social Council at its eleventh session, submitting to the Council for this purpose a memorandum on the question (E/1723). The Council, in resolution 335 (XI) of 20 July 1950, advised the Secretary-General that it had approved the draft rules for the calling of non-governmental conferences set forth in the resolution, and recommended that the Secretary-General should submit these draft rules to the General Assembly.

3. The General Assembly, at its 285th plenary meeting on 26 September 1950, referred this item to the Sixth Committee for consideration.

4. The Sixth Committee discussed the item at its 250th meeting held on 4 December 1950.

5. In addition to a report of the Secretary-General (A/1333), the Committee had before it amendments to the draft rules submitted by the representatives of Australia (A/C.6/L.161) and the Union of South Africa (A/C.6/L.166).

6. After discussion in the Committee, the representative of Australia withdrew his amendment (A/C.6/L.161) and with the representative of France, submitted a joint amendment (A/C.6/L.167) which, at the suggestion of the representative of Iran, was subsequently modified to read as follows :

“ Replace rule 2, paragraph 2, by the following :

“ ‘ The Council may decide to entrust the Secretary-General with any of the tasks mentioned in subparagraphs (b), (d) and (e) of paragraph 1. It may also authorize him to make such modifications as circumstances may require in carrying out any decision of the Council made pursuant to subparagraphs (b), (d) and (e). ’ ”

The representative of the Union of South Africa withdrew his amendment (A/C.6/L.166) in favour of an amendment submitted by the representative of Argentina (A/C.6/L.168) which was modified to read as follows :

“ Add the following at the end of rule 2, paragraph 1 :

“ ‘ In applying rule 2, paragraph 1 (c), the Economic and Social Council shall, when it decides to invite non-governmental organizations, have regard to the terms of Article 71 of the Charter. National organizations without consultative status may be invited only

after consultation with the Member of the United Nations concerned. ’ ”

7. The Committee voted as follows on the English text of the draft rules proposed by the Secretary-General (A/1333) and the amendments thereto :

	In favour	Against	Abstentions
(1) Draft rule 1	26	4	4
(2) Draft rule 2			
(i) Paragraph 1 with the exception of subparagraph (c)	27	4	4
(ii) Paragraph 1, subparagraph (c)	20	4	4
(iii) Argentine amendment, as modified, to insert a new paragraph after paragraph 1	21	4	10
(iv) Australian-French amendment, as modified, to paragraph 2 (to be re-numbered paragraph 3)	20	4	12
(3) Draft rule 3	28	4	4
(4) Draft rules, as a whole, as amended	25	4	7

8. The Sixth Committee accordingly, submits for the approval of the General Assembly the following draft resolution :

RULES FOR THE CALLING OF NON-GOVERNMENTAL CONFERENCES BY THE ECONOMIC AND SOCIAL COUNCIL

The General Assembly,

Having considered the draft rules for the calling of non-governmental conferences by the Economic and Social Council, which were submitted by the Secretary-General after consultation with the Council,

Approves the following rules for the calling of non-governmental conferences by the Economic and Social Council :

Rule 1

The Economic and Social Council, after consultation with the Secretary-General, may at any time decide to call a non-governmental conference on any matter within its competence.

Rule 2

1. When the Council has decided to call a conference, as provided for in rule 1, it shall :

(a) Prescribe the terms of reference;

(b) Fix the date, the place and the appropriate duration of the conference and prepare its provisional agenda;

(c) Determine who shall be invited;

(d) Make recommendations for financing, subject to the applicable regulations, rules and resolutions of the General Assembly;

(e) Make such other arrangements in connexion with the conference as it sees fit.

2. In applying rule 2, sub-paragraph (c) of paragraph 1, the Economic and Social Council shall, when it decides to invite non-governmental organizations, have regard to the terms of Article 71 of the Charter. National organizations without consultative status may be invited

only after consultation with the Member of the United Nations concerned.

3. The Council may decide to entrust the Secretary-General with any of the tasks mentioned in sub-paragraphs (b), (d) and (e) of paragraph 1. It may also authorize him to make such modifications as circumstances may require in carrying out any decision of the Council made pursuant to sub-paragraphs (b), (d) and (e).

Rule 3

The Secretary-General shall notify all Members of the United Nations of the Conference and shall send them copies of the provisional agenda. He shall also inform each Member State of the invitations issued.

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A/1697	Resolution adopted by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No 479 (V).</i>
A/C.6/L.161	Australia : amendment to draft rules proposed in document A/1333		Incorporated in 250th meeting, paragraph 3.
A/C.6/L.166	Union of South Africa : amendment to draft rules proposed in document A/1333		Incorporated in 250th meeting, paragraph 10.
A/C.6/L.167	France and Australia : amendment to draft rules proposed in document A/1333		Incorporated in 250th meeting, paragraph 73.
A/C.6/L.168	Argentina : amendment to the draft rules proposed in document A/1333		Incorporated in 250th meeting, paragraph 17.



Agenda item 54 : Registration and publication of treaties and international agreements

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DOCUMENT A/1408

Report of the Secretary-General

[Original text : English]
[29 September 1950]

I. PROGRESS MADE IN THE REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

1. In accordance with the precedent set in previous years, the Secretary-General has the honour to communicate the following information on the progress made in the registration and publication of treaties and international agreements.

2. There has been a notable increase, during the period from 1 July 1949 to 30 June 1950, in the number of treaties and international agreements registered or filed and recorded with the Secretary-General. During this period, 479 treaties were registered or filed and recorded with the Secretariat. Of this number, 295 were registered or filed and recorded by twenty-two governments, 120 by four specialized agencies, and 64 *ex officio* by the Secretariat. In comparison with the figures for the corresponding period of last year, there has been an increase of 133 treaties registered or filed and recorded. This increase may be said to be partly due to the inclusion

of a considerable number of agreements which were concluded between the United Nations International Children's Emergency Fund and various Member and non-member States. It may also be noted that a substantially greater number of agreements have been registered by specialized agencies, particularly by the International Civil Aviation Organization and the International Labour Organisation, as a result of special arrangements with these agencies designed to implement article 4 of the regulations to give effect to Article 102 of the Charter.¹

3. From 1 July 1950 to 31 August 1950, 85 new treaties and international agreements were registered or filed and recorded.

4. From 14 December 1946, when the General Assembly adopted the regulations to give effect to Article 102 of the Charter of the United Nations, to 30 August 1950,

¹ See General Assembly resolution 97 (I) of 14 December 1946.

1,024 treaties and agreements were registered. Of this number, 106 were registered *ex officio*, 771 by twenty-eight governments, and 147 by four specialized agencies. During the same period, 259 treaties and agreements were filed and recorded: 219 by twelve governments, 32 by the Secretariat, and 8 by three specialized agencies. This represents a total of 1,283 treaties and agreements registered or filed and recorded up to 30 August 1950.

5. Since his report presented to the General Assembly at its fourth session,² 913 certificates of registration have been issued by the Secretary-General, bringing the number of certificates issued to date to 2,229.

6. During the fourth session of the General Assembly, the Sixth Committee manifested special interest in ensuring the earliest possible publication of treaties registered or filed and recorded. In consequence, a special effort has been made to have registered treaties published with the least possible delay. The thirty-seventh volume of the *United Nations Treaty Series* appeared on 12 August 1950. Of the thirty-seven volumes, nineteen, or more than half the total, have been published in the course of the last twelve months. Fifteen further volumes have been sent to the printers, and it is expected that the interval between registration and publication will be reduced by the end of this year to about six months. In addition, it should be noted that an index volume, covering the treaties contained in the first fifteen volumes of the *Treaty Series* has been published, and the second volume, covering a further fifteen volumes, is in an advanced stage of preparation and will soon be in the hands of the printers.

II. ECONOMIES WHICH MAY BE EFFECTED IN THE REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

7. In its thirteenth report of 1948,³ the Advisory Committee on Administrative and Budgetary Questions drew attention to the considerable expenditure involved in the registration and publication of treaties. Further, in its second report of 1949 to the General Assembly,⁴ the Advisory Committee stated that it had "again given consideration to the heavy expenditure involved in the registration, translation and printing of the *Treaty Series*...". The Committee was of the opinion that:

"A substantial economy in this field is possible of achievement, if the General Assembly could see its way to assent to a modification of the prevailing practice in order to grant discretion to the Secretary-General, in consultation with the contracting parties, to dispense with the publication of voluminous annexes to treaties dealing with commercial or technical matters of an ephemeral character".

² A/958 of 24 August 1949; see *Official Records of the General Assembly, Fourth Session, Sixth Committee, Annexes*, p. 24.

³ A/744; see *Official Records of the General Assembly, Third Session, Part I, Plenary meetings, Annexes*, p. 447, par. 16.

⁴ A/934; see *Official Records of the General Assembly, Fourth Session, Supplement No. 7*, p. 23, par. 116.

⁵ See *Official Records of the General Assembly, Fourth Session, Fifth Committee*, summary record of the 202nd meeting, p. 100, par. 9, 17-21.

8. These observations of the Advisory Committee were considered by the Fifth⁵ and Sixth⁶ Committees during the fourth session of the General Assembly. Before both of these Committees, the Assistant Secretary-General in charge of the Legal Department stated that the Legal Department was studying how the regulations to give effect to Article 102 of the Charter worked in practice, and that the Secretary-General intended to submit to the General Assembly, at its fifth session, a report reviewing all the economies which might be effected in the registration and publication of treaties and including proposals to adapt the regulations to circumstances.

9. In pursuance of the above, the Secretary-General submitted to the Advisory Committee on 9 June 1950 a memorandum entitled "Review of economies which may be effected in the registration and publication of treaties" (A/C.N.1/R.24). The Advisory Committee considered this memorandum and recorded its conclusions in its second report of 1950 to the General Assembly.⁷

10. In his memorandum to the Advisory Committee, the Secretary-General set out a concrete list of possible economies under two headings: "Review of economies requiring amendments to the regulations" and "Review of economies not requiring amendments to the regulations".

11. In the former group, an amendment was considered to article 12 of the regulations to the effect that the *Treaty Series* should be published only in English and French. At the present time this article requires that "the Secretariat shall publish as soon as possible in a single series every treaty or international agreement which is registered, or filed and recorded, in the original language or languages, followed by a translation in English and in French". The use of a variety of languages involves considerable extra editorial, translation and type-setting work, and some inevitable delay in publication. A comparison of the actual cost of publishing the first fourteen volumes and the cost had the French and English languages only been used indicates that a saving of \$15,000 would have been effected, representing an economy of about 25 per cent on the total cost of publication. A further study in respect of later volumes indicates similar results.

12. It was observed in the memorandum to the Advisory Committee that such an amendment might involve no more than a reasonable interpretation of Article 102 of the Charter, and that the words "to publish" do not carry the implication "to publish in its original form" but only to make public, to submit to general circulation, in a manner that will fulfil the underlying purpose of Article 102.

⁶ *Ibid.*, Sixth Committee, summary record of the 174th meeting, p. 210, par. 7-9.

⁷ A/1312; see *Official Records of the General Assembly, Fifth Session, Supplement No. 7*, p. 56, par. 329-332.

13. With reference to this possible amendment, the Advisory Committee remarked in its report that one of the main purposes of Article 102 of the Charter was to ensure that the contents of every international instrument to which a Member of the United Nations is a party should be made known without delay. It further commented as follows :

“ This purpose would be adequately fulfilled by publication in English and French, particularly since those are the languages of the International Court of Justice, the organ before which registered treaties and agreements are most frequently invoked. Publication on this basis would produce an appreciable economy in the budget.

“ The question at issue has already been the subject of consideration by the General Assembly, which had before it a proposal (A/C.6/1) to limit the number of languages in which the *Treaty Series* should be published. Nevertheless, it was decided to adopt article 12 of the regulations in the following form :

“ ‘The Secretariat shall publish... every treaty or international agreement which is registered... in the original language or languages, followed by a translation in English and in French...’

“ However competently performed, a translation cannot represent the exact equivalent of an original text. Even if certified by the contracting parties, it must necessarily have a validity inferior to that of the original, a consideration implicit in the practice of verifying all translations of instruments, including official translations, not prepared by the Organization.”⁸

In concluding, the Advisory Committee suggested that, instead of amending article 12 of the regulations, Members of the United Nations should be invited to submit, wherever possible, a translation in either English or French.

14. In connexion with this question, it is of interest to note that the International Law Commission, in its report to the General Assembly covering its second session⁹ stated that it “ attaches special importance to the continuance of the present language system of the *United Nations Treaty Series*, i.e., reproduction of the original text with translations—as essential to the general usefulness of the Series ”.

15. The second possible amendment to the regulations concerned article 7, to the effect that certificates of registration, instead of being issued to the registering party or agency and also to all signatories and parties to the international agreement being registered, might be issued only to the registering party or agency. The present requirement of this article has entailed considerable secretarial work. It may be thought that the issuance of certificates to all other signatories and parties

is of little practical value since, under articles 13 and 14 of the regulations, the Secretariat is required in any case to publish and send to all Members every month a statement of all treaties and international agreements registered or filed and recorded during each month.

16. The Advisory Committee has stated in its report that it was in agreement with these considerations and that it understood that savings would ensue if article 7 of the regulations were so amended.¹⁰

17. The third and last instance involving an amendment to the regulations, in this case article 8, would permit the Register to be kept only in English and French. At present, article 8 stipulates that “ The Register shall be kept in the five official languages of the United Nations ”. This necessitates the maintenance of five separate registers, each containing all the particulars of each treaty or international agreement required by the other provisions of article 8. It may be that few practical reasons will be found for continuing, at not inconsiderable expense, these multilingual entries in what its essentially an intra-Secretariat record. On this possible amendment the Advisory Committee reached the conclusion that “ economy would result if the Register were kept in English and French ”.¹¹

18. Reference may now be made to the suggestions as to economies not requiring amendments to the regulations. The first of these noted that the publication of certain annexes to treaties could be dispensed with. There are types of annexes to treaties or international agreements which, being in no way essential to an understanding of the main documents, might well be excluded from publication without any departure from the legal requirements of the regulations themselves. This would be done only after consultation, of course, between the Secretariat and the registering parties, having regard to the importance of the particular annexes in relation to their bulk. An example of a case in which this procedure had been followed was cited to the Advisory Committee which, in its report, stated that it was “ a method which has already produced satisfactory results ”. The Committee also observed that, “ since a condition precedent to registration is that the complete text of the instrument shall be submitted, the omission from the *Treaty Series* of a part or the whole of an annex to a treaty or agreement could not be construed as affecting the validity of the registration ”.¹²

19. A further and analogous suggestion involved dispensing with the publication in full of virtually identical texts all based on a standard model. It was submitted that much duplication of material in the *Treaty Series* might be avoided by omitting the repetitive portions of such treaties or agreements, at least when all were published together. The Advisory Committee upheld this view, stating in its report that it believed that “ appreciable savings are possible by dispensing with the publication of model texts, particularly in cases

⁸ *Ibid.*, par. 332.

⁹ A/1316; see *Official Records of the General Assembly, Fifth Session, Supplement No. 12*, p. 10, par. 90.

¹⁰ A/1312, par. 332 (2).

¹¹ *Ibid.*, par. 332 (3).

¹² *Ibid.*, par. 332 (4).

where the duplication of almost identical material is involved".¹³

20. The next economy would derive from printing the *Treaty Series* abroad. It appeared from inquiries made that a saving of about 30 per cent could be made if the *Treaty Series* were printed in Europe. The factor presenting the greatest difficulty in this connexion is the necessity of publishing the original languages where these are not English and French. During 1950, as a trial measure, three volumes which represented simple projects in English and French only were assigned for printing in Europe and, under subsequent arrangements, the whole of the printing of the *Treaty Series* is currently being transferred to Europe. The Advisory Committee had reported that it was "of opinion that, in present circumstances, the resulting saving of more than 30 per cent is a consideration of first importance".¹⁴

21. It is clear from present indications, however, that this will involve a reduction in the speed of production, although it is nevertheless expected, as stated previously, that the gap between the registration and publication of treaties will be reduced to six months by the end of 1950. It may thus be hoped that the special efforts undertaken pursuant to resolution 364 (IV) of

the General Assembly will not be too greatly jeopardized, so long as the present language requirements exist, by the distance between Headquarters and the European printing firms and by the loss of day-to-day contact between the printers and the Secretariat.

22. Another possible way of reducing expenses is to reduce to a minimum the free issue of the *Treaty Series*. It may be noted that, during 1949, out of a total of 2,300 copies printed per volume, the following number per volume were distributed *gratis*: 198 to delegations; 88 to the Secretariat; and 555 to the free mailing list. The Advisory Committee recommended that "as regards the *Treaty Series*, every effort be made to reduce the free mailing list and the distribution within the Secretariat". The Committee also referred to the necessity for establishing a criterion for the guidance of the Secretariat in this matter.¹⁵

23. Finally, two minor possibilities were noted concerning the actual printing of the *Treaty Series*, involving the use of a lower quality of paper and a smaller type. Regarding the latter point it has been ascertained that about \$3,000 might be saved in this way per annum. The Advisory Committee, in its report, drew attention to the economies which would be possible by the adoption of these proposals.¹⁶

¹³ A/1312, par. 332 (5).

¹⁴ A/1312, par. 332 (6).

¹⁵ A/1312, par. 332 (7).

¹⁶ *Ibid.*

DOCUMENT A/C.5/434

Financial implications of the draft resolution on agenda item 54 proposed by the Sixth Committee (A/1626) : note by the Secretary-General

[Original text : English]
[7 December 1950]

1. At its 246th meeting, the Sixth Committee adopted a draft resolution on the registration and publication of treaties and international agreements. In this draft resolution the Secretary-General is requested "when acting under article 12 of the regulations to give effect to Article 102 of the Charter of the United Nations, to continue, as economically as practicable, without undue delay and without sacrifice of uniformity in style and record permanence, to publish all treaties and international agreements in their full and unabridged form, including all annexes, *provided* however, that in the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction." In section 26, Publications, of the budget estimates for the financial year 1951 (A/1267) funds have been requested for publish-

ing fifteen volumes of the *Treaty Series*. The estimates contained therein were based on the publication of the text of treaties without the annexes. If all the annexes were to be published, additional funds would be necessary.

2. The original estimates, as contained in section 26 of the budget estimates (A/1267) amounted to \$48,000 for fifteen volumes of treaties. The inclusion of all annexes would increase the total number of *Treaty Series* volumes from fifteen to thirty-five in 1951. The total extra cost involved in this draft resolution would therefore amount to about \$55,000 for the additional volumes (at an average price of \$2,750 per volume) to be added to section 26, Publications, of the 1951 budget estimates.

DOCUMENT A/1626

Report of the Sixth Committee

[Original text : English]
[5 December 1950]

1. During the fourth session of the General Assembly, the Fifth and Sixth Committees considered the question of the considerable expenditure involved in the registration and publication of treaties which had been brought to the attention of the General Assembly by the Advisory Committee on Administrative and Budgetary Questions in its second report of 1949 (A/934).¹⁷ Both Committees were informed that the Legal Department of the Secretariat was studying how the regulations to give effect to Article 102 of the Charter¹⁸ worked in practice, and that the Secretary-General intended to submit to the General Assembly at its fifth session a report reviewing possible economies in this field and including, if necessary, proposals to adapt the regulations to the circumstances.

2. A memorandum on this question was submitted by the Secretary-General to the Advisory Committee on 9 June 1950 (A/CN.1/R.24). The Advisory Committee considered this memorandum and recorded its conclusions in its second report of 1950 to the General Assembly (A/1312).¹⁹

3. The question of the registration and publication of treaties was consequently placed on the agenda of the fifth session of the General Assembly which, at its 285th plenary meeting on 26 September 1950, referred the item to the Sixth Committee for consideration.

4. The Sixth Committee considered the item at its 246th meeting on 29 November 1950. The Committee had before it three documents bearing on the question : a report of the Secretary-General (A/1408), a draft resolution submitted by the United States of America (A/C.6/L.154) and amendments to the United States resolution proposed by the United Kingdom (A/C.6/L.156).

5. In his report, the Secretary-General informed the General Assembly of the progress made in the registration and publication of treaties and gave a review of the economies which might be effected in this field.

6. The discussion in the Committee centred mainly around paragraph 4 of the United States draft resolution concerning the publication of annexes, and the amendments to this paragraph proposed by the United Kingdom.

7. It was pointed out in this connexion that an annex was normally an integral part of a treaty or agreement and often constituted the most important part of the

whole text, that the omission from publication of annexes would defeat the underlying purpose of Article 102 of the Charter, that such procedure, if adopted, might provide a loophole which would enable States to withhold vital details of a treaty from publication, and that it was clear from the provisions both of Article 102 of the Charter and article 5 of the regulations, that what should be published was a " true and complete " copy of the agreement. Attention was also drawn to certain difficulties which might face the Secretary-General should a procedure be adopted whereby, with the consent of a registering party, he could refrain from publishing an annex to a treaty. Similar fears were also expressed in connexion with the amendment which would authorize the Secretary-General to refrain from publishing in its entirety a treaty or agreement, the text of which was almost identical with the text of one which had already been published, especially in view of the imprecise meaning of the words " almost identical ".

8. It was argued on the other hand that the United Kingdom amendment would not in any way enable States to evade the obligation to register the complete text of an agreement including annexes; that its only purpose was to refrain from publishing detailed and unessential annexes in the *Treaty Series*. The references to such annexes would remain in the text of the treaty and the annexes themselves would be available for inspection by any Government wishing to consult them.

9. In the course of the discussion, the representative of the United Kingdom accepted a Canadian suggestion to revise his first amendment to the effect that a certificate of registration should also be issued, upon request, to any party to the treaty or international agreement registered.

10. The representative of the United Kingdom also revised sub-paragraph (b) of his third amendment by substituting for the word " publishing " the following text : " printing in the United Nations *Treaty Series* ".

11. The Committee then proceeded to the vote with the following results :

12. The first United Kingdom amendment, as modified, to insert a new paragraph 3 in the United States draft resolution, was adopted by 38 votes to 2, with no abstentions.

13. In this connexion, the representative of the United States of America stated that it was the understanding of his delegation that the words " upon request " in this amendment applied to both individual and standing requests for certificates of registration by States parties to the registered treaties.

¹⁷ See *Official Records of the General Assembly, Fourth Session, Supplement No. 7*, p. 23, par. 116.

¹⁸ See General Assembly resolutions 97 (I) of 14 December 1946 and 364 B (IV) of 1 December 1949.

¹⁹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 7*, p. 56, par. 329-332.

14. Sub-paragraph (b) of the third United Kingdom amendment was rejected by 21 votes to 13, with 5 abstentions.

15. The representative of Yugoslavia proposed the deletion of the word "almost" in sub-paragraph (c) of the United Kingdom amendment. This proposal was rejected by 17 votes to 3, with 15 abstentions. Sub-paragraph (c) of the United Kingdom amendment was then rejected by 20 votes to 12, with 8 abstentions.

16. In view of the rejection of sub-paragraphs (b) and (c), sub-paragraph (a) of the United Kingdom amendment was not put to the vote.

17. The Committee also did not vote on the second United Kingdom amendment which dealt merely with drafting matters.

18. At the request of the representative of Peru, the Committee took a separate vote on paragraph 4 (formerly paragraph 3) of the draft resolution and adopted it by 23 votes to 8, with 9 abstentions.

19. The amended draft resolution as a whole was adopted by 39 votes to none, with 2 abstentions.

20. The Sixth Committee therefore recommends to the General Assembly for adoption the following draft resolution :

REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS

The General Assembly,

Having considered the report of the Secretary-General on the registration and publication of treaties and international agreements (A/1408), and the observations in this regard of the Advisory Committee on Administrative and Budgetary Questions (second report of 1950, A/1312),

1. *Notes* with satisfaction the progress achieved in regard to the registration and publication of treaties;

2. *Invites* Member and non-member States parties to treaties or international agreements subject to publication under article 12 of the regulations to give effect to Article 102 of the Charter of the United Nations to provide the Secretary-General, where feasible, with translations in English or French or both as may be needed for the purposes of such publication;

3. *Amends* article 7 of the regulations to give effect to Article 102 of the Charter of the United Nations to read :

A certificate of registration signed by the Secretary-General or his representative shall be issued to the registering party or agency and also, upon request, to any party to the treaty or international agreement registered;

4. *Amends* the first sentence of paragraph 1 of article 8 of the regulations to give effect to Article 102 of the Charter of the United Nations to read :

1. The register shall be kept in the English and French languages;

5. *Requests* the Secretary-General, when acting under article 12 of the regulations to give effect to Article 102 of the Charter of the United Nations, to continue, as economically as practicable, without undue delay and without sacrifice of uniformity in style and record permanence, to publish all treaties and international agreements in their full and unabridged form, including all annexes, provided however, that, in the reproduction of annexes, he may in his discretion employ less expensive methods of reproduction;

6. *Requests* the Secretary-General regularly to review the free mailing list with a view to its possible reduction.

DOCUMENT A/1652

Financial implications of the draft resolution on agenda item 54, proposed by the Sixth Committee (A/1626) : thirty-fifth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/434), on the financial implications of the draft resolution proposed by the Sixth Committee (A/1626).

2. Under paragraph 5 of the proposed resolution, the Secretary-General is requested to publish in full and unabridged form not only all treaties and international agreements which are registered, but all annexes to such instruments. This provision will clearly lead to a considerable expansion in the volume of material for publication, since it has hitherto been the practice to dispense

in certain cases²⁰ with the publication in full of virtually identical texts based on a standard model. In other cases also it has been found possible, with the concurrence of the contracting parties, to omit voluminous annexes, which often constitute a larger volume of material than the treaty or agreement to which they are appended.

3. On the basis of the provisions of the proposed resolution, the additional expenditure for 1951 is estimated at \$55,000, representing the cost of publishing

²⁰ For example, agreements concluded between Member States and the United Nations International Children's Emergency Fund.

a further twenty volumes over and above the fifteen volumes for which provision exists under section 26 of the original budget estimates.²¹

4. Discretion is granted to the Secretary-General, under paragraph 5 of the proposed resolution, to employ less expensive methods of reproducing annexes and, accordingly, the Advisory Committee recommends that the estimate of the additional expenditure under sec-

tion 26 of the 1951 budget should be approved at the figure of \$50,000 or a reduction of \$5,000 on the figure submitted. The Committee trusts that the Secretary-General will continue to study methods for reducing the heavy additional expenditure to which the publication of the *Treaty Series* under the terms of this resolution now gives rise.

5. As regards the related expenditure for the translation of the *Treaty Series*, the Advisory Committee was informed that no additional funds would be required during 1951 in consequence of the provisions of the draft resolution.

²¹ A/1267; see *Official Records of the General Assembly, Fifth Session, Supplement No. 5*, p. 290.

DOCUMENT A/1663

Financial implications of the draft resolution on agenda item 54, proposed by the Sixth Committee (A/1626) : report of the Fifth Committee

[Original text : English]
[11 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 1 December 1950 to the Chairman of the Fifth Committee (A/C.5/425), the Fifth Committee, at its 278th meeting held on 11 December 1950, considered the financial implications of the draft resolution adopted by the Sixth Committee on registration and publication of treaties and international agreements (A/1626).

2. The Fifth Committee had before it a note by the Secretary-General (A/C.5/434) pointing out that the estimates for section 26 (Publications) of the budget estimates, as originally submitted, were based on the publication of the text of treaties without the annexes. The inclusion of all annexes, as required under paragraph 5 of the draft resolution, would increase the total number of the *Treaty Series* volumes to be produced in 1951 from fifteen to thirty-five, and would involve additional funds amounting to approximately \$55,000.

3. In its thirty-fifth report of 1950 (A/1652), the Advisory Committee on Administrative and Budgetary

Questions concurred in the Secretary-General's estimates, but noted that under paragraph 5 of the draft resolution, discretion is granted to the Secretary-General to employ less expensive methods of reproducing annexes. Accordingly, the Advisory Committee recommended that the estimate of the additional expenditure which would be incurred under section 26 of the 1951 budget should be approved at the figure of \$50,000. The hope was expressed that the Secretary-General would continue to study methods of reducing the heavy additional expenditure which will be incurred as a result of the publication of the *Treaty Series* under the terms of the draft resolution of the Sixth Committee.

4. The recommendations of the Advisory Committee were approved by 35 votes to 1, with 3 abstentions.

5. The Fifth Committee therefore decided to inform the General Assembly that adoption of the draft resolution of the Sixth Committee will require the provision of additional funds under section 26 of the 1951 budget in the amount of \$50,000.

Check list of documents

Document No.	Title	Page	Observations and references to other source
A/1312, A/1312/Corr.1, A/1312/Add.1	Advisory Committee on Administrative and Budgetary Questions—second report of 1950 to the General Assembly		<i>Official Records of the General Assembly, Fifth Session, Supplement No. 7</i>
A/1408	Report of the Secretary-General	1	
A/1626	Report of the Sixth Committee	5	
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A/1700	Resolution adoption by the General Assembly at its 320th plenary meeting, on 12 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, N° 482 (V)</i>
A/C.6/L.154	United States : draft resolution		Incorporated in 246th meeting, paragraph 31
A/C.6/L.156	United Kingdom : amendments to the draft resolution of the United States (A/C.6/L.154)		Incorporated in 246th meeting, paragraphs 48 and 84
A/C.5/425	Letter dated 1 December 1950 from the President of the General Assembly to the Chairman of the Fifth Committee		Mimeographed document
A/C.5/434	Financial implications of the draft resolution on agenda item 54, proposed by the Sixth Committee (A/1626) : note by the Secretary-General	4	



Agenda item 55 : Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America : report of the Secretary-General

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DOCUMENT A/1409

Report of the Secretary-General

[Original text : English]
[29 September 1950]

1. The Headquarters Agreement between the United Nations and the United States of America, under article III on laws applicable and competent authority in the Headquarters district (see Annex), provides that this area shall be under the control and authority of the United Nations as provided in the Agreement. The federal, state and local law of the United States applies within the Headquarters district except as the Headquarters Agreement (or the Convention on the Privileges and Immunities of the United Nations, when acceded to by the United States) may provide otherwise.

2. Section 8 of article III of the Agreement specifically confers upon the United Nations "the power to make regulations, operative within the Headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the Headquarters district". Further, section 10 provides that the United Nations may expel or exclude persons from the Headquarters district for violation of its regulations adopted under section 8, but other penalties are left to the appropriate American authorities.

Thus also, under section 7 (d), the federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the Headquarters district, will take into account the regulations enacted by the United Nations.

3. The General Assembly, in resolution 169 A (II) approving the Headquarters Agreement signed on 26 June 1947, authorized the Secretary-General "to perform on behalf of the United Nations such acts or functions as may be required by that Agreement". This authority, however, is of a general nature. Since the adoption of formal regulations in the name of the United Nations will have important legal consequences, the Secretary General would therefore prefer to receive an express authorization from the General Assembly for the promulgation of such regulations as may prove necessary under the terms of section 8 of the Agreement. The Secretary-General accordingly takes this occasion to acquaint the General Assembly with the following considerations, upon the basis of which he would prepare such regulations.

4. It is clear from the terms of the Headquarters Agreement that the Headquarters regulations are to have effect within the territory comprising the Headquarters

district. Being operative within the district, they may thus refer to the territory comprising the Headquarters district, or to acts that might be done within its limits, or to transactions that may be deemed in law or in fact to take place in that district. For the most part, they will concern the administration of the Headquarters itself—the maintenance of the buildings and grounds, the control of traffic within the district, dispositions for supervising the necessary services and concessions, necessary contractual arrangements to be concluded within the district, and like subjects.

5. As it is a serious matter, however, to create an inconsistency affecting the operation of the internal law of a Member State, the regulations should be designed to cause a minimum of legal conflict. To this end, regulations on any given subject should be promulgated only as practical experience in the administration and maintenance of the Headquarters demonstrates them to be in all respects necessary for the full execution of United Nations functions. It would, of course, be undesirable to attempt to set up *a priori* an entire code, as it were, of legislative matter with the intent of superseding the established laws on all subjects which might in due course require regulation within the Headquarters district. Nevertheless, although a regulation which might conflict with otherwise applicable law should not, on the one hand, be promulgated in advance of necessity; on the other hand a situation in which an American law might undesirably bear upon the Headquarters

district ought in every case to be dealt with promptly.

6. It is important that all regulations in the sense of section 8—that is, all regulations which are intended to govern the Headquarters district and which it is reasonably expected may, either at the time of adoption or thereafter, involve some inconsistency with federal, state or local law—should be drafted in such form as to permit their collection and publication as a unified body of rules to which the appropriate American authorities can turn in order to know to what extent their own responsibilities may be affected by the regulations for the Headquarters district.

7. It is accordingly the suggestion of the Secretary-General that he be specifically authorized by the General Assembly to issue regulations for the Headquarters district in accordance with section 8 of the Agreement, when and as necessary. He will thus be in a position to issue regulations on relatively short notice, avoiding the necessity, for example, of waiting from one session of the General Assembly till the next for formal enactment of such regulations as prove requisite. The Secretary-General will then report to each next subsequent session of the General Assembly any such regulations adopted. In this manner, the General Assembly will in all cases be fully apprised of the policy considerations on which any given regulations are based, while at the same time their entry into force for the Headquarters district will not be delayed.

ANNEX

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

Article III

LAWS AND APPLICABLE AND COMPETENT AUTHORITY IN THE HEADQUARTERS DISTRICT

Section 7

(a) The Headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the Headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the Headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the Headquarters district, shall take into account the regulations enacted by the United Nations under section 8.

Section 8

The United Nations shall have the power to make regulations, operative within the Headquarters district, for

the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the Headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the Headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

Section 9

(a) The Headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the Headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may

take place within the Headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or article IV of this agreement, the United Nations shall prevent the Headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavouring to avoid service of legal process.

Section 10

The United Nations may expel or exclude persons from the Headquarters district for violation of its regulations adopted under section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

Article VIII

Section 21

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

DOCUMENT A/C.6/L.162

United States of America : draft resolution

[Original text : English]
[1 December 1950]

The General Assembly,

Noting its power, under article III, section 8, of the Headquarters Agreement with the United States, to promulgate regulations for the more efficient administration of the headquarters district,

Decides that section 106 (5) (c) of the New York Alcoholic Beverage Control Act, which prohibits the sale of alcoholic beverages on any day of a general or primary election during the hours when the polls are open, shall be inapplicable to the United Nations Headquarters District.

DOCUMENT A/1641

Report of the Sixth Committee

[Original text : English]
[8 December 1950]

1. The question of regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America was placed on the agenda of the fifth session of the General Assembly by the Secretary-General. At its 285th plenary meeting on 26 September 1950, the General Assembly referred the item to the Sixth Committee for consideration.

2. In a report of the Secretary-General on the subject (A/1409), he drew attention to the terms of section 8 of the Headquarters Agreement, which confers upon the United Nations the power to make necessary regulations operative within the Headquarters district which, to the extent of their inconsistency with the federal, state or local laws of the United States, would have the effect of superseding the latter within the Headquarters district.

3. The Secretary-General noted that the General Assembly, in resolution 169 A (II) approving the Headquarters Agreement, had authorized him to perform on behalf of the United Nations the functions required by the Agreement. He suggested, however, that it was desirable that there should be a more specific authorization by the General Assembly for the issuance of any regulations which would cause federal, state or local laws, to the extent of their inconsistency, to be inapplicable within the Headquarters district. As any such regulations would be designed to further the good management of the Headquarters district, he noted that their content would be largely administrative in character. The Secretary-General therefore considered that they might appropriately be issued by him, and that he should then report to each subsequent session of the General Assembly any regulations adopted.

4. The Sixth Committee considered the item at its 248th and 249th meetings on 1 and 4 December 1950. During the discussions, it was emphasized that the authority of the United Nations in this respect was a limited one and that inconsistency between the Headquarters regulations and the domestic law were unlikely to be either of frequent occurrence or of any considerable scope. Moreover, it was noted that, because of the essentially administrative nature of the problem, the Secretary-General was in a position to judge what regulations would be necessary for the carrying out of the organizational functions at Headquarters.

5. At the same time it was felt that, in view of the relationship between the regulations and domestic legislation, it was preferable to have a deliberative body with the prestige of the General Assembly take cognizance of all such regulations. It was only necessary that the general principle of approval by the General Assembly should not prevent the Secretary-General from issuing regulations which, in his opinion, were needed for immediate entry into effect.

6. A joint draft resolution to this end (A/C.6/L.163) was accordingly introduced by Canada, Denmark, Syria and the United Kingdom and, after discussion by the Committee and further clarification of the text by its sponsors, was unanimously adopted.

7. In the course of the discussion, the representative of the United States of America referred to the fact that attention had been drawn by some delegations to the closure of the delegates' bar at the interim headquarters during the fourth session of the General Assembly. He offered a proposal by which the Assembly could at once make some appropriate regulation on the matter; but as it was generally recognized that the problem could

be adequately handled by regulations which the Secretary-General would in the normal course of events propose concerning all facilities in the Headquarters District, he withdrew his proposal as being unnecessary.

8. The Sixth Committee therefore recommends to the General Assembly for adoption the following draft resolution :

REGULATIONS TO GIVE EFFECT TO ARTICLE III, SECTION 8, OF THE HEADQUARTERS AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA

The General Assembly,

Bearing in mind the provisions of article III, section 8, of the Agreement between the United Nations and the United States of America concerning the Headquarters of the United Nations, approved by resolution 169 (II) of the General Assembly,

Having considered the report of the Secretary-General on the regulations to give effect to section 8 of the Headquarters Agreement,

1. *Requests* the Secretary-General to present to the General Assembly for approval any draft regulation within the provisions of the Headquarters Agreement which may in his opinion be necessary for the full execution of the functions of the United Nations;

2. *Decides* that, if in the opinion of the Secretary-General it is necessary to give immediate effect to any regulation within the provisions of the Headquarters Agreement, he shall have authority to make such regulation. The Secretary-General shall report any action so taken to the General Assembly as soon as possible.

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A/C.6/L.163	Canada, Denmark, Syria and United Kingdom : joint draft resolution		Incorporated in 249th meeting, paragraph 1.



Agenda item 55 : Regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America : report of the Secretary-General

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DOCUMENT A/1409

Report of the Secretary-General

[Original text : English]
[29 September 1950]

1. The Headquarters Agreement between the United Nations and the United States of America, under article III on laws applicable and competent authority in the Headquarters district (see Annex), provides that this area shall be under the control and authority of the United Nations as provided in the Agreement. The federal, state and local law of the United States applies within the Headquarters district except as the Headquarters Agreement (or the Convention on the Privileges and Immunities of the United Nations, when acceded to by the United States) may provide otherwise.

2. Section 8 of article III of the Agreement specifically confers upon the United Nations "the power to make regulations, operative within the Headquarters district, for the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the Headquarters district". Further, section 10 provides that the United Nations may expel or exclude persons from the Headquarters district for violation of its regulations adopted under section 8, but other penalties are left to the appropriate American authorities.

Thus also, under section 7 (d), the federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the Headquarters district, will take into account the regulations enacted by the United Nations.

3. The General Assembly, in resolution 169 A (II) approving the Headquarters Agreement signed on 26 June 1947, authorized the Secretary-General "to perform on behalf of the United Nations such acts or functions as may be required by that Agreement". This authority, however, is of a general nature. Since the adoption of formal regulations in the name of the United Nations will have important legal consequences, the Secretary General would therefore prefer to receive an express authorization from the General Assembly for the promulgation of such regulations as may prove necessary under the terms of section 8 of the Agreement. The Secretary-General accordingly takes this occasion to acquaint the General Assembly with the following considerations, upon the basis of which he would prepare such regulations.

4. It is clear from the terms of the Headquarters Agreement that the Headquarters regulations are to have effect within the territory comprising the Headquarters

district. Being operative within the district, they may thus refer to the territory comprising the Headquarters district, or to acts that might be done within its limits, or to transactions that may be deemed in law or in fact to take place in that district. For the most part, they will concern the administration of the Headquarters itself—the maintenance of the buildings and grounds, the control of traffic within the district, dispositions for supervising the necessary services and concessions, necessary contractual arrangements to be concluded within the district, and like subjects.

5. As it is a serious matter, however, to create an inconsistency affecting the operation of the internal law of a Member State, the regulations should be designed to cause a minimum of legal conflict. To this end, regulations on any given subject should be promulgated only as practical experience in the administration and maintenance of the Headquarters demonstrates them to be in all respects necessary for the full execution of United Nations functions. It would, of course, be undesirable to attempt to set up *a priori* an entire code, as it were, of legislative matter with the intent of superseding the established laws on all subjects which might in due course require regulation within the Headquarters district. Nevertheless, although a regulation which might conflict with otherwise applicable law should not, on the one hand, be promulgated in advance of necessity; on the other hand a situation in which an American law might undesirably bear upon the Headquarters

district ought in every case to be dealt with promptly.

6. It is important that all regulations in the sense of section 8—that is, all regulations which are intended to govern the Headquarters district and which it is reasonably expected may, either at the time of adoption or thereafter, involve some inconsistency with federal, state or local law—should be drafted in such form as to permit their collection and publication as a unified body of rules to which the appropriate American authorities can turn in order to know to what extent their own responsibilities may be affected by the regulations for the Headquarters district.

7. It is accordingly the suggestion of the Secretary-General that he be specifically authorized by the General Assembly to issue regulations for the Headquarters district in accordance with section 8 of the Agreement, when and as necessary. He will thus be in a position to issue regulations on relatively short notice, avoiding the necessity, for example, of waiting from one session of the General Assembly till the next for formal enactment of such regulations as prove requisite. The Secretary-General will then report to each next subsequent session of the General Assembly any such regulations adopted. In this manner, the General Assembly will in all cases be fully apprised of the policy considerations on which any given regulations are based, while at the same time their entry into force for the Headquarters district will not be delayed.

ANNEX

AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA REGARDING THE HEADQUARTERS OF THE UNITED NATIONS

Article III

LAWS AND APPLICABLE AND COMPETENT AUTHORITY IN THE HEADQUARTERS DISTRICT

Section 7

(a) The Headquarters district shall be under the control and authority of the United Nations as provided in this agreement.

(b) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local law of the United States shall apply within the Headquarters district.

(c) Except as otherwise provided in this agreement or in the General Convention, the federal, state and local courts of the United States shall have jurisdiction over acts done and transactions taking place in the Headquarters district as provided in applicable federal, state and local laws.

(d) The federal, state and local courts of the United States, when dealing with cases arising out of or relating to acts done or transactions taking place in the Headquarters district, shall take into account the regulations enacted by the United Nations under section 8.

Section 8

The United Nations shall have the power to make regulations, operative within the Headquarters district, for

the purpose of establishing therein conditions in all respects necessary for the full execution of its functions. No federal, state or local law or regulation of the United States which is inconsistent with a regulation of the United Nations authorized by this section shall, to the extent of such inconsistency, be applicable within the Headquarters district. Any dispute, between the United Nations and the United States, as to whether a regulation of the United Nations is authorized by this section or as to whether a federal, state or local law or regulation is inconsistent with any regulation of the United Nations authorized by this section, shall be promptly settled as provided in section 21. Pending such settlement, the regulation of the United Nations shall apply, and the federal, state or local law or regulation shall be inapplicable in the Headquarters district to the extent that the United Nations claims it to be inconsistent with the regulation of the United Nations. This section shall not prevent the reasonable application of fire protection regulations of the appropriate American authorities.

Section 9

(a) The Headquarters district shall be inviolable. Federal, state or local officers or officials of the United States, whether administrative, judicial, military or police, shall not enter the Headquarters district to perform any official duties therein except with the consent of and under conditions agreed to by the Secretary-General. The service of legal process, including the seizure of private property, may

take place within the Headquarters district only with the consent of and under conditions approved by the Secretary-General.

(b) Without prejudice to the provisions of the General Convention or article IV of this agreement, the United Nations shall prevent the Headquarters district from becoming a refuge either for persons who are avoiding arrest under the federal, state or local law of the United States or are required by the Government of the United States for extradition to another country, or for persons who are endeavouring to avoid service of legal process.

Section 10

The United Nations may expel or exclude persons from the Headquarters district for violation of its regulations adopted under section 8 or for other cause. Persons who violate such regulations shall be subject to other penalties or to detention under arrest only in accordance with the provisions of such laws or regulations as may be adopted by the appropriate American authorities.

Article VIII

Section 21

(a) Any dispute between the United Nations and the United States concerning the interpretation or application of this agreement or of any supplemental agreement, which is not settled by negotiation or other agreed mode of settlement, shall be referred for final decision to a tribunal of three arbitrators, one to be named by the Secretary-General, one to be named by the Secretary of State of the United States, and the third to be chosen by the two, or, if they should fail to agree upon a third, then by the President of the International Court of Justice.

(b) The Secretary-General or the United States may ask the General Assembly to request of the International Court of Justice an advisory opinion on any legal question arising in the course of such proceedings. Pending the receipt of the opinion of the Court, an interim decision of the arbitral tribunal shall be observed by both parties. Thereafter, the arbitral tribunal shall render a final decision, having regard to the opinion of the Court.

DOCUMENT A/C.6/L.162

United States of America : draft resolution

[Original text : English]
[1 December 1950]

The General Assembly,

Noting its power, under article III, section 8, of the Headquarters Agreement with the United States, to promulgate regulations for the more efficient administration of the headquarters district,

Decides that section 106 (5) (c) of the New York Alcoholic Beverage Control Act, which prohibits the sale of alcoholic beverages on any day of a general or primary election during the hours when the polls are open, shall be inapplicable to the United Nations Headquarters District.

DOCUMENT A/1641

Report of the Sixth Committee

[Original text : English]
[8 December 1950]

1. The question of regulations to give effect to article III, section 8, of the Headquarters Agreement between the United Nations and the United States of America was placed on the agenda of the fifth session of the General Assembly by the Secretary-General. At its 285th plenary meeting on 26 September 1950, the General Assembly referred the item to the Sixth Committee for consideration.

2. In a report of the Secretary-General on the subject (A/1409), he drew attention to the terms of section 8 of the Headquarters Agreement, which confers upon the United Nations the power to make necessary regulations operative within the Headquarters district which, to the extent of their inconsistency with the federal, state or local laws of the United States, would have the effect of superseding the latter within the Headquarters district.

3. The Secretary-General noted that the General Assembly, in resolution 169 A (II) approving the Headquarters Agreement, had authorized him to perform on behalf of the United Nations the functions required by the Agreement. He suggested, however, that it was desirable that there should be a more specific authorization by the General Assembly for the issuance of any regulations which would cause federal, state or local laws, to the extent of their inconsistency, to be inapplicable within the Headquarters district. As any such regulations would be designed to further the good management of the Headquarters district, he noted that their content would be largely administrative in character. The Secretary-General therefore considered that they might appropriately be issued by him, and that he should then report to each subsequent session of the General Assembly any regulations adopted.

4. The Sixth Committee considered the item at its 248th and 249th meetings on 1 and 4 December 1950. During the discussions, it was emphasized that the authority of the United Nations in this respect was a limited one and that inconsistency between the Headquarters regulations and the domestic law were unlikely to be either of frequent occurrence or of any considerable scope. Moreover, it was noted that, because of the essentially administrative nature of the problem, the Secretary-General was in a position to judge what regulations would be necessary for the carrying out of the organizational functions at Headquarters.

5. At the same time it was felt that, in view of the relationship between the regulations and domestic legislation, it was preferable to have a deliberative body with the prestige of the General Assembly take cognizance of all such regulations. It was only necessary that the general principle of approval by the General Assembly should not prevent the Secretary-General from issuing regulations which, in his opinion, were needed for immediate entry into effect.

6. A joint draft resolution to this end (A/C.6/L.163) was accordingly introduced by Canada, Denmark, Syria and the United Kingdom and, after discussion by the Committee and further clarification of the text by its sponsors, was unanimously adopted.

7. In the course of the discussion, the representative of the United States of America referred to the fact that attention had been drawn by some delegations to the closure of the delegates' bar at the interim headquarters during the fourth session of the General Assembly. He offered a proposal by which the Assembly could at once make some appropriate regulation on the matter; but as it was generally recognized that the problem could

be adequately handled by regulations which the Secretary-General would in the normal course of events propose concerning all facilities in the Headquarters District, he withdrew his proposal as being unnecessary.

8. The Sixth Committee therefore recommends to the General Assembly for adoption the following draft resolution :

REGULATIONS TO GIVE EFFECT TO ARTICLE III, SECTION 8, OF THE HEADQUARTERS AGREEMENT BETWEEN THE UNITED NATIONS AND THE UNITED STATES OF AMERICA

The General Assembly,

Bearing in mind the provisions of article III, section 8, of the Agreement between the United Nations and the United States of America concerning the Headquarters of the United Nations, approved by resolution 169 (II) of the General Assembly,

Having considered the report of the Secretary-General on the regulations to give effect to section 8 of the Headquarters Agreement,

1. *Requests* the Secretary-General to present to the General Assembly for approval any draft regulation within the provisions of the Headquarters Agreement which may in his opinion be necessary for the full execution of the functions of the United Nations;

2. *Decides* that, if in the opinion of the Secretary-General it is necessary to give immediate effect to any regulation within the provisions of the Headquarters Agreement, he shall have authority to make such regulation. The Secretary-General shall report any action so taken to the General Assembly as soon as possible.

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Agenda item 56: Reservations to multilateral conventions

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DOCUMENT A/1372

Report of the Secretary-General

[Original text: English]
[20 September 1950]

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I. INTRODUCTION

1. The Secretary-General, whilst exercising his functions as the depositary of the conventions which have been adopted or approved by the General Assembly and of the many other multilateral instruments which have been concluded under the auspices of the United Nations, has from time to time been concerned with the procedure to be followed with respect to reservations as to the terms of such conventions which may be made by States as a condition to their accession.

2. While it is universally recognized that the consent of the other governments concerned must be sought before they can be bound by the terms of a reservation, there has not been unanimity either as to the procedure to be followed by a depositary in obtaining the necessary consent or as to the legal effect of a State's objecting to a reservation.

3. The question has acquired a current importance in connexion with the Convention on the Prevention and Punishment of the Crime of Genocide. A number of States have to date made reservations as to specific articles of that Convention at the time of signature, and certain other States have incorporated reservations in their instruments of ratification or accession. Other States having recorded their dissent from some of the terms of these reservations, but without its appearing

that all the interested parties necessarily foresee the same legal consequences deriving from these dissents, the Secretary-General has felt it his duty to place clearly before the General Assembly, for its approval and advice, the principles which he has considered necessary to follow in the interests both of an efficient performance of depositary functions and of the maximum usefulness of multilateral conventions in the development of international law.

II. PRACTICE OF THE SECRETARY-GENERAL

4. Normally, the multilateral conventions thus far concluded under the auspices of the United Nations contain no stipulations regarding the making of reservations. Only the Revised General Act for the Pacific Settlement of International Disputes, as adopted by the General Assembly at its third session (resolution 268 (III)), expressly permits, as did the original Act, the making of specified reservations. In pre-existing treaties, however, from the time of the League of Nations, similar clauses have regulated the making of reservations, while other clauses have expressly excluded reservations of any type.

5. In the absence of stipulations in a particular convention regarding the procedure to be followed in the making and accepting of reservations, the Secretary-

General, in his capacity as depositary, has held to the broad principle that a reservation may be definitively accepted only after it has been ascertained that there is no objection on the part of any of the other States directly concerned. If the convention is already in force, the consent, express or implied, is thus required of all States which have become parties up to the date on which the reservation is offered. Should the convention not yet have entered into force, an instrument of ratification or accession offered with a reservation can be accepted in definitive deposit only with the consent of all States which have ratified or acceded by the date of entry into force.

6. Thus, the Secretary-General, on receipt of a signature or instrument of ratification or accession, subject to a reservation, to a convention not yet in force, has formally notified the reservation to all States which may become parties to the convention. In so doing, he has also asked those States which have ratified or acceded to the convention to inform him of their attitude towards the reservation, at the same time advising them that, unless they notify him of objections thereto prior to a certain date—normally the date of entry into force of the convention—it would be his understanding that they had accepted the reservation. States ratifying or acceding without express objection, subsequent to notice of a reservation, are advised of the Secretary-General's assumption that they have agreed to the reservation. If the convention were already in force when the reservation was received, the procedure would not differ substantially, except that a reasonable time for the receipt of objections would be allowed before tacit consent could properly be assumed.

III. PRACTICE OF THE LEAGUE OF NATIONS

7. In following the practice referred to above, the Secretary-General has of course done no more than follow the practice already established by the League of Nations. Its Committee of Experts for the Progressive Codification of International Law, for example, reported to the Council of the League that:

"In order that any reservation whatever may be validly made in regard to a clause of the treaty, it is essential that this reservation should be accepted by all the contracting parties, as would have been the case if it had been put forward in the course of the negotiations. If not, the reservation, like the signature to which it is attached, is null and void".¹

8. Judge Hudson in his *International Legislation* confirms that this was the League policy:

"The Secretariat of the League of Nations has scrupulously observed this principle; when the United States offered for deposit its adhesion to the Slavery Convention of 25 September 1926, subject to a reservation, the instrument was received only subject to the acceptance of the reservation by other States parties to the Convention."²

¹ League of Nations *Official Journal*, 1927, p. 881. For a similar expression by the Assembly of the League, see its resolution on the Cuban reservation to the Statute of the Permanent Court of International Justice, *Official Journal*, Records of the twelfth Assembly, plenary meetings, p. 139 (1931).

² *International Legislation* (1931), p. 1, note 3.

9. Concurring on this same point, the *Harvard Research in International Law* says of the League Secretariat "... that it apparently does not regard an accession which is subject to reservations as definitively deposited until those reservations have been communicated to and accepted by the States signatories of or parties to the treaty concerned".³

10. Some other examples of this requirement of unanimous consent have been given by Judge Hudson,⁴ who describes the clause expressly incorporating the rule in the Convention for the Prevention and Punishment of Terrorism (1937) as an invention of the Legal Section of the League Secretariat. Article 23, paragraph 2, of that Convention provided:

"In the event of any objection being received, the Secretary-General of the League of Nations shall inform the Government which desired to make the reservation and request it to inform him whether it is prepared to ratify or accede without the reservation or whether it prefers to abstain from ratification or accession".

This clause, notes Judge Hudson, "establishes that when reservations other than those agreed to at the time of signature are proposed, the alternatives are absence of objection from any State consulted, on the one hand, and abstention from proceeding to the deposit of a ratification or accession, on the other hand. It serves as a needed guide not only to international administrative officials, but also to Governments themselves. Many difficulties may be avoided if this or some provision along similar lines should become a standard article for multipartite conventions."⁵

IV. PREVIOUS INSTANCES OF THE PRACTICE OF THE SECRETARY-GENERAL

11. Although the Secretary-General of the United Nations has not himself heretofore been faced with the necessity of determining the legal consequences of a refusal by one State to accept the reservation proposed by another, there are already precedents in the practice of the Secretariat confirming the principle as enunciated.

12. Thus, on 30 June 1948, the Secretary-General informed the States parties to the Constitution of the World Health Organization that he was not in a position to determine whether the United States of America had become a party to that Constitution by depositing an instrument containing a reservation, but he noted the authority of the World Health Assembly to interpret the Constitution under its article 75. Only after a unanimous acceptance by the Assembly of the ratification as not inconsistent with the Constitution did the Secretary-General proceed with his notification that the United States had become a party.

13. Prior to the entry into force of the Constitution of the International Refugee Organization, the Secretary-General circulated the text of reservations made

³ Harvard Draft Convention on the Law of Treaties (hereinafter cited as "*Harvard Draft Convention*"), *American Journal of International Law*, Supplement to vol. 29 (1935), Comment, p. 910. See also p. 904 for a League precedent. Cf. the League example given in Hackworth, *Digest of International Law*, vol. V, p. 139.

⁴ Hudson, "Reservations to Multipartite International Instruments", *A.J.I.L.*, vol. 32 (1938), at p. 334.

⁵ *Ibid.*, p. 335:

by several States in accepting that Constitution. Finally, when the last instrument of acceptance necessary to permit the entry into force had been deposited, the Secretary-General so notified the interested States, requesting their observations before a specified date. Only after that date had passed did he declare that the Constitution had entered into force.

14. On 16 February 1949, the Union of South Africa desired to sign the Protocol modifying certain Provisions of the General Agreement on Tariffs and Trade with a reservation excepting the application of one of its articles.⁶ A *procès-verbal* of signature was therefore drawn up to permit the representative of the Union of South Africa to sign the Protocol, "it being understood that such signature would not have any legal effect until the Secretary-General of the United Nations had informed each of the contracting parties of it and of the reservation made thereto and until each contracting party had notified the Secretary-General of its acceptance". A Declaration accepting the reservation was subsequently transmitted to the Secretary-General notifying him "that the reservation of South Africa has been examined at a meeting on 9 May 1949, at which all the contracting parties were represented, and that no contracting party raised any objection to the said reservation".

15. Similarly, the notification by the Government of Southern Rhodesia of its acceptance of the Protocol modifying part I and article XXIX of the General Agreement on Tariffs and Trade was accompanied by a statement reserving the position of that government with regard to one article of the General Agreement. All contracting parties were accordingly advised:

"In view of this statement, the Secretary-General, acting as depositary of the Protocol, will not be able to accept the above notification as definitely constituting the instrument of acceptance unless all of the contracting parties consent to the reservation. The Secretary-General has informed the Government of Southern Rhodesia to this effect".

16. Subsequently, at their third session, the contracting parties adopted a Declaration concerning the acceptance by Southern Rhodesia of this Protocol, in which they unanimously declared that the acceptance was valid and effective and instructed that a copy of their Declaration be forwarded to the Secretary-General with reference to his communication quoted above. The Secretary-General thereupon gave notice that the notification by Southern Rhodesia was "considered as a duly deposited instrument of acceptance".

V. VIEWS OF INTERNATIONAL JURISTS AND OF GOVERNMENTS

17. The practice of the Secretary-General has the general support of international jurists; and certainly

⁶ The reservation was subsequently withdrawn.

⁷ Document A/CN.4/23. For the discussion on the matter, see A/CN.4/SR.53.

⁸ Document A/1316. (See *Official Records of the fifth session of the General Assembly, Supplement No. 12*, para. 164).

⁹ Institut Prava Akademii Nauk SSSR, *Mezhdunarodnoe Pravo* (Moscow, 1947), p. 388.

a similar attitude can be detected in the actions of many governments acting as depositaries, even though express objections to reservations have not been of sufficiently frequent occurrence for governments or inter-governmental conferences to have developed clear rules of procedure on the handling of reservations.

18. The draft Convention on the Law of Treaties developed by the *Harvard Research in International Law* provides (reading together sections 14 (c) and 15 (c)) as follows:

"If a treaty is open for signature at any time in the future, a State may make a reservation when signing (or ratifying), if it signs (or ratifies) before the treaty has been brought into force, only with the consent of all the States which become signatories before the treaty is brought into force; if it signs (or ratifies) after the treaty has been brought into force, only with the consent of all other States which have become signatories or parties to the treaty prior to the signature (or ratification) by that State."

19. The International Law Commission, after examination of a preliminary report on the Law of Treaties⁷ by its special Rapporteur, Professor Brierly, has brought support to these principles in a comment contained in the report on its second session:

"There was a large measure of agreement on the general principles of this topic [reservations] formulated in the report [of the special Rapporteur] and particularly on the point that a reservation requires the consent at least of all parties to become effective. But the application of these principles in detail to the great variety of situations which may arise in the making of multilateral treaties was felt to require further considerations."⁸

20. A recent Soviet textbook, part of a collective study published by the Institute of Law of the Academy of Sciences of the USSR, also favours unanimous consent:

"Reservations at the time of signature of a treaty that the parties to the treaty become familiar with them prior to signature and agree to them (if only by remaining silent). As a general rule, reservations must be accepted and countersigned by all parties to the treaty (for example, by an exchange of notes, in the protocol of signature, or otherwise)"⁹.

Other expressions of the same Academy also give support to this view.¹⁰

21. A number of government precedents may also be of interest. When in 1899 the United Kingdom Government wished to sign one of The Hague Conventions subject to a reservation, the Netherlands Government refused to accept the signature. As Headquarters Government it "could not accept the reservation without referring it to the other signatories, but they were willing to do so and recommend its acceptance. This

¹⁰ "Reservations at the time of ratification cannot be unilateral: they must receive the agreement of all States who are parties to the international agreement." See *Defense of Dissertation in the Institute of Law of the Academy of Sciences of the USSR, "The Ratification of International Treaties"*, *Izvestiya Akademii Nauk SSSR, Otdelenie Ekonomiki i Prava*, No. 4, July-August (1948), p. 285.

was done, and all the other signatories agreed; the Convention was accordingly signed subject to this reservation . . ."¹¹

22. In 1905, the British Ambassador at Paris was instructed to deposit with the French Government the British ratification of the International Sanitary Convention, with a declaration of reservations. According to Sir William Malkin:

"The French Minister for Foreign Affairs stated that he was unable to receive the ratification if it were accompanied by reservations of any kind; he could only communicate the reservations to all the signatory Powers and, if they were accepted unanimously by the latter, make special mention of them in the *procès-verbal* of the deposit of all the ratifications, which must eventually be drawn up. . . . The *procès-verbal*, therefore, established the consent of the other signatories to the reservations in question. It is interesting, however, to note that the French Government (as the Headquarters Government) insisted on these reservations being communicated to the signatory Powers and agreed to by them before a ratification containing the reservations in question could be accepted."¹²

23. When Germany proposed to sign the Convention of 4 May 1910 for the Suppression of White Slave Traffic subject to a reservation which embodied practically the same provision as an amendment pressed by Germany during the Conference but voted down, objection was made on the ground that a State should not be permitted to write in by reservation a clause specifically rejected by vote of the Conference. Ultimately, therefore, Germany was obliged to abandon that particular reservation.¹³

24. In 1930, when the United States transmitted to Paris for deposit with the French Ministry for Foreign Affairs its instrument of ratification to the Convention for the Revision of the General Act of Berlin and the General Act and Declaration of Brussels, subject to a reservation regarding arbitration of disputes, the "French Government evidently took the view that it could not permit the deposit of a ratification which was subject to reservations unless those reservations were first agreed to by the other signatories of the Convention."¹⁴ Not until 1934 was the deposit treated as completed, because of delays by the other Powers in consenting to the reservations made by the United States.

25. A notably different system, however, has been followed on some occasions in the past by the Pan-American Union, which is now the central organ and General Secretariat of the Organization of American States. By these procedures,¹⁵ the text of a proposed reservation is submitted in advance of the actual ratification to the Union as depositary, in order that it may seek the views of the signatories. But the reserving

government is permitted, having taken into account any observations that may thus be made, to deposit its instrument definitively if it still desires, regardless of the nature of the views expressed by the other signatories. For, under this system, a State may become a party to a convention notwithstanding the refusal of one or more States to agree to the reservations proposed.

26. The only juridical consequence of the rejection of a reservation is that the Convention fails to enter into force between the parties immediately concerned, namely, between the reserving and the rejecting Powers. This legal effect was defined by the Governing Board of the Pan American Union (as formerly constituted) in a resolution adopted on 4 May 1932:

"With respect to the juridical status of treaties ratified with reservations, which have not been accepted, the Governing Board of the Pan American Union understands that:

"1. The treaty shall be in force, in the form in which it was signed, as between those countries which ratify it without reservations, in the terms in which it was originally drafted and signed.

"2. It shall be in force as between the governments which ratify it with reservations and the signatory States which accept the reservations in the form in which the treaty may be modified by said reservations.

"3. It shall not be in force between a government which may have ratified with reservations and another which may have already ratified, and which does not accept such reservations."¹⁶

27. Finally, one other important variation in the theory of depositary procedures deserves attention. As indicated above, it has been the policy of the Secretary-General of the United Nations—just as it was the policy of the League of Nations—to treat only the objection of a State which has ratified or acceded to a convention as being of such legal force as to exclude the participation of a reserving State. By contrast, some authorities would permit any State merely signatory to a convention to exclude the participation of another State proffering its ratification subject to a reservation to which the signatory objects.¹⁷ Some authorities, indeed, would seem to incline toward allowing not only signatories to object but all States which took part in the negotiation of the convention—at least until the date of its entry into force.

28. These two major variations in depositary procedures—first, as to whether unanimous consent is necessary to permit accession with a reservation, and second, as to which States must in that event consent—are of sufficient importance, in the opinion of the Secretary-General, to warrant his placing before the General Assembly the considerations which have governed the growth of United Nations procedures.

¹¹ Malkin, "Reservations to Multilateral Conventions", *British Year Book of International Law*, vol. VII (1926), pp. 141, 156.

¹² Malkin, *loc. cit.*, pp. 148, 149. For a similar recognition that the French Government had first to determine whether the other governments concerned authorized it to accept a United States ratification, with the reservations included, of the Convention for the International Regulation of Air Navigation, see Hackworth, *Digest of International Law*, vol. V, pp. 109-110.

¹³ See Malkin, *loc. cit.*, p. 151; *Harvard Draft Convention*, Comment, *loc. cit.*, p. 875.

¹⁴ *Ibid.*, p. 899.

¹⁵ For an analysis of Pan American Union procedures and theory, see Sanders, "Reservations to Multilateral Treaties", *A.J.I.L.*, vol. 33 (1939), p. 488. See also Bustamante y Sirven, *Droit international public* (1936), vol. 3, pp. 430-434. The Brazilian jurist, Hildebrand Accioly, remarks that this represents a minority school of thought. *Traité de droit international public* (Paris, 1942), vol. 2, p. 451.

¹⁶ Quoted in Sanders, *loc. cit.*, p. 490.

¹⁷ See *Harvard Draft Convention*, *loc. cit.*, as quoted in para. 18 above.

VI. THE REQUIREMENT OF UNANIMOUS CONSENT TO RESERVATIONS

29. As noted in the introduction, there is no question of a State becoming bound to a treaty text as modified by reservations without its having had an opportunity to object. The present problem concerns only the effect of an objection to a reservation.

30. The method attributed to the Pan American Union has the advantage of permitting a maximum number of States to become parties to a convention, even though some of them undertake to apply only a portion of the text and exchange that undertaking with only a portion of the parties. It has the additional advantage of permitting an instrument of ratification, once it has been cleared for deposit, to be deposited definitively. There is thus less uncertainty as to the status of the reserving party.

31. It may be assumed that this procedure is well adapted to the needs of a regional agency and to the close relations existing between States within a defined geographic area. It may likewise be ideally suited to the conclusion of those multilateral agreements, the essential nature of which is to facilitate the exchange of merely contractual undertakings within a group of States. Such conventions, although multilateral in form, are in operation simply a complex of bilateral agreements. Where performance by one party accrues to the advantage of any one other party at a given moment, it is perfectly logical that the convention should be enabled to come into force between States A and B and B and C, but not between A and C if C rejects the reservation which A proposed and B accepted.

32. On the other hand, it is submitted that this theory is not well fitted to the purposes of multilateral conventions drawn up under the auspices of the United Nations, and for accession by all its Members. Such conventions by their very nature normally have a worldwide character by which States in very diverse circumstances agree to be bound, and presumably agree to be bound in exchange for the similar consent of all other parties. They have a law-making character, not the character of a contract; and they are multilateral not only in form and in manner of adherence but in their purpose and essential juridical effect.¹⁸ To use the example at hand, it does not seem entirely plausible to treat a convention for the suppression of the crime of genocide as a bargain adaptable for entry into force between one pair among the parties thereto, but not between another pair. Rather, the Convention on Genocide would seem to represent the true type of legislative convention having the object of creating rules of law for identical operation in the different States adopting them—establishing, in fact, “a public law transcending in kind and not merely in degree ordinary agreements between States.”¹⁹

¹⁸ Judge McNair has pressed for a careful distinction, in the application of rules concerning the formation and discharge of treaties, between those treaties which are in the nature of contractual bargains and those which are of a legislative or constitutional character. See “The Functions and Differing Legal Character of Treaties”, *B.Y.I.L.*, vol. XI (1930), p. 100.

¹⁹ *Ibid.*, p. 113. On the essential indivisibility of a multilateral treaty (*la règle de l'intégrité du traité*) see also, Rousseau,

33. Not all conventions of which the Secretary-General may act as depositary will necessarily be of so broad a character. But such law-making treaties are so much a part of the function of the United Nations in furthering the progressive development of international law as to justify, in the absence of articles in the text to the contrary, general rules concerning the entry into force of all treaties of which the Secretary-General is made the depositary.²⁰

34. Since a choice must be made between requiring on the one hand, that all the States concerned approve a reservation or, on the other hand, treating the convention as a hub through which sets of bilateral agreements may be concluded or not—according to whether or not the parties reach an accord on given reservations—it seems logical to select the former where the depositary is chiefly concerned with conventions which establish general principles of international law or which, however technical, are broadly regulatory of international conduct. In contractual compacts, States may agree or not agree to exchange the *quid pro quo*. In conventions with a legislative intent, a State willing to become a party must be assumed to wish to enforce at least the core of the agreement. If another State considers, however, that the reservation proposed is so crucial as to remove its real meaning from the text as drafted, then the objection raised against the reservation constitutes not a mere bilateral refusal to deal but rather a declaration that the legislative intent of the convention will not be furthered by an adherence subject to a nullifying reservation. For, of course, the reason for requiring unanimous consent is not that one State should exclude another from participation in a multilateral agreement simply on the grounds of its own theoretical disapproval of the reservation, but only on the serious ground of its deeming that the reservation strikes so directly at the essence of the convention as to impugn its basic purposes.

35. The reasoning supporting the requirement of unanimity is forcefully presented by the *Harvard Research in International Law* in its General Comment on the Reservations sections of its draft Convention on the Law of Treaties. A State seeking to make a reservation, this authority urges,

“... proposes, in effect, to insert in the treaty a provision which will operate to exempt it from certain of the consequences which would otherwise devolve upon it from the treaty, while leaving the other States which are or which become parties to the treaty fully subject to those consequences in their relations *inter se* and possibly even in their relations vis-à-vis the State making the reservation. It seems clear that a State should be permitted to do this only with the consent of all other States which are parties . . . and this because, as has been said, States are willing in general to assume obligations under a multipartite treaty only

Principes généraux du droit international public (1944), vol. I, pp. 298-299.

²⁰ President Basdevant has shown how the *traité collectif*, in the process of adoption of conventions by the Assembly of the League, has outgrown the procedures established for the *traité-contrat bilatéral*. “Des Transformations récentes subies par la technique de la conclusion des traités”, *Recueil des cours* (1926), pp. 598-600.

'on the understanding that the other participating Powers are prepared to act in the same way and that general benefit will thus result'. A multipartite treaty is 'an agreement in which each party finds a compensation for the obligations contracted in the engagements entered into by the others'. (League of Nations document A.10.1930.V., p. 2). Consequently, were a State permitted to write a reservation into a multipartite treaty over the objection of any State already a party to the treaty . . . the latter State might regard the consideration which prompted it to become a party as so far impaired by the reservation that it would denounce the treaty and withdraw therefrom".

In any case, it continues,

"since a choice must be made, reason and the necessity for preserving multipartite treaties as useful and effective instruments of international co-operation indicate that the preference should be given to the States which find the treaty satisfactory as it stands, and that the inconvenience, if any, of non-participation in the treaty should fall upon the State which seeks to restrict its effectiveness by reservations."²¹

36. In this same connexion, it may be mentioned in passing that there is of course an even stronger case for requiring unanimous approval of a reservation where the convention in question is in the nature of a charter or constitution of an international organization formed under the auspices of the United Nations. It would clearly be neither equitable nor workable to permit States members of a functioning body to vary the terms of their admission (for instance, regarding the financial conditions of membership, as would often be the case) over the objection of one or more members already meeting more onerous terms. It does not appear even theoretically possible to have a State sitting and voting as a member of an international council and bound to certain other States members of that council (because they have accepted its reservation), but not bound under the same constitution to certain other member States which have rejected its reservation.

37. Finally, there is a practical advantage in the uniformity of legal relationships resulting from the unanimity rule. The technical complexity of determining and keeping account of the manifold bilateral relationships which might exist under a variety of conventions, possibly involving a large proportion of the governments of the world, would be very great. Wherever there were objections to reservations, it would be necessary to establish between which of the parties a convention was in force.²² For as large a depositary of major law-making conventions as the Secretariat of the United Nations may be expected to become, the resulting administrative burden would be considerable, while the difficulties for governments—and, in the event of dispute, for the courts—could hardly be less.

VII. OBJECTIONS BY GOVERNMENTS PARTIES OR BY ALL SIGNATORIES

38. Once it is proposed that the States concerned must unanimously approve a reservation on which an

²¹ *Harvard Draft Convention*, Comment, *loc. cit.*, p. 871.

²² Under the Pan American Union procedure there is also the difficulty as to the date of entry into force of each of the multiple bilateral undertakings. For each pair of States it is

adherence is conditioned, it becomes a matter of prime importance to determine on which States should be conferred this significant power to exclude the participation of the reserving State. The answer necessarily depends on a reasonable weighing of the relative degree of interest of the State affected.

39. The *Harvard Research in International Law*, desiring to favour the State which approves the generally agreed text of a convention over the State which prefers to introduce a special provision of its own, extends the right to object to all States which are likely to become parties, and deems it reasonable to base that likelihood on the interest and intent which is attested by the act of signature. It offers the following explanation:

"It may be presumed that normally the greater number of States eligible to sign a treaty, and certainly those having the greater interest in it, will sign it promptly and before the date when it is brought into force. Such States should certainly have a voice in determining whether or not reservations are to be introduced into the treaty. And, on the other hand, since it may be necessary, in the case of a treaty left open for signature at any time in the future, to deprive some signatories of a voice in that matter, it seems that in the case here envisaged it may properly be those which for one reason or another delay signing the treaty, not only until after the date when the State making the reservation is prepared to sign, but also until after the treaty has actually come into force."²³

40. This procedure naturally has the distinct advantage of not foreclosing the rights of a State having a tangible interest to protect in the future operation of the convention. Where only two ratifications are required to bring a treaty into force, it prevents two reserving States (or at least two like-minded governments) from writing their reservations into the treaty before those with slower constitutional procedures for ratification can qualify to object.

41. On the other hand, under present-day methods of treaty formation, it may no longer be so logical to place so much weight on the protection of the signatory, for the reasons set out below. Moreover, the counterpart of the signatory's interest is the serious disadvantage of empowering a State which may not ratify its signature for some years to come—or in consequence of altered circumstances may not ratify at all—to exclude the participation of a State which, subject to certain conditions, is ready to accept responsibilities under the convention at once.

42. A broader category of States whose interest in a convention might reasonably be protected would embrace not only signatories but all those which took part in the negotiation of the text. This approach seems the least adapted to United Nations procedures. It is the logical outgrowth of the diplomatic conference, where the mere fact of States sending emissaries to participate in the elaboration of a draft was itself an expression of relatively direct interest in the application of the

apparently the date of acceptance by any one State of the reservation proposed by another. Cf. Sanders, *loc. cit.*, p. 490, and article 6 of the Convention on Treaties drawn up at the Havana Conference (1928).

²³ *Harvard Draft Convention*, Comment, *loc. cit.*, pp. 886-887.

treaty. For such treaties, indeed, the conference was likely to terminate with a ceremony of signature and often with a protocol of signature, the right to sign frequently being restricted to a single date or period. The signatories, having a relatively close community of interest, might meet again for the deposit of ratifications, and draw up a *procès-verbal* of deposit. The technique of leaving a treaty open unconditionally for signature by Powers which had no part in its drafting appears to be a relatively modern development.²⁴

43. By contrast, the majority of conventions of which the Secretary-General acts as depositary are drawn up within the framework of the United Nations or of a specialized agency or related body. The broader and more significant conventions, before being opened for signature, are adopted by the General Assembly, and their texts may have been prepared in a commission or *ad hoc* committee elected from among the Member States of the United Nations. The degree of interest in, and of probable adherence to, the future convention neither follows necessarily from membership in the General Assembly nor is necessarily restricted to the narrow membership of the drafting commission. In any case, it is hardly sufficient to empower—as the application of this rule to the United Nations would empower—any Member State having voted in the General Assembly at the time of adoption to exclude a reserving State, should the Member State be so inclined, on the grounds of objection as a matter of principle to the content of the reservation. Moreover, signatures then commonly follow adoption by the General Assembly and are not infrequently affixed in the spirit of that event. Not only is it generally conceded that there is no obligation to ratify a signature and so become a party, but United Nations experience already demonstrates that some signatory States ultimately decide not to ratify.²⁵

44. The policy of the Secretary-General, therefore, as also practised by the League Secretariat, has been to ascertain the attitude towards any reservation of all States which have ratified or acceded to a convention, whether or not it is in force. The text of a reservation, however, is circulated to all interested States. Thus, the final authority to exclude the participation of a reserving State is in effect confined to those States which have—or before entry into force will have—established their immediate concern by themselves becoming parties. At the same time, the right of a signatory to make its objection heard would by no means be absolutely excluded. Any objection by a signatory would of course be circulated so that its reasoning could be taken into account not only by the reserving State, which might then decide to withdraw its reservation, but also by the parties, which might then be persuaded to enter an objection on their own behalf.

²⁴ For the gradual increase in the scope of the right to sign, see the Report of the Committee for the Progressive Codification of International Law (League of Nations document C.357.M.130.1927.V., p. 2) as quoted by *Harvard Draft Convention*, Comment, *loc. cit.*, pp. 879-880.

²⁵ On the diminution in the force of signatures, and in the probability of their ratification, under the League of Nations, see Basdevant, "La Conclusion et la rédaction des traités", *Recueil des cours* (1926), vol. II, pp. 589-590, 596. Cf. Scelle, *Précis de droit des gens* (1934), p. 511.

45. This system would seem to represent a fair compromise of the various interests of parties, signatories and reserving States in a manner realistically related to the United Nations machinery for the promulgation of conventional international law. The rule as here described is of course intended to refer to conventions of which the Secretary-General is the depositary, and need not govern the procedures of diplomatic conferences outside the framework of the United Nations.

VIII. CONCLUSION

46. The rule adhered to by the Secretary-General as depositary may accordingly be stated in the following manner:

A State may make a reservation when signing, ratifying or acceding to a convention, prior to its entry into force, only with the consent of all States which have ratified or acceded thereto up to the date of entry into force; and may do so after the date of entry into force only with the consent of all States which have theretofore ratified or acceded.

47. To summarize the discussion above, this rule is based on the following considerations:

(a) It conforms with majority practice to require the assent of all the States most directly concerned to any proposal to alter, by individual reservation, the terms of the agreed text of a convention. Moreover, it is more in harmony with the nature and purposes of conventions adopted under the auspices of the United Nations, which commonly have a law-making character,²⁶ to treat them as establishing integral principles of international law agreed to by all the parties, rather than as nodules of many purely bilateral engagements.

(b) Since the attention of a very large number of States is normally directed at one stage or another to conventions of which the Secretary-General is made depositary, it is in the interests of efficiency to keep to a minimum the number of States required to give unanimous consent to a reservation. This can best be accomplished by confining the power to reject a reservation to the States most directly affected—namely, to actual parties to the convention in question.

(c) It is inevitable that any rule followed by the Secretary-General, in the absence of express provisions in the convention, will not suit the circumstances of every convention or every relationship proposed between given parties. This difficulty can be met by the conscious use, in the drafting of such a convention, of final articles best adapted to any special situation. If, for example, it is desired to forestall certain objections in order to make a convention acceptable to a maximum number of States, it is always possible to include an article expressly approving specified reservations.²⁷ If

²⁶ Professor Scelle has suggested that the League practice served to protect the competence of the international legislative body. *Précis de droit des gens* (1934), vol. II, p. 480.

²⁷ Article 39, paragraph 1 of the Revised General Act for the Pacific Settlement of International Disputes reads as follows: "In addition to the power given in the preceding article, a party, in acceding to the present General Act, may make his acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession".

it is desired in special cases to permit signatories, and not only parties, to reject proposed reservations, the League of Nations formula mentioned above, used in the Convention for the Prevention and Punishment of Terrorism, might be applicable.²⁸

48. Finally, should it be desired to permit a maximum number of States to exchange undertakings through the medium of a multilateral convention, and thus to permit

reserving States to become parties even though individual States already parties object to the reservations, the unanimity requirement also can be expressly waived.²⁹

49. All these considerations, it is submitted, support the practice followed by the Secretary-General as to the conventions of which he serves as the depositary.

ANNEX I

STATUS OF SIGNATURES, RATIFICATIONS, ACCESSIONS AND RESERVATIONS WITH REGARD TO THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE

1. In illustration of the practice of the Secretary-General as described in the foregoing report, the proposed reservations as to articles of the Convention for the Prevention and Punishment of the Crime of Genocide are here set out in full for the information of the General Assembly, together with an indication of the actions taken by the Secretary-General as depositary, and the dissent expressed by certain States regarding these proposed reservations.

I. Status of signatures, ratifications and accessions

2. The Convention was signed by the following 43 States:

Australia	Ethiopia
Belgium	France
Bolivia	Greece
Brazil	Guatemala
Burma	Haiti
Byelorussian Soviet Socialist Republic	Honduras
Canada	Iceland
Chile	India
China	Iran
Colombia	Israel
Cuba	Lebanon
Czechoslovakia	Liberia
Denmark	Mexico
Dominican Republic	New Zealand
Ecuador	Norway
Egypt	Pakistan
El Salvador	Panama
	Paraguay

Peru	Union of Soviet Socialist Republics
Philippines	United States of America
Sweden	Uruguay
Ukrainian Soviet Socialist Republic	Yugoslavia

The following 11 States have ratified the Convention:

Australia	Liberia
Ecuador	Norway
Ethiopia	Panama
Guatemala	Philippines (subject to reservations)
Iceland	Yugoslavia
Israel	

and the following 6 States have acceded to it:

Bulgaria (subject to reservations)	Saudi Arabia
Jordan	Turkey
Monaco	Viet-Nam

II. Reservations made by the Union of Soviet Socialist Republics, the Byelorussian Soviet Socialist Republic, the Ukrainian Soviet Socialist Republic and Czechoslovakia

3. The Union of Soviet Socialist Republics, the Byelorussian SSR, the Ukrainian SSR and Czechoslovakia signed the Convention "with the reservations regarding articles IX and XII stated in the special *procès-verbal* drawn up on signature of the present Convention".

²⁸ In addition to requiring in any case that the consent of all the parties be obtained by appropriate inquiry, article 23 of this Convention provides:

"1. . . . Should the reservation be formulated within three years from the entry into force of the Convention, the same inquiry shall be addressed to members of the League and non-member States whose signature of the convention has not yet been followed by ratification. If, within six months from the date of the Secretary-General's communication, no objection to the reservation has been made, it shall be treated as accepted by the high contracting parties.

"2. In the event of any objection being received, the Secretary-General of the League of Nations shall inform the Government which desired to make the reservation, and request it to inform him whether it is prepared to ratify or accede without the reservation or whether it prefers to abstain from ratification or accession."

²⁹ Article 19 of the Convention on Declaration of Death of

Missing Persons, opened for accession at Lake Success on 6 April 1950, reads as follows:

"Any State may subject its accession to the present Convention to reservations which may be formulated only at the time of accession.

"If a Contracting State does not accept the reservations which another State may have thus attached to its accession, the former may, provided it does so within ninety days from the date on which the Secretary-General will have transmitted the reservations to it, notify the Secretary-General that it considers such accession as not having entered into force between the State making the reservation and the State not accepting it. In such case, the Convention shall be considered as not being in force between such two States."

This of course corresponds to the Pan American Union procedure. The clause was considered an exceptional measure in view of the special nature of the convention, especially since it dealt with matters of private international law. See document A/Conf.1/SR.10, pp. 8-10.

4. By way of example,¹ the text of the special *procès-verbal* drawn up at the signature of the Convention by the delegation of the USSR is reproduced below:

“His Excellency, Mr. A. S. Panyushkin, Ambassador of the Union of Soviet Socialist Republics to the United States, prior to signing the Convention on the Prevention and Punishment of the Crime of Genocide, in the office of the Assistant Secretary-General in charge of the Legal Department, at the Interim Headquarters of the United Nations, on Friday, 16 December 1949, made the following statement:

“At the time of signing the present Convention the delegation of the Union of Soviet Socialist Republics deems it essential to state the following:

“*As regards article IX:* The Soviet Union does not consider as binding upon itself the provisions of article IX which provides that disputes between the contracting parties with regard to the interpretation, application and implementation of the present Convention shall be referred for examination to the International Court at the request of any party to the dispute, and declares that, as regards the International Court's jurisdiction in respect of disputes concerning the interpretation, application and implementation of the Convention, the Soviet Union will, as hitherto, maintain the position that in each particular case the agreement of all parties to the dispute is essential for the submission of any particular dispute to the International Court for decision.

“*As regards article XII:* The Union of Soviet Socialist Republics declares that it is not in agreement with article XII of the Convention and considers that all the provisions of the Convention should extend to Non-Self-Governing Territories, including Trust Territories.’

“In witness whereof the present *Procès-verbal* was drawn up.

“Done at Lake Success, New York, this 16th day of December 1949.

(Signed) Dr. I. KERNO
Assistant Secretary-General
in charge of the Legal Department”

Translation by the Secretariat:

“Ambassador Extraordinary and Plenipotentiary
of the USSR to the United States of America

(Signed) A. PANYUSHKIN
16-12-49”

5. The Secretary-General sent notifications of the above reservations, attaching a certified copy of each *procès-verbal*, to each Member State of the United Nations and to each of the non-member States to which an invitation to sign the Convention had been addressed. In addition, the Secretary-General informed the five Member States which had ratified the Convention at that time, namely Australia, Ecuador, Ethiopia, Iceland and Norway, that he would like to be informed at the earliest possible opportunity of their attitude with regard to the reservations. He further advised them

¹ The *procès-verbaux* of the Byelorussian SSR, the Ukrainian SSR and Czechoslovakia are in the same terms and contain the same reservations.

that it would be his understanding that all States which had ratified or acceded to the Convention would have accepted these reservations, unless they had notified him of objections prior to the day on which the first twenty instruments of ratification or accession, necessary to bring the Convention into force, had been deposited.

III. Position taken by Ecuador

6. In reply to this notification, the Minister for External Relations of Ecuador addressed a letter to the Secretary-General, under date of 10 February 1950, to inform him that:

“The Government of Ecuador, in accordance with the position previously maintained regarding reservations, has no objection to make regarding the submission of such reservations but expresses its disagreement with their content.”

7. Acknowledging this communication, the Secretary-General, on 21 March 1950, replied:

“Your letter states that the Government of Ecuador has no objection to make concerning the submission of the reservations by the aforesaid States as contained in the *procès-verbaux*, copies of which were annexed to my previous letters, and at the same time, expresses disagreement with the content of these reservations.

“As the statement does not seem to indicate clearly the intention of your government, it will be appreciated if Your Excellency would be good enough to inform me whether it may be taken as accepting the aforementioned reservations.”

8. The Minister for External Relations accordingly responded on 31 March 1950 as follows:

“The Government of Ecuador is not in agreement with these reservations and therefore they do not apply to Ecuador, which accepted without any modification the complete text of the Convention in question”.

9. This position was communicated by the Secretary-General on 5 May 1950 to all the governments concerned.

IV. Position taken by Guatemala

10. To the notification referred to in paragraph 5 above, the Under-Secretary for External Relations of Guatemala replied on 16 June 1950 as follows:

“I must inform you that the Government of Guatemala is not in agreement with the reservations made by the Governments of the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and Czechoslovakia to the Convention on Prevention and Punishment of the Crime of Genocide; and that, consequently, it should not be inferred that this government accepts them merely because it did not make any reference to them in depositing its instrument of ratification, since they have no relation to the full acceptance of the Convention by this Republic”.

11. It appeared that the notification of the Secretary-General had in fact not been received by the Govern-

ment of Guatemala in sufficient time to have affected its ratification. The Secretary-General therefore inquired "whether the statements that the Government of Guatemala is not in agreement with these reservations, and that it should not be inferred that the Government of Guatemala accepts them merely because it did not make any reference to them in depositing its instrument of ratification", are intended to convey the meaning that the Government of Guatemala, having had due notice of these reservations, specifically objects to them". The Secretary-General felt it his duty to advise the Government of Guatemala that the consequence in law of any objection to the reservations would be to make him unable "to accept for deposit instruments of ratification by the Governments of the Union of Soviet Socialist Republics, the Ukrainian Soviet Socialist Republic and Czechoslovakia, subject to the aforesaid reservations".

12. The Government of Guatemala accordingly clarified the legal assumptions, on which its expression of disagreement was based, in the following manner:

"In reply I have pleasure in repeating the view expressed in my communication No. 7865 of 16 June 1950, in which this Ministry stated that the Government of Guatemala was not in agreement with these reservations and that they had no relation to ratification and full acceptance of the text of the Convention by my Government. I wish to add, in reply to your question, that the Government of Guatemala has always maintained the view that reservations made upon signing or ratifying international conventions are acts inherent in the sovereignty of States and are not open to discussion, acceptance or rejection by other States. In collective conventions reservations made by a State affect only the application of the clause concerned in the relations of other States with the State making the reservation".

13. These interchanges were also circulated by the Secretary-General to all the governments concerned.

V. Attitude expressed by the United Kingdom

14. To the notification by the Secretary-General of the reservations made by the Union of Soviet Socialist Republics, the Byelorussian SSR, the Ukrainian SSR and Czechoslovakia, the United Kingdom replied:

"His Majesty's Government regret that they are unable to accept the above-mentioned reservations because in their view the effect of these reservations would be to alter in important respects the Convention as drafted and as adopted at the third session of the General Assembly. His Majesty's Government cannot therefore regard as valid any ratification of the Convention maintaining such reservations".

15. The views of the United Kingdom Government as to the legal considerations governing this matter were submitted in a memorandum which is attached as annex II.

VI. Subsequent reservations by the Philippines and by Bulgaria

16. Since the exchange of communications described above, the Governments of the Philippines and of the People's Republic of Bulgaria have proffered instruments subject to reservations.

17. On 7 July 1950, the Philippines submitted an instrument of ratification containing the following reservations:

"1. With reference to article IV of the Convention, the Philippine Government cannot sanction any situation which would subject its Head of State, who is not a ruler, to conditions less favourable than those accorded other Heads of State, whether constitutionally responsible rulers or not. The Philippine Government does not consider said article, therefore, as overriding the existing immunities from judicial processes guaranteed certain public officials by the Constitution of the Philippines.

"2. With reference to article VII of the Convention, the Philippine Government does not undertake to give effect to said article until the Congress of the Philippines has enacted the necessary legislation defining and punishing the crime of genocide, which legislation, under the Constitution of the Philippines, cannot have any retroactive effect.

"3. With reference to articles VI and IX of the Convention, the Philippine Government takes the position that nothing contained in said articles shall be construed as depriving Philippine courts of jurisdiction over all cases of genocide committed within Philippine territory, save only in those cases where the Philippine Government consents to have the decision of the Philippine courts reviewed by either of the international tribunals referred to in said articles. With further reference to article IX of the Convention, the Philippine Government does not consider said article to extend the concept of State responsibility beyond that recognized by the generally accepted principles of international law."

18. On 21 July 1950, the People's Republic of Bulgaria submitted an instrument of accession embodying reservations in the same terms as those proposed by the Union of Soviet Socialist Republics, the Byelorussian SSR, the Ukrainian SSR and Czechoslovakia.

19. Notifications of these reservations were likewise sent to each Member State of the United Nations and to each of the non-member States to which an invitation to sign the Convention had been addressed. In addition, as in the prior instance, the Secretary-General asked to be informed of the attitude of those States which had ratified or acceded to the Convention.

ANNEX II

MEMORANDUM PRESENTED BY THE UNITED KINGDOM

I. Necessity for obtaining consent to reservations

1. A State which, while wishing to become a party to a convention, considers that it can do so only if it can exclude the application to itself of one or more of the

particular provisions of the Convention, may seek to achieve this object in one of the following ways:

(i) By obtaining the insertion into the convention of express words excluding the application of that provision

to itself (e.g., article 287 of the Treaty of Versailles); or a clause expressly permitting reservations to one or more articles to be made;

(ii) By a reservation attached to the signature of a convention by its representatives and duly recorded in a *procès-verbal* or protocol of signature;

(iii) By a reservation attached to the ratification and duly recorded;

(iv) In the case of a convention left open for accession by other States, by a reservation attached to its signature and duly recorded.¹

2. It is generally, though not universally, held that, since a State wishing to make a reservation is, in effect, seeking to write into the convention certain terms which will limit its effect, it is essential, in the last three cases mentioned in the preceding paragraph, that *all* the other parties to the convention should assent to the making of the reservation, and that if they do not, the signature or ratification or accession which the reservation purports to qualify is a nullity. In other words, the non-acceptance of the reservation by a single signatory or party excludes the State formulating the reservation from any participation in the convention.² According to this view,

“A State which wishes to make reservation to a treaty may do so only if all other States which are parties to the treaty, or which as signatories are likely to become parties consent to its so doing; lacking such consent, the State desirous of making the reservation must either abandon that desire and accept the treaty without the reservation or else remain outside the treaty altogether.”³

A number of precedents were examined by Sir William Malkin in an article in the *British Year Book of International Law*:⁴ He concluded his review of them by saying:

“It will be seen that of all the cases examined above, where an actual reservation was made to any provision of a Convention, there is hardly one as to which it cannot be shown that the consent of the other Contracting Powers was given either expressly or by implication. There is no case among those examined which could be quoted as a precedent in favour of the theory that a State is entitled to make any reservations it likes to a Convention without the assent of the other contracting parties.”⁵

3. There is, however, another view which has not gained general acceptance, but which was expressed in a resolution adopted by the Governing Body of the Pan American Union on 4 May 1932. This is that non-

acceptance of a reservation merely affects the party which refuses to accept the reservation and that the State making the reservation is free to participate in the convention with the parties which accept the reservation either expressly or by implication.⁶ This view was given formal expression in the following draft clause which Venezuela proposed, at the Pan American Conference in December 1948, should be added to the Convention on Treaties of the Havana Conference:

“A treaty that is ratified with reservations shall enter into effect only between the parties that accept the reservation.”⁷

II. Method of obtaining consent

4. Whichever view is accepted, it is necessary to consider how the assent of the other parties to the making of a reservation to a multilateral convention can be obtained. Such assent may be obtained in the following ways:

(i) Where the reservation has been previously announced at a sitting of the conference and has been repeated at the time of signature without any objection being taken, assent is implied.

(ii) Where the reserving State has before signature, or after signature and before ratification, expressly enquired of all other parties if they will permit the reservation.

(iii) Where the parties to a multipartite treaty, on being made aware that a signature, ratification or accession qualified by a reservation has been tendered, neither assent nor dissent expressly.⁸

In case (iii) it is probable that after the lapse of a reasonable time, assent would be inferred, and the signature, ratification or accession would therefore become effective. In the opinion of the United States authority, Professor Hyde, the question whether such implied acceptance can be understood depends on whether the reservation made lessens or enlarges the obligations which the State signing is prepared reciprocally to accept:

“If a State be permitted to sign or deposit its ratifications of a treaty under a reservation that lessens rather than enlarges obligations which such State is prepared reciprocally to accept, and at a time before the arrangement has become binding upon any of the other signatories or prospective parties, it is reasonable to conclude that if the latter with knowledge of the fact proceed, without more ado, to make the instrument binding upon themselves, as by deposit of ratifications, their conduct amounts to acceptance of the reservation.”⁹

ment pas égale . . . Pour nous, des réserves à la signature ne sont acceptables que si toutes les Puissances contractantes consentent à y donner, expressément ou tacitement, leur adhésion: il y aura alors finalement un traité nouveau, entièrement distinct de celui qu'on avait primitivement négocié. Si les signataires purs et simples ne consentent pas, ils seront en droit d'obliger leurs contractants qui ont fait des réserves à y renoncer ou à souffrir que la convention ne s'applique pas dans les rapports des Puissances intéressées.”

⁴ “Reservations to Multilateral Conventions”, *B.Y.I.L.*, vol. VII (1926), p. 141.

⁵ *Ibid.*, p. 159.

⁶ *A.J.I.L.*, vol. 32 (1938), p. 490.

⁷ *Ibid.*, p. 490.

⁸ McNair, *op. cit.*, p. 106; Malkin, *loc. cit.*, p. 159.

⁹ Hyde, *International Law*, vol. II, pp. 1440-1441.

¹ McNair, *The Law of Treaties* (1938), pp. 105-106.

² McNair, *op. cit.*, p. 106; *Harvard Draft Convention*, Comment, *loc. cit.*, p. 871. O. Schachter “Development of International Law Through the Legal Opinions of the United Nations Secretariat”, *B.Y.I.L.*, vol. XXV (1948), p. 124; Sanders, “Reservations to Multilateral Treaties”, *A.J.I.L.*, vol. 33 (1939), p. 488.

³ *Harvard Draft Convention*, Comment, *loc. cit.*, p. 870. The same view has been expressed, though in a somewhat different way, by Fauchille, *Droit international public*, vol. I.3., para. 823, pp. 312-313:

“Comment admettre, au surplus, qu'une même convention n'entraîne pas les mêmes obligations sans distinction vis-à-vis de ceux qui y participent? Entre un contractant qui signe la convention en bloc, purement et simplement, et un autre qui la signe partiellement, avec des réserves, la situation n'est vrai-

If, however, the reservation purports to enlarge rather than diminish reciprocal burdens sought to be imposed by the convention, inaction by the other parties in relation to such a reservation would (says Hyde) "probably not be deemed to constitute acceptance of it".

III. Reservations made on or appended to signature

5. The position which arises in regard to reservations which are made when a multilateral convention is open to signature for a certain period (e.g., for six months) was examined by Sir William Malkin, who considered it to be most desirable that some procedure should be devised for dealing with reservations made by States which were either not represented at the conference leading up to the convention, or, if represented, did not sign on the date on which the convention was opened for signature.¹⁰ Sir William Malkin considered that it might be argued, on the one hand, that such States "cannot expect any facilities as regards reservations", but that it could also be argued, on the other hand, that the State concerned

"... may have had perfectly good reasons either for not attending or for not signing on the appointed day, and it is undesirable that it should be debarred from becoming a party to the convention on account of a reservation which might well have been accepted if made in time."¹¹

"The position can sometimes be regularized on the deposit of ratifications, but otherwise there is no occasion on which representatives of all the Contracting Powers can meet and can deal with reservations which have been proposed since the Conference separated; but . . . it is essential that the consent of the other signatories should in some manner be obtained in such cases before a reservation can be implied".¹²

6. Suggestions as to the procedure to be adopted in such a case are included in the comment on article 14(b) of the draft Convention on the Law of Treaties prepared by the Harvard Research Institute, which reads as follows:

"If a treaty is open for signature until a certain date, a State may make a reservation when signing only with the consent of all other States which sign before the date fixed".¹³

The comment on article 14(b) includes consideration of the manner in which such consent should be obtained, particularly in the case which a certain State is not among the original signatories, but instead desires to sign the convention with reservations after other States have already signed it.¹⁴

(a) There is, on the one hand, the case in which such a State merely seeks to append to its signature a reservation which (without objection being made thereto) it has previously stated and recorded in the proceedings of a conference in which the prior signatories were likewise participants. Here the consent of the prior signatories may be implied.¹⁵ An interesting example of this situation occurred in connexion with the "Red Cross" Convention of 1906, which (under article 32 thereof) was open for signature for several months. The

British representatives signed the Convention subject to a reservation to certain articles containing provisions which could not be enforced without legislation in that country. There is no record of any assent to these reservations by the other signatory Powers, but the attitude of the British delegation had been made clear in the Fourth Committee of the Conference, and it seems to have been tacitly assumed that all the other signatories assented to the reservations in question.¹⁶

(b) On the other hand, there is the case in which a State seeks to subject its signature to a reservation which has not been previously agreed to. Here (to quote the comment on article 14 (b) of the Harvard Research Institute's draft Convention):

"... it seems desirable that the consent of the prior signatories should be given expressly. It is possible that under certain circumstances their consent might be implied from a failure to object after notification of [the] proposed reservation, but ordinarily such consent should and can be expressly given. This might be done, for example, by an exchange of notes between [the reserving State] and the prior signatories either directly or through a Headquarters Government . . . Or it might be done by drawing up and signing a protocol or *procès-verbal* expressly recording [the] reservation and consent thereto".¹⁷

As regards subsequent signatories, the Harvard Research Commentary considers that if the reserving State has duly obtained the consent of all *prior* signatories, and then affixes its signature to the convention in question and appends its reservation thereto, the consent of subsequent signatories will be regarded as given by implication if, without protest, they sign the convention (or the convention and a protocol recording the reservation).¹⁸

IV. Reservations made on ratification

7. There is also the question of a State which wishes to make a reservation to a multilateral convention on ratification thereof. Paragraphs (b) and (c) of article 15 of the draft Convention on the Law of Treaties apply to this situation and are as follows:

"(b) If a treaty is open for signature until a certain date, a State may make a reservation when ratifying only with the consent of all other States which become signatories before the date fixed and of all the States which have acceded to the treaty prior to the ratification by that State.

"(c) If a treaty is open for signature at any time in the future, a State may make a reservation when ratifying, if it ratifies before the treaty has been brought into force, only with the consent of all other States which become signatories before the treaty is brought into force; if it ratifies after the treaty has been brought into force only with the consent of all other States which have become signatories or have acceded to the treaty prior to ratification by that State".¹⁹

In commenting on this article, the Harvard Research Institute points out that:

¹⁰ Malkin, *loc. cit.*, p. 160.

¹¹ *Ibid.*

¹² *Ibid.*

¹³ *Harvard Draft Convention, Comment, loc. cit.*, p. 879.

¹⁴ *Ibid.*, pp. 879-886.

¹⁵ *Ibid.*, pp. 885-886.

¹⁶ Malkin, *loc. cit.*, p. 150.

¹⁷ *Harvard Draft Convention, Comment, loc. cit.*, p. 885.

¹⁸ *Ibid.*, pp. 885-886.

¹⁹ *Ibid.*, pp. 901-905.

“each of the paragraphs . . . is designed to prevent the writing of a reservation into a treaty without the consent of all other States which are likely to be affected by it and which might find the value of the treaty for them destroyed or seriously impaired were the reservations to become a part of the treaty. Those other States are the States which have already become parties to the treaty or which, as signatories, are likely to become parties”.²⁰

If article 15 of the Harvard Research Institute's draft Convention is considered to be a correct statement of existing international law on this matter, the position is that a reservation to a multilateral convention made on ratification thereof must be consented to, not only by such States as have already become parties to the convention by ratifying it, but also by States which are merely signatories and which may not proceed to ratify. This situation would appear to be open to the objection that it makes it possible for a State which may not ultimately become a party to the convention to exclude from participation a State which is prepared to accept the convention subject to a reservation on ratification, even though all the States which actually become bound by the convention, by ratifying it, have consented—or are prepared to consent—to the reservation. However, there seems very little reason to doubt that paragraphs (b) and (c) of the Harvard Research Institute's draft Convention state the correct legal position. Hackworth, for instance, says:

“If reservations are not made at the time of signing a multilateral treaty, ratifications with reservations, in order to be binding, must be brought to the knowledge of the other Contracting Powers and receive their approval, unless otherwise specified in the treaty, since they constitute a modification of the agreement”.²¹

It seems probable that Hackworth is using the term “Contracting Powers” in this passage as equivalent to “signatories”. Hudson appears to hold the same view, although he is a little more cautious in expressing it when he says:

“Any fresh reservation made at the time of ratification or in any separate instrument, must be agreed to by all States which have previously ratified, and it would seem by all signatory States”.²²

8. A recognition of the right of signatories to a convention, as well as those who have ratified it, or acceded to it, to object to reservations made by other States on ratification or accession, is to be found in article 23 of the Convention of 16 November 1937 for the Prevention and Punishment of Terrorism. Whilst recognizing this right, however, the article provides that the period within which States “whose signature of the Convention has not yet been followed by ratification” can object to reservations shall be limited to three years from the entry into force of the Convention. In commenting on this, Hudson says:

“It recognises the possible interest of signatories which have not proceeded to ratification in the reservations offered by other signatories, and thus clarifies a point on which there has been doubt. It also establishes that when reservations other than those agreed to at the

time of signature are proposed, the alternatives are absence of objection from any State consulted, on the one hand, and abstention from proceeding to deposit of a ratification or accession on the other hand”.²³

The provisions of article 23 of the Convention of 16 November 1937 also appear to show the fallacy of an argument which has been advanced, but which seems unsupported by any authority, to the effect that if a multilateral convention, in respect of which ratifications containing reservations have been deposited, has entered into force without any objections being raised to such reservations, it is not open to any States which subsequently ratify or accede to the convention to object to any reservations which have already been made. A most serious objection to this argument is that it might enable a limited number of States (in some cases—e.g., the Geneva Conventions of 1949, which enter into force when two ratifications have been deposited—as few as two) to force the other signatories whose ratifications are deposited after the entry into force of the convention to accept a convention containing provisions quite other than those to which they had agreed when signing the convention, and without their having had an adequate opportunity to object to reservations only made simultaneously with the very ratifications which brought the convention into force. The procedure set forth in article 23 of the Convention of 16 November 1937 appears to be a reasonable one, since it allows States which are signatories of the convention, but which have not yet ratified it, a period of three years in which to object to any reservations made on ratification by other States and, at the same time, prevents the possibility that a ratification subject to a reservation may indefinitely be held to be ineffective because it is objected to by a signatory State which has not yet made up its mind to ratify the convention and possibly may never do so.

V. Reservations made on accession

9. The position with regard to reservations made at the time of accession to a multilateral convention appears to be very similar to that regarding reservations on ratification. Article 16 of the Harvard draft Convention provides that:

“A State may make a reservation when acceding to a treaty only with the consent of all the signatories to the treaty and of the States which have previously acceded to the treaty”.²⁴

This corresponds with the view held by Hudson, who says:

“Similarly, an adhesion subject to reservation cannot be received in deposit without the consent of all States which have previously ratified or adhered, and possibly without the consent of all signatory States”.²⁵

VI. Should reservations preferably be made on signature, or on ratification or accession?

10. The balance of opinion is in favour of making reservations on signature rather than on ratification. The United States authority, Professor Hyde, puts the case for making reservations on signature as follows:

²⁰ *Ibid.*, p. 890.

²¹ Hackworth, *Digest*, vol. V., para. 482, p. 130.

²² Hudson, *International Legislation*, vol. I., Introduction, p. 1.

²³ Hudson, *A.J.I.L.*, vol. 32 (1938), p. 335.

²⁴ *Harvard Draft Convention*, Comment, *loc. cit.*, p. 905.

²⁵ Hudson, *op. cit.*, p. 1.

"The Department of State has found occasion to declare that reservations to a multipartite treaty should be made and recorded at the time of signature in order that all parties to the treaty may, previous to and in considering ratification, understand to what extent each signatory is bound by the terms of the agreement".²⁶

Article 14 (d) of the Harvard draft Convention on the Law of Treaties states as follows:

"If a State has made a reservation when signing a treaty, its later ratification will give effect to the reservation in the relations of that State with other States which have become or may become parties to the treaty".²⁷

The Harvard comment on the provisions is as follows:

"Reservations made upon signature are of necessity formally accepted by every Power which subsequently ratifies the treaty. Every Power has had formal knowledge thereof to the same extent as of the text of the treaty itself".²⁸

VII. *Position of Headquarters Government or depositary authority regarding attempted reservations*

11. Hudson emphasized the duty which rests upon the depositary of ratifications to a multilateral treaty, and says:

"An authority designated as the depositary of ratifications would not be justified in allowing a definitive deposit of a ratification which is subject to a reservation unless the consent of other signatory States were obtained, though the consent may, in some cases, be inferred from a failure to object after adequate opportunity".²⁹

Hudson also points out that agreement to a fresh reservation made at the time of ratification

"... is usually expressed in a *procès-verbal* of the exchange or deposit of ratifications or by an exchange of notes".³⁰

In saying this he appears, although he does not expressly say so, to mean that this way of expressing agreement to a reservation is that which should be adopted by other States which have already deposited ratification, depositing them at the same time as the State which is ratifying subject to a reservation. The consent of signatories which have not yet ratified can, it seems, be sometimes inferred from failure to object.

12. An interesting example of a case in which no ratifications had been deposited before the deposit of the first ratifications containing reservations is afforded by The Hague Conventions of 1907. The first ratifications to these Conventions were deposited on 27 November 1909, and included several ratifications which contained reservations. The representatives of the States depositing such ratifications verbally called them to the attention of the other Powers depositing ratifications and

signing the *procès-verbaux*. Copies of all instruments of ratification deposited were then sent to all the Powers which had attended The Hague Peace Conference, and States subsequently ratifying The Hague Conventions of 1907 therefore had notice of the reservations contained in the ratifications already deposited, and the failure of any such States to object appears to have been considered as indicating consent to the reservations.³¹

13. Another problem regarding consent to the deposit of ratifications subject to reservations has been raised by the fact that, at the present day, the depositary of a multilateral convention will often be, not the government of a State, but the Secretary-General of the United Nations. A similar problem arose during the existence of the League of Nations, and an attempt to solve it was made by the insertion in multilateral conventions of which the Secretary-General of the League was the depositary, of specific provisions relating to the method of obtaining consent to reservations to the conventions (see, for example, article 23 of the Convention of 16 November 1937 for the Prevention and Punishment of Terrorism, which has already been referred to above).³² An interesting example of the procedure adopted by the Secretary-General of the United Nations in regard to the communication to other parties of a reservation to a multilateral convention arose in connexion with the Constitution of the World Health Organization, in respect of which the United States, in depositing its instrument of accession with the Secretary-General of the United Nations, reserved its right to withdraw from the Organization on giving one year's notice.³³ In this particular instance, the normal procedure of the depositary's communicating the reservation to all the parties and enquiring whether they objected to it, would not have been entirely satisfactory, since, as pointed out by Schachter,

"it was . . . evident that the consent of all the Members could not be obtained within the short time available and that the requirement of unanimity might result in the rejection of the acceptance if the States were to act separately without opportunity for consultation. . . . Moreover, the effect would be that a decision of great importance to an established international organisation would be made not through the competent organs but by the States acting individually and separately, with each entitled to veto the ratification".³⁴

The Secretary-General's method of dealing with the problem avoided this result. He informed the States parties to the Constitution that he was "not in a position to determine whether the United States has become a party to the Constitution" and that he therefore proposed to refer the matter to the World Health Assembly which, under article 75 of the Constitution, was the competent body to settle questions concerning the interpretation or application of the Constitution. The matter was accordingly discussed by the World Health Assembly, and at the conclusion of the discussion it was announced by the President that, since there were

²⁶ Hyde, *International Law*, vol. II, p. 1442.

²⁷ *Harvard Draft Convention*, Comment, *loc. cit.*, p. 888.

²⁸ *Ibid.*, p. 889, quoting Miller, *Reservations to Treaties* (1919), p. 94.

²⁹ Hudson, *International Legislation*, vol. I, p. 1.

³⁰ *Ibid.*

³¹ *Harvard Draft Convention*, Comment, *loc. cit.*, pp. 902-903.

³² Hudson, *A.J.I.L.*, vol. 32 (1938), pp. 334-335.

³³ Schachter, *loc. cit.*, pp. 122-127.

³⁴ *Ibid.*, p. 124.

no objections, "the United States ratification of the Constitution is unanimously accepted by this Assembly". Thus, in effect, the decision on the question of the reservation has been transferred to the organization; and it would scarcely be possible to find a clearer application of the principle that, to such reservations, general consent is necessary and that they cannot be made unilaterally.³⁵

VIII. *Method by which depositary obtains consent*

14. Different views have been expressed as to how consent to reservations made on ratification should be obtained by the Headquarters Government or depositary authority. The comment on article 15 (b) of the Harvard draft Convention on the Law of Treaties suggests that, depending on the circumstances of the case, a State which is the depositary of ratifications may either:

(i) Communicate the proposed reservations, both to the other signatories which have not yet ratified and to those signatories which have deposited ratifications, in a note implying that in the absence of express objections their consent to the proposed reservation will be presumed.

or

(ii) Request from the other States concerned, whether they are signatories which have not yet ratified or signatories which have deposited ratifications, an express indication of consent by vote.³⁶

Hackworth, on the other hand, considers that there is a difference in such circumstances, between signatories whose ratifications have been deposited and signatories which have not yet ratified. The former should signify the acceptance of the proposed reservations by some positive act, but in the case of the latter it is probable that acceptance of the reservations would be implied from failure to object.³⁷

IX. *General conclusion*

15. The most generally accepted opinion clearly is that a State which wishes to make a reservation to a multilateral convention may do so only if, at the least, all the other States which are signatories to the Convention consent; and, in the case of conventions which are still open for signature, it is arguable that the con-

sent of all those who have a right to sign must be obtained. It is preferable that consent should be given explicitly, but in some cases it can be assumed from silence. If, however, one of the other States possessing a right to object explicitly refuses to accept a reservation, the reservation must either be abandoned or the State making the reservation must remain outside the convention altogether. This would be so even though only one article of the convention were to be affected, for, as Sir William Malkin put it, "If . . . any party is entitled, without the consent of the other signatories, to pick out of the convention any provisions to which it objects and exclude them by means of a reservation from the obligations which it accepts, it is obvious . . . that the object of the convention might be largely defeated".³⁸ Equally, given the fact that the consideration for the acceptance of the contract by any one party is its acceptance by the others, it is also clear that such consideration would be impaired or even destroyed. The argument sometimes advanced that, as no State is obliged to sign any convention unless it wishes to do so, any State is entitled to accept as much or as little of a convention as it may think fit, and is therefore in a position to make any reservations which it considers desirable, irrespective of the views of the other actual or potential parties, is untenable. An international convention is an integral whole and must be accepted or not accepted as a whole. It cannot be accepted in part. Derogations may, exceptionally, be permitted to meet the special circumstances of particular countries, provided they receive the consent of the other interested parties, but no State can claim a right to make such reservations unilaterally, or accept those parts of a convention which suit it while excluding those parts it disagrees with or does not feel it can carry out. The Harvard research commentators endorse this view,³⁹ and quote a memorandum addressed to the Secretary-General of the League of Nations by the British Government for circulation to the members of the Council of the League of Nations regarding the Austrian signature with reservations of the Opium Convention of 19 February 1925:

"If individual States are to be entitled, without consultation with other signatories, to accept an agreement as a whole while declining to adopt those of its provisions which may be unwelcome to them, there is a danger that such a practice would tend to defeat the purposes for which multilateral agreements are entered into".⁴⁰

DOCUMENT A/C.6/L.114

United States of America: draft resolution

[Original text: English]
[2 October 1950]

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions (A/1372);

Decides that pending the formulation of a report by the International Law Commission, the Secretary-General shall observe the following procedure with respect to ratifications or accessions embodying reservations:

³⁵ *Ibid.*, pp. 125-127.

³⁶ *Harvard Draft Convention*, Comment, *loc. cit.*, pp. 901-902.

³⁷ Hackworth, *op. cit.*, p. 130.

³⁸ Malkin, *loc. cit.*, p. 142.

³⁹ *Harvard Draft Convention*, Comment, *loc. cit.*, p. 870.

⁴⁰ League of Nations *Official Journal*, 1926, pp. 612-613.

To the extent not inconsistent with express provisions in the convention, or in any applicable agreement between States directly concerned, the Secretary-General shall, when acting as depositary of a multilateral convention, receive for definitive deposit an instrument of ratification or accession containing a reservation under the following conditions:

(a) In regard to a convention which has not yet come into force, only with the consent of all States which ratify or accede thereto up to the date of entry into force;

(b) In regard to a convention which has come into force, only with the consent of all States which have theretofore ratified or acceded.

DOCUMENT A/C.6/L.114/Rev.1

United States of America: revised draft resolution

[Original text: English]

[7 October 1950]

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions (A/1372);

Decides that, pending the formulation of a report by the International Law Commission and until otherwise instructed by the General Assembly, the Secretary-General shall observe the following procedure with respect to ratifications or accessions embodying reservations:

To the extent not inconsistent with express provisions in the convention, or in the absence of other agreement between States directly concerned, the Secretary-

General shall, when acting as depositary of a multilateral convention, consider as deposited for the purpose of the initial coming into force of the convention an instrument of ratification or accession containing a reservation by a State only with the consent of all other States which ratify or accede thereto prior to the date of entry into force.

The Secretary-General shall, when acting as depositary, continue to afford a *locus* for deposit and to act as intermediary for the communications of States seeking to ratify or accede, or accept or reject ratifications, and shall keep a complete file relating thereto, all without prejudice to the legal effect thereof.

DOCUMENT A/C.6/L.115

United Kingdom: amendments to the draft resolution submitted by the United States of America (A/C.6/L.114)

[Original text: English]

[4 October 1950]

1. Substitute the following paragraph for the second paragraph of the United States draft resolution:

“Decides that pending the receipt of an advisory opinion from the International Court of Justice on the question formulated in the final paragraph of the present resolution, the Secretary-General shall observe the following procedure with respect to ratifications or accessions embodying reservations:”

2. Add the following paragraph at the end of the resolution:

“Requests the International Court of Justice to furnish it with an advisory opinion on the following question:

“Whether the procedure laid down in the preceding paragraph is in conformity with the rules of international law governing the validity of reservations to multilateral conventions and the effect of objections made thereto, with particular reference to the type of convention of which the Secretary-General of the United Nations is normally the depositary.”

3. The following drafting amendments should be

made to sub-paragraphs (a) and (b) in the third paragraph of the United States resolution:

For the words “up to the date of entry into force” at the end of sub-paragraph (a), substitute “prior to the date of entry into force”. In the second line of sub-paragraph (b), for the words “all States which have heretofore ratified or acceded” substitute “all States which have ratified or acceded to the convention prior to the date of deposit of the instrument containing the reservation”.

4. In the event of the reference to the International Court of Justice not being accepted, the United Kingdom will propose replacing sub-paragraphs (a) and (b) of the third paragraph of the United States draft resolution by the following paragraphs:

“(a) In regard to a convention which has not yet come into force, only with the consent of all States which become signatories thereto prior to the date of entry into force,

“(b) In regard to a convention which has come into force, only with the consent of all States which have become signatories to the convention prior to the deposit of the instrument containing the reservation.”

DOCUMENT A/C.6/L.116

Uruguay: amendments to the draft resolution submitted by the United States of America (A/C.6/L.114)

[Original text: Spanish]

[5 October 1950]

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions (A/1372),

Decides that pending the formulation of a report by the International Law Commission, the Secretary-General shall observe the following rules with respect to ratifications or accessions embodying reservations, to the extent that such procedure is not inconsistent with express provisions in the convention or in any agreement between States directly concerned:

(a) The treaty shall have effect, as signed, in respect of those countries which have ratified it without reservations, in the form in which it was originally drafted and signed;

(b) It shall have effect in respect of the Governments which have ratified it with reservations and the signatory States which have accepted them, as modified by such reservations;

(c) It shall not have effect as between a Government which has ratified it with reservations and a Government which has already ratified the treaty but does not accept the reservations.

DOCUMENT A/C.6/L.117

Uruguay: memorandum

[Original text: Spanish]

[5 October 1950]

1. The Uruguayan delegation disagrees in certain important and fundamental respects with the views expounded in the learned report submitted for our consideration by the Secretary-General (A/1372).

2. We are all agreed, and there can be no doubt on this point, that a reservation must be accepted. If a State accedes to a treaty with reservations such accession can have effect only if accepted by the ratifying States.

3. Herein, however, lies the chief difference between the system followed by the Pan American Union and that adopted by the League of Nations. The difference is that under the League of Nations system, where a multilateral treaty is signed and one of the States subsequently ratifies it with reservations, then in order that such later accession subject to reservations may be valid and the State be regarded as a party to the treaty, it is necessary that *all* those States which have already acceded should accept the reservations. If a single ratifying State refuses to admit them, the accession with reservations will be null and void and the State making them will be outside the treaty and will not be a party to it.

4. On the other hand, under the Pan American Union system the position is different. It can be perfectly illustrated by an example which actually occurred. Let us suppose that a multilateral treaty has been concluded by the twenty-one American Republics. Eighteen of the States accede to and ratify the treaty without reservation; one, however—Uruguay, for example—ratifies it subject to reservations. The accession subject to reservations is then notified to the Pan American Union, the body with whom ratifications are deposited. Let us now suppose that seventeen of the eighteen ratifying States accept the Uruguayan reservation but one—Cuba, for example—signifies that it

cannot accept the reservation. In that case, under the Pan American system, although the reservation made by Uruguay has been rejected by one State, Uruguay may become a party to the Treaty and is bound, vis-à-vis the seventeen States which have accepted its reservation, by the terms of the treaty as modified by the reservation; but between Uruguay and the State which has not accepted the reservation—Cuba in this instance—there is deemed to exist no treaty.

5. Now, the Secretary-General of the United Nations has been made the depositary of the ratifications of numerous conventions concluded under the auspices of the United Nations.

6. That Organization is now faced with the problem whether to continue the practice of the League of Nations or to adopt that of the Pan American Union. The Secretary-General, in his report (A/1372), has inclined toward the Geneva system and not toward the Pan American system, and has defended it vigorously. The only criticism that can be levelled against this learned document is that it constitutes an apology for the first system and not an impartial and objective study of the problem such as we might perhaps have been entitled to expect from the Secretary-General.

7. Our delegation agrees with the basic assumption of the Secretary-General's report (A/1372) that it is necessary to give the Secretary-General some standard according to which to act in carrying out his important function as depositary of ratifications. He cannot be left without any guide, to be a mere passive receiver of those instruments and an intermediary between the parties.

8. Our delegation, however, disagrees with the choice of system which the Secretary-General has made.

9. What are the reasons which the Secretary-General has given us for his preference of the Geneva system to the Pan American system?

10. They are certainly weighty reasons: they are supported by the opinions of publicists and institutions of great authority who have stated that the League system has a more juridical character than does the system of the Pan American Union.

11. He advances, however, only very few and very weak arguments of substance to show that the League of Nations system is the better one from the point of view of expediency.

12. Our delegation is prepared to bow to the authority of reason, but not to the reason of authority.

13. In our opinion, the crux of the matter is that the choice between the League system and the Pan American Union system is one of pure expediency and not one to be governed by legal rules. Both systems are perfectly proper and acceptable in international law.

14. The fact that the Pan American Union has succeeded in following for so long, without the least difficulty and with the full consent of the twenty Latin-American States and the United States, the system which it has selected, is the best evidence that there is nothing intrinsically contrary to law or impracticable about that system.

15. When the question is put on the basis of expediency, there can, in our delegation's opinion, be no doubt of the practical superiority and greater efficiency of the Pan American Union system as compared with the League system. The Secretary-General is obliged to admit as much in his own report (para. 30).

16. The Pan American system facilitates the making of reservations, and thus has the effect of increasing the number of ratifications and of widening the use and scope of treaties. It hastens their entry into force; it leaves the parties a much freer hand; in short, it encourages the progressive development of international law by means of multilateral conventions.

17. On the other hand, the League system introduces a dangerous limitation and restriction of the freedom of States to formulate reservations. It makes ratification difficult, it postpones the entry into force of multilateral treaties; it gives States arbitrary power to exclude others from the operation of the treaty without just cause. Under the League system which the Secretary-General is recommending to us, any State can exclude from the operation of a treaty any other State by reason of the slightest disagreement with the most trivial and inoffensive reservation. This means neither more nor less than the extension into this field of the unanimity principle. It is equivalent to extending the veto into the sphere of the General Assembly. It means that the veto, which has already had such serious results in respect of the admission of new Members, would be extended to the acceptance of ratifying States into the system of important multilateral treaties concluded, and to be concluded, under the auspices of the United Nations.

18. For example, certain American countries have traditional objections which they make in most of their treaties—of whatever kind—and which are intended to safeguard territorial rights over areas they consider to be in the illegal possession of other States. Naturally,

those other States will not accept such reservations, because that would be to admit the justice of the claims. By the system proposed by the Secretary-General, such non-acceptance would systematically exclude from the operation of a treaty American States which made such traditional reservations. It would have the effect of excluding from the whole system of treaties concluded and to be concluded under the auspices of the United Nations, Member States which have a perfect right to participate in them and whose participation would be most valuable.

19. It is impossible, let us say again, to introduce the veto into a matter such as this. Curiously enough, the Soviet Union has itself opposed this kind of veto. In 1935, the Soviet Union acceded with reservations to the Convention for Facilitating the International Circulation of Films of an Educational Character. Chile was the only ratifying State which would not accept those reservations. The Soviet Union thereupon proposed that the Convention should be deemed to have entered into force in respect of all the other ratifying States but not to exist between Chile and the Soviet Union. The Chilean Government, following the Pan American practice, accepted that proposal.¹

20. It may be said that it is necessary to safeguard the position of a ratifying State which cannot accept a reservation made by another. In our opinion, sufficient protection is afforded by the rule that the treaty shall not enter into force between the State which makes the reservation and the State which does not accept it, but that it may enter into force with respect to those States which do not object to the reservation.

21. The Secretary-General states in his report that this system is suitable for a regional organization such as the Organization of American States, but not for a universal body under whose auspices treaties and laws containing rules of general application are concluded.

22. I should like to point out that the Organization of American States has concluded more treaty statutes embodying general rules than has the United Nations, and that the reservations procedure has never given rise to the slightest difficulty.

23. We cannot, of course, ignore the class of treaties which by their special nature require universal and complete acceptance by all the ratifying States, since a reservation by any one of them would destroy the *do ut des* relationship for all the others. But this type of treaty is undoubtedly very exceptional indeed. The law must be made for the ordinary case, *quod plerumque fit*, and not for the exception. Moreover, when treaties of this special nature are negotiated, there is nothing to prevent the insertion in the text of the clause proposed to us in the Secretary-General's report as a general rule (A/1372).

24. Reference is also made in that document to the position with regard to the constitutions of the specialized agencies and other international bodies. In these cases, of course, no party can be admitted which makes its entry conditional on reservations to the obligations imposed by the instruments in question. These cases,

¹ *American Journal of International Law*, vol. 33, p. 491.

however, are governed by a different system: it is the organs of the international organization in question which themselves take decisions of an organic nature on applications for the admission of members, and they must naturally take such reservations into account in refusing to approve the admission of the applicant under those conditions. This argument therefore has no relevance here.

25. The United States delegation has presented a draft resolution (A/C.6/L.114) comprising the following points:

(a) That the definitive study of this question be referred to the International Law Commission;

(b) That the provisions contained in the treaty itself shall apply in every case; and

(c) That until the International Law Commission has given its views, and if the treaty contains no express provisions in the matter, the system proposed by the Secretary-General shall be applied.

26. We agree with the first two points of the United States proposal. This is a question of practical and scientific importance. Our delegation is certain that that distinguished Commission will study the problem conscientiously and not permit itself to be influenced by legal prejudices or preconceptions, but will bear in mind the best interests of the progressive development of international law.

27. Strictly speaking, the system proposed by the United States leaves the problem unsolved. If a State accedes with reservations, it is necessary to decide whether it can be admitted, to have an *ad hoc* acceptance for each case and for each treaty. But these acceptances will have to be unanimous. That leaves us with the problem of the veto, and in the final analysis it is the system of the League of Nations.

28. The plan which Uruguay proposes and which the Pan American Union follows is that it should be agreed in advance that there would be no power of veto as a general rule.

29. We also agree with the United States proposal that in every case, the provisions contained in the treaty should prevail.

30. In this matter we can do no more than draw up supplementary rules that will apply only if the treaty contains no provision in the matter. We oppose, on the other hand, the transitional or temporary solution proposed in the United States draft. For the reasons already given, our delegation believes that it would be preferable for the time being and until the International Law Commission states its views, to adopt the system of the Pan American Union and not that of Geneva. Consequently, our delegation is moving a partial amendment (A/C.6/L.116) to the United States proposal, moving the adoption of the rules of the Pan American system.

DOCUMENT A/C.6/L.118

France: amendments to the draft resolution submitted by the United States of America (A/C.6/L.114)

[Original text: French]

[5 October 1950]

Delete the second and third paragraphs of the United States draft resolution and replace by the following text:

“Noting that the Members of the United Nations hold divergent opinions concerning the legal value and the scope of such reservations,

“Requests the International Court of Justice to furnish an advisory opinion on the following question: Where no express provision is made in the actual text of the conventions, what are the conditions governing the validity of the reservations made to multilateral Conventions and, in particular, what legal effect is to be ascribed to any objections made to such reservations?

“Urges the Court to render its opinion as promptly

as possible so that the opinion may be used by the Secretary-General without delay;

“Requests the Secretary-General to follow, in the case of ratifications or accessions subject to reservations, the procedure to be described in the advisory opinion of the Court; and

“Recommends to the Members of the United Nations that they dispense as far as possible with the use of reservations when ratifying or acceding to multilateral conventions concluded under the auspices of the United Nations, and, in cases where they deem it advisable to provide for the possibility of such reservations, to lay down the procedure therefor in the text of the convention.”

DOCUMENT A/C.6/L.119

Iran: amendment to the draft resolution submitted by the United States of America (A/C.6/L.114)

[Original text: French]

[5 October 1950]

Add the following paragraph to the United States draft resolution:

“Recommends to the Member States of the United Nations the insertion in all conventions to be concluded

by them in future of a clause defining the procedure to be adopted by the depositary when a reservation is entered by a State, and the legal effect of an objection to such reservation put forward by another State”.

DOCUMENT A/C.6/L.120

Chile: amendment to the draft resolution amended by Uruguay (A/C.6/L.116)

[Original text: Spanish]

[10 October 1950]

In the second paragraph, after the words "or in any agreement between States directly concerned", add the following:

"and provided the text of the convention has not been approved by the General Assembly of the United Nations:"

DOCUMENT A/C.6/L.121

Sweden: amendment to the United Kingdom amendments (A/C.6/L.115) to the draft resolution submitted by the United States of America (A/C.6/L.114)

[Original text: French]

[10 October 1950]

Add the following new sub-paragraph after sub-paragraphs (a) and (b) of paragraph 4 of the United Kingdom draft:

"(c) In regard to a convention prescribing a time-limit for signature, only after the expiry of such time-limit and with the consent of all States which have signed the convention within the prescribed time-limit."

DOCUMENT A/C.6/L.122

Note by the Secretary-General

[Original text: English]

[12 October 1950]

At the request of the Sixth Committee, the Secretary-General reproduces below a list of multilateral agreements (excluding the Convention on the Prevention and Punishment of the Crime of Genocide) of which he is the depositary and which have not yet entered into force:

- I. The Havana Charter for an International Trade Organization, signed at Havana on 24 March 1948:
 - Signatories to the Final Act of the United Nations Conference on Trade and Employment 54
 - Acceptances 1

(This Charter shall enter into force on the sixtieth day following the day on which twenty instruments of acceptance of the Governments represented at the United Nations Conference on Trade and Employment have been deposited. In accordance with article 103, the Secretary-General shall inform all interested Governments of the day on which the Charter enters into force.)
- II. Convention on the Inter-Governmental Maritime Consultative Organization, signed at Geneva on 6 March 1948:
 - Signatures, subject to approval. 20
 - Acceptances 4

(In accordance with article 60, this Convention shall enter into force on the date when twenty-one States, of which seven shall each have a total tonnage of not less

than 1,000,000 gross tons of shipping, have become parties thereto. In accordance with article 61, the Secretary-General shall inform all interested States of the date on which the Convention enters into force.)

- III. Convention on Road Traffic, signed at Geneva on 19 September 1949:
 - Signatures 21
 - Ratifications 2
 - Accessions none

(In accordance with article 29, this Convention shall enter into force on the thirtieth day after the date of the deposit of the fifth instrument of ratification or accession, and the Secretary-General shall notify all interested Governments of the date on which this Convention enters into force.)
- IV. Protocol on Road Signs and Signals, signed at Geneva on 19 September 1949:
 - Signatures 16
 - Ratifications or accessions none

(In accordance with article 58, this Protocol shall enter into force fifteen months after the date of deposit of the fifth instrument of ratification or accession, and the Secretary-General shall notify all the interested Governments of the date on which this Protocol comes into force.)
- V. Agreement for Facilitating the International Circulation of Visual and Auditory Materials of an Educational, Scientific and Cul-

tural Character with Protocol of Signature, opened for signature at Lake Success, New York on 15 July 1949:

Signatures 16
Acceptances 4

(In accordance with article XII, this Agreement shall come into force ninety days after the Secretary-General has received at least ten instruments of acceptance or accession, and the Secretary-General shall thereafter draw up a *procès-verbal* specifying the date on which the Agreement shall have come into force.)

VI. Convention on the Declaration of Death of Missing Persons, Lake Success, New York, 6 April 1950:

Signatories to the Final Act of the United Nations Conference on Declaration of Death of Missing Persons..... 27
Accessions none

(In accordance with article 14, this Convention shall come into force on the thirtieth day following the deposit of the second instrument of accession. In accordance with

article 16, the Secretary-General shall notify all interested Governments of the date on which the Convention has entered into force.)

VII. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature at Lake Success, New York on 21 March 1950:

Signatures 5
Ratifications none

(In accordance with article 23, this Convention shall come into force on the ninetieth day following the date of deposit of the second instrument of ratification or accession. In accordance with article 26, the Secretary-General shall inform all interested Governments of the date on which the Convention enters into force.)

VIII. The agreement on the importation of educational, scientific and cultural materials is now under preparation and should be opened for signature during the course of the present (fifth) session of the General Assembly.

DOCUMENT A/C.6/L.122/Add.1

Note by the Secretary-General: addendum

[Original text: English]
[13 October 1950]

The Secretary-General wishes to indicate, in regard to the list of multilateral agreements of which he is the depositary and which have not yet entered into force (A/C.6/L.122), that the following instruments contain provisions regarding reservations:

III. Convention on Road Traffic, signed at Geneva on 19 September 1949.

Article 2 of the Convention provides:

"1. The annexes to this Convention shall be considered as integral parts of the Convention; it being understood, however, that any State may on signature or ratification of, or accession to, the Convention, or at any time thereafter by declaration exclude annexes 1 and 2 from its application of the Convention.

"2. Any Contracting State may at any time give notice to the Secretary-General of the United Nations that it will be bound, as from the date of the said notification, by annexes 1 and 2 as excluded under the terms of paragraph 1 of this article."

Paragraph 7 (d) of the Final Act of the United Nations Conference on Road and Motor Transport provides:

"7. In the course of its work the Conference reached certain other decisions, which are hereby placed on record:

* * *

"(d) That there would be no objection to a reservation by the United Kingdom in respect of article 26 of the Convention on Road Traffic in the following terms:

"That cycles in international traffic admitted to the United Kingdom of Great Britain and Northern Ireland shall, from nightfall and during the night or whenever atmospheric conditions render it necessary, show only a white light to the front, and show to the rear a red light, a red reflex reflector and a white surface in accordance with the domestic legislation of the United Kingdom."

IV. Protocol on Road Signs and Signals, signed at Geneva on 19 September 1949:

Paragraphs 7 (e) and (f) of the Final Act of the United Nations Conference on Road and Motor Transport provide:

"7. In the course of its work the Conference reached certain other decisions, which are hereby placed on record:

* * *

"(e) That there would be no objection to a reservation by Sweden and by Norway in respect of paragraph 5 of article 15 of the Protocol on Road Signs and Signals, to the following effect:

"That the use of the Saint Andrew's Cross at level-crossings with gates shall be permitted in Sweden and in Norway;

"(f) That there would be no objection to a reservation by Austria in respect of paragraph 1 of article 45 of the Protocol on Road Signs and Signals to the following effect:

"That the signs for the special identification of routes in Austria may be either rectangular or circular in shape."

VI. Convention on the Declaration of Death of Missing Persons, Lake Success, New York, 6 April 1950:

Article 19 of the Convention provides:

"Any State may subject its accession to the present Convention to reservations which may be formulated only at the time of accession.

"If a Contracting State does not accept the reservations which another State may have thus attached to its accession, the former may, provided it does so within ninety days from the date on which the Secretary-

General will have transmitted the reservations to it, notify the Secretary-General that it considers such accession as not having entered into force between the State making the reservation and the State not accepting it. In such cases, the Convention shall be considered as not being in force between such two States."

VIII. Agreement on the importation of educational, scientific and cultural materials. (Not yet opened for signature.)

In a protocol, annexed to and made an integral part of the agreement (article XVII), the Contracting States extend to the United States of America the option of ratifying or accepting this Agreement with a reservation.

DOCUMENT A/C.6/L.123

Egypt, France, Greece, Iran, United Kingdom: joint draft resolution

[Original text: English]
[13 October 1950]

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions (A/1372),

Desirous that the depositary practices within the Secretariat of the United Nations should be firmly established in order that all interested States may know what consequences will follow from an objection to a reservation,

Mindful that an objection to a reservation raises difficult questions of substantive law as to the status under the convention of the reserving State,

Recognizing, however, that the rule to be followed within the United Nations should be determined solely in respect of the types of multilateral conventions of which the Secretary-General acts as depositary and should not be deemed to affect the rules followed among themselves by any States or groups of States as to treaties not concluded under the auspices of the United Nations,

Decides to take note of the report,

Requests the International Court of Justice to render an advisory opinion on the following questions:

"In so far as concerns multilateral conventions of which the Secretary-General of the United Nations serves as the depositary, and in the absence of stipulations in a given convention as to the procedure intended to govern any of the following matters:

"I. Can the Secretary-General accept for definitive deposit an instrument of ratification or accession containing a reservation before he has ascertained whether there is any objection to that reservation on the part of any other States concerned?

"II. In the event of an objection by one State, qualified to make the objection, to a reservation submitted by another State, what is the legal effect of that objection on the participation in the convention of the reserving State?

"III. In the event that, by reason of the reply to question II, a State maintaining a reservation to which an objection has been made is in any stated circumstance to be excluded from participation in the convention, which class or classes of States have the power before the coming into force of the convention to enter an objection which will exclude such participation, and which class or classes of States have such power after the coming into force of the convention?"

Instructs the Secretary-General to follow, for the conventions of which he is made the depositary, the procedure which will result from the advisory opinion of the Court,

Recommends to Member States of the United Nations, in cases where they deem it advisable to permit reservations, to specify in the text of the convention the reservations to be allowed or the procedure to be followed in respect of reservations.

DOCUMENT A/C.6/L.124

Belgium, Denmark, Netherlands, Norway, Sweden: amendment to the joint draft resolution submitted by Egypt, France, Greece, Iran, United Kingdom (A/C.6/L.123)

[Original text: English]
[16 October 1950]

Delete from paragraph 4 the words: "should be determined solely in respect of the types of multilateral conventions of which the Secretary-General acts as depositary and",

Replace paragraph 7 by the following text: "In so far as concerns the Convention on Genocide and the multilateral conventions mentioned in the note of the Secretary-General (A/C.6/L.122), and of which the Secretary-General is depositary."

DOCUMENT A/C.6/L.125

Belgium, Chile, Denmark, Egypt, France, Greece, Iran, Netherlands, Norway, Sweden, United Kingdom, United States of America, Uruguay: joint draft resolution replacing A/C.6/L.114/Rev.1, L.115, L.116, L.118, L.119, L.120, L.121, L.123, L.124

[Original text: English]
[17 October 1950]

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions (A/1372),

Considering that certain reservations to the Convention for the Prevention and Punishment of the Crime of Genocide have been objected to by some States,

Considering that the International Law Commission is studying the whole subject of the law of treaties including the question of reservations,

Considering that different views regarding reservations were expressed in the fifth session of the General Assembly, and particularly in the Sixth Committee,

Requests the International Court of Justice to give an advisory opinion on the following questions:

In so far as concerns the Convention on Genocide, in the event of a State ratifying or acceding to the Convention subject to a reservation made either on ratification or on accession, or on signature followed by ratification:

1. Can the reserving State be regarded as being a party to the Convention while still maintaining its reservation if the reservation is objected to by one or more of the parties to the Convention but not by others;

2. If the answer to the first question is in the affirmative, what is the effect of the reservation as between the reserving State and:

- (a) The parties which object to the reservation,
- (b) Those which accept it.

3. What would be the legal effect as regards the answer to question (1) if an objection to a reservation is made:

- (a) By a signatory which has not yet ratified,
- (b) A State entitled to sign or accede but which has not yet done so.

Invites the International Law Commission:

(a) In the course of their work on the codification of the law of treaties, to study the question of reservations to multilateral conventions both from the point of view of codification and from that of the progressive development of international law; and to give priority to this study and to report thereon, especially as regards multilateral conventions of which the Secretary-General is the depositary, this report to be considered by the General Assembly at its sixth session;

(b) In connexion with this study, to take account of all the views expressed in the fifth session of the General Assembly and particularly in the Sixth Committee.

DOCUMENT A/C.6/L.127

Union of Soviet Socialist Republics: amendment to the joint draft resolution of Belgium, Chile, Denmark, Egypt, France, Greece, Iran, Netherlands, Norway, Sweden, United Kingdom, United States of America and Uruguay (A/C.6/L.125)

[Original text: Russian]
[18 October 1950]

To delete from the draft resolution contained in document A/C.6/L.125 the part beginning with the words: "*Requests* the International Court of Justice to give an

advisory opinion on the following questions . . ." to the words: ". . . a State entitled to sign or accede, but which has not yet done so".

DOCUMENT A/1494 (incorporating A/1494/Corr.1)

Report of the Sixth Committee

Rapporteur: Mr. A. Kural (Turkey)

[Original text: English]
[10 November 1950]

1. The question of reservations to multilateral conventions proposed by the Secretary-General was placed on the agenda of the fifth session of the General Assembly and was referred by the Assembly, at its 285th meeting on 26 September 1950, to the Sixth Committee for consideration.

2. As depositary of conventions which have been adopted by the General Assembly, as well as of many other multilateral agreements which have been concluded under the auspices of the United Nations, the Secretary-General had desired guidance concerning the procedure which he should follow regarding reservations

made by States as conditional to their accession to such conventions.

3. At the time the Secretary-General put this question before the General Assembly, the subject had a certain practical urgency because of the Convention on the Prevention and Punishment of the Crime of Genocide. According to article XIII thereof, that Convention would come into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification or accession. On the day of receiving the twentieth instrument the Secretary-General was to draw up a *procès-verbal* to that effect, and the receipt of the twentieth instrument was to be expected at any time. A number of States, however, had made reservations as to various articles of the Convention, to the substance of which some States had objected. It had consequently appeared to the Secretary-General that the legal effect of objections to reservations would require an early determination in order to establish whether States making reservations to which objection had been raised were to be counted among those necessary to permit the entry into force of the Convention.

4. The Sixth Committee had before it a report of the Secretary-General on reservations to multilateral conventions (A/1372), in which he gave an account of the practice which the Secretariat of the United Nations had followed up to the time of the report. He showed how this compared with the practice of the League of Nations from which it had been adapted, and reviewed the opinions of numerous international publicists and the actions of Governments in this respect.

5. The practice followed by the Secretary-General in the absence of specific provisions in a convention governing reservation procedures was summarized as follows:

“A State may make a reservation when signing, ratifying or acceding to a convention, prior to its entry into force, only with the consent of all States which have ratified or acceded thereto up to the date of entry into force; and may do so after the date of entry into force only with the consent of all States which have theretofore ratified or acceded” (A/1372, paragraph 46).

6. At the same time, the report of the Secretary-General drew attention to the system followed by the Pan American Union as to multilateral conventions concluded among the American States for which it serves as depositary. The essence of this rule has been established as follows:

“The treaty shall be in force, in the form in which it was signed, as between those countries which ratify it without reservations, in the terms in which it was originally drafted and signed. It shall be in force as between the Governments which ratify it with reservations and the signatory States which accept the reservations in the form in which the treaty may be modified by said reservations. It shall not be in force between a Government which may have ratified with reservations and another which may have already ratified, and which does not accept such reservations”¹ (A/1372, paragraph 26).

¹ Resolution of the Governing Board of the Pan American Union, adopted on 4 May 1932.

7. The Sixth Committee discussed the question of reservations at its 217th to 225th meetings inclusive, from 6 to 20 October 1950. The essential problems dealt with in the course of these debates were, broadly, the competence of the Committee to make any determination governing the larger aspects of the question; to what organ of the United Nations it might be appropriate for the question to be referred; the relative need for interim guidance to be given to the Secretary-General by the General Assembly pending the results of any such referral; what rule it would be preferable for the Secretary-General to follow in the event of such a provisional instruction; and, finally, what general recommendations to States might serve to eliminate the occurrence of the difficulties previously encountered in connexion with reservations.

8. On the question of competence a number of delegations were of the opinion that, since the question before the Committee concerned only the procedure to be followed by the Secretary-General as depositary of multilateral conventions, the General Assembly was competent to give him instructions on the manner in which he should administer that function. A large majority of the Committee, however, believed that it was not appropriate, in the time now available, for the General Assembly to establish, without further examination, rules which would have the effect of determining legal relations among States under United Nations conventions.

9. Accordingly, the Committee gave detailed consideration to the problem of referring the question to a qualified organ. Opinion was divided as to whether the International Law Commission or the International Court of Justice was more suitable in the circumstances. Many delegations favoured the International Law Commission because it already had under preparation a report on the law of treaties, and had in fact, at its second session, briefly discussed the subject of reservations. Moreover, it was considered that the International Law Commission, unlike the Court, would not be restricted to existing principles of international law in a field in which there had been insufficient development of general principles and in which the main legal systems of the world in fact differed. It was felt by many that on the present problem the Court would be confined to an interpretation of the law, whereas what was involved, in part at least, was not strictly a question of law but the development of appropriate procedures for which the Commission was well suited. It was especially felt that, in so far as concerned a general solution broadly applicable to a variety of cases, what the General Assembly required was a study to serve as a basis for future discussion.

10. The contrary position, favouring a request by the General Assembly for an advisory opinion of the International Court of Justice, was based upon the view that it was not the function of the International Law Commission to solve controversial questions; its function was to codify existing law, whereas it was the duty of the International Court of Justice to settle just such conflicts in matters of law and to state the law when it was doubtful. On the level of immediate practical considerations, it was also noted that the Court would be in a position to render an earlier decision, the more so in view of the heavy burden of work, on a va-

riety of major subjects, which already weighed upon the programme of the International Law Commission. In fact, it was suggested by France (A/C.6/L.118) that a prompt submission to the Court of a precisely formulated question might permit the Secretary-General to give effect to the opinion before the end of the ninety-day period which would bring the Convention on Genocide into force. Furthermore, it was noted by other delegations that if a difference were to arise between given States on any of the matters now under debate, these very questions would eventually be referred to the Court in accordance with article IX of the Convention on Genocide—from which it seemed logical to make the submission immediately.

11. In either case, a majority of the representatives considered that the General Assembly would wish to discuss the content of an advisory opinion of the Court, or of the study made by the International Law Commission, before the recommendation of either body could be put into practice by the Secretary-General, in so far as depositary procedures were affected.

12. Because the Convention on Genocide, which had caused the Secretary-General to submit the problem to the General Assembly, was in prospect of entering into force, a substantial number of delegations felt that some instructions to the Secretary-General were warranted pending the outcome of the reference of the matter to the International Law Commission or the International Court of Justice. For this purpose three leading proposals were made. Although a few delegations would have inclined toward the position that the depositary was competent to proceed without interim instructions, the main debate centred upon these three proposals. The United States of America submitted a draft resolution (A/C.6/L.114/Rev.1) designed to avoid delay in the entry into force of a convention by permitting the Secretary-General to follow his previous procedure, for the purposes of entry into force, in any case where reservations were submitted. But this was to be without prejudice to the legal status of the parties, of ratifications or accessions, or of acceptances or rejections of reservations.

13. The United Kingdom, on the other hand, placed before the Committee an amendment (A/C.6/L.115) designed, in its first three paragraphs, to continue the League of Nations rule as applied by the Secretary-General of the United Nations, pending the formulation of a final policy. As noted in paragraph 5 above, this rule would treat an adherence subject to a reservation as valid and acceptable by the depositary only if it first received the consent, tacit or implied, of all the other States concerned.

14. At the same time, Uruguay proposed an amendment (A/C.6/L.116) to the United States draft, instructing the Secretary-General to follow a rule modelled after that of the Pan American Union, pending the final decision. As noted in paragraph 6 above, this rule enables a convention to be in force between a State proposing a reservation and any other party accepting that reservation, while not in force as between the reserving State and any party expressing its disagreement with the reservation.

15. Numerous delegations favoured the United States proposal because it facilitated the entry into force of

conventions and still sought not to compromise the question of the legal position of States as parties. Some delegations, however, argued against the United States proposal on the ground that it was preferable to adopt one or the other of the traditional rules.

16. The principal reasons adduced in favour of the United Kingdom amendment were that it maintained a convention in the form of one integral text applicable to the legal relations among all parties, and prevented an alteration by means of a reservation of any of the terms of that text against the will of the States concerned. On the other hand, many of the delegations opposing the League of Nations practice considered that it would now constitute an extension of the rule of unanimity with its corollary, the veto. It would enable one State arbitrarily to exclude the participation of another even though the reservation might be proposed only on some reasonable adjustment of the framework of the convention to the internal legal system of the reserving State. Such a result would derogate from the sovereignty of the reserving State.

17. The practice of the Pan American Union was strongly advocated by many delegations. They argued that by facilitating reservations the system enabled the maximum number of States to accede to conventions, thus speeding their entry into force, and so favouring the progressive development of international law while nevertheless respecting the national sovereignty of each State. Although opposing this system, those delegations which favoured the practice thus far followed by the League of Nations and the Secretary-General of the United Nations acknowledged the advantages of the Pan American method and emphasized its applicability to a regional organization. They also stressed that any rule adopted by the United Nations would not prejudice the right of other organizations to follow a system of their own choosing. Their objection to the Uruguayan proposal, as a provisional measure, was that it would upset the procedures and the relations among States thus far prevailing, for what might prove to be only an interim period. As regards long-term legal considerations, it was objected that this system, although it facilitated adherences to conventions, did so only, in effect, by breaking down a uniform multilateral text into a composite of bilateral agreements between some pairs of adhering States but not between other pairs. To those delegations emphasizing the law-making character of United Nations conventions, it seemed undesirable to turn to a system which would theoretically permit the obligations of States under broad rules of international conduct to obtain between some States adhering to the convention but not between others. It was for this reason that the representative of Chile offered an amendment (A/C.6/L.120) to the Uruguayan proposal in order that it might not apply where the text of the convention had been adopted by the General Assembly. He urged that a minority ought not to be able to make its views, outvoted on the floor of the Assembly, prevail by the device of reservations.

18. A number of subsidiary questions were raised in connexion with the problem of interim instructions. If the League of Nations rule requiring consent to reservations were to be followed, it would be necessary to decide what groups of States should have the power to exclude, by objecting to a reservation, the participa

tion of a State ready to take part subject to the conditions presented. One element of the United Kingdom draft (A/C.6/L.115) was that signatory States, having an interest to protect in the text of a convention in the form in which it was signed, should—up to the date of entry into force—be able to prevent reservations from altering that text against their will. Carrying this view one step further, Sweden entered an amendment (A/C.6/L.121) permitting such an objection, by a signatory to a convention which prescribes a time-limit for signature, up to the date of the expiry of that time-limit. The report of the Secretary-General, on the other hand, had presumed that only ratifying or acceding States would be in a position to exercise this power to exclude. Each position received support in the course of the debates. The Netherlands, however, raised the possibility of a compromise system whereby signatories might be permitted to make so important an objection only on declaring their intention to ratify within a specified period of time.

19. So also, Iran submitted a draft, by way of amendment (A/C.6/L.119), which would have recommended to States Members of the United Nations the insertion, in all conventions to be concluded by them in the future, of a clause defining the procedure to be adopted by the depositary when a reservation is entered by a State and the legal effect of an objection to such a reservation put forward by another State. The French draft already referred to (A/C.6/L.118), while making the same point, included a recommendation that Member States dispense as far as possible with the use of reservations to conventions adopted under the auspices of the United Nations.

20. As the debates carried forward the analysis of these various positions on the whole subject of reservations, a general feeling developed that any questions to be referred to another organ would require very exact formulation. With this in mind, Egypt, France, Greece, Iran and the United Kingdom presented a joint draft resolution (A/C.6/L.123) requesting an advisory opinion from the International Court of Justice on precise questions affecting the validity of any adherence subject to a contested reservation, as well as the classes of States having the power to make an effective objection. A joint amendment to this draft, offered by Belgium, Denmark, Netherlands, Norway and Sweden (A/C.6/L.124), proposed that these questions be determined solely in respect of those multilateral conventions which had been listed by the Secretary-General as yet to come into force.

21. Meanwhile, the importance of permitting reservations was stressed by numerous delegations. The representative of Poland traced the origin of the use of reservations to the development of the majority vote in the drafting of conventions, as opposed to the earlier use of unanimity even in the preparation of the text. Since the drafting conference itself no longer required the full agreement of all prospective parties before the final text could be adopted, he noted that reservations were the counterpart device which permitted the minority nevertheless to continue as parties. He therefore urged the Committee not to adopt a rule which would permit the majority not only to impose its will in the choice of the text but also as to the conditions under which the minority might adhere—a possibility which

he could not justify by considerations either of theory or of practice.

22. The representatives of the Union of Soviet Socialist Republics and the Byelorussian Soviet Socialist Republic stated that the theory of the inability of the Secretary-General to receive an instrument of ratification in definitive deposit if even one of the States parties to a convention objected to a reservation was incompatible with the principle of State sovereignty and contrary to the fundamental principles of international law. In fact, in their view, the recommendations of the Secretary-General would have the effect of prohibiting the submission of reservations, since a State in the minority when the text of a convention was drafted could not hope that there would be no State objecting to a reservation; for a reservation was usually made because corresponding provisions had been rejected during the drafting of the text of the convention. The attitude of the Secretary-General, they contended, was contrary both to the principles of international law and to its practice in the conclusion of multilateral treaties; the indisputable right of a State to make reservations had been recognized during the signing of many treaties. As to the Convention on Genocide, the representative of the USSR was of the opinion that the Secretary-General should be strictly guided by its text, which did not contain any special procedure for the deposit of ratifications with reservations; neither did it contain any limitations of the right to submit reservations. The legal implications of a reservation at the signing of a convention, in the opinion of the USSR representative, would be that those provisions of a convention which were the subject of the reservation would not apply to relations between the State which made the reservation and all other parties to the convention. He believed that the General Assembly was not competent to give instructions to the Secretary-General, which would in effect be complementary to the text of the Convention on Genocide, since it would lead to the creation of new legal relations, not contemplated by the Convention, between States parties to the Convention. Reinforcing this stand, the representative of Czechoslovakia observed that the rule of unanimity would convert the State disagreeing with a reservation into a judge of the State which put it forward.

23. In the view of most delegations, the character of the problem before the Committee altered when, on 16 October 1950, the Assistant Secretary-General in charge of the Legal Department was able to announce that the Convention on the Prevention and Punishment of the Crime of Genocide had received a number of ratifications and accessions on 14 October, so that the twenty instruments necessary for its entry into force were now at hand, irrespective of the theory used in determining the validity of those containing reservations. In the minds of a majority of the representatives in the Committee this fact removed much of the urgency of any answer from the International Law Commission or the International Court of Justice, and significantly affected the formulation of the questions which had thus far been proposed for submission to either body. Moreover, from a list of other multilateral agreements of which the Secretary-General is the depositary, submitted to the Committee by the Secretary-General (A/C.6/L.122), together with their provisions con-

cerning reservations (A/C.6/L.122/Add.1), it appeared that there was no urgency, in so far as these other conventions were concerned, for the Secretary-General to receive particular directives.

24. At this point the thirteen delegations which had previously submitted drafts bearing on any aspect of the problem withdrew all prior drafts and offered in their place a joint proposal, which they submitted to the Committee at its 224th meeting (A/C.6/L.125). This draft formulated specific questions arising under the Convention on Genocide, to be referred to the Court with a request for an advisory opinion. At the same time, it invited the International Law Commission, in the course of its work on the codification of the law of treaties, to study the question of reservations to multilateral conventions, giving priority to the subject in order to report to the General Assembly at its sixth session.

25. It was also pointed out that, as a result of the entry into force of the Convention, it no longer seemed necessary, in view of the little likelihood of a similar situation arising in the near future, for the Sixth Committee to attempt to elaborate any interim procedure for the Secretary-General to follow until the substantive question could be settled. It would be sufficient for the depositary to continue to handle the deposit of instruments in the same manner as heretofore so long as he avoided any legal interpretation being made as to the effect of contested reservations upon the status of the parties, pending the adoption of a final solution. This would also prevent any possible prejudgment of the eventual outcome.

26. Likewise, for the reason that the joint proposal was designed to obtain not only an advisory opinion under a specific convention but also a study which might choose between distinctly different theories as to the effect of reservations, it was generally concluded that it would be premature for the General Assembly at this session to make any recommendations to States on the broader question of eliminating the difficulties which have been encountered in connexion with reservations. It was felt that it would be better to await the taking of a more definitive position at the sixth session of the General Assembly before including recommendations on the over-all subject of reservations and related procedures, since the nature of any recommendation might vary according to the type of system adopted.

27. Although approving the text of the request submitted to the International Law Commission by the joint proposal, a number of delegations were nevertheless still unable to agree to the request for an advisory opinion from the International Court of Justice on a subject of this nature. A number also believed that it was contradictory to submit the problem to two different bodies at once. The Philippine representative felt that it should be left to the contracting parties themselves to submit to the International Court of Justice any dispute as to the interpretation or application of the Convention on Genocide, as provided in its article IX; and that it was not for the General Assembly but for the parties directly involved to formulate the issues to be submitted to the judgment of the Court. For that reason the USSR proposed an amendment (A/C.6/L.127) to the joint proposal, deleting the request to

the Court for an advisory opinion. When, however, it was asked that the parts of the joint draft resolution concerning the two submissions should be voted upon separately, it was agreed that it would be unnecessary to vote upon the USSR amendment.

28. At the request of the Philippine representative, a roll-call vote was taken on that part of the draft resolution which requested an advisory opinion from the Court. It was adopted by 28 votes to 13, with 10 abstentions, as follows:

In favour: Afghanistan, Australia, Belgium, Brazil, Burma, Canada, Chile, Denmark, Egypt, France, Greece, India, Iran, Iraq, Israel, Mexico, Netherlands, New Zealand, Norway, Pakistan, Panama, Sweden, Union of South Africa, United Kingdom, United States of America, Uruguay, Yemen, Yugoslavia.

Against: Argentina, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ecuador, El Salvador, Guatemala, Haiti, Philippines, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: China, Colombia, Dominican Republic, Honduras, Lebanon, Peru, Saudi Arabia, Syria, Thailand, Venezuela.

29. The request for a priority study by the International Law Commission on the question of reservations was then adopted by 46 votes to none, with 7 abstentions.

30. The preamble being adopted by 40 votes to one, with 11 abstentions, the draft resolution (A/C.6/L.125) was accordingly voted on as a whole and adopted by 36 votes to 7, with 9 abstentions.

31. The Sixth Committee therefore recommends to the General Assembly for adoption the following resolution:

RESERVATIONS TO MULTILATERAL CONVENTIONS

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions,

Considering that certain reservations to the Convention for the Prevention and Punishment of Genocide have been objected to by some States,

Considering that the International Law Commission is studying the whole subject of the law of treaties, including the question of reservations,

Considering that different views regarding reservations have been expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee,

1. *Requests* the International Court of Justice to give an advisory opinion on the following questions:

“In so far as concerns the Convention on the Prevention and Punishment of the Crime of Genocide in the event of a State ratifying or acceding to the Convention subject to a reservation made either on ratification or on accession, or on signature followed by ratification:

“I. Can the reserving State be regarded as being a party to the Convention while still maintaining its

reservation if the reservation is objected to by one or more of the parties to the Convention but not by others?

“II. If the answer to the first question is in the affirmative, what is the effect of the reservation as between the reserving State and:

“(a) The parties which object to the reservation;

“(b) Those which accept it?”

“III. What would be the legal effect as regards the answer to question I if an objection to a reservation is made:

“(a) By a signatory which has not yet ratified;

“(b) By a State entitled to sign or accede but which has not yet done so?”

2. *Invites* the International Law Commission:

(a) In the course of its work on the codification of the law of treaties to study the question of reservations to multilateral conventions both from the point of view of codification and from that of the progressive development of international law; to give priority to this study and to report thereon, especially as regards multilateral conventions of which the Secretary-General is the depositary, this report to be considered by the General Assembly at its sixth session;

(b) In connexion with this study, to take account of all the views expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee.

DOCUMENT A/1495

Belgium, Chile, Denmark, Egypt, France, Greece, Iran, Netherlands, Norway, Sweden, United Kingdom, United States of America, Uruguay: amendment to the draft resolution proposed by the Sixth Committee (A/1494)

[Original text: English]

[10 November 1950]

Add the following paragraph at the end of the draft resolution proposed by the Sixth Committee:

“*Instructs* the Secretary-General, pending the rendering of the advisory opinion by the International Court of Justice, the receipt of a report from the International Law Commission and further action by the General

Assembly, to follow his prior practice with respect to the receipt of reservations to conventions and to the notification and solicitation of approvals thereof, all without prejudice to the legal effect of objections to reservations to conventions as may be recommended by the General Assembly at its sixth session”.

DOCUMENT A/1517

Resolution adopted by the General Assembly at its 305th plenary meeting on 16 November 1950

[Original text: English]

[17 November 1950]

RESERVATIONS TO MULTILATERAL CONVENTIONS

The General Assembly,

Having examined the report of the Secretary-General regarding reservations to multilateral conventions,

Considering that certain reservations to the Convention on the Prevention and Punishment of the Crime of Genocide have been objected to by some States,

Considering that the International Law Commission is studying the whole subject of the law of treaties, including the question of reservations,

Considering that different views regarding reservations have been expressed during the fifth session of the General Assembly, and particularly in the Sixth Committee,

1. *Requests* the International Court of Justice to give an advisory opinion on the following questions:

“In so far as concerns the Convention on the Prevention and Punishment of the Crime of Genocide in the event of a State ratifying or acceding to the Con-

vention subject to a reservation made either on ratification or on accession, or on signature followed by ratification:

“I. Can the reserving State be regarded as being a party to the Convention while still maintaining its reservation if the reservation is objected to by one or more of the parties to the Convention but not by others?

“II. If the answer to question I is in the affirmative, what is the effect of the reservation as between the reserving State and:

“(a) The parties which object to the reservation?

“(b) Those which accept it?”

“III. What would be the legal effect as regards the answer to question I if an objection to a reservation is made:

“(a) By a signatory which has not yet ratified?

“(b) By a State entitled to sign or accede but which has not yet done so?”;

2. *Invites* the International Law Commission:

(a) In the course of its work on the codification of the law of treaties, to study the question of reservations to multilateral conventions both from the point of view of codification and from that of the progressive development of international law; to give priority to this study and to report thereon, especially as regards multilateral conventions of which the Secretary-General is the depositary, this report to be considered by the General Assembly at its sixth session;

(b) In connexion with this study, to take account of all the views expressed during the fifth session of

the General Assembly, and particularly in the Sixth Committee;

3. *Instructs* the Secretary-General, pending the rendering of the advisory opinion by the International Court of Justice, the receipt of a report from the International Law Commission and further action by the General Assembly, to follow his prior practice with respect to the receipt of reservations to conventions and with respect to the notification and solicitation of approvals thereof, all without prejudice to the legal effect of objections to reservations to conventions as it may be recommended by the General Assembly at its sixth session.

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Agenda item 57 : Treatment of people of Indian origin in the Union of South Africa

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DOCUMENT A/1289

Letter dated 10 July 1950 addressed to the Secretary-General by the permanent representative of India to the United Nations

[Original text : English]
[20 July 1950]

The permanent representative of India to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to state that, as the Secretary-General is aware, the question of treatment of Indians in South Africa has been before the General Assembly since 1946, and in the last resolution of the General Assembly dated 14 May 1949¹, the Governments of India, Pakistan and South Africa were invited to enter into a discussion of the issue at a round table conference, taking into consideration the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights. In pursuance of this resolution, the Government of India, in July 1949, initiated correspondence asking the Government of the Union of South Africa as to when and where such a round table conference could be held. The Government of the Union of South Africa insisted on preliminary talks with a view to drawing up the agenda for the round table conference. These talks were held in Capetown in February 1950,

at which it was agreed " to convene a round table conference to explore all possible ways and means of settling the Indian question in South Africa ". This covered two concrete items of the agenda which the three delegations had agreed to discuss at the round table conference :

1. Reduction of the Indian population in South Africa (proposed by South Africa); and
2. Removal of political, social and economic disabilities of South African nationals of Indo-Pakistan origin and the provision of opportunities for their fullest development (proposed jointly by India and Pakistan).

Even before these preliminary talks, the Government of the Union of South Africa had resorted to new anti-Indian measures in South Africa. This was brought to the notice of the Secretary-General by this delegation in July and September 1949. After these preliminary talks, the severity of action against the Indians was further intensified by the Government of the Union of South Africa, and executive action under the Asiatic Land Tenure Amendment Act of 1949 was vigorously pursued.

¹ See *Official Records of the General Assembly, third Session, Part II, Resolutions*, No. 265 (III).

The Government of India, on 5 April 1950, requested the Government of the Union of South Africa to postpone executive action under the Asiatic Land Tenure Amendment Act of 1949, refrain from extending this Act to the Cape Province and not to introduce any legislative measure which would add to the disabilities of Indians pending the proposed round table conference. The Government of Pakistan also made a similar request to the Government of the Union of South Africa. In the correspondence that has followed, the Government of the Union of South Africa has refused to accede to the request of the Government of India, and the Group Areas Bill, which the Government of India was most anxious to have postponed, was rushed through the Parliament of the Union of South Africa and had now become law.

This law enables the Government of the Union of South Africa to establish areas for exclusive occupation or ownership of any single racial group. No person from outside that group can occupy land or premises without permit one year after the notification of the group areas. Trade licences would be issued or renewed only on the production of proof that the applicant can lawfully occupy premises in that particular group area. There are substantial reasons to suggest that this enactment is primarily aimed at Indians in the Union of South Africa who, being mainly engaged in trade and business in various parts of the country, would thus be faced with disaster.

The Government of India, in correspondence with the Government of the Union of South Africa, suggested that if the Bill could not be postponed pending the round table conference, then the conference might be held immediately; but even this request was not accepted by the Government of the Union of South Africa.

It was clear from the replies received by the Government of India from the Government of the Union of South Africa that that Government was bent upon

proceeding with its policy of *Apartheid* or segregation, which the Government of India has consistently opposed for over the last half century and which is against the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights. It has, therefore, had to inform the Government of the Union of South Africa that it could not participate in such a conference.

The position of Indians in South Africa, the Government of India would urge, has not improved in any manner since the issue was last discussed at the United Nations, and their treatment continues to be a serious violation of the purposes and principles of the Charter of the United Nations and of the Universal Declaration of Human Rights. The position of the Indian community in South Africa has, if anything, deteriorated as a result of the Group Areas Act and the intensification by the Government of the Union of South Africa of its policy of racial segregation.

The Government of India desires that the United Nations should take note of these facts and take appropriate steps to ensure that the treatment of Indians in South Africa conforms to the principles and purposes of the Charter of the United Nations and the Universal Declaration of Human Rights. It would, therefore, be grateful if the Secretary-General would kindly place this subject on the provisional agenda of the fifth session of the General Assembly.

A memorandum on the developments subsequent to the resolution adopted by the General Assembly on 14 May 1949 will be sent to the Secretary-General as soon as possible.²

(Signed) B. N. RAU

*Permanent Representative of
India to the United Nations*

² See document A/1357.

DOCUMENT A/AC.38/L.33

Burma, India, Indonesia, Iraq: joint draft resolution

[Original text: English]
[14 November 1950]

The General Assembly,

Recalling its resolution 265 (III) of 14 May 1949, relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered the communication by the permanent representative of India to the Secretary-General of the United Nations dated 10 July 1950,

Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination and its resolution 217 (III) dated 10 December 1948 relating to the Universal Declaration of Human Rights,

Is of the opinion that the legislation recently enacted in the Union of South Africa under the title "The Group Areas Act", entails contravention of the purposes

and principles of the Charter of the United Nations and the Universal Declaration of Human Rights;

Notes with regret that this enactment and the policy of *Apartheid* or total segregation on which it is based have prejudiced and rendered infructuous the recommendation contained in its resolution of 14 May 1949 to the effect that the Governments of India, Pakistan and the Union of South Africa should enter into a discussion at a round table conference in the light of the Charter of the United Nations and the Universal Declaration of Human Rights; and

Recommends to the Government of the Union of South Africa to take all steps necessary speedily to bring its treatment of the people of Indian origin in the Union

of South Africa into conformity with the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, bearing in

mind the vital importance of these principles to the securing of international peace as well as the strengthening of democratic forces throughout the world.

DOCUMENT A/AC.38/L.35

Bolivia, Brazil, Denmark, Norway, Sweden : joint draft resolution

[Original text : English]
[16 November 1950]

The General Assembly,

Recalling its resolution 44 (I) and 265 (III), relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered the communication by the permanent representative of India to the Secretary-General dated 10 July 1950,

1. Recommends that the Governments of India, Pakistan and the Union of South Africa proceed, in accordance with resolution 265 (III), with the holding

of a round table conference on the basis of their agreed agenda;

2. Recommends that in the event of failure of the Governments concerned to reach an agreement in the aforesaid manner within a reasonable time, they should designate by agreement between them an individual to assist the parties in carrying through appropriate negotiations;

3. Calls upon the Governments concerned to refrain from taking any steps which would prejudice the success of their negotiations.

DOCUMENT A/1548

Report of the *Ad Hoc* Political Committee

[Original text : English]
[24 November 1950]

1. In a letter dated 10 July 1950 (A/1289), the permanent representative of India to the United Nations requested the Secretary-General to place the question of the treatment of people of Indian origin in the Union of South Africa on the provisional agenda of the fifth session of the General Assembly, and stated that a memorandum on the developments subsequent to General Assembly resolution 265 (III) of 14 May 1949 would be submitted as soon as possible. The memorandum was subsequently forwarded and circulated (A/1357, A/1357/Corr.1, A/1357/Corr.2).

2. The General Assembly, at its 285th meeting on 26 September 1950, decided to include the item in the agenda of the fifth session and to refer it to the *Ad Hoc* Political Committee.

3. The *Ad Hoc* Political Committee considered the item at its 41st to 48th meetings inclusive.

4. At its 41st meeting on 14 November, a joint draft resolution (A/AC.38/L.33) was submitted by Burma, India, Indonesia and Iraq. It expressed the opinion that "The Group Areas Act" of the Union of South Africa entailed contravention of the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and noted with regret that this Act and the policy on which it was based had prejudiced and rendered infructuous the

recommendation contained in resolution 265 (III) inviting the Governments of India, Pakistan and the Union of South Africa to enter into discussions at a round table conference. The draft resolution also recommended the Government of the Union of South Africa to take all steps necessary speedily to bring its treatment of people of Indian origin into conformity with the purposes and principles of the Charter and the Universal Declaration of Human Rights, bearing in mind the vital importance of those principles to the securing of international peace as well as the strengthening of democratic forces throughout the world.

5. At the same meeting, the representative of the Union of South Africa made a statement raising the question of the competence of the United Nations to deal with the matter. The Chairman ruled that the discussion would proceed on both the question of competence and the substance of the item, and that a vote would be taken on the question of competence prior to voting on any proposals submitted.

6. At its 43rd meeting on 15 November, the Committee decided, by 25 votes to 4, with 20 abstentions, that the text of "The Group Areas Act" of the Union of South Africa should be circulated by the Secretariat. It was circulated as document A/AC.38/L.34.

7. At the 44th meeting on 16 November, a joint draft

resolution was submitted by Bolivia, Brazil, Denmark, Norway and Sweden (A/AC.38/L.35). It recommended that the Governments of India, Pakistan and the Union of South Africa should proceed, in accordance with resolution 265 (III), with the holding of a round table conference on the basis of their agreed agenda and, in the event of failure to reach an agreement within a reasonable time, they should agree on an individual to assist them in carrying through appropriate negotiations. The joint draft resolution also called on the Governments concerned to refrain from taking any steps which would prejudice the success of their negotiations.

8. At the 45th meeting on 17 November, an amendment (A/AC.38/L.36) to the four-Power joint draft resolution (A/AC.38/L.33) was submitted by Cuba, providing for the insertion between the third and fourth paragraphs of the preamble, a clause to the effect that the policy of racial segregation (*Apartheid*) was necessarily based on doctrines of racial discrimination. At the 47th meeting, the representative of Cuba declared that, should the Committee decide to vote first on the five-Power joint draft resolution (A/AC.38/L.35), the Cuban amendment should also be considered as an amendment to that draft resolution.

9. At the 45th meeting, an amendment (A/AC.38/L.38) was submitted by the Philippines to the five-Power joint draft resolution (A/AC.38/L.35) to include a reference in paragraph 1 to the Charter and the Universal Declaration of Human Rights and an addition to paragraph 3 calling for suspension of the enforcement of "The Group Areas Act" pending the conclusion of the negotiations. The amendment was, however, withdrawn at the following meeting in favour of a new joint draft amendment embodying the Philippine amendment.

10. At the 46th meeting on 18 November, an amendment (A/AC.38/L.39) to the five-Power joint draft resolution (A/AC.38/L.35) was submitted jointly by Ecuador, Mexico, Philippines and Uruguay which provided for:

(a) The insertion after the second paragraph of the preamble of an additional paragraph reading "Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217 (III) dated 10 December 1948 relating to the Universal Declaration of Human Rights";

(b) The addition at the end of paragraph 1 of the words "and bearing in mind the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights";

(c) The insertion in paragraph 2, after the words "of the Governments concerned to" of the words "hold a round table conference within a reasonable time or to reach agreement in the round table conference"; and, at the end of the paragraph, the addition of a clause reading "should the parties fail to agree on this designation, he should be appointed, at the request of any of the parties, by the Secretary-General of the United Nations";

(d) The addition, at the end of paragraph 3, of the words "in particular, the implementation or enforce-

ment of the provisions of 'The Group Areas Act' pending the conclusion of such negotiations";

(e) The addition of a new paragraph reading "Decides to include this item in the agenda of the next regular session of the General Assembly".

11. At the same meeting, after a discussion as to whether the question of competence to be decided was the general question of the Committee's competence to discuss the item at all or only the question of its competence to adopt the specific proposals before it, the following draft resolution (A/AC.38/L.40) was submitted by Syria:

"The Ad Hoc Political Committee,

"In view of the fact that the question of competence regarding the item on the agenda relative to the treatment of people of Indian origin in the Union of South Africa has been considered, and

"In view of the discussions on this subject and the proposals submitted,

"Decides that it is competent to consider and vote on such proposals as have been submitted."

The draft resolution was adopted by the Committee by a roll-call vote of 35 votes to 3, with 17 abstentions, as follows:

In favour: Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Saudi Arabia, Sweden, Syria, United States of America, Uruguay, Yemen, Yugoslavia.

Against: Australia, Greece, Union of South Africa.

Abstaining: Afghanistan, Argentina, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, France, Luxembourg, Netherlands, New Zealand, Peru, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela.

12. At the 47th meeting on 20 November, the representative of Brazil, on behalf of the sponsors of the five-Power joint draft resolution (A/AC.35/L.35), accepted all the amendments (A/AC.38/L.39) proposed by Ecuador, Mexico, Philippines and Uruguay, except the amendment to paragraph 3. At the same meeting, the following amendments were submitted to the amendment (A/AC.38/L.39) of Ecuador, Mexico, Philippines and Uruguay:

(a) By Iraq (A/AC.38/L.41), to substitute, in paragraph 2, after the words "within a reasonable time" the following:

"... there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a commission of three members, one to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India and Pakistan and the third to be nomi-

nated by the other two, or in default of agreement between these two in a reasonable time, by the Secretary-General of the United Nations”.

(b) By the Dominican Republic (A/AC.38/L.42), to substitute at the beginning of paragraph 2 the following :

“ 2. *Recommends* that in the event of failure of the Governments concerned to hold a round table conference before 1 April 1951 or to reach agreement” and to substitute for the last part of paragraph 3, the following :

“ ... in particular, the implementation or enforcement of any provision which may make difficult an understanding.”

During the vote, the amendment relating to paragraph 3 was withdrawn by the representative of the Dominican Republic.

(c) An oral amendment suggested during the voting by the representative of Uruguay, on behalf of Ecuador, Mexico, Philippines and Uruguay, to substitute for paragraph 3 of the joint draft resolution the following :

“ *Notes* that the agenda of the proposed round table conference provided for above which they have jointly drawn up is so drafted as to permit discussion of ‘ The Group Areas Act ’ during that round table conference and invites the governments concerned to refrain from taking any steps which would prejudice the success of the negotiations”.

After discussion the amendment was withdrawn.

13. The Committee decided by 23 votes to 18 with 10 abstentions to vote first on the five-Power joint draft resolution (A/AC.38/L.35), as amended (A/AC.38/L.39).

14. The results of the voting were as follows :

(a) The first three paragraphs of the preamble were adopted by a roll-call vote of 43 votes to one with 11 abstentions, as follows :

In favour : Argentina, Bolivia, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, Norway, Pakistan, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Union of South Africa.

Abstaining : Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Greece, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(b) The Cuban amendment (A/AC.38/L.36) to add a new fourth paragraph to the preamble was adopted by a roll-call vote of 20 votes to 3, with 32 abstentions as follows :

In favour : Burma, Chile, China, Cuba, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon,

Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Yemen, Yugoslavia.

Against : Australia, Greece, Union of South Africa.

Abstaining : Afghanistan, Argentina, Belgium, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, France, Honduras, Israel, Luxembourg, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

(c) Paragraph 1, as amended, was adopted by a roll-call vote of 43 votes to one, with 11 abstentions, as follows :

In favour : Argentina, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, New Zealand, Norway, Pakistan, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : Union of South Africa.

Abstaining : Afghanistan, Australia, Belgium, Byelorussian Soviet Socialist Republic, Czechoslovakia, Greece, Luxembourg, Netherlands, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

(d) The amendment of the Dominican Republic to paragraph 2 (A/AC.38/L.42) was adopted by 27 votes to 8, with 22 abstentions.

(e) The amendment of Iraq to paragraph 2 (A/AC.38/L.41) was adopted by a roll-call vote of 27 to 12, with 17 abstentions, as follows :

In favour : Burma, Chile, China, Colombia, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Brazil, Denmark, France, Greece, Luxembourg, Netherlands, Norway, Paraguay, Sweden, Union of South Africa.

Abstaining : Afghanistan, Argentina, Bolivia, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Dominican Republic, New Zealand, Nicaragua, Peru, Poland, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

(f) Paragraph 2 as a whole, as amended, was adopted by a roll-call vote of 34 votes to 6 with 16 abstentions, as follows :

In favour : Bolivia, Burma, Chile, China, Colombia, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, France, Guatemala, Haiti, Honduras, India,

Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Thailand, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Greece, Luxembourg, Netherlands, Union of South Africa.

Abstaining: Afghanistan, Argentina, Brazil, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, New Zealand, Poland, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

(g) The amendment (A/AC.38/L.39) of Ecuador, Mexico, Philippines and Uruguay to paragraph 3 of the joint draft resolution was adopted by a roll-call vote of 24 votes to 14, with 18 abstentions, as follows:

In favour: Burma, Chile, China, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Brazil, France, Greece, Luxembourg, Netherlands, Norway, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Bolivia, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, Dominican Republic, Israel, New Zealand, Nicaragua, Paraguay, Peru, Poland, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela.

(h) Paragraph 3 as a whole, as amended, was adopted by a roll-call vote of 25 votes to 12, with 19 abstentions, as follows:

In favour: Burma, Chile, China, Cuba, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Brazil, France, Greece, Luxembourg, Netherlands, Norway, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Afghanistan, Bolivia, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, Dominican Republic, New Zealand, Nicaragua, Paraguay, Peru, Poland, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Venezuela.

(i) Paragraph 4 was adopted by a roll-call vote of 31 votes to 3, with 22 abstentions, as follows:

In favour: Bolivia, Brazil, Burma, Chile, China, Colombia, Cuba, Denmark, Ecuador, Egypt, El Salvador, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Norway, Pakistan, Paraguay, Philippines, Saudi Arabia, Syria, United States of America, Uruguay, Yemen, Yugoslavia.

Against: Australia, New Zealand, Union of South Africa.

Abstaining: Afghanistan, Argentina, Belgium, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Dominican Republic, France, Greece, Honduras, Luxembourg, Netherlands, Nicaragua, Peru, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela.

(j) The joint draft resolution as a whole, as amended, was adopted by a roll-call vote of 26 votes to 6, with 24 abstentions, as follows:

In favour: Burma, Chile, China, Cuba, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Philippines, Saudi Arabia, Syria, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Greece, Luxembourg, Netherlands, Union of South Africa.

Abstaining: Afghanistan, Argentina, Bolivia, Brazil, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, France, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

15. At the 48th meeting on 20 November, the representative of India, on behalf of the sponsors, withdrew the four-Power joint draft resolution (A/AC.38/L.33), but reserved the sponsors' right to re-submit it.

16. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution:

TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The General Assembly,

Recalling its resolutions 44 (I) and 265 (III) relating to the treatment of people of Indian origin in the Union of South Africa,

Having considered the communication by the permanent representative of India to the Secretary-General of the United Nations dated 10 July 1950,

Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217 (III) dated 10 December 1948 relating to the Universal Declaration of Human Rights,

Considering that a policy of "racial segregation" (*Apartheid*) is necessarily based on doctrines of racial discrimination,

1. *Recommends* that the Governments of India, Pakistan and the Union of South Africa proceed, in accordance with resolution 265 (III), with the holding of a round table conference on the basis of their agreed agenda and bearing in mind the provisions of the Char-

ter of the United Nations and of the Universal Declaration of Human Rights;

2. *Recommends* that, in the event of failure of the Governments concerned to hold a Round Table Conference before 1 April 1951 or to reach agreement in the round table conference within a reasonable time, there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a commission of three members, one member to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India

and Pakistan and the third to be nominated by the other two members or, in default of agreement between these two in a reasonable time, by the Secretary-General;

3. *Calls upon* the governments concerned to refrain from taking any steps which would prejudice the success of their negotiations, in particular, the implementation or enforcement of the provisions of "The Group Areas Act", pending the conclusion of such negotiations;

4. *Decides* to include this item in the agenda of the next regular session of the General Assembly.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1289	Letter dated 10 July 1950 addressed to the Secretary-General from the permanent representative of India to the United Nations	1	
A/1357	Memorandum on the question of treatment of Indians in the Union of South Africa—exchange of correspondence between the Governments of India and the Union of South Africa for holding a round table conference : Note by the Secretary-General		Government paper (India).
A/1357/Corr.1	Corrigendum to A/1357		Mimeographed document only.
A/1357/Corr.2	Corrigendum to A/1357		Mimeographed document only.
A/1548	Report of the <i>Ad Hoc</i> Political Committee	3	
A/1604	Resolution adopted by the General Assembly at its 315th meeting on 2 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 395 (V).</i>
A/AC.38/L.33	Burma, India, Indonesia, Iraq : joint draft resolution	2	
A/AC.38/L.34	Union of South Africa : Act to provide for the establishment of group areas, for the control of the acquisition of immovable property and the occupation of land and premises, and for matters incidental thereto (No. 41, 1950)		Government paper (Union of South Africa).
A/AC.38/L.35	Bolivia, Brazil, Denmark, Norway, Sweden : joint draft resolution	3	
A/AC.38/L.36	Cuba : amendment to the joint draft resolution of Burma, India, Indonesia, Iraq (A/AC.38/L.33)		Incorporated in 45th meeting.
A/AC.38/L.38	Philippines : amendment to the joint draft resolution of Bolivia, Brazil, Denmark, Norway, Sweden (A/AC.38/L.35)		Incorporated in 46th meeting.
A/AC.38/L.39	Ecuador, Mexico, Philippines, Uruguay : amendment to the joint draft resolution of Bolivia, Brazil, Denmark, Norway, Sweden (A/AC.38/L.35).		Incorporated in 46th meeting.
A/AC.38/L.40	Syria : draft resolution		Incorporated in 46th meeting.
A/AC.38/L.41	Iraq : amendment to the amendment submitted by Ecuador, Mexico, Philippines, Uruguay (A/AC.38/L.39) to the joint draft resolution of Bolivia, Brazil, Denmark, Norway, Sweden (A/AC.38/L.35)		Incorporated in 47th meeting.
A/AC.38/L.42	Dominican Republic : amendment to the amendment submitted by Ecuador, Mexico, Philippines, Uruguay (A/AC.38/L.39) to the joint draft resolution of Bolivia, Brazil, Denmark, Norway, Sweden (A/AC.38/L.35)		Incorporated in 47th meeting.
A/AC.38/L.44	Resolution adopted by the <i>Ad Hoc</i> Political Committee at its 47th meeting on 20 November 1950		Text in A/1548.



Agenda item 58 : Permanent invitation to the League of Arab States to attend sessions of the General Assembly

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DOCUMENT A/C.6/336

Israel : memorandum

[Original text : English]
[30 September 1950]

The delegation of Syria has submitted an item (A/1290) which reads :

“ Permanent invitation to the League of Arab States to attend sessions of the General Assembly. ”

The Syrian delegation has not motivated this request in an explanatory note as required by rule 20 of the rules of procedure of the General Assembly. At a meeting of the General Committee on 21 September 1950, the Syrian representative intimated that this request was based on the assumption that the League of Arab States was a “ regional arrangement ” in the meaning of Article 52 of the Charter.

The Israel delegation considers that the request that a permanent invitation be issued to the League of Arab States should be rejected on the following grounds :

1. *The League of Arab States is not a “ regional arrangement ” in the meaning of Chapter VIII of the Charter*

The area covered by the States which are members of the League of Arab States does not constitute a “ region ” in any sense recognized by the United Nations. There is a region commonly defined as the Middle East; but this comprises several non-Arab States, including Turkey, Iran, Afghanistan, Israel, Greece and Ethiopia. Regional conferences convened by the specialized agencies of the United Nations have always included some or

all of these non-Arab States, as well as those which are members of the League of Arab States. Moreover, it is impossible to conceive of a “ regional arrangement ” which is not accessible to all member States in the area defined. In this respect the League of Arab States is the precise antithesis of the Organization of American States, which bases its composition on the geographical regional principle and not on the principle of racial exclusiveness. Thus the Organization of American States is not limited to the Spanish-speaking Republics on the exclusive basis of *Hispanidad*; it also includes other States such as the United States of America, Haiti and Brazil. The League of Arab States, on the other hand, is conceived on the principle of exclusive racial and cultural identity which does not accord with the basic ideas of the Charter. Thus in granting any kind of recognition to the League of Arab States, the United Nations would be abandoning the principle of geographic regional organization in favour of racial particularism.

2. *The constitution of the League of Arab States and the relations existing between its members do not conform to the criterion of a regional arrangement*

The Pact of the League of Arab States was drawn up before the Charter of the United Nations was signed. It contains no reference to the acceptance by the League of Charter obligations. The leaders of the League of

Arab States have in recent months attempted to supplement the League's charter by a Pact of regional security in an effort to give the League the character of a regional arrangement. But the new text was also put on a racial, and not a regional, basis. Moreover, this Pact has not yet been ratified by a single State and one member of the League of Arab States, namely, the Hashemite Kingdom of the Jordan, has not even signed it. Thus no "regional arrangement" even on the racial basis, in itself inadmissible, is now in force.

3. *The only activities carried out in unison by members of the League of Arab States have been directed against the United Nations and not in support of it*

On 15 May 1948 the Secretary-General of the League of Arab States officially informed the Security Council (S/745) that the League had embarked upon "military intervention" in order to prevent the establishment of the State of Israel as envisaged by the resolution of the General Assembly. The use of armed force to eliminate the existence of a State is contrary to Article 2 of the Charter; and indeed, the United States representative in the Security Council declared on 22 May 1948 that the League intervention was an "aggression" of an "international character"¹.

Moreover, on 11 August 1949 the Security Council expressed the hope that Israel and the Arab States would negotiate, either directly or through the Conciliation Commission, for a settlement of all questions outstanding between them. Despite this injunction, the League of Arab States set its face against any peace negotiations. The memorandum of the Palestine Conciliation Commission, dated 29 March 1950, laying down procedures for negotiation, has been unanimously rejected by the League of Arab States. In April 1950, the League of Arab States actually passed a resolution forbidding any of its members, on pain of expulsion, to negotiate for peace with Israel. Thus, both in making war in 1948 and in refusing peace in 1950, the League of Arab States has directed its policy against the fundamental objectives and express injunctions of the United Nations in the Middle East.

4. *The League of Arab States is bent on subverting the*

¹ See *Official Records of the Security Council*, third year, No. 72, 302nd meeting, p. 41.

existing political status in countries outside the League itself.

It is sufficient in this connexion to read annex 2 of the League Pact regarding the co-operation of Arab countries which are not members of the Council of the League, such as the countries of North Africa.

5. *The League of Arab States has refused to co-operate with the Security Council for the restoration of international peace*

In contrast with the decision taken by the Council of the Organization of American States on 28 June 1950 with respect to Security Council action in Korea, the League of Arab States has given no support to Security Council resolutions for the restoration of international peace and security in the Far East. Indeed, the Arab representative in the Security Council (Egypt) has consistently dissociated himself from the Council's decisions in this respect. It may be noted that the League of Arab States was incapable of reaching any collective decision on this crucial matter.

6. *The procedures of the League of Arab States are contrary to those practised and approved by the United Nations*

The League of Arab States conducts all its deliberations behind closed doors and most of its decisions are kept secret. No records of meetings, no texts or drafts, and not all resolutions are published. This procedure conflicts sharply with that adopted by the United Nations and by the Organization of American States, which regulates its affairs on the principle of "open covenants openly arrived at".

7. *Even on the basis of courtesy it would be improper for the United Nations to issue an invitation to the League of Arab States*

The Secretary-General of the United Nations, or his representative, has participated in numerous conferences of the Organization of American States on the special invitation of that Organization. Thus the permanent invitation to the Organization of American States was a courtesy granted by the United Nations in return for a similar facility extended by that Organization to the United Nations. Far from inviting the Secretary-General or his representative to attend its sessions, the League of Arab States as stated above, persistently meets in secret.

DOCUMENT A/C.6/L.111

Note by the Secretary-General

[Original text: English/French]
[27 September 1950]

At the request of the Sixth Committee, the text of the Pact of the League of Arab States is reproduced below.

The Pact was filed and recorded by Egypt on 29 August 1950. The text of the Pact was submitted in Arabic, together with English and French translations.

A statement submitted by Egypt, in accordance with

article 5 of the regulations to give effect to Article 102 of the Charter, contains the following information:

"It came into force on 10 May 1945, fifteen days after the deposit of the fourth instrument of ratification with the Secretary-General of the League of Arab States, in accordance with article 20.

“ The following are the dates of deposit of the instrument of ratification and of the entry into force of the Pact in respect of each contracting party :

	<i>Date of deposit of the instrument of ratification</i>	<i>Date of entry into force</i>
Jordan	10 April 1945	10 May 1945
Egypt	12 April 1945	10 May 1945
Saudi-Arabia.	16 April 1945	10 May 1945
Iraq	25 April 1945	10 May 1945
Lebanon	16 May 1945	1 June 1945
Yemen	19 May 1945	4 June 1945
Syria	9 February 1946	24 February 1946 ”

THE PACT OF THE LEAGUE OF ARAB STATES

His Excellency the President of the Syrian Republic,
His Royal Highness the Emir of Transjordan,
His Majesty the King of Iraq,
His Majesty the King of Saudi-Arabia,
His Excellency the President of the Lebanese Republic,
His Majesty the King of Egypt,
His Majesty the King of Yemen,

With a view to strengthen the close relations and numerous ties which bind the Arab States,

And out of concern for the cementing and reinforcing of these bonds on the basis of respect for the independence and sovereignty of these States,

And in order to direct their efforts towards the goal of the welfare of all the Arab States, their common weal, the guarantee of their future and the realization of their aspirations,

And in response to Arab public opinion in all the Arab countries,

Have agreed to conclude a pact to this effect and have delegated as their plenipotentiaries those whose names are given below :

The President of the Syrian Republic has delegated for Syria :

H. E. Faris al Khury, President of the Council of Ministers

H. E. Jamil Mardam Bey, Minister of Foreign Affairs

H. R. H. The Emir of Transjordan has delegated for Transjordan :

H. E. Samir al Rifai Pasha, President of the Council of Ministers

H. E. Said al Mufti Pasha, Minister of the Interior

Sulaiman al Nabulsi Bey, Secretary of the Council of Ministers

H. M. The King of Iraq has delegated for Iraq :

H. E. Arshad al Umary, Minister of Foreign Affairs

H. E. Aly Jawdat al Ayyubi, Minister Plenipotentiary of Iraq in Washington

H. E. Tahsin al Askari, Minister Plenipotentiary of Iraq in Cairo

H. M. The King of Saudi-Arabia has delegated for Saudi-Arabia :

H. E. Sheikh Yusuf Yasin, Assistant Minister of Foreign Affairs

H. E. Khair al din al Zirikly, Counsellor of the Saudi-Arabian Legation in Cairo

The President of the Lebanese Republic has delegated for Lebanon :

H. E. Abd Alhamid Karami, President of the Council of Ministers

H. E. Yusuf Salem, Minister Plenipotentiary of Lebanon in Cairo

H. M. The King of Egypt has delegated for Egypt :

H. E. Mahmud Fahmy el Nokrachi Pasha, President of the Council of Ministers

H. E. Abd el Hamid Badawi Pasha, Minister of Foreign Affairs

H. E. Mohamed Hussein Heikal Pasha, President of the Senate

H. E. Makram Ebeid Pasha, Minister of Finance

H. E. Mohamed Hafez Ramadan Pasha, Minister of Justice

H. E. Abd al Razzak Ahmad al Sanhury Bey, Minister of Education

H. E. Abd al Rahman Azzam Bey, Minister Plenipotentiary in the Ministry of Foreign Affairs

H. M. the King of Yemen has delegated for Yemen :

...

Who, after the exchange of the credentials granting them full authority, which were found valid and in proper form, have agreed upon the following :

Article 1. The League of Arab States shall be composed of the independent Arab States that have signed this Pact.

Every independent Arab State shall have the right to adhere to the League. Should it desire to adhere, it shall present an application to this effect which shall be filed with the permanent General Secretariat and submitted to the Council at its first meeting following the presentation of the application.

Article 2. The purpose of the League is to draw closer the relations between member States and co-ordinate their political activities with the aim of realizing a close collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries.

It also has among its purposes a close co-operation of the member States with due regard to the structure of each of these States and the conditions prevailing therein, in the following matters :

(a) Economic and financial matters, including trade, customs, currency, agriculture and industry;

(b) Communications, including railways, roads, aviation, navigation, and posts and telegraphs;

(c) Cultural matters;

(d) Matters connected with nationality, passports, visas, execution of judgments and extradition;

(e) Social welfare matters;

(f) Health matters.

Article 3. The League shall have a Council composed of the representatives of the member States. Each State shall have one vote, regardless of the number of its representatives.

The Council shall be entrusted with the function of realizing the purpose of the League and of supervising the execution of the agreements concluded between the member States on matters referred to in the preceding article or on other matters.

It shall also have the function of determining the means whereby the League will collaborate with the international organizations which may be created in the future to guarantee peace and security and organize economic and social relations.

Article 4. A special Committee shall be formed for each of the categories enumerated in article 2, on which the member States shall be represented. These Committees shall be entrusted with establishing the basis and scope of co-operation in the form of draft agreements which shall be submitted to the Council for its consideration preparatory to their being submitted to the States referred to.

Delegates representing the other Arab countries may participate in these Committees as members. The Council shall determine the circumstances in which the participation of these representatives shall be allowed as well as the basis of the representation.

Article 5. The recourse to force for the settlement of disputes between two or more member States shall not be allowed. Should there arise among them a dispute that does not involve the independence of a State, its sovereignty or its territorial integrity, and should the two contending parties apply to the Council for the settlement of this dispute, the decision of the Council shall then be effective and obligatory.

In this case, the States among whom the dispute has arisen shall not participate in the deliberations and decisions of the Council.

The Council shall mediate in a dispute which may lead to war between two member States or between a member State and another State in order to conciliate them.

The decisions relating to arbitration and mediation shall be taken by a majority vote.

Article 6. In case of aggression or threat of aggression by a State against a member State, the State attacked or threatened with attack may request an immediate meeting of the Council.

The Council shall determine the necessary measures to repel this aggression. Its decision shall be taken unanimously. If the aggression is committed by a member State the vote of that State will not be counted in determining unanimity.

If the aggression is committed in such a way as to render the Government of the State attacked unable to communicate with the Council, the representative of that State in the Council may request the Council to convene for the purpose set forth in the preceding paragraph. If the representative is unable to communicate with the Council, it shall be the right of any member State to request a meeting of the Council.

Article 7. The decisions of the Council taken by a

unanimous vote shall be binding on all the member States of the League; those that are reached by a majority vote shall bind only those that accept them.

In both cases the decisions of the Council shall be executed in each State in accordance with the fundamental structure of that State.

Article 8. Every member State of the League shall respect the form of government obtaining in the other States of the League, and shall recognize the form of government obtaining as one of the rights of those States, and shall pledge itself not to take any action tending to change that form.

Article 9. The States of the Arab League that are desirous of establishing among themselves closer collaboration and stronger bonds than those provided for in the present Pact, may conclude among themselves whatever agreements they wish for this purpose.

The treaties and agreements already concluded or that may be concluded in the future between a member State and any other State, shall not be binding on the other members.

Article 10. The permanent seat of the League of Arab States shall be Cairo. The Council of the League may meet at any other place it designates.

Article 11. The Council of the League shall meet in ordinary session twice a year, during the months of March and October. It shall meet in extraordinary session at the request of two member States whenever the need arises.

Article 12. The League shall have a permanent General Secretariat, composed of a Secretary-General, Assistant Secretaries and an adequate number of officials.

The Secretary-General shall be appointed by the Council upon the vote of two-thirds of the States of the League. The Assistant Secretaries and the principal officials shall be appointed by the Secretary-General with the approval of the Council.

The Council shall establish an internal organization for the General Secretariat as well as the conditions of service of the officials.

The Secretary-General shall have the rank of Ambassador; and the Assistant Secretaries the rank of Ministers Plenipotentiary.

The first Secretary-General of the League is designated in an annex to the present Pact.

Article 13. The Secretary-General shall prepare the draft of the budget of the League and submit it for approval to the Council before the beginning of each fiscal year.

The Council shall determine the share of each of the States of the League in the expenses. It shall be allowed to revise the share if necessary.

Article 14. The members of the Council of the League, the members of its Committees and such of its officials as shall be designated in the internal organization, shall enjoy, in the exercise of their duties, diplomatic privileges and immunities.

The premises occupied by the institutions of the League shall be inviolable.

Article 15. The Council shall meet the first time at the invitation of the Head of the Egyptian Government. Later meetings shall be convoked by the Secretary-General.

In each ordinary session the representatives of the States of the League shall assume the chairmanship of the Council in rotation.

Article 16. Except for the cases provided for in the present Pact, a majority shall suffice for decisions by the Council effective in the following matters :

- (a) Matters concerning the officials.
- (b) The approval of the budget of the League.
- (c) The internal organization of the Council, the Committees and the General Secretariat.
- (d) The termination of the sessions.

Article 17. The member States of the League shall file with the General Secretariat copies of all treaties and agreements which they have concluded or will conclude with any other State, whether a member of the League or otherwise.

Article 18. If one of the member States intends to withdraw from the League, the Council shall be informed of its intention one year before the withdrawal takes effect.

The Council of the League may consider any State that is not fulfilling the obligations resulting from this Pact as excluded from the League, by a decision taken by a

unanimous vote of all the States except the State referred to.

Article 19. The present Pact may be amended with the approval of two-thirds of the members of the League in particular for the purpose of strengthening the ties between them, of creating an Arab Court of Justice, and of regulating the relations of the League with the international organizations that may be created in the future to guarantee security and peace.

No decision shall be taken as regards an amendment except in the session following that in which it is proposed.

Any State that does not approve an amendment may withdraw from the League when the amendment becomes effective, without being bound by the provisions of the preceding article.

Article 20. The present Pact and its annexes shall be ratified in accordance with the fundamental form of government in each of the contracting States.

The instruments of ratification shall be filed with the General Secretariat and the present Pact shall become binding on the States that ratify in fifteen days after the Secretary-General receives instruments of ratification from four States.

The present Pact has been drawn up in the Arabic language in Cairo and dated 8 Rabi al Thani 1364 (March 22, 1945), in a single text which shall be deposited with the General Secretariat.

A certified copy shall be sent to each of the States of the League.

ANNEX ON PALESTINE

At the end of the last Great War, Palestine, together with the other Arab States, was separated from the Ottoman Empire. She became independent, not belonging to any other State.

The Treaty of Lausanne proclaimed that her fate should be decided by the parties concerned in Palestine.

Even though Palestine was not able to control her own destiny, it was on the basis of the recognition of her independence that the Covenant of the League of Nations determined a system of government for her.

Her existence and her independence among the nations

can, therefore, no more be questioned *de jure* than the independence of any of the other Arab States.

Even though the outward signs of this independence have remained veiled as a result of *force majeure*, it is not fitting that this should be an obstacle to the participation of Palestine in the work of the League.

Therefore, the States signatory to the Pact of the Arab League consider that in view of Palestine's special circumstances, the Council of the League should designate an Arab delegate from Palestine to participate in its work until this country enjoys actual independence.

ANNEX ON CO-OPERATION WITH ARAB COUNTRIES NOT MEMBERS OF THE COUNCIL OF THE LEAGUE

Whereas the member States of the League will have to deal either in the Council or in the Committees with questions affecting the interests of the entire Arab world,

And whereas the Council cannot fail to take into account the aspirations of the Arab countries not members of the Council and to work toward their realization, the States signatory to the Pact of the Arab League strongly urge

that the Council of the League should co-operate with them as far as possible in having them participate in the Committees referred to in the Pact, and in other matters should not spare any effort to learn their needs and understand their aspirations and should moreover work for their common weal and the guarantee of their future by whatever political means available.

ANNEX ON THE APPOINTMENT OF SECRETARY-GENERAL OF THE LEAGUE

The States signatory to the present Pact have agreed to appoint Abd Al Rahman Azzam Bey Secretary-General of the League of Arab States.

His appointment shall be for a term of two years. The Council of the League shall later determine the future organization of the General Secretariat.

DOCUMENT A/C.6/L.113**Syria : draft resolution**

[Original text : French]
[2 October 1950]

The General Assembly

Requests the Secretary-General of the United Nations

to invite the Secretary-General of the League of Arab States to attend sessions of the General Assembly as an observer.

DOCUMENT A/1442**Report of the Sixth Committee**

[Original text : English]
[16 October 1950]

1. By letter dated 12 July 1950, the *Chargé d'affaires* of the Syrian delegation to the United Nations requested the Secretary-General to place the following item on the agenda of the fifth regular session of the General Assembly: "Permanent invitation to the League of Arab States to attend sessions of the General Assembly" (A/1290).

2. The General Assembly, at its 285th plenary meeting on 26 September 1950, referred this item to the Sixth Committee for consideration.

3. The Sixth Committee had before it three documents bearing on the question: a note by the Secretary-General, including the text of the Pact of the League of Arab States (A/C.6/L.111), a memorandum by Israel (A/C.6/336), and a draft resolution submitted by Syria to the effect that the General Assembly should request the Secretary-General of the United Nations to invite the Secretary-General of the League of Arab States to attend sessions of the General Assembly as an observer (A/C.6/L.113).

4. The Committee considered the question at its 215th, 216th and 217th meetings, inclusive. A complete presentation of the views expressed may be found in the Committee's summary records (A/C.6/SR.215-217).

5. It was understood, by the proponent of the draft resolution, as well as by other delegations supporting the motion, that the invitation to be addressed to the Secretary-General of the League of Arab States did not in any way imply that the Arab League was or was not a regional agency within the meaning of Chapter VIII of the Charter. It was also the sense of the Sixth Committee that such an invitation, being an act of courtesy, could not be construed as establishing a precedent which might bind the General Assembly in the future.

6. At the Committee's 217th meeting held on 5 October 1950, the text of the Syrian draft resolution was adopted by roll-call vote of 42 to 1, with 7 abstentions, as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, France, Greece, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Israel.

Abstaining: Bolivia, Byelorussian Soviet Socialist Republic, Czechoslovakia, Guatemala, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

7. Accordingly, the Sixth Committee submits for the approval of the General Assembly the following draft resolution:

PERMANENT INVITATION TO THE SECRETARY-GENERAL
OF THE LEAGUE OF ARAB STATES TO ATTEND SESSIONS
OF THE GENERAL ASSEMBLY

The General Assembly

Requests the Secretary-General of the United Nations to invite the Secretary-General of the League of Arab States to attend sessions of the General Assembly as an observer.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other source</i>
A/1442	Report of the Sixth Committee	6	
A/1478	Resolution adopted by the General Assembly at its 299th plenary meeting, on 1 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, N° 477 (V).</i>
A/C.6/336	Israel : Memorandum	1	
A/C.6/L.111	Note by the Secretary-General	2	
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Agenda item 59 : The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy

C O N T E N T S

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
Plenary meetings (first phase) :		
A/1291	Letter dated 12 July 1950 addressed to the Secretary-General from the permanent representative of Egypt to the United Nations	1
Plenary meetings (final phase) :		
A/1720	Report of the <i>Ad Hoc</i> Political Committee	1
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DOCUMENT A/1291

Letter dated 12 July 1950 addressed to the Secretary-General from the permanent representative of Egypt to the United Nations

[Original text : English]
[20 July 1950]

I have the honour to request the inclusion of the following item in the provisional agenda of the fifth session of the General Assembly : " The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy ".

(Signed) M. FAWZI
*Permanent Representative
of Egypt
to the United Nations*

DOCUMENT A/1720

Report of the *Ad Hoc* Political Committee

[Original text : English]
[13 December 1950]

1. By a letter dated 12 July 1950 addressed to the Secretary-General (A/1291) the representative of Egypt requested the inclusion in the agenda of the fifth session of the General Assembly of an item entitled " The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy ".

2. The General Assembly, at its 285th meeting on 26 September 1950, referred this item to the *Ad Hoc* Political Committee for consideration and report.

3. The representative of Egypt, at the 80th meeting of the *Ad Hoc* Political Committee on 13 December 1950, made a statement regarding the item and requested that it be retained on the agenda of the Assembly and its consideration deferred until the sixth session of the General Assembly.

4. The Committee took note of the explanation given by the representative of Egypt and agreed to recommend to the General Assembly that the item be retained on the agenda and considered at its sixth session.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1291	Letter dated 12 July 1950 addressed to the Secretary-General from the permanent representative of Egypt to the United Nations	1	
A/1720	Report of the <i>Ad Hoc</i> Political Committee	1	
A/1756	Resolution adopted by the General Assembly at its 325th plenary meeting on 14 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 391 (V).</i>



Agenda item 60 : Development of a twenty-year programme for achieving peace through the United Nations

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DOCUMENT A/1304**Note by the Secretary-General**

[Original text : English]
[26 July 1950]

1. The Secretary-General has the honour to communicate to the General Assembly a copy of the letter which he addressed to the Members of the United Nations on 6 June 1950, together with a memorandum entitled "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations". The Secretary-General is communicating this letter and memorandum to the General Assembly in connexion with item 61¹ of the provisional agenda of the fifth regular session of the Assembly which was distributed on 21 July 1950 (A/1293 and Corr.1).

Lake Success, 6 June 1950

2. The deterioration of relations between leading Members of the United Nations has created a situation of most serious concern for the United Nations and the future peace of the world. In my capacity as Secretary-General, I have felt it my duty to suggest means by which the principles of the Charter and the resources of the United Nations could be employed to moderate the present conflict and to enable a fresh start to be made towards eventual peaceful solutions of outstanding problems.

3. To this end, I have drawn up a "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations", a copy of which is annexed hereto.

4. I have personally handed this memorandum to the President of the United States of America, Mr. Harry S. Truman, on 20 April 1950, to the Prime Minister of the United Kingdom of Great Britain and Northern Ireland, Mr. Clement Attlee, on 28 April, to the Prime Minister of France, Mr. Georges Bidault, on 3 May, and to the Prime Minister of the Union of Soviet Socialist Republics, Generalissimo Joseph Stalin, on 15 May. I had an opportunity to discuss the points of this memorandum with the foregoing heads of Governments and with other leaders of their Governments, including the Secretary of State of the United States of America, Mr. Dean Acheson, the Foreign Secretary of the United Kingdom of Great Britain and Northern Ireland, Mr. Ernest Bevin, the Foreign Minister of France, Mr. Robert Schuman, the Vice-Premier of the Union of Soviet Socialist Republics, Mr. Viacheslav Molotov, and the Foreign Minister of the Union of Soviet Socialist Republics, Mr. Andrei Vyshinsky.

5. While it would not be appropriate for me to state the views of any of the Governments on the points of the memorandum, I can say that I have drawn from my

¹ Item 60 of the final agenda.

conversations the firm conviction that the United Nations remains a primary factor in the foreign policy of each of these Governments and that the reopening of genuine negotiations on certain of the outstanding issues may be possible.

6. It is evident that no significant progress can be made while the Members of the United Nations remain sharply divided on the question of the representation of one of the permanent members of the Security Council, namely, the Republic of China. It is necessary that this question should be settled.

7. Under point 2 of the annexed memorandum, I have made a number of suggestions for resumption of negotiations on the problems of atomic energy. Another suggestion was made in the appeal circulated on 20 April 1950 by the International Committee of the Red Cross to the High Contracting Parties to the Geneva conventions for the protection of victims of war, to do everything in their power to reach agreements on the prohibition of the atomic bomb and "blind" weapons generally.

8. In connexion with point 7, the conversations of the Executive Secretary of the Economic Commission for Europe, Mr. Gunnar Myrdal, with various European governments have emphasized the necessity for further efforts to liberate international trade from the restrictions and discriminatory practices which now hamper the free flow of goods.

9. Further in connexion with point 7, I call your attention to the statement unanimously adopted in Paris on 4 May 1950 by the Administrative Committee on Co-ordination (composed of the Secretary-General and the administrative heads of the following specialized agencies: United Nations Educational, Scientific and Cultural Organization, International Labour Organisation, Food and Agriculture Organization, World Health Organization, International Civil Aviation Organization, International Bank for Reconstruction and Development, International Monetary Fund, International Refugee Organization, International Telecommunication Union, International Bureau of the Universal Postal Union, Interim Commission for the International Trade Organization). The statement reads:²

"The present division of the world and the increasingly serious conflicts of policy among the great Powers have gravely impaired the prospects for world peace and for raising the standard of living of the peoples of the world. It is of particular concern to the administrative heads of the organizations that these conditions threaten the very basis of their work.

"The United Nations and the specialized agencies are founded upon the principles that lasting world peace can only be achieved and maintained by world organization, and that world problems like disease, hunger, ignorance and poverty, which recognize no frontier, can never be overcome unless all the nations join in universal efforts to these ends.

"We re-affirm the validity of this principle of universality. The United Nations system makes ample room for diversity within a universal framework. We believe it would be a disaster if efforts to realize the principle of universality in practice were to be abandoned now.

"We believe that the greatest efforts should, on the contrary, be directed towards achieving in fact true universality in the membership and programmes of the United Nations and of those of the specialized agencies which are founded on that principle.

"We also believe that it is necessary for all governments to renew their efforts to conciliate and negotiate the political differences that divide them and obstruct economic and social advancement.

"Specifically, we believe that it is essential to the future of both the United Nations and the specialized agencies that the present political deadlock in the United Nations be resolved at the earliest possible moment.

"The peace and well-being of all peoples demand from their governments a great and sustained new effort by the nations of the world to achieve a constructive and durable peace."

10. I have the honour to request the earnest attention of your government to the annexed memorandum. I have in contemplation the possibility of its formal submission to the Security Council at an appropriate time, and I reserve the right to place it on the provisional agenda of the forthcoming regular session of the General Assembly.

(Signed) Trygve LIE
Secretary-General

MEMORANDUM OF POINTS FOR CONSIDERATION IN THE DEVELOPMENT OF A TWENTY-YEAR PROGRAMME FOR ACHIEVING PEACE THROUGH THE UNITED NATIONS

11. As Secretary-General, it is my firm belief that a new and great effort must be attempted to end the so-called "cold war" and to set the world once more on a road that will offer greater hope of lasting peace.

12. The atmosphere of deepening international mistrust can be dissipated and the threat of the universal disaster of another war averted by employing to the full the resources for conciliation and constructive peace building present in the United Nations Charter. The employment of these resources can secure eventual peace if we accept, believe and act upon the possibility of peaceful co-existence among all the great Powers and the different economic and political systems they represent and if the great Powers evidence a readiness to undertake genuine negotiation—not in a spirit of appeasement—but with enlightened self-interest and common sense on all sides.

13. Measures for collective self-defence and regional remedies of other kinds are at best interim measures and cannot alone bring any reliable security from the prospect of war. The one common undertaking and universal instrument of the great majority of the human

² See *Official Records of the Economic and Social Council, Eleventh Session, Annexes, Agenda item 43, document E/1682, para. 4.*

race is the United Nations. A patient, constructive long-term use of its potentialities can bring a real and secure peace to the world. I am certain that such an effort will have the active interest and support of the smaller Member States, who have much to contribute in the conciliation of differences between the great Powers and in the development of constructive and mutually advantageous political and economic co-operation.

14. I therefore venture to suggest certain points for consideration in the formulation of a twenty-year United Nations Peace Programme. Certain of these points call for urgent action. Others are of a long-range nature, requiring continued effort over the next twenty years. I shall not discuss the problems of the peace settlements for Austria, Germany and Japan, because the founders of the United Nations indicated that the peace settlements should be made separately from the United Nations. But I believe that the progress of a United Nations Peace Programme, such as is here suggested, will help to bring these settlements far closer to attainment.

(1) Inauguration of periodic meetings of the Security Council, attended by Foreign Ministers, or heads or other members of governments, as provided by the United Nations Charter and the rules of procedure; together with further development and use of other United Nations machinery for negotiation, mediation and conciliation of international disputes

15. The periodic meetings of the Security Council provided for in Article 28 of the Charter have never been held. Such periodic meetings should be held semi-annually, beginning with one in 1950. In my opinion, they should be used for a general review at a high level of outstanding issues in the United Nations, particularly those that divide the great Powers. They should not be expected to produce great decisions every time; they should be used for consultation—much of it in private—for efforts to gain ground towards agreement on questions at issue, to clear up misunderstandings, to prepare for new initiatives that may improve the chances for definitive agreement at later meetings. They should be held away from Headquarters as a general rule, in Geneva, in the capitals of the permanent members and in other regions of the world.

16. Further development of the resources of the United Nations for mediation and conciliation should be undertaken, including re-establishment of the regular practice of private consultations by the representatives of the five great Powers on limitations on the use of the veto power in the pacific settlement procedures of the Security Council.

(2) A new attempt to make progress towards establishing an international control system for atomic energy that will be effective in preventing its use for war and promoting its use for peaceful purposes

17. We cannot hope for any quick or easy solution of this most difficult problem of atomic energy control. The only way to find out what is possible is to resume negotiation in line with the directive of the General Assembly last fall "to explore all possible avenues and examine all concrete suggestions with a view to deter-

mining whether they might lead to an agreement". Various suggestions for finding a basis for a fresh approach have been put forward. One possibility would be for the Security Council to instruct the Secretary-General to call a conference of scientists whose discussions might provide a reservoir of new ideas on the control of weapons of mass destruction and the promotion of peaceful uses of atomic energy that could thereafter be explored in the United Nations Atomic Energy Commission. Or, it may be that an interim agreement could be worked out that would at least be some improvement on the present situation of an unlimited atomic arms race, even though it did not afford full security. There are other possibilities for providing the basis for a new start; every possibility should be explored.

(3) A new approach to the problem of bringing the armaments race under control, not only in the field of atomic weapons, but in other weapons of mass destruction and in conventional armaments

18. Here is another problem where it is necessary to reopen negotiations and to make new efforts at finding some area of common ground. It must be recognized that up to now there has been virtually a complete failure to reach accord and that the immediate prospects seem poor indeed. Clearly disarmament requires an atmosphere of confidence in which political disputes are brought nearer to solution. But it is also true that any progress at all towards agreement on the regulation of armaments of any kind would help to reduce cold war tensions and thus assist in the adjustment of political disputes. Negotiation on this problem should not be deferred until the other great political problems are solved, but should go hand in hand with any effort to reach political settlements.

(4) A renewal of serious efforts to reach agreement on the armed forces to be made available under the Charter to the Security Council for the enforcement of its decisions

19. A new approach should be made towards resolving existing differences on the size, location and composition of the forces to be pledged to the Security Council under Article 43 of the Charter. Basic political difficulties which may delay a final solution should not be permitted to stand in the way of some sort of an interim accord for a small force sufficient to prevent or stop localized outbreaks threatening international peace. The mere existence of such a force would greatly enhance the ability of the Security Council to bring about peaceful settlements in most of the cases which are likely to come before it.

(5) Acceptance and application of the principle that it is wise and right to proceed as rapidly as possible towards universality of membership

20. Fourteen nations are now awaiting admission to the United Nations. In the interests of the people of these countries and of the United Nations, I believe they should all be admitted, as well as other countries which will attain their independence in the future. It should be made clear that Germany and Japan would also be admitted as soon as the peace treaties have been completed.

(6) *A sound and active programme of technical assistance for economic development and encouragement of large-scale capital investment, using all appropriate private, governmental and inter-governmental resources*

21. A technical assistance programme is in its beginnings, assisted by the strong support of the President of the United States of America. Its fundamental purpose is to enable the people of the under-developed countries to raise their standard of living peacefully by specific and practicable measures. It should be a continuing and expanding programme for the next twenty years and beyond, carried forward with the co-operation of all Member States, largely through the United Nations and the specialized agencies, with mutual beneficial programmes planned and executed on a basis of equality rather than on a basis of charity. Through this means opportunities can be opened up for capital investment on a large and expanding scale. Here lies one of our best hopes for combating the dangers and costs of the cold war.

(7) *More vigorous use by all Member States of the specialized agencies of the United Nations to promote, in the words of the Charter, higher standards of living, full employment and conditions of economic and social progress*

22. The great potentialities of the specialized agencies to participate in a long-range programme aimed at drastically reducing the economic and social causes of war can be realized by more active support from all governments, including the membership of the Soviet Union in some or all of the agencies to which it does not now belong. The expansion of world trade, which is vital to any long-range effort for world betterment, requires the early ratification of the Charter of the International Trade Organization.

(8) *Vigorous and continued development of the work of the United Nations for wider observance and respect for human rights and fundamental freedoms throughout the world*

23. It is becoming evident that the Universal Declaration of Human Rights, adopted by the General Assembly in 1948 without a dissenting vote, is destined to become one of the great documents in history. The United Nations is now engaged in a programme that will extend over the next twenty years—and beyond—to secure the extension and wider observance of the political,

economic and social rights there set down. Its success needs the active support of all governments.

(9) *Use of the United Nations to promote, by peaceful means instead of by force, the advancement of dependent, colonial or semi-colonial peoples towards a position of equality in the world*

24. The great changes which have been taking place since the end of the war among the peoples of Asia and Africa must be kept within peaceful bounds by using the universal framework of the United Nations. The old relationships will have to be replaced with new ones of equality and fraternity. The United Nations is the instrument capable of bringing such a transition to pass without violent upheavals and with the best prospect of bringing long-run economic and political benefits to all nations of the world.

(10) *Active and systematic use of all the powers of the Charter and all the machinery of the United Nations to speed up the development of international law towards an eventual enforceable world law for a universal world society*

25. The three last points deal with programmes already under way to carry out important principles of the United Nations Charter. They respond to basic human desires and aspirations and the co-ordinated efforts by all governments to further these programmes are indispensable to the eventual peaceful stabilization of international relations. There are many specific steps which need to be taken—for example, under point 10, ratification of the convention on genocide, greater use of the International Court of Justice, and systematic development and codification of international law. More important is that governments should give high priority in their national policies to the continued support and development of these ideals which are at the foundation of all striving of the peoples for a better world.

26. What is here suggested is only an outline of preliminary proposals for a programme; much greater development will be needed. It is self-evident that every step mentioned, every proposal made, will require careful and detailed, even laborious preparation, negotiation and administration. It is equally self-evident that the necessary measure of agreement will be hard to realize most of the time, and even impossible some of the time. Yet the world can never accept the thesis of despair—the thesis of irrevocable and irreconcilable conflict.

DOCUMENT A/1514

Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, Philippines, Sweden and Yugoslavia : draft resolution

[Original text : English]
[16 November 1950]

The General Assembly,

Having considered the "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations" submitted by the Secretary-General (A/1304),

Noting that progress has been made by the present session of the General Assembly with regard to certain of the points contained in the memorandum of the Secretary-General,

Reaffirming its constant desire that all the resources of the United Nations Charter be utilized for the deve-

lopment of friendly relations between nations and the achievement of universal peace,

1. *Commends* the Secretary-General for his initiative in preparing his memorandum and presenting it to the General Assembly;

2. *Requests* the appropriate organs of the United Nations to give consideration to those portions of the memorandum of the Secretary-General with which they are particularly concerned;

3. *Requests* these organs to inform the General Assembly at its sixth session, through the Secretary-General, of the results of such consideration.

DOCUMENT A/1527

Union of Soviet Socialist Republics : amendments to the draft resolution submitted by Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, Philippines, Sweden and Yugoslavia (A/1514)

[Original text : Russian]
[17 November 1950]

1. Replace the second paragraph of the preamble by the following text :

" *Noting* the importance of the matters dealt with in the memorandum ".

2. Replace paragraph 1 of the operative part by the following text :

" *Approving* for consideration the item relating to the development of a twenty-year programme for achieving peace through the United Nations ".

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/1304	Note by the Secretary-General (transmitting to the General Assembly the text of his letter, dated 6 June 1950, addressed to the Members of the United Nations, together with a memorandum entitled "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations")	1	
A/1514	Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, Philippines, Sweden and Yugoslavia : draft resolution	5	
A/1525 and Corr. 1	Union of Soviet Socialist Republics : draft resolution		Incorporated in the 309th plenary meeting, paragraph 79.
A/1527	Union of Soviet Socialist Republics : amendments to the draft resolution submitted by Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, Philippines, Sweden and Yugoslavia (A/1514).	5	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/1535	United Kingdom of Great Britain and Northern Ireland: amendment to the draft resolution submitted by Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, Philippines, Sweden and Yugoslavia (A/1514)		Incorporated in the 312th plenary meeting, para- graph 102.
A/1539	Resolution adopted by the General Assembly at its 312th plenary meeting on 20 November 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, No. 494 (V).</i>

GENERAL ASSEMBLY



ANNEXES

FIFTH SESSION

NEW YORK, 1950

Official Records

Agenda item 61 : Recognition by the United Nations of the representation of a Member State

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DOCUMENT A/1292

Letter dated 19 July 1950 addressed to the Secretary-General from the alternate representative of Cuba to the United Nations

[Original text : Spanish]
[20 July 1950]

I have the honour to request that the following item be placed on the provisional agenda of the fifth session of the United Nations General Assembly: "Recognition by the United Nations of the representation of a Member State."

(Signed) Carlos BLANCO
Alternate Representative of
Cuba to the United Nations

DOCUMENT A/1308

Letter dated 26 July 1950 addressed to the Secretary-General from the permanent representative of Cuba to the United Nations

[Original text : Spanish]
[4 August 1950]

I have the honour to confirm our note of 19 July 1950,¹ in which it was requested that the following item should be placed on the provisional agenda of the fifth session of the General Assembly: "Recognition by the United Nations of the representation of a Member State."

In accordance with the provision of rule 20 of the rules of procedure of the General Assembly, amended by resolution 362 (IV) adopted by the General Assembly at its 236th plenary meeting on 22 October 1949, I have the honour to transmit to you, enclosed herewith, an explanatory memorandum on the item which my government has requested should be included in the agenda of the next regular session.

(Signed) Alberto I. ALVAREZ
Permanent Representative
of Cuba to the United Nations

MEMORANDUM ON THE QUESTION CONCERNING THE
RECOGNITION BY THE UNITED NATIONS OF THE REPRESENTATION OF A MEMBER STATE

1. In accordance with the provision of rule 20 of the rules of procedure of the General Assembly, an explanation of the item proposed by Cuba for inclusion in the agenda of the fifth session of the General Assembly, concerning the "Recognition by the United Nations of the representation of a Member State", is given hereunder.

2. On 13 January 1950, the representative of India addressed a letter to the President of the Security Council, transmitting the text of two draft amendments to the provisional rules of procedure of the Council (S/1447). In this letter, the representative of India stated:

"The rules of the Security Council on the subject of representation and credentials do not seem to be complete. Thus, there is no provision in the existing rules as to who is to issue credentials. Both in the rules of the General Assembly (rule 23) and of the Trusteeship Council (rule 14) express provision is made for the issue of credentials either by the Head of the State or Government or by the Minister for Foreign Affairs. It seems desirable that there should be a similar provision in the rules of the Security Council.

"None of the rules indicates what is to be done when any question arises as to which is the recognized Government of any particular State. If such a question is to be decided by the Security Council or other organ concerned without any guidance, there is a danger

that different organs of the United Nations may decide it by their own majorities in their own different ways. Some uniform procedure, which can be adopted by all the organs, is obviously desirable in order that the chances of conflicting decisions may be minimized.

"I therefore enclose a draft of certain amendments designed to remedy the above defects, which I hope you may see fit to submit for examination by the appropriate authority. I am sending a copy of this letter with its enclosure to the Secretary-General."²

3. At its 462nd meeting on 17 January 1950, the Security Council agreed to refer the Indian representative's proposals to its Committee of Experts for study and report.³ The Committee dealt with the question at its 113th to 115th meetings on 30 January, 3 February and 8 February (S/C.1/SR.113, 114 and 115).

4. In opening the discussion in the Committee of Experts on the Indian proposal, the representative of Cuba stated that, especially when taking into consideration the question of competence, "neither the Security Council, nor any other organ of the United Nations but the General Assembly or a subsidiary organ established by the Assembly, was legally authorized by the Charter to study or promote identical solutions for all organs of the United Nations concerning questions affecting"—as was the case with the proposed rule 17 A—"the functioning of the Organization as a whole" (S/C.1/SR.113). On this point, as stated in the report submitted by Mr. Garcia Amador, the Chairman of the Committee of Experts (S/1457, S/1457/Corr.1) the Committee agreed that, "as suggested by the representative of India in his letter to the President of the Security Council, it would be desirable to establish some uniform procedure which could be adopted by all the organs of the United Nations, in order that the chances of conflicting decisions might be minimized". Nevertheless "it was the opinion of the majority that the question under consideration was of such a nature that the General Assembly should

² The amendments proposed by the representative of India were as follows:

(a) "In rule 13, before the last sentence, insert the following:
"The credentials shall be issued either by the Head of the State or the government concerned or by its Minister for Foreign Affairs."

(b) "After rule 17, insert the following as rule 17 A:

"Where the right of any person to represent, or to continue to represent, a State on the Security Council, or at a meeting of the Security Council, is called in question on the ground that he does not represent, or has ceased to represent, the recognized government of that State, the President of the Council shall, before submitting the question to the decision of the Council, ascertain (by telegraph, if necessary) and place before the Council, so far as available, the views of the governments of all the other Member States of the United Nations on the matter."

³ See *Official Records of the Security Council, Fifth Year, 462nd meeting*.

¹ Document A/1292.

be the organ of the United Nations to initiate the study and to seek uniformity and co-ordination with regard to the procedure governing representation and credentials". At its 468th meeting,⁴ the Security Council approved the conclusions of the Committee of Experts concerning the subject referred to in the proposed rule 17 A.

5. It should be explained that the item proposed for the General Assembly's consideration does not refer only to the formal problem of credentials, but to the problem that arises with regard to the legality of the representation of a Member State; that is, when the United Nations has to decide which government has the right to represent that State in the Organization. The Charter makes no provision for such a situation, nor do the rules of procedure of the main organs give any standards by which it may concretely and specifically be solved. In fact, the said rules merely establish procedure for the submission and approval of the credentials of representatives appointed by Member States to each organ; that is, for the verification of the powers of these representatives. Moreover, three of these rules at present state that "the credentials shall be issued

either by the Head of the State or the government concerned or by its Minister for Foreign Affairs". This proves, obviously, that the rules referred to are based on the presumption that in each member State represented on the organ there exists a definite government competent to appoint representatives and issue their credentials. Consequently, the only questions they provide for and solve are, clearly, those that may arise in regard to the validity of the credentials or powers of the representative or delegate of the government of a Member State and not the question that may arise in regard to its representation when the legality of the said representation is for some reason seriously impugned in the United Nations.* It is therefore for the solution of these cases that the General Assembly should provide a uniform procedure for the whole Organization.

* This distinction between credentials and representation is an undeniable legal and political reality. Credentials merely accredit the powers conferred by a government on its representatives; representation, on the other hand, is the right of a government to act on behalf of the State. Consequently, the objections lodged against credentials with those who have to decide on the validity of those credentials do not necessarily affect the legality of the representation of the government that has issued them. Nevertheless, objections made to the representation which a government claims or invokes necessarily and directly affect the competence or right of that government to act and to be represented as such on behalf of the State.

⁴ *Ibid.*, 468th meeting.

DOCUMENT A/1344

Note by the Secretary-General

[Original text : French]
[6 September 1950]

The Secretary-General has the honour to transmit herewith, for the information of the members of the General Assembly, the text of a letter which he has received from the Director-General of the United Nations Educational, Scientific and Cultural Organization :

" Florence, 1 June 1950

" I have the honour to communicate to you below and to ask you to transmit to the competent bodies of the United Nations, the text of a resolution adopted on 30 May 1950 by the fifth session of the General Conference of UNESCO :

" *The General Conference of UNESCO,*

" *Considering* that the United Nations as well as the various specialized agencies are called upon, in cases where two or more authorities each claim to be the only regular government of a Member State, to determine which of them shall exercise the rights and fulfil the obligations of membership on behalf of the country in question,

" *Considering* that this problem has arisen in a particularly urgent and serious form because of the present situation in China, and

" *Considering* that it is highly desirable that, in order to solve this problem, the United Nations should

lay down guiding principles which would allow the various organs of the United Nations and of the specialized agencies, irrespective of differences in the composition of these bodies, to adopt a uniform policy,

" *Expresses the wish*

" 1. That the United Nations adopt general criteria by which it may be possible to reach a uniform and practical settlement of the problem of the representation on the various organs and organizations of the United Nations of countries of which two or more authorities claim to be the only regular government;

" 2. That this question be considered as soon as possible, in view of the serious difficulties to which the present situation in China is giving rise;

" *Instructs* the Director-General to communicate the present resolution, together with a copy of the report of the Credentials Committee, to the Secretary-General of the United Nations, for transmission to the competent bodies of the United Nations.'

" I also transmit to you herewith two copies, in English and in French, of the report of the Credentials

Committee mentioned in the resolution I have the honour to communicate to you.

“ (Signed) Jaime TORRES BODET
 “ Director-General,
 “ United Nations Educational,
 Scientific and Cultural
 Organization ”

UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND
 CULTURAL ORGANIZATION GENERAL CONFERENCE

Fifth Session

Florence, 30 May 1950

Report of the Credentials Committee

I

1. The Credentials Committee met on Thursday 25 May at 9.45 a.m. and on Monday 29 May at 4 p.m. It examined the credentials of the delegations of the following Member States :

Afghanistan
 Costa Rica
 Czechoslovakia
 Greece
 Salvador

and found that they conformed to the requirements of rule 22 of the rules of procedure. Consequently, it recommends that these delegations be admitted to the General Conference with the right to vote.

The Committee also examined the credentials of the observer appointed by Chile. It admitted the observers appointed by the Allied High Commission for Germany.

II

2. The Credentials Committee considered the credentials of the Chinese delegation and the objections to these credentials raised by the delegations of Czechoslovakia and Hungary.

3. The credentials in question are issued by the same authority which, in the past, has more than once issued the credentials of Chinese delegations to previous sessions of the General Conference. They are, moreover, in the same form as those previously submitted and accepted as entirely valid.

4. However, by the date at which the credentials of the present Chinese delegation were issued, the situation in China had undergone a radical change. The authority by which these credentials were issued is no longer situated on the Chinese mainland but on one of its island possessions. On the other hand, another authority has been established at Peking and has been recognized as the regular government of the country by a number of States which are members of the Organization. This authority has addressed to the Director-General, for transmission to the General Conference, a communication in which it states that it is “ the only legal government representing the Chinese people ”; and a formal resolution that the Chinese delegation

whose credentials have been referred to the Committee be excluded from taking part in the General Conference has been proposed by the delegations of two member States.

5. The problem which the Committee thus had to consider was whether the authorities by which the credentials in question were issued were fully competent to issue credentials in due form. The Committee felt that the question was extremely delicate. It was the subject of a very thorough discussion, in the course of which different points of view were expressed.

6. Some members of the Committee pointed out that membership of UNESCO entailed duties to the Organization as well as to the people of the country concerned, duties which they considered the authority that had issued the credentials to which objection had been raised was no longer in a position to fulfil. In these circumstances, the participation of a Chinese nationalist delegation in the work of the Conference could not promote the aims of the Organization; on the contrary, it might have the effect of paralysing its activities and causing UNESCO to become an organization not fully representative of all parts of the world. It was further remarked that there was a Chinese member of the Executive Board, who might represent Chinese culture within the Organization, even though no Chinese delegation would be taking part in the work of the Conference.

7. Other members of the Committee pointed out that certain countries recognize the government which has issued the credentials in question as the regular Government of China, while certain other countries recognize a different authority. In their opinion, it is not for the General Conference of UNESCO to deal with questions concerning the recognition of governments. UNESCO is a specialized agency of the United Nations and its activities should remain essentially technical. The authority which issued the credentials of the Chinese delegation is that at present represented on the various organs of the United Nations. In these circumstances, the members expressing these views considered that it would be wiser for UNESCO to refrain from taking any step which might conflict with the situation at present existing in the United Nations. Bearing that situation in mind, the Committee should propose that the General Conference recognize the validity of the credentials submitted for its consideration.

8. Other members contested this conclusion, stating that the Committee was fully competent to decide immediately on the exclusion of the delegation whose credentials had been challenged. A formal proposal to this effect was presented by the representative of Yugoslavia, was voted upon and was rejected.

9. In spite of the different views set forth, the Committee unanimously agreed that it was essential that the great Chinese people be represented on the Organization.

III

10. The majority of the Committee held that the General Conference should not at present, with regard

to the problem of determining which government should exercise membership rights, take any decision which would conflict with the situation at present existing in the various bodies of the United Nations. The Committee indeed considered that one aim common to the various United Nations organizations is to secure co-ordination in international relations, and that any variation in the action taken by the different organs of the United Nations and the specialized agencies with regard to the problem under consideration could only have unfortunate results contrary to the aims in view.

11. Within the limits of its terms of reference the Committee decided to recommend to the General Conference that, having regard to the foregoing considerations, the credentials of the Chinese delegation be accepted and that this delegation be admitted in the present circumstances to take part in the work of the current session. The Committee reached this decision by 6 votes to 2, with 1 abstention, as follows :

In favour : Brazil, Canada, Cuba, France, Lebanon, United States of America.

Against : India, Yugoslavia.

Abstaining : United Kingdom of Great Britain and Northern Ireland.

12. The Committee also considered it to be highly desirable that the United Nations should establish

guiding principles to be followed so that uniform action may be taken by their various organs and by the specialized agencies (irrespective of their composition), whenever the question arises of determining—in cases where two or more authorities claim to be the regular government of a country—which of these authorities should exercise membership rights and fulfil the corresponding obligations.

13. The Committee was of the opinion that this question should be submitted for immediate attention to the United Nations, so that it may be possible to reach a uniform and expeditious settlement of the serious difficulties which the present situation of China has caused to the various United Nations organizations. The Committee therefore decided to submit for the approval of the General Conference the following draft resolution :

(The text of the draft resolution is set forth above in the letter of 6 September 1950 from the Director-General of UNESCO to the Secretary-General of the United Nations.)

The Committee reached its decision on the foregoing draft resolution by 8 votes to 1, as follows :

In favour : Brazil, Canada, Cuba, France, India, Lebanon, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against : Yugoslavia.

DOCUMENT A/AC.38/L.6

Cuba : draft resolution

*[Original texts : Spanish/English]
[7 October 1950]*

The General Assembly,

Considering :

That questions which arise regarding the representation of a Member State in the United Nations cannot be definitely settled in accordance with the rules at present established and that there is a danger that conflicting decisions may be reached by its various organs,

That it is in the interest of the proper functioning of the Organization that there should be uniformity in the procedure applicable when there are doubts regarding the representation of a Member State or when the representation of a Member State is challenged in any organ of the United Nations,

That, in virtue of its composition, the General Assembly is the only organ of the United Nations which is in a position to express the general opinion of all Member States in matters affecting the functioning of the Organization as a whole;

1. *Recommends* that questions arising in connexion with the representation of a Member State in the United Nations should be decided in the light of :

(a) Effective authority over the national territory;

(b) The general consent of the population;

(c) Ability and willingness to achieve the purposes of the Charter, to observe its principles and to fulfil international obligations of the State; and

(d) Respect for human rights and fundamental freedoms;

2. *Resolves* that when it is necessary to take a decision regarding the legitimacy of the representation of a Member State, the matter shall be referred to the General Assembly for decision;

3. *Declares* that decisions taken by the General Assembly in accordance with this resolution shall not affect the direct relations of individual Member States with the State, the representation of which has been the subject of such decisions;

4. *Requests* the Secretary-General to transmit the present resolution to the organs and specialized agencies of the United Nations for such action as may be appropriate.

DOCUMENT A/AC.38/L.21

United Kingdom : draft resolution

[Original text : English]
[20 October 1950]

The General Assembly,

Considering :

That there is no uniformly agreed principle for determining the right of the government of a Member State to represent it in the United Nations and that there is a danger that conflicting decisions on this subject may be reached by the various organs of the United Nations and in the Specialized Agencies,

That it is in the interest of the proper functioning of the Organization that there should be uniformity in the criteria to be applied in determining whether a given government is entitled to represent a Member State or when the representation of a Member State is challenged in any organ of the United Nations,

That, in virtue of its composition, the General Assembly is the only organ of the United Nations in which consideration can be given to the views of all Member States in matters affecting the functioning of the Organization as a whole;

1. *Recommends* that where the question of the representation of a Member State arises in consequence of internal processes or changes which have taken place in that State the right of a government to represent the Member State concerned in the United Nations should be recognized if that government exercises effective control and authority over all or nearly all the national

territory, and has the obedience of the bulk of the population of that territory, in such a way that this control, authority and obedience appear to be of a permanent character;

2. *Resolves* that when any question arises regarding the right of a government to represent a Member State in the United Nations, the matter shall be referred to the General Assembly for consideration, but without thereby precluding action by any other organ of the United Nations which is called upon to take a decision on the matter during the period before the Assembly meets;

3. *Recommends* that the view taken by the General Assembly concerning the right of a government to represent a Member State should be acted upon by Member States in other organs of the United Nations and in the specialized agencies.

4. *Declares* that decisions taken by the General Assembly in accordance with this resolution shall not of themselves affect the direct relations of individual Member States with the State, the representation of which has been the subject of such decisions;

5. *Requests* the Secretary-General to transmit the present resolution to the organs and specialized agencies of the United Nations for such action as may be appropriate.

DOCUMENT A/AC.38/L.22

China : amendment to the draft resolution of Cuba (A/AC.38/L.6)

[Original text : English]
[23 October 1950]

1. Add the following paragraph at the end of the preamble :

“ That the recognition of a new representation of a Member State should not be premature and should be guided strictly by the principles and provisions of the Charter of the United Nations and the Stimson Doctrine of Non-Recognition. ”

2. Amend paragraphs 1, 2 and 3 as indicated by italics :

“ 1. *Recommends* that questions arising in connexion with the representation of a Member State in the United Nations should be decided in the light of :

“ (a) *Effective authority over the national territory, established without the intervention of any other State, independent of foreign control and domination,*

and not as a result of foreign aggression, direct or indirect;

“ (b) *The general consent of the population, expressed through freely conducted or internationally supervised or observed elections;*

“ (c) *Ability and willingness to achieve the purposes of the Charter, to observe its principles and to fulfil the international obligations of the State, not having been an accomplice of aggression or given aid and sympathy to an aggressor so proclaimed by the United Nations; and not having committed acts of aggression;*

“ (d) *Respect for human rights and fundamental freedoms, as defined by the United Nations Universal Declaration of Human Rights;*

“ 2. *Resolves* that when it is necessary to take a decision regarding the legitimacy of the represen-

tation of a Member State, the matter shall be referred to the General Assembly for decision *as a question of importance and that the General Assembly shall appoint a commission of investigation to ascertain the facts relating to each one of the items under paragraph 1, and to report to the General Assembly for consideration;*

“ 3. Declares that decisions taken by the General Assembly in accordance with this resolution shall affect *neither* the direct relations of individual Member States with the State, the representation of which has been the subject of such decisions, *nor the application of regional agreements concerning recognition.*”

DOCUMENT A/AC.38/L.23

Dominican Republic : draft resolution

[Original text : Spanish]
[23 October 1950]

The General Assembly,

Considering that the item “ Recognition by the United Nations of the representation of a Member State ” has given rise to interesting debates notable particularly for their application of legal principles to international law;

Having regard to the draft resolutions of Cuba (A/AC.38/L.6) and of the United Kingdom (A/AC.38/L.21) discussed in the *Ad Hoc* Political Committee;

Being of the opinion that a special study ought to be made by the International Law Commission of the material relating to this item on the agenda of the fifth session of the General Assembly;

Resolves to request the International Law Commis-

sion of the United Nations to study the legal aspects of the item : “ Recognition by the United Nations of the representation of a Member State ”, and to submit the results in time for inclusion in the agenda of the sixth session of the General Assembly of the United Nations under the same item heading as at the present session;

Decides to send to the International Law Commission the records of the meetings of the *Ad Hoc* Political Committee dealing with the subject, the draft resolutions submitted in that Committee, and all the other documents which might provide the International Law Commission with useful information, and to request the Secretary-General to take the necessary action on this resolution.

DOCUMENT A/AC.38/L.24

Venezuela : amendment to the draft resolution of the United Kingdom (A/AC.38/L.21)

[Original text Spanish]
[25 October 1950]

(*Note* : Words in italics are to be added, words in brackets are to be deleted).

1. Second paragraph of the preamble to be revised as follows :

“ That it is in the interest of the proper functioning of the Organization that there should be uniformity in the criteria to be applied in determining whether a given government is entitled to represent a Member State, [or] when *its* [the] representation [of a Member State] is challenged in any organ of the United Nations; ”

2. Paragraph 1 to be revised as follows :

“ 1. Recommends that where the question of the representation of a Member State arises in consequence of internal processes or changes which have taken place in that State, the right of a government to represent the Member State concerned in the United Nations should be recognized if that government exercises effective control and authority over all or nearly all the national territory, [and] has the obedience of the bulk of the population of that territory in such a way that this control, authority and obedience appear to be of a permanent character *and expressly declares its willingness to fulfil the international obligations of the State* ”.

DOCUMENT A/AC.38/L.25

United Kingdom : proposal

[Original text : English]
[26 October 1950]

1. If the Committee decides to refer this matter to an outside body, the United Kingdom delegation proposes that the body concerned should be the Inter-

national Court of Justice and that the questions to be put to the Court should be the following :

(a) If, in consequence of internal changes or processes

which have taken place in a Member State of the United Nations, there is established in that State a government which exercises effective control and authority over all or nearly all the national territory, and has the obedience of the bulk of its population, in such a manner that this control, authority and obedience appear to be of a permanent character, is there an obligation according to the accepted principles of international law to recognize the government concerned as being

entitled to represent that Member State ?

(b) If the answer to the first question is in the negative, what are the circumstances (if any) in which such an obligation can be regarded as existing ?

2. If the Committee decides to refer the matter to the International Law Commission rather than to the Court, these questions would also be suitable as a basis for the reference to the Commission.

DOCUMENT A/AC.38/L.21/Rev.1

United Kingdom : revised draft resolution

[Original text : English]
[31 October 1950]

The General Assembly,

Considering :

That there is no uniformly agreed principle for determining the right of the government of a Member State to represent it in the United Nations and that there is a danger that conflicting decisions on this subject may be reached by the various organs of the United Nations and in the specialized agencies;

That it is in the interest of the proper functioning of the Organization that there should be uniformity in the criteria to be applied in determining whether a given government is entitled to represent a Member State or when the representation of a Member State is challenged in any organ of the United Nations,

That, in virtue of its composition, the General Assembly is the only organ of the United Nations in which consideration can be given to the views of all Member States in matters affecting the functioning of the Organization as a whole,

1. *Recommends* that where the question of the representation of a Member State arises in consequence of internal processes or changes which have taken place in that State the right of a government to represent the

Member State concerned in the United Nations should be recognized if that government exercises effective control and authority over all or nearly all the national territory, and has the obedience of the bulk of the population of that territory, in such a way that this control, authority and obedience appear to be of a permanent character;

2. *Recommends* that the principle set out in the preceding paragraph should be applied by Member States in other organs of the United Nations and in the specialized agencies when taking a decision concerning the representation of any Member State of the United Nations or of the specialized agency concerned;

3. *Declares* that decisions taken by the General Assembly in accordance with this resolution shall not of themselves affect the direct relations of individual Member States with the State the representation of which has been the subject of such decisions;

4. *Requests* the Secretary-General to transmit the present resolution to the organs and specialized agencies of the United Nations for such action as may be appropriate.

DOCUMENT A/AC.38/L.45

Report of Sub-Committee 2 to the *Ad Hoc* Political Committee

[Original texts : English|French]
[21 November 1950]

1. At its 24th meeting on 26 October 1950 the *Ad Hoc* Political Committee established a sub-committee of fourteen members to discuss and consider in the light of the debate in the *Ad Hoc* Political Committee all of the points raised in the proposals, suggestions and amendments which had been submitted to the Committee on the question of the recognition by the United Nations of the representation of a Member State. The Sub-Committee, composed of the representatives of Australia, Belgium, China, Cuba, Denmark, Dominican Republic,

Egypt, France, India, Turkey, United Kingdom, United States of America, Uruguay and Venezuela, was instructed to report to the *Ad Hoc* Political Committee with recommendations.

2. The Sub-Committee held nine meetings between 27 October and 15 November. At its first meeting it elected Mr. F. V. Garcia Amador (Cuba) as Chairman, and Mr. B. C. Ballard (Australia) as Rapporteur.

3. The Sub-Committee had before it three draft

resolutions which had been submitted to the *Ad Hoc* Political Committee: (1) a draft resolution submitted by the delegation of Cuba (A/AC.38/L.6); (2) a draft resolution submitted by the United Kingdom (A/AC.38/L.21/Rev.1); (3) a draft resolution submitted by the delegation of the Dominican Republic (A/AC.38/L.23). In addition the Sub-Committee had before it amendments to the Cuban draft resolution proposed by the delegations of Uruguay (A/AC.38/L.11) and China (A/AC.38/L.22); amendments to the United Kingdom resolution submitted by the delegation of Venezuela (A/AC.38/L.24), and a further United Kingdom suggestion contained in document A/AC.38/L.25.

4. After a general discussion of the proposals before it and a review of the positions taken by various delegations during the debate in the *Ad Hoc* Political Committee, the Sub-Committee established a Working Group of six members (Belgium, China, Turkey, United Kingdom, Uruguay, United States of America) to formulate a text dealing with principles and factors which could be set forth in a resolution as relevant to the consideration of the recognition of the representation of a Member State. The Working Group held two meetings and agreed to submit a tentative draft formulation to the Sub-Committee. Members of the Working Group reserved their respective positions on the question in the Sub-Committee and the *Ad Hoc* Political Committee.

5. At its 5th, 6th, and 7th meetings, the Sub-Committee considered the draft text submitted by the Working Group. The discussion indicated some divergence of opinion among the several delegations regarding the paragraphs formulated by the Working Group. It was agreed that before taking a final decision on that section of the projected draft resolution, the Sub-Committee should proceed to consider the wording of the preamble and the question of action by the General Assembly and the scope and effect of any of its decisions concerning the recognition of representation of a Member State.

6. In this connexion the representative of the Dominican Republic submitted a composite working paper composed of certain paragraphs taken from the original Cuban and United Kingdom draft resolutions and from the draft text submitted by the Working Group. The representative of the United States also put forward suggestions relating to the text of the preamble and to the paragraphs concerning the scope and effect of General Assembly decisions. The representative of the Dominican Republic submitted at the same time a second working paper proposing to refer the legal aspects of the question of recognition of representation in the United Nations to the International Law Commission for study by that body.

7. In order to coordinate these proposals the Sub-Committee at its 7th meeting established a second working group composed of the representatives of China, United Kingdom, Uruguay and the United States. This Working Group was instructed to draft a complete resolution embodying a preamble, a section based on the draft text submitted by the previous working group and setting forth principles and factors relevant to the consideration of recognition of representation in the

United Nations, and a final section relating to action by the Assembly and the scope and effect of its decisions on any such question.

8. At its eighth meeting on 14 November the Sub-Committee discussed the draft resolution formulated by the second Working Group.

9. At its 9th meeting on 15 November the Sub-Committee adopted the following draft resolution by 8 votes to 4, with 2 abstentions, as follows:

In favour: Australia, Belgium, China, Cuba, Denmark, Egypt, United States of America, Uruguay.

Against: Dominican Republic, France, India, Venezuela.

Abstaining: Turkey, United Kingdom of Great Britain and Northern Ireland.

" The General Assembly

" Considering :

" That difficulties may arise regarding the representation of a Member State in the United Nations and that there is a risk that conflicting decisions may be reached by its various organs,

" That it is in the interest of the proper functioning of the Organization that there should be uniformity in the procedure applicable whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations, and this question becomes the subject of controversy in the United Nations,

" That, in virtue of its composition, the General Assembly is the organ of the United Nations in which consideration can best be given to the views of all Member States in matters affecting the functioning of the Organization as a whole;

" 1. Recommends :

" (a) That whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations, and this question becomes the subject of controversy in the United Nations, it should be considered in the light of the purposes and principles of the Charter and the circumstances of each case;

" (b) That the following should be among the factors to be taken into consideration in determining any such question :

" (i) The extent to which the new authority exercises effective control over the territory of the Member State concerned and is generally accepted by the population;

" (ii) The willingness of that authority to accept responsibility for the carrying out by the Member State of its obligations under the Charter;

" (iii) The extent to which that authority has been established through internal processes in the Member State.

" 2. Recommends that when any such question

arises, it should be considered by the General Assembly, or by the Interim Committee if the Assembly is not in session;

“ 3. *Recommends* that the decision reached by the General Assembly or its Interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies;

“ 4. *Declares* that decisions reached by the General Assembly or its Interim Committee concerning any such question shall not of themselves affect the direct relations of individual Member States with the State, the representation of which has been the subject of such decisions;

“ 5. *Requests* the Secretary-General to transmit the present resolution to the other organs of the United Nations and to the specialized agencies for such action as may be appropriate.”

10. In order to enable the members of the Sub-Committee to record their respective positions on each of the component parts of the draft resolution, it was decided to vote paragraph by paragraph and to include the results of the vote on each paragraph in the report to the *Ad Hoc* Political Committee.

11. The three paragraphs of the preamble were approved unanimously.

12. Sub-paragraph 1 (a) was approved by 13 votes in favour, with one abstention, as follows :

In favour : Australia, Belgium, China, Cuba, Denmark, Dominican Republic, Egypt, France, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining : India.

13. At the suggestion of the representative of Turkey, it was agreed that each item of sub-paragraph 1 (b) should be voted on separately before the vote was taken on the sub-paragraph as a whole.

14. Item (i) was approved by 9 votes to one, with 4 abstentions, as follows :

In favour : Australia, Belgium, China, Cuba, Denmark, Egypt, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America.

Against : Venezuela.

Abstaining : Dominican Republic, France, India, Turkey.

The representative of China stated that he had voted for this item as part of the whole of paragraph 1, but would not have supported it if it had stood alone.

15. Item (ii) was approved by 7 votes to 2, with 5 abstentions, as follows :

In favour : Australia, Belgium, China, Cuba, Egypt, Uruguay, United States of America.

Against : India, United Kingdom of Great Britain and Northern Ireland.

Abstaining : Denmark, Dominican Republic, France, Turkey, Venezuela.

16. In connexion with the vote item (ii), it was agreed, in order to express the attitude of some delegations, that the following note should be included in the report : “ In ordinary circumstances the declaration by a new government of its willingness to accept responsibility for carrying out the obligations of the Charter will be sufficient. However, the conduct of the new government may be considered when such conduct refutes the said declaration and reveals that it has not been made in good faith ”.

17. Item (iii) was approved by 8 votes to 4, with 2 abstentions, as follows :

In favour : Australia, Belgium, China, Cuba, Denmark, Egypt, United States of America, Uruguay.

Against : Dominican Republic, France, India, Venezuela.

Abstaining : Turkey, United Kingdom of Great Britain and Northern Ireland.

18. Sub-paragraph 1 (b) as a whole was approved by 7 votes to 5, with 2 abstentions, as follows :

In favour : Australia, Belgium, China, Cuba, Egypt, Uruguay, United States of America.

Against : Dominican Republic, France, India, Turkey, Venezuela.

Abstaining : Denmark, United Kingdom of Great Britain and Northern Ireland.

19. The representative of the Dominican Republic proposed to amend paragraph 2 by inserting the words “ on the legitimacy of representation ” after the word “ arises ”. This amendment was rejected by 5 votes to 4, with 5 abstentions.

20. The representative of India moved an amendment to paragraph 2 to delete the reference to the Interim Committee. This amendment was rejected by 9 votes to one, with 4 abstentions.

21. The representative of Belgium moved the deletion of paragraph 2 on the ground that it was superfluous and would be procedurally difficult to apply, but subsequently agreed that the Sub-Committee should express itself on his motion by its separate vote on paragraph 2.

22. Paragraph 2 was approved by a vote of 10 to 3, with one abstention, as follows :

In favour : Australia, China, Cuba, Denmark, Dominican Republic, Egypt, Turkey, Uruguay, United States of America, Venezuela.

Against : Belgium, India, United Kingdom of Great Britain and Northern Ireland.

Abstaining : France.

23. The representative of Denmark proposed that the word “ decision ” in paragraph 3 be replaced by the word “ conclusion ” in order to avoid misinterpretation. After a discussion of the point he did not press his proposal, on the understanding that the report would include an explanation that the use of the word “ decision ” did not imply that the action of the General Assembly would be binding on all other organs or on the specialized agencies.

24. Paragraph 3 was approved by 10 votes to one, with 3 abstentions, as follows :

In favour : Australia, Belgium, China, Cuba, Denmark, Egypt, Turkey, United States of America, Uruguay, Venezuela.

Against : India.

Abstaining : Dominican Republic, France, United Kingdom of Great Britain and Northern Ireland.

25. With respect to paragraph 4, the representative of Belgium suggested that the text be amended to read " Declares that this resolution does not affect the direct relations of individual Member States with the State, the representation of which has been subject of such decisions ". This suggestion was not pressed.

26. Paragraph 4 was approved by a vote of 11 votes in favour, with 3 abstentions, as follows :

In favour : Australia, China, Cuba, Denmark, Dominican Republic, Egypt, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Uruguay.

Abstaining : Belgium, France, India.

27. The representative of Belgium explained that his abstention on paragraph 4 was not due to opposition to the substance of the paragraph but to the drafting, which he felt did not sufficiently safeguard the sovereignty of States in the matter of recognition. The representative of France associated himself with the Belgian representative's statement. The representative of India also associated himself with the Belgian statement, adding that his abstention on the paragraph had also been due to his opposition to including reference to the Interim Committee.

28. Paragraph 5 was approved by 13 votes in favour, with one abstention, as follows :

In favour : Australia, Belgium, China, Cuba, Denmark, Dominican Republic, Egypt, India, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America, Venezuela.

Abstaining : France.

29. During the discussion and following the vote on the draft resolution several members of the Sub-Committee made, or submitted to the Rapporteur, statements regarding their vote for inclusion in the report.

30. The representative of Australia stated that his delegation had supported the draft resolution because it believed that its general approach was sound. Effective control of territory and obedience of the population were necessary before recognition should be extended, but above all a government must be willing to observe its international obligations and it was essential that it could be relied upon to do so. For this reason he would have preferred that the standards mentioned in items (i), (ii) and (iii) of sub-paragraph 1 (b) had been referred to more definitely, instead of as " factors to be taken into consideration ". Even so, no enumeration of criteria was exhaustive and each case should be dealt with on its merits.

31. The representative of France said that, while his delegation attached great importance to the attempt to establish standards, that must be a very difficult and lengthy task. The draft resolution had some interesting points, but the standards proposed were not necessarily the only possible ones; and, by the insertion of the words " the extent to which " in items (i) and (iii) of sub-paragraph 1 (b), the rule was almost entirely deprived of its objectivity, which was better preserved in the Cuban draft resolution. Moreover, the wording of several of the paragraphs of the resolution was deficient. In those circumstances the French delegation, while still thinking that the whole question should be referred for study to some such competent body as the International Law Commission, would vote against the present draft, which was rendered more harmful than useful by its defects. The problem of standards seemed less important than that of devising a solution valid for all United Nations bodies.

32. The representative of Belgium reserved the right of his delegation to vote against the resolution in the *Ad Hoc* Political Committee.

33. The representative of the Dominican Republic made the following statement :

" The delegation of the Dominican Republic wishes to make clear the reasons why it felt obliged, after the adoption of sub-paragraph 1 (b) of the operative part of the draft submitted by Working Group 2, to vote against the text as a whole adopted by Sub-Committee 2 by 8 votes to 4, with 2 abstentions.

" The delegation of the Dominican Republic supported the principles stated in the preamble and sub-paragraph 1 (a) for reasons previously explained, since they were in harmony with the Charter of the United Nations.

" The reasons for our negative vote are clear. We did not consider that the Sub-Committee could solve the problem of representation in the General Assembly by enumerating only a few of the factors involved. The delegation of the Dominican Republic takes this view because it believes this question to be of the utmost importance, and considers that it would be premature to specify any factors, principles or elements without first giving them careful study and taking into consideration other factors which might also be involved, and that during the present session there will not be enough time to undertake such a study. Accordingly, we originally proposed that the factors or elements contained in sub-paragraph 1 (b) should be referred to the International Law Commission for analysis.

" In our view, therefore, this problem involves questions of international law which require more adequate consideration.

" The delegation of the Dominican Republic, convinced that this problem is of such importance as to demand a balanced and realistic attitude on the part of the General Assembly of the United Nations, reserves the right to reintroduce in the *Ad Hoc* Political Committee the substance of the working docu-

ment which is submitted to Sub-Committee 2, in which it was proposed that the factors enumerated in sub-paragraph 1 (b) of the draft resolution should be referred to the International Law Commission for study, together with other factors which had been omitted from that sub-paragraph.”

34. The representative of the United Kingdom explained his abstention on the ground that his Government could not agree to the idea contained in item (ii) of sub-paragraph 1 (b) except on the basis that a declaration of willingness would be conclusive, an interpretation which did not appear to commend itself to most other delegations. The United Kingdom also felt that the draft resolution as a whole advanced matters hardly at all, since it was so worded as to leave it open to every country to decide on questions of representation in the light of any considerations which appeared good to it. For instance, with reference to the allusion to the purposes and principles of the Charter in sub-paragraph 1 (a), the United Kingdom would certainly interpret this as meaning that a refusal to recognize the effective government of a Member State would be contrary to the purposes and principles of the Charter, since it would amount, in practice, to denying to that State the representation in the United Nations to which it was entitled by reason of its membership. Other countries, however, would interpret the same phrase

as meaning that recognition could be denied to a government, however effectively in control of the State, if the government's actions appeared to be inconsistent with the obligations of the State under the Charter. Therefore, the phrase really achieved nothing in the way of securing uniformity of action on the part of Member States on questions of representation.

35. The representative of India, explaining his vote, said that the reference to the Interim Committee in paragraphs 2 and 3 was not acceptable to him and he had therefore been obliged to vote against these paragraphs. The proposal in item (iii) of sub-paragraph 1 (b) was also not acceptable, and he had voted against that sub-paragraph and also against the whole draft resolution since it included that sub-paragraph. He also reserved the right of his delegation to move amendments to and to vote against the draft resolution in the *Ad Hoc* Political Committee.

36. The representative of Turkey, in explaining his vote on the text as a whole, declared that although he was in accord with the preamble, as well as with sub-paragraph 1 (a) and all other paragraphs, he was obliged to abstain because he believed that sub-paragraph 1 (b) should be omitted, and that accordingly he wished to reserve the position of his delegation in the discussion of the text in the *Ad Hoc* Political Committee.

DOCUMENT A/AC.38/L.55

Dominican Republic: draft resolution

[Original text: Spanish]
[28 November 1950]

The General Assembly,

Considering that the item “ Recognition by the United Nations of the representation of a Member State ” has given rise to interesting debates on legal principles with particular reference to international law;

Having regard to the opinions expressed in the discussions on the subject in the *Ad Hoc* Political Committee of the General Assembly during its fifth session;

Being of the opinion that a special study of the matter ought to be made by the International Law Commission;

1. Resolves to request the International Law Commission of the United Nations to study the legal aspects of the item “ Recognition by the United Nations of the representation of a Member State ” and, in connexion with the problem of such representation, the following principal factors :

(a) The extent to which the new authority exercises control over the territory of the Member State in question and to which it is generally accepted by the population;

(b) The ability and will to accept and carry out the obligations which the Charter imposes upon it as a

Member State; the scope of a declaration made by a new government of its willingness to accept responsibility for carrying out the obligations of the Charter and the implications which would arise in cases where the conduct of the new government is not in conformity with the said declaration or has not been made in good faith;

(c) The consideration of the various internal processes which may contribute to a change in the representation of a Member State in the United Nations, and the extent to which the authority has been established as a result of such processes;

(d) The implications of external processes in the constitution of new authorities which request representation of the government of the Member State in the United Nations;

2. Decides to send to the International Law Commission the records of the meetings of the *Ad Hoc* Political Committee and those of its Sub-Committee 2, the draft resolutions and amendments submitted on the subject and all other documents which might be useful in the study which has been requested, and to request the Secre-

tary-General to take the necessary action on this resolution;

3. *Resolves* to keep the item on the agenda of the

sixth session of the General Assembly, pending the study which the International Law Commission is requested to undertake.

DOCUMENT A/1578

Report of the *Ad Hoc* Political Committee

[Original text: English]
[1 December 1950]

1. By a letter dated 19 July 1950 (A/1292), the alternate representative of Cuba to the United Nations requested the Secretary-General to place the question of the recognition by the United Nations of the representation of a Member State on the provisional agenda of the fifth session of the General Assembly. By a letter dated 26 July 1950, the permanent representative of Cuba transmitted to the Secretary-General for circulation an explanatory memorandum on the item (A/1308).

2. On 6 September 1950, the Secretary-General transmitted to the Members of the General Assembly for their information the text of a letter of 1 June 1950 from the Director-General of the United Nations Educational, Scientific and Cultural Organization enclosing the text of a resolution adopted on 30 May 1950 by the fifth session of the General Conference of UNESCO (A/1344). The resolution expressed the wish that the United Nations should adopt general criteria by which it might be possible to reach a uniform and practical settlement of the problem of representation on the various organs and organizations of the United Nations of countries of which two or more authorities claimed to be the only regular government.

3. The General Assembly, at its 285th meeting on 26 September 1950, decided to include the item in the agenda of the fifth session and to refer it to the *Ad Hoc* Political Committee.

4. The *Ad Hoc* Political Committee considered the item at its 18th to 24th meetings inclusive, and again at its 57th to 60th meetings inclusive.

5. At the 18th meeting of the Committee on 20 October 1950, a draft resolution (A/AC.38/L.6) was submitted by Cuba. The preamble expressed the view: (1) that questions regarding the representation of a Member State in the United Nations could not be definitely settled under the present rules and that there was danger that the organs of the United Nations might reach conflicting decisions; (2) that in the interest of the proper functioning of the United Nations there should be uniformity in the procedure applied in the settlement of such questions; and (3) that, in virtue of its composition, the General Assembly was the only organ of the United Nations in a position to express the general opinion of all Member States in matters affecting the functioning of the Organization as a whole. Paragraph 1 of the draft resolution recommended that questions arising in connexion with the representation of

a Member State in the United Nations should be decided in the light of the following: (a) effective authority over the national territory; (b) the general consent of the population; (c) ability and willingness to achieve the purposes of the Charter, to observe its principles and to fulfil the international obligations of the State; and (d) respect for human rights and fundamental freedoms. Paragraph 2 provided that when it was necessary to take a decision regarding the legitimacy of the representation of a Member State, the matter was to be referred to the General Assembly for decision. Paragraph 3 declared that such decisions taken by the General Assembly were not to affect the direct relations of individual Member States with the State, the representation of which had been the subject of such decision. Paragraph 4 requested the Secretary-General to transmit the resolution to the organs and specialized agencies of the United Nations for appropriate action.

6. At the same meeting, an amendment (A/AC.38/L.11) to the draft resolution of Cuba was submitted by Uruguay to add to sub-paragraph 1 (a) the words "established without the intervention of any other State" and to delete from paragraph 2 the words "it is necessary to take a decision" and replace them by the words "disputes arise".

7. At the 19th meeting on 21 October 1950, a draft resolution (A/AC.38/L.21) was submitted by the United Kingdom. The preamble stated: (1) that there was no uniformly agreed principle for determining the right of the government of a Member State to represent it and that there was a danger that conflicting decisions on this subject might be reached by the various organs of the United Nations and in the specialized agencies; (2) that in the interest of the proper functioning of the Organization there should be uniformity in the criteria to be applied in determining whether a given Government was entitled to represent a Member State or when the representation of a Member State was challenged in any organ of the United Nations; (3) that, in virtue of its composition, the General Assembly was the only organ of the United Nations in which consideration could be given to the views of all Member States in matters affecting the functioning of the Organization as a whole. Paragraph 1 recommended that where the question of the representation of a Member State arose in consequence of internal processes or changes which had taken place in that State, the right of a government to represent the Member State concerned in the United

Nations should be recognized if that government exercised effective control and authority over all or nearly all the national territory, and had the obedience of the bulk of the population of that territory, in such a way that this control, authority and obedience appeared to be of a permanent character. Paragraph 2 provided that when any question arose regarding the right of a government to represent a Member State in the United Nations, the matter was to be referred to the General Assembly for consideration, but without thereby precluding action by any other organ of the United Nations which was called upon to take a decision on the matter during the period before the General Assembly met. Paragraph 3 recommended that the view taken by the General Assembly concerning the right of a government to represent a Member State should be acted upon by Member States in other organs of the United Nations and in the specialized agencies. Paragraph 4 declared that decisions taken by the General Assembly in accordance with the resolution were not of themselves to affect the direct relations of individual Member States with the State, the representation of which had been the subject of such decisions. Paragraph 5 requested the Secretary-General to transmit the resolution to the organs and specialized agencies of the United Nations for appropriate action.

8. At the 20th meeting on 23 October 1950, an amendment (A/AC.38/L.22) to the draft resolution of Cuba was submitted by China: (1) to add, after the third paragraph of the preamble, a paragraph to the effect that the recognition of a new representation of a Member State should not be premature and should be guided strictly by the principles and provisions of the Charter of the United Nations and the Stimson Doctrine of Non-Recognition; and (2) in the operative part to make the following additions: (a) at the end of sub-paragraph 1 (a) the words "established without the intervention of any other State, independent of foreign control and domination, and not as a result of foreign aggression, direct or indirect"; (b) at the end of sub-paragraph 1 (b) the words "expressed through freely conducted or internationally supervised or observed elections"; (c) at the end of sub-paragraph 1 (c) the words "not having been an accomplice of aggression or given aid and sympathy to an aggressor so proclaimed by the United Nations, and not having committed acts of aggression"; (d) at the end of sub-paragraph 1 (d) the words "as defined by the United Nations Universal Declaration of Human Rights"; (e) at the end of paragraph 2 the words "as a question of importance and that the General Assembly shall appoint a commission of investigation to ascertain the facts relating to each one of the items under paragraph 1, and to report to the General Assembly for consideration"; (f) at the end of paragraph 3, after changing the word "not" earlier in that paragraph to "neither", the words "nor the application of regional agreements concerning recognition."

9. At the same meeting a draft resolution (A/AC.38/L.23) was submitted by the Dominican Republic: (1) to request the International Law Commission to study the legal aspects of the item and to submit the results of such study in time for inclusion in the agenda of the

sixth session of the General Assembly; and (2) to send to the International Law Commission the records of the meetings of the Committee dealing with the subject, the draft resolutions submitted, and all other documents which might provide the International Law Commission with useful information, and to request the Secretary-General to take the necessary action on this resolution.

10. At the 21st meeting on 25 October 1950, an amendment (A/AC.38/L.24) to the United Kingdom draft resolution was submitted by Venezuela for the deletion of the disjunctive "or" in the second paragraph of the preamble, and for the addition to paragraph 1 of the words "and expressly declares its willingness to fulfil the international obligations of the State."

11. At the 23rd meeting on 26 October 1950, the United Kingdom submitted a proposal (A/AC.38/L.25) to the effect that, if it should be decided to refer the matter to an outside body, the latter should be the International Court of Justice, to which the following questions should be put: "(1) If, in consequence of internal changes or processes which have taken place in a Member State of the United Nations, there is established in that State a government which exercises effective control and authority over all or nearly all the national territory, and has the obedience of the bulk of its population, in such a manner that this control, authority and obedience appear to be of a permanent character, is there an obligation, according to the accepted principles of international law, to recognize the government concerned as being entitled to represent that Member State? (2) If the answer to the first question is in the negative, what are the circumstances (if any) in which such an obligation can be regarded as existing?" The proposal stated that if the decision was reached to submit the matter to the International Law Commission rather than to the Court, the same questions would be suitable.

12. At the 24th meeting on 26 October 1950, the Committee decided, by 29 votes to 6, with 17 abstentions, to establish a Sub-Committee to consider the item in the light of all the proposals, amendments, suggestions and views presented in the course of debate. The Sub-Committee was composed of the representatives of Australia, Belgium, China, Cuba, Denmark, Dominican Republic, Egypt, France, India, Turkey, United Kingdom, United States of America, Uruguay and Venezuela.

13. At the 57th meeting on 27 November 1950, the Rapporteur of the Sub-Committee presented its report (A/AC.38/L.45) and the draft resolution adopted by the Sub-Committee for consideration by the Committee.

[For the text of document A/AC.38/L.45, see page 8]

14. At the same meeting an amendment (A/AC.38/L.50) to the draft resolution of the Sub-Committee was submitted by Belgium, calling for the deletion of paragraph 2, the substitution of the words "attitude adopted" for the words "decision(s) reached" in paragraphs 3 and 4 and consequential drafting changes in paragraph 4.

15. At the 59th meeting on 28 November 1950, an amendment (A/AC.38/L.53) to the Sub-Committee's

draft resolution was submitted by Mexico to add at the end of paragraph 2 the following: "it being understood that nothing in this resolution shall be interpreted to mean that the General Assembly or the Interim Committee is authorized to appoint commissions of investigation or study, to hold hearings, to convene persons or receive evidence or statements, since the factors referred to in items (i), (ii) and (iii) of sub-paragraph 1 (b) should be considered exclusively as criteria which each individual delegation may take into account."

16. At the same meeting an amendment (A/AC.38/L.54) to the Sub-Committee's draft resolution was submitted by Egypt for the deletion of sub-paragraph 1 (b).

17. At the 60th meeting on 28 November 1950, the Dominican Republic submitted a draft resolution (A/AC.38/L.55) to request the International Law Commission to study the legal aspects of the item and, in connexion with the problem of representation, to study specified principal factors.

18. At the same meeting an amendment (A/AC.38/L.56) to the Sub-Committee's draft resolution was submitted by Argentina to substitute the following for paragraph 1 of the operative part: "1. *Recommends* that when the question of the representation of a Member State arises as the result of internal processes that have occurred in such State, a government shall be recognized as possessing the right to represent the Member State in question in the United Nations if that government effectively exercises its power and authority over all or almost all the national territory and if it is obeyed by the people, account being taken also of the willingness of the said government to accept responsibility for carrying out the obligations which the Charter imposes on Member States." The representative of Argentina withdrew the foregoing amendment before the vote was taken, while reserving his right to re-submit it to the General Assembly.

19. The draft resolution of the Sub-Committee and the amendments thereto were put to the vote with the following results:

(a) The preamble as a whole was adopted by 38 votes to 6, with 10 abstentions.

(b) Sub-paragraph 1 (a) was adopted by 34 votes to 5, with 12 abstentions.

(c) The Egyptian amendment (A/AC.38/L.54) to delete sub-paragraph 1 (b) was adopted by a roll-call vote of 27 votes to 13, with 14 abstentions, as follows:

In favour: Afghanistan, Argentina, Brazil, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Dominican Republic, Ecuador, Egypt, France, India, Indonesia, Israel, Mexico, Norway, Pakistan, Poland, Saudi Arabia, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Chile, China, Cuba, Guatemala, Honduras, Iraq, New Zealand, Paraguay, Thailand, United States of America, Uruguay.

Abstaining: Canada, Colombia, Denmark, El Salvador, Ethiopia, Greece, Haiti, Iran, Lebanon, Netherlands, Panama, Peru, Philippines, Syria.

(d) In view of the deletion of sub-paragraph 1 (b) the representative of Mexico withdrew his amendment (A/AC.38/L.53).

(e) The Belgian amendment (A/AC.38/L.50) calling for the deletion of paragraph 2 was adopted by 21 votes to 20, with 14 abstentions.

(f) The Belgian amendment (A/AC.38/L.50) relating to paragraph 3 was adopted by 16 votes to 10, with 27 abstentions.

(g) Paragraph 3 as amended was adopted by 29 votes to 5, with 19 abstentions.

(h) An amendment to delete from paragraph 4 the words "or its Interim Committee", submitted by the representative of the Union of Soviet Socialist Republics, was rejected by 35 votes to 6, with 11 abstentions.

(i) The Belgian amendment to paragraph 4, with drafting changes consequent on the adoption of paragraph 3, as amended, was adopted by 35 votes to 5, with 13 abstentions.

(j) Paragraph 5 was adopted by 35 votes to 2, with 13 abstentions.

(k) The draft resolution of the Sub-Committee, as amended, was adopted as a whole by 29 votes to 7, with 15 abstentions.

20. At the conclusion of the voting, the representative of the Dominican Republic withdrew his draft resolution (A/AC.38/L.55), while reserving the right to reintroduce it in the General Assembly.

21. The *Ad Hoc* Political Committee accordingly recommends that the General Assembly adopt the following draft resolution:

RECOGNITION BY THE UNITED NATIONS OF THE REPRESENTATION OF A MEMBER STATE

The General Assembly,

Considering that difficulties may arise regarding the representation of a Member State in the United Nations and that there is a risk that conflicting decisions may be reached by its various organs,

Considering that it is in the interest of the proper functioning of the Organization that there should be uniformity in the procedure applicable whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations, and this question becomes the subject of controversy in the United Nations,

Considering that, in virtue of its composition, the General Assembly is the organ of the United Nations in which consideration can best be given to the views of all Member States in matters affecting the functioning of the Organization as a whole,

1. *Recommends* that whenever more than one authority claims to be the government entitled to represent

a Member State in the United Nations, and this question becomes the subject of controversy in the United Nations, the question should be considered in the light of the purposes and principles of the Charter and the circumstances of each case;

2. *Recommends* that the attitude adopted by the General Assembly or its Interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies;

3. *Declares* that the attitude adopted by the General Assembly or its Interim Committee concerning any such question shall not of itself affect the direct relations of individual Member States with the State concerned;

4. *Requests* the Secretary-General to transmit the present resolution to the other organs of the United Nations and to the specialized agencies for such action as may be appropriate.

Check list of documents

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A/AC.38/L.53	Mexico : amendment to the draft resolution of Sub-Committee 2 (A/AC.38/L.45)		Incorporated in 59th meeting.
A/AC.38/L.54	Egypt : amendment to the draft resolution of Sub-Committee 2 (A/AC.38/L.45)		Incorporated in 59th meeting.
A/AC.38/L.55	Dominican Republic : draft resolution	12	
A/AC.38/L.56	Argentina : amendment to the draft resolution of Sub-Committee 2 (A/AC.38/L.45)		Incorporated in 60th meeting.
A/AC.38/L.58	Resolution adopted by the <i>Ad Hoc</i> Political Committee at its 60th meeting on 28 November 1950		Text in A/1578.
S/1447	Letter dated 13 January 1950 addressed to the President of the Security Council from the permanent representative of India to the United Nations, transmitting the text of draft amendments to the provisional rules of procedure of the Security Council		<i>Official Records of the Security Council, Fifth Year, Supplement for January through May 1950.</i>
S/1457 (incorporating S/1457/Corr.1)	Report submitted by the Committee of Experts of the Security Council, concerning the amendments to the provisional rules of procedure of the Security Council proposed by the permanent representative of India		<i>Ibid.</i>

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
S/1466	Letter dated 8 March 1950 addressed to the President of the Security Council from the Secretary-General, transmitting a memorandum on the legal aspects of the problem of representation in the United Nations		<i>Ibid.</i>
S/1470	Letter dated 13 March 1950 addressed to the Secretary-General from the permanent representative of China to the United Nations		<i>Ibid.</i>



Agenda item 62 : Relations of States Members and specialized agencies with Spain

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DOCUMENT A/1310

Letter dated 2 August 1950 addressed to the Secretary-General from the permanent representative of the Dominican Republic to the United Nations

[Original text : Spanish]
[8 August 1950]

In accordance with instructions from my Government, I have the honour to request the inclusion of the following item in the provisional agenda of the fifth session of the General Assembly of the United Nations,

to open at Flushing Meadow on 19 September 1950 :
" Relations of States Members of the United Nations with Spain ".

(Signed) Max HENRÍQUEZ UREÑA

DOCUMENT A/1314

Letter dated 10 August 1950 addressed to the Secretary-General from the permanent representative of the Dominican Republic to the United Nations

[Original text : Spanish]
[15 August 1950]

In compliance with rule 20 of the rules of procedure of the General Assembly, I have pleasure in communicating to you the attached explanatory memorandum on the request made by this permanent delegation that the agenda of the fifth session of the Gene-

ral Assembly should include the item : " Relations of States Members of the United Nations with Spain ¹ ".

(Signed) Max HENRÍQUEZ UREÑA

¹ A/1310.

INCLUSION OF THE FOLLOWING ITEM IN THE PROVISIONAL AGENDA OF THE GENERAL ASSEMBLY: "RELATIONS OF STATES MEMBERS OF THE UNITED NATIONS WITH SPAIN"

Explanatory memorandum

The purpose which the Dominican Republic has in mind in proposing the inclusion of the item "Relations of States Members of the United Nations with Spain" in the provisional agenda of the fifth session of the General Assembly may be briefly and concisely explained.

It is simply a matter of reviewing, in the light of experience gained during the time that has elapsed, the situation created by the resolution which the General Assembly adopted on 12 December 1946.² Such a review may be considered from various angles: the Dominican delegation proposes to consider it only from the standpoint of the relations between States

² See *Official Records of the General Assembly, Second part of first session, Resolutions*, No. 39 (I).

Members and Spain, and believes that such a review is necessary, especially as regards diplomatic relations, which the aforesaid resolution did not intend to suppress but only to limit to a certain extent. Another class of relations which may also be taken into account in a review of the question are those which States Members may entertain with Spain if that nation participates in the technical conferences of the United Nations and in the activities of the specialized agencies.

The delegation of the Dominican Republic is of the opinion that, since nearly four years have elapsed since the resolution of 12 December 1946 was adopted, it is time that the conditions in which these relations are now evolving and the possibility of modifying them should be carefully examined. The delegation of the Dominican Republic hopes that this review and discussion will give rise to a balance of opinion favourable to a suggestion which it is proposed to make in order that these relations may continue in a normal manner in the future.

This explanatory memorandum is submitted in compliance with the provision of rule 20 of the rules of procedure of the General Assembly.

DOCUMENT A/1328

Telegram dated 18 August 1950 addressed to the Secretary-General from the permanent representative of Peru to the United Nations

[*Original text: Spanish*]
[21 August 1950]

In accordance with instructions of my Government I request inclusion in agenda of fifth session of United Nations General Assembly item entitled "Relations of States Members and Specialized agencies with Spain".

Am forwarding by mail the relevant draft resolution.

C. HOLGUÍN DE LAVALLE
Permanent Representative of Peru to the United Nations

DOCUMENT A/AC.38/L.7

Bolivia, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua, Philippines, Peru: joint draft resolution

[*Original text: English*]
[7 October 1950]

The General Assembly,

Considering that:

The General Assembly during the second part of its first session in 1946 adopted several recommendations concerning Spain, one of which provided that Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and another that Member States withdraw their Ambassadors and Ministers from Madrid;

The establishment of diplomatic relations and the exchange of Ambassadors and Ministers with a government does not imply any judgment upon the domestic policy of that government;

The specialized agencies of the United Nations are technical and largely non-political in character and have

been established in order to benefit the peoples of all nations, and that, therefore, they should be free to decide for themselves whether the participation of Spain in their activities is desirable;

Resolves:

1. To revoke the recommendation for the withdrawal of Ambassadors and Ministers from Madrid, contained in General Assembly resolution 39 (I) of 12 December 1946; and

2. To revoke the recommendation intended to debar Spain from membership in international agencies established by or brought into relationship with the United Nations, which is a part of the same resolution adopted by the General Assembly in 1946 concerning relations of the United Nations with Spain.

DOCUMENT A/1473

Report of the *Ad Hoc* Political Committee

[Original text : English]
[2 November 1950]

1. By notes dated 2 August 1950 (A/1310) and 10 August 1950 (A/1314), addressed to the Secretary-General, the delegation of the Dominican Republic requested that the item "Relations of States Members of the United Nations with Spain" should be included in the agenda of the fifth session of the General Assembly. By a telegram dated 18 August 1950 (A/1328), addressed to the Secretary-General, the delegation of Peru requested that the item "Relations of States Members and specialized agencies with Spain" should be included in the agenda of the fifth session of the General Assembly.

2. The General Assembly, on the recommendation of the General Committee, decided, at its 285th plenary meeting on 26 September 1950, to refer the item in the following form, "Relations of States Members and specialized agencies with Spain" to the *Ad Hoc* Political Committee for consideration and report.

3. The *Ad Hoc* Political Committee considered the matter during its 25th to 30th meetings, inclusive.

4. Draft resolutions, submitted by Peru and Bolivia (A/1334), El Salvador (A/1351), the Dominican Republic (A/1363), and a joint draft resolution submitted by Bolivia, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua and Peru (A/AC.38/L.4) were withdrawn at the 25th meeting of the Committee on 27 October 1950.

5. At the same meeting, a joint draft resolution was introduced by Bolivia, Costa Rica, Dominican Republic, El Salvador, Honduras, Nicaragua, Philippines and Peru (A/AC.38/L.7). This draft resolution referred to recommendations concerning Spain adopted by the General Assembly during the second part of its first session in 1946^a considered that the establishment of diplomatic relations with a government does not imply any judgment upon the domestic policy of that government; considered further that the specialized agencies of the United Nations are technical and non-political in character and that they should be free to decide for themselves whether the participation of Spain in their activities is desirable; and proposed

(a) To revoke the recommendation for the withdrawal of Ambassadors and Ministers plenipotentiary from Madrid, contained in General Assembly resolution 39 (I) of 12 December 1946;

(b) To revoke the recommendation intended to debar Spain from membership in international agencies established by or brought into relationship with the United Nations, which recommendation is a part of the same resolution adopted by the General Assembly in 1946, concerning relations of Members of the United Nations with Spain.

6. At the 28th meeting of the Committee on 30 October, the Netherlands introduced an amendment (A/AC.38/L.26) to the joint draft resolution. The amendment, which was accepted by the sponsors of the joint draft resolution, proposed to add to the third paragraph of the preamble, after the word "desirable", the following words: "in the interest of their work".

7. A great majority of the representatives who spoke in favour of the joint draft resolution stressed the point that their affirmative vote did not imply that they approved the domestic policies of the Franco Government in Spain. Indeed, no representative claimed that the present Spanish Government had undergone any change along the lines indicated in the General Assembly resolution of 12 December 1946. Further, a number of the sponsoring delegations and others pointed out that the joint draft resolution, while revoking the recommendations embodied in the 1946 resolution, left intact the condemnation of the Franco régime contained in the 1946 resolution.

8. At the 30th meeting on 31 October, the amended joint draft resolution was put to the vote by roll-call and was adopted by 37 votes to 10, with 12 abstentions, as follows:

In favour: Afghanistan, Argentina, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dominican Republic, Ecuador, Egypt, El Salvador, Greece, Haiti, Honduras, Iceland, Iran, Iraq, Lebanon, Liberia, Netherlands, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Thailand, Turkey, Union of South Africa, United States of America, Venezuela, Yemen.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Guatemala, Israel, Mexico, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Abstentions: Australia, Burma, Cuba, Denmark, Ethiopia, France, India, Indonesia, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland.

9. The *Ad Hoc* Political Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

RELATIONS OF STATES MEMBERS AND SPECIALIZED AGENCIES WITH SPAIN

The General Assembly,

Considering that:

The General Assembly, during the second part of its first session in 1946, adopted several recommendations concerning Spain, one of which provided that Spain be

^a *Ibid.*

debarred from membership in international agencies established by or brought into relationship with the United Nations, and another that Member States withdraw their Ambassadors and Ministers from Madrid,

The establishment of diplomatic relations and the exchange of Ambassadors and Ministers with a government does not imply any judgment upon the domestic policy of that government,

The specialized agencies of the United Nations are technical and largely non-political in character and have been established in order to benefit the peoples of all nations, and that, therefore, they should be free to decide for themselves whether the participation of Spain in

their activities is desirable in the interest of their work,

Resolves :

1. To revoke the recommendation for the withdrawal of Ambassadors and Ministers from Madrid, contained in General Assembly resolution 39 (I) of 12 December 1946;

2. To revoke the recommendation intended to debar Spain from membership in international agencies established by or brought into relationship with the United Nations, which recommendation is a part of the same resolution adopted by the General Assembly in 1946 concerning relations of Members of the United Nations with Spain.

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A/1328	Telegram dated 18 August 1950 addressed to the Secretary-General from the permanent representative of Peru to the United Nations	2	
A/1334	Letter dated 18 August 1950 addressed to the Secretary-General from the permanent representative of Peru to the United Nations transmitting a draft resolution		Draft resolution withdrawn at 25th meeting in favour of A/AC.38/L.7.
A/1351	Letter dated 2 September 1950 addressed to the Secretary-General from the Chairman of the delegation of El Salvador transmitting a draft resolution		Draft resolution withdrawn at 25th meeting in favour of A/AC.38/L.7.
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Agenda item 63 : Draft first international covenant on human rights

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DOCUMENT A/1384

Note by the Secretary-General

[Original text : English]
[22 September 1950]

1. At its third session, the General Assembly, " considering that the plan of work of the Commission on Human Rights provides for an international bill of human rights, to include a declaration, a covenant on human rights and measures of implementation ", requested the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft covenant on human rights and draft measures of implementation (resolution 217 E (III)).

2. At its eleventh session, the Economic and Social Council, having considered the report of the Commission on Human Rights (sixth session) (E/1681), adopted the following resolution :

[For the text of the resolution, see *Official Records of*

the Economic and Social Council, Eleventh Session, Resolutions, No. 303 I (XI).]

3. The Secretary-General desires therefore to draw the attention of the General Assembly to the report of the Commission on Human Rights (sixth session), in which the draft first international covenant on human rights appears as annex I.

4. The following is a list of the relevant documentation and records referred to in the seventh paragraph of Council resolution 303 I (XI).

(a) Summary records of the plenary meetings of the Economic and Social Council (see *Official Records of the Economic and Social Council, Eleventh Session, 376th to 379th, and 404th meetings*).

(b) Summary Records of the Social Committee of the Economic and Social Council (see documents E/AC.7/SR.146 to 155 and E/AC.7/SR.157).

(c) Report of the Social Committee of the Economic and Social Council (E/1808) (see *Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 19*).

(d) Economic and Social Council resolution 303 (XI) of 9 August 1950.

(e) Report submitted by the Director General of the United Nations Educational, Scientific and Cultural Organization to the Economic and Social Council on regulations concerning economic and social rights in the International Covenant on Human Rights (E/1752 and Corr.1).

(f) Memorandum and reports submitted by the Secretary-General to the Economic and Social Council :

(i) Report of the Secretary-General on federal and colonial clauses (E/1721 and Corr.1);

(ii) Report of the Secretary-General on the means by which the proposed human rights committee may be able to obtain advisory opinions from the International Court of Justice (E/1732);

(iii) Memorandum by the Secretary-General : comments on the draft first international covenant on human rights (E/L.68).

(g) Written statements submitted by non-governmental organizations in category B consultative status with the Economic and Social Council :

(i) Statement submitted by the International League for the Rights of Man (E/C.2/254/Add.1 and E/C.2/276);

(ii) Statement submitted by Pax Romana : International Catholic Movement for Intellectual and Cultural Affairs (E/C.2/268);

(iii) Statement submitted by the World Jewish Congress (E/C.2/259/Add.1).

DOCUMENT A/C.3/534

Note by the Secretary-General

[Original text : English]
[28 September 1950]

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I. INTRODUCTION

1. In its resolution 303 I (XI), the Economic and Social Council submitted the draft first international covenant on human rights (E/1681, annex I), together with relevant documentation and records,¹ to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on a number of questions which in the Council's resolution are arranged under the following headings :

- (a) The general adequacy of the first eighteen articles;
- (b) The desirability of including special articles on the application of the covenant to federal States and to Non-Self-Governing and Trust Territories;
- (c) The desirability of including articles on economic, social and cultural rights; and
- (d) The adequacy of the articles relating to implementation.

2. The Secretary-General submitted to the Economic and Social Council document E/L.68, being a memorandum by the Secretary-General on the draft first international covenant on human rights, in which were compiled comments by members of the Commission on Human Rights and certain observations of the Secretariat. In the light of the decision taken by the Economic and Social Council, in its resolution 303 I (XI), the Secretary-General has the honour to add to his memorandum (E/L.68) the observations which follow.

II. THE GENERAL ADEQUACY OF THE FIRST EIGHTEEN ARTICLES

3. The present note does not deal with those many drafting suggestions which have been made by representatives on the Commission of Human Rights and on the Economic and Social Council, by Sub-Commissions, specialized agencies and the Secretariat itself and which are to be found in the documentation before the General Assembly. These and other drafting questions will no doubt be considered in detail by the Council and the Com-

¹ See document A/1384, para. 4.

mission on Human Rights in the course of their future work connected with this instrument.

4. Consideration of the “general adequacy of the first eighteen articles” raises two major questions: first, whether the catalogue of rights contained in the first eighteen articles is adequate, i.e. whether any rights other than those at present dealt with in the first eighteen articles should be made the subject of provisions to be included in parts I and II of the covenant; and secondly, whether the existing eighteen articles as drafted are adequate to protect the rights to which they relate.

5. With regard to the first of these two questions, the Secretary-General assumes that the General Assembly will not examine, under the heading of the “general adequacy of the first eighteen articles”, the question of the desirability of including articles on economic, social and cultural rights, because section IV of this document is devoted to that problem. The General Assembly may wish therefore in considering this aspect of the question of general adequacy to deal only with the problem whether any additional articles other than those which are referred to in resolution 303 C (XI) of the Economic and Social Council as “the fundamental rights of the individual and certain essential civil freedoms” should be added to the list of rights to be defined and included in the covenant. Annex III of the report of the Commission on Human Rights (sixth session) (E/1681) lists, in addition to articles on economic, social and cultural rights, a number of proposals concerning what may be regarded as “fundamental rights of the individual and essential civil freedoms” which were made by the representatives of France, the Philippines, the Union of Soviet Socialist Republics, Yugoslavia, and the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities. Certain non-governmental organizations also presented to the Economic and Social Council written statements which the Council considered it appropriate to transmit to the General Assembly. These statements are listed in the note by the Secretary-General (A/1384). Some of them contain suggestions as to additional articles apart from articles on economic, social and cultural rights to be included in the covenant. In this regard, the Secretary-General refers in particular to the statement by the International League for the Rights of Man (E/C.2/254/Add.1) and the statement by the World Jewish Congress (E/C.2/259/Add.1).

6. The General Assembly may, therefore, wish to give to the Economic and Social Council, and through it, to the Commission on Human Rights, directives on the question of including, or not including in the covenant, articles setting forth and defining one or more of the following rights:

(a) The protection of the inviolability of the home (proposal by the Philippines based on article 12 of the Universal Declaration of Human Rights; see also the statement made by the representative of China in the Social Committee of the Economic and Social Council (E/AC.7/SR.149, page 10) and the statement by the International League for the Rights of Man);

(b) The protection of the inviolability or secrecy of correspondence (proposal by the Philippines based on

article 12 of the Universal Declaration of Human Rights; see also the statement made by the representative of China in the Social Committee of the Economic and Social Council (E/AC.7/SR.149, page 11) and the statement by the International League for the Rights of Man);

(c) The protection of privacy (proposal by the Philippines based on article 12 of the Universal Declaration of Human Rights);

(d) The protection against attacks on honour and reputation (proposal by the Philippines based on article 12 of the Universal Declaration of Human Rights);

(e) The right to property (proposal by the Philippines based on article 17 of the Universal Declaration of Human Rights); (see also the statement made by the representative of Belgium in the Social Committee of the Council (E/AC.7/SR.148, page 9), and the statement by the International League for the Rights of Man);

(f) The rights of persons deprived of liberty and rights relating to the penitentiary system (proposal of France);

(g) The right to participation in the government of the State (proposal by the Union of Soviet Socialist Republics based on article 21 of the Universal Declaration of Human Rights; see also the statement made by the representatives of Belgium and of the United States of America in the Social Committee of the Economic and Social Council (E/AC.7/SR.148, page 9, and E/AC.7/SR.147, page 16, respectively) and the statement by the International League for the Rights of Man);

(h) The right of national self-determination and the rights of minorities (proposals by the Union of Soviet Socialist Republics, by Yugoslavia and by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; see also the statement by the World Jewish Congress);²

(i) The right of asylum (proposal by Yugoslavia based on article 14 of the Universal Declaration of Human Rights; see also the statements made by the representatives of Belgium and China in the Social Committee of the Economic and Social Council (E/AC.7/SR.147, page 9; E/AC.7/SR.148, page 9; and E/AC.7/SR.149, page 10, respectively), and the statement by the International League for the Rights of Man);

(j) The right to equal access to public service (see the statement by the World Jewish Congress based on article 21, paragraph 2, of the Universal Declaration of Human Rights);

(k) Rights relating to marriage and the family (see the statement made by the representative of China in the Social Committee of the Economic and Social Council (A/AC.7/SR.149, page 10), and the statement by the World Jewish Congress based on articles 12 and 16 of the Universal Declaration of Human Rights);

(l) The right to petition national authorities (see General Assembly resolution 217 B (III) and the observation of Cuba at the 224th plenary meeting of the General Assembly.³

² The attention of the General Assembly is drawn to its resolution 217 C III.

³ See *Official Records of the General Assembly, Fourth Session, Plenary Meetings*.

7. The Secretary-General respectfully draws the attention of the General Assembly to the fact that there are other rights included in the Universal Declaration of Human Rights, such as the right to a nationality (article 15 of the Declaration) which are not included in the draft covenant.

8. With regard to the second aspect of the question of the adequacy of the first eighteen articles, the substantive adequacy of the provisions embodied in the existing eighteen draft articles themselves, the Secretary-General wishes to draw attention to his memorandum (E/L.68), which contains a compilation of the comments of members of the Commission on Human Rights and certain observations by the Secretariat. In the light of the decision of the Economic and Social Council, he wishes to add the following remarks.

9. It has been pointed out by the Canadian representative on the Social Committee of the Economic and Social Council (E/AC.7/SR.148, page 13) and by a non-governmental organization (see the statement by the World Jewish Congress, document E/C.2/259/Add.1, pages 3 to 5, paragraphs 1 and 2) that the draft covenant offers several conflicting solutions to the problem of the relationship between provisions of the Covenant and provisions of national law (articles 3, paragraph 3; 6; 8; 9; 11, paragraphs 1 and 2, 13; 14; 15 and 16). In this connexion, the General Assembly's attention is drawn to the way in which the problem of the relationship between international conventional law and national law has been treated in the Convention of 1948 concerning Freedom of Association and the Protection of the Right to Organize, article 8 of which reads as follows :

" 1. In exercising the rights provided for in this Convention workers and employers and their respective organizations, like other persons or organized collectivities, shall respect the law of the land.

" 2. The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention".

10. The General Assembly may consider the advisability of having the Covenant include a declaratory statement to the effect that the observance of the Covenant " shall be a matter of international concern".

11. The General Assembly may wish to consider whether part of the anti-discriminatory provisions of the covenant at present contained in article 1, paragraph 1, and article 17 should not be enumerated among those provisions of the covenant from which no derogation may be made under article 2, paragraph 2, of the draft. It has been submitted that while a state of emergency or public disaster may make it necessary to make distinctions as to nationality, or political or other opinion, such a situation would not be a reason for distinctions as to race, colour, sex or religion. (See the observation by the representative of Mexico in the Social Committee of the Economic and Social Council (E/AC.7/SR.149, page 9); see also the statement by the World Jewish Congress, section I, paragraph 1.)

12. The General Assembly may wish to consider whether the anti-discriminatory provisions of the covenant (article 1, paragraph 1, and article 17) should not be strengthened by the addition of a provision to the effect that the States parties to the covenant undertake not to lend the assistance of their judicial, executive and administrative organs for the purpose of enforcing or practising discrimination.

13. The question of medical or scientific experimentation is now dealt with in article 4 of the draft covenant. The General Assembly's attention is drawn to the fact that in the course of several trials of alleged war criminals by the United States military tribunals at Nürnberg and by the Supreme National Tribunal of Poland, a relevant body of judicial opinion has been evolved which might usefully be taken into account in connexion with this provision.⁴

14. Articles 6 and 10 of the draft covenant contain comprehensive provisions protecting individuals against arrest and detention and stipulate a number of valuable guarantees for those charged with criminal offences. The General Assembly may wish to consider whether provision should not also be inserted for the protection of persons whose detention is of a merely preventive character and is not based on criminal charges, a situation which the draft covenant permits in a state of emergency (article 2) or in consequence of a general law consistent with the rights recognized in the covenant (article 8). (See also the proposal of the French representative on the Commission on Human Rights set out in annex III of the Report of the Commission on Human Rights (Sixth session) (E/1681).

15. In articles 10, 13, 14, 15 and 16, the draft covenant uses the term " public order " (*ordre public*). Attention is respectfully drawn to the comments on this term by the representative of the United Kingdom in connexion with article 14 of the draft covenant and to paragraph 83 of the Secretary-General's memorandum (E/L.68). As an illustration of the possible scope of this term, the attention of the General Assembly is respectfully drawn to the fact that the Commission on Human Rights itself has gone on record as interpreting the terms " public order " (*ordre public*) as covering both the right to license media of information and the right to regulate the importation of information material (E/CN.4/SR.167, paragraphs 52 to 54).

III. THE DESIRABILITY OF INCLUDING SPECIAL ARTICLES ON THE APPLICATION OF THE COVENANT TO FEDERAL STATES AND TO NON-SELF-GOVERNING AND TRUST TERRITORIES

16. The Secretary-General refers the General Assembly to the memorandum on this question (E/1721 and

⁴ See the judicial decisions cited in *Law Reports of Trials of War Criminals*, vol. XV (*Digest of Laws and Cases*), pp. 114-117, published for the United Nations War Crimes Commission by His Majesty's Stationery Office, London. Among the earlier volumes of this series, see in particular vol. VII, pp. 14-16 and 24-26 (Trial of Rudolf Hess by the Supreme National Tribunal of Poland), pp. 35-37, 45 and 48-49 (Trial of Erhard Milch by a United States Military Tribunal) and pages 49-53 (Trial of Karl Brandt and others by a United States Military Tribunal).

E/1721/Corr.1) which he presented to the Economic and Social Council at the request of the Commission on Human Rights.

IV. THE DESIRABILITY OF INCLUDING ARTICLES ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

17. Certain proposals for additional articles made by members of the Commission on Human Rights concerning economic, social and cultural rights will be found in annex III to the report of the sixth session of the Commission on Human Rights (E/1684), and in the comments of the Philippines submitted to the Commission (sixth session).⁵ The General Assembly's attention is also drawn to the report submitted by the Director-General of the United Nations Educational, Scientific and Cultural Organization (E/1752 and E/1752/Add.1) and to statements in the memoranda from non-governmental organizations which have been transmitted to the General Assembly by the Economic and Social Council (paragraph 4, A/1384).

V. THE ADEQUACY OF THE ARTICLES RELATING TO IMPLEMENTATION

18. The comments by members of the Commission on Human Rights on the measures of implementation embodied in the draft covenant, together with certain observations by the Secretary-General, are compiled in paragraphs 100 to 123 inclusive, of the memorandum (E/L.68) presented by the Secretary-General to the Economic and Social Council and transmitted by the Council to the General Assembly. The Secretary-General has the honour to make, in this connexion, the following additional observations :

19. At its third session, the General Assembly adopted resolution 217 B (III), on the right of petition, in which it requested the Economic and Social Council to ask the Commission on Human Rights to give further examination to the problem of petitions when studying the draft covenant on human rights and measures of implementation, in order to enable the General Assembly to consider what further action, if any, should be taken regarding the problem of petitions. The question was on the provisional agenda of the fourth session of the General Assembly. On the recommendation of the Economic and Social Council (Council resolution 236 B (IX)), the General Assembly decided to postpone the consideration of the subject.⁶ The General Assembly may now wish to take a decision on the proposal implied in the draft covenant, that, at the present time, petitions from non-governmental organizations, groups and individuals, should not be receivable by the contemplated human rights committee. In this connexion, attention is respectfully drawn to the comments by members of the Commission on Human Rights mentioned above and to the statements on this question by the International League for the Rights of Man and the World Jewish Congress.

⁵ See document E/CN.4/365, part. II, section B, 2.

⁶ See *Official Records of the General Assembly Fourth Session, Plenary Meetings*, 227th meeting.

20. At its sixth session, the Commission on Human Rights was narrowly divided on the question whether only persons who had judicial experience should be eligible to become members of the proposed human rights committee and it decided against this requirement. If the General Assembly decides to retain the provisions of the draft covenant relating to the human rights committee, it might consider a compromise solution : requiring that a certain number of the seven members of the contemplated committee, say three members, must be persons of judicial experience. A solution on these lines would be in accord with traditional arrangements made in many Member States concerning fact-finding commissions, administrative tribunals and similar bodies. It would satisfy the demand of those who insist on having persons with judicial experience sitting on the committee, but would also leave the way open for qualified laymen to serve on the committee.

21. The General Assembly may also wish to discuss the question whether it is appropriate to provide in the covenant (as is provided in draft article 32 thereof) that the offices of chairman and vice-chairman of the committee shall rotate among the members of the proposed committee.

22. The General Assembly may also wish to consider in this connexion whether provision should not be made in the covenant to the effect that the members of the human rights committee should receive remuneration commensurate with the importance and dignity of their office.

23. The General Assembly will note that the link between the covenant and the proposed implementation machinery on the one hand and the United Nations on the other is a very slender one. It is mostly restricted to administrative questions (see articles 21, 22, 23, 24, 25, 28, 30, 31, 37 and 42), to the publication by the Secretary-General of reports of the human rights committee (article 41) and to the participation of the General Assembly in the process of amending the covenant (article 45). States parties to the covenant might find it difficult to permit the exercise of influence over matters affecting the covenant by States not parties to it. On the other hand, to retain, in effect, only an administrative and budgetary relationship between the implementation machinery and the United Nations would give too little recognition to the jurisdiction of the United Nations in the field of human rights and its responsibility for their promotion. The General Assembly may, therefore, wish to contemplate the insertion in the covenant of a provision to the effect that the human rights committee should submit annual reports on its activities to the General Assembly itself (or to the Economic and Social Council).

24. With regard to the proposal that the human rights committee might be empowered to obtain advisory opinions from the International Court of Justice on questions of law arising in the course of its work, the Secretary-General wishes to refer to the report which he presented to the Economic and Social Council (E/1732) at the request of the Commission on Human Rights.

DOCUMENT A/C.3/542

Human Rights Day : memorandum by the Secretary-General

[Original text : English]
[13 November 1950]

1. The Secretary-General has the honour to present to the Third Committee of the General Assembly an outline of the activities of the United Nations and UNESCO, and of individual countries throughout the world, relating to the celebration of 10 December as Human Rights Day. This report is submitted in connexion with the draft resolution concerning United Nations Human Rights Day (document A/C.3/L.102) proposed by the United States of America.

2. Soon after the proclamation of the Universal Declaration of Human Rights, the Director General of UNESCO proposed the designation of 10 December as Human Rights Day. In a letter to member States of UNESCO of 4 February 1949, the Director General suggested that they should set aside "every year, as part of the programme in all schools, the tenth of December, ... for rendering homage to the principles of freedom and of the dignity of man".

3. Consequently, on 10 December 1949, the first anniversary of the proclamation of the Declaration was celebrated throughout the world—in the headquarters of the United Nations and of UNESCO, in the capitals, towns and villages of at least forty-two countries.

4. In New York, members of delegations to the General Assembly and members of the Secretariat of the United Nations solemnly celebrated the first anniversary of the Declaration. The celebration was in the form of a concert at Carnegie Hall, and was broadcast and re-broadcast throughout the world. The Director General of UNESCO issued a message on the anniversary of the Declaration, which was broadcast by many radio stations and printed widely in the world's Press. In Paris, under the auspices of UNESCO, a descriptive and historical exhibition of the Declaration was then being given. The Radio Divisions of the United Nations and UNESCO prepared special programmes and radio scripts emphasizing the importance of the Declaration. The United Nations Information Centres in various parts of the world assisted in the organization of national celebrations. In response to an appeal made through the UNESCO National Commissions, national radio organizations and newspapers in many countries produced special broadcasts and articles.

5. The observances of the first Human Rights Day in different parts of the world were sponsored by governments, educational institutions, non-governmental organizations, newspapers, radio stations, and other agencies. Such observances were reported to the United Nations and UNESCO from forty-two countries, and undoubtedly

there were others which were not reported. The following sub-paragraphs contain brief reports of such observances :

Afghanistan: Government-sponsored celebrations of the anniversary. Special Press articles and radio programmes.

Argentina: Full Press coverage of United Nations headquarters celebration and original features, news stories and editorials on the anniversary. Special human rights programme broadcast by the Argentine Radio on the evening of 10 December and many other references made to the anniversary on other broadcasts that day.

Austria: Ministry of Education ordered celebration of 10 December in schools. Austrian Association for the United Nations undertook distribution of a Declaration poster in Austrian communities and public offices.

Belgium: Ministry of Public Instruction published 15,000 copies of texts of the Declaration in French and Flemish for wide distribution. Radio Nationale Belge broadcast special addresses by Professor Fernand Dehousse in French and by Professor Julius Hoste in Flemish. Minister of Public Instruction spoke to the schools of the country by radio. Articles prepared at the Geneva headquarters of the United Nations on the importance of the anniversary and at UNESCO by Director General Jaime Torres Bodet distributed to fifteen Belgian newspapers.

Bolivia: President issued decree setting aside 10 December as Human Rights Day and prepared special events in public institutions. Distributions of the Universal Declaration text in public schools. Universities, public and private schools called upon to organize celebrations this year and in all succeeding years. Ministers of Foreign Relations and Education charged with execution of the presidential decree.

Canada: United Nations headquarters concert carried on Canadian Broadcasting Corporation network on 11 December. Other observances in schools.

Chile: *El Mercurio* of Santiago printed long editorial by Francisco Walker Linares in praise of the Declaration and United Nations work for the protection of human rights and fundamental freedoms.

Colombia: Special observances and seminars on principles of Declaration organized in schools. Special radio broadcasts.

Costa Rica: *Asociación Nacional de Educadores* distributed poster texts of Declaration to schools, academies and public offices. Nation-wide radio programme broadcast over *Voz de la Victoria* featuring human rights essay contest winner who recently visited Lake Success.

Cuba: Radio address by President of the Republic. Publication of text in all newspapers.

Denmark: Considerable Press coverage of the anniversary. Danish Joint Council for the United Nations, in co-operation with Ministry of Education, sent booklet on the Declaration containing Danish text and commentaries by prominent authors to 4,200 Danish schools. Special radio broadcasts included address by Professor Max Sørensen, Danish representative to the Human Rights Commission, on 10 December.

Ecuador: Government proclaimed Human Rights Day. Special lessons and ceremonies in all schools. House of Culture made responsible for preparation of a programme of publications, lectures and contests to secure widest possible circulation of Declaration text.

Egypt: Press published French and Arab texts, commentaries and résumés of Egyptian activities in observance of anniversary. Special lectures delivered in universities and in cultural centres (Alexandria and Cairo) in Arabic and French languages. Ministry of Public Instruction prepared special student radio programme followed by drama written for this occasion. On 10 December Chafik Ghorbal Bey, Under-Secretary of State in the Ministry of Public Instruction and Egyptian representative on the Executive Council of UNESCO, and Dr. Mahmoud Azmi, member of the United Nations Sub-Commission on Freedom of Information and of the Press, spoke on the radio. Cairo Information Centre of the United Nations prepared and distributed Press releases tracing evolution of Declaration in United Nations and texts of the Declaration itself.

El Salvador: National Radio transmitted special programme. Publication of special articles and lectures in Salvadorean Press.

France: Special Events on Radiodiffusion Française broadcasts included address by Mr. Henri Laugier, Assistant Secretary-General of the United Nations in charge of the Department of Social Affairs. Lectures, discussions and other events also marked radio observance of anniversary. Government had previously published text in *Journal officiel* and in special publications for distribution to all secondary schools and teachers' training institutions and sponsored radio series of twelve lessons dealing with Universal Declaration. United Nations Information Centre reported distribution of special article prepared in Geneva to French Press and arrangement of an exhibit of photographic materials and posters at Palais d'Orsay. UNESCO reported distribution of address by Mr. Jaime Torres Bodet to Press and radio and showing of film of Human Rights Exhibit in Musée Galliéra at four Paris cinemas.

Greece: Official school celebrations of anniversary. Lectures on principles embodied in Universal Declaration. Special citations in Press.

Haiti: Ministry of Education sponsored reading of Declaration and special commentaries in schools.

Honduras: Ceremonies in schools.

India: Full coverage in national press. All-India Radio broadcast by Mrs. Hansa Mehta, Indian repre-

sentative on the Commission on Human Rights, and other prominent citizens. Other special broadcasts on provincial radios. Anniversary celebrations in schools and colleges. United Nations Information Centre distributed texts in various forms. Non-governmental organizations especially active in special observances. Provincial governments active in distribution of texts and sponsorship of special events.

Iran: Celebrations in all schools. Dissemination by radio and Press of Torres Bodet's Human Rights Day message.

Iraq: Press and radio activity.

Israel: Ministry of Education decreed observance of anniversary. Wide dissemination of Hebrew translation among general public schools.

Italy: Text circulated through Prime Minister's office. General observances in schools.

Japan: Attorney General's office distributed 150,000 copies of Japanese text. Public meeting addressed by leader of United Nations Association.

Lebanon: Radio observance with reading of Torres Bodet's message and text of Universal Declaration of Human Rights. Special programmes in schools.

Mexico: Government recommended preparation of large-scale plan for dissemination of text. Ministry of Education supplied paper for printing 20,000 copies which were distributed by Asociación de Exploradores de México on 10 December. National Board of Education for Peace approved resolution favouring teaching of Universal Declaration in civics and history classes of public and private schools. Copies of text supplied all schools not on vacation. Heavy newspaper coverage of anniversary. *Hora Nacional* devoted entirely to Universal Declaration (11 December). Addresses by Foreign Minister, Mr. Manuel Tello, and by Mr. Torres Bodet.

Monaco: Anniversary commemorated by Press and by Radio Monte Carlo.

Netherlands: Civic and scholastic observances held. Circulation of Declaration through Press and radio with emphasis on historic value of the document.

New Zealand: Wide dissemination of Press articles, pamphlets and other publications. Text of Declaration disseminated through school publications department. Sunday Evening Talk (11 December) devoted entire network programme to discussion of Declaration by Mr. John Male, Human Rights Division, United Nations Secretariat.

Nicaragua: Text circulated in schools. Public informed of anniversary through radio and Press.

Norway: Special material for adults and school children distributed and a school broadcast arranged.

Pakistan: Special classes and readings in schools.

Philippines: Lectures and special commentaries in schools.

Sweden: National radio carried full programme on 9 December in observance of anniversary.

Switzerland: Declaration made theme of school broadcasts, press articles and of exhibit at Swiss National Library. European Headquarters of the United Nations (Geneva) held meeting in Council Chamber on 9 December addressed by Prof. Paul Guggenheim of Institute of International Law. Radio dramatization of an original script dealt with history of human rights. Information kits including background materials prepared and distributed. Torres Bodet's speech given on radio and in Swiss Press.

Syria: Text broadcast with commentaries for school children.

Thailand: Text published in Thailand for special distribution in provinces. Public ceremonies in honour of the Universal Declaration.

Turkey: Government had previously published Turkish text and decreed its use in public schools. Special lectures in universities. Twenty-five thousand additional copies of Turkish text distributed in connexion with anniversary. Feature articles and radio programmes in Istanbul and Ankara.

Union of South Africa: Wide circulation of Declaration text reported to UNESCO.

United Kingdom of Great Britain and Northern Ireland: Ministry of Education gave general circulation to printed matter—posters, wall diagrams and booklets containing Declaration text. Press and BBC asked to assist in disseminating text of Declaration and commentary. Special film showings. Copies of UNESCO circular letter (September 1949) sent to all local educational authorities in Great Britain and in Northern Ireland and to 250 members of UNESCO co-operating bodies there. Government had previously published text of the Declaration through H. M. Stationery Office.

United States of America: Presidential proclamation of Human Rights Day issued 6 December invited the people of the United States "to observe such a day in appropriate manner". Headquarters celebration of anniversary carried on network 11 December. Message issued by Mr. Jaime Torres Bodet distributed to editors of leading papers and used by ten of them for editorials. Numerous local celebrations held by non-governmental organizations.

Uruguay: Editorials, news stories and features in Press. Special human rights radio broadcast by Uruguayan United Nations essay contest winner who recently visited Lake Success.

6. The second anniversary of the Declaration is now approaching. On 20 October 1950, the Secretary-General sent a circular letter to Member States, appealing to them to set aside 10 December as Human Rights Day. The text of the letter reads as follows:

"The second anniversary of the adoption of the Universal Declaration of Human Rights falls on 10 December 1950. This day provides a fitting opportunity to recall that important event which

took place in Paris two years ago and to remind ourselves of our continuing responsibility and firm resolve to promote human rights and fundamental freedoms wherever, throughout the world, the influence of the United Nations is felt.

"At the time of the adoption of the Universal Declaration the General Assembly by resolution 217 D (III) recommended 'Governments of Member States to show their adherence to Article 56 of the Charter by using every means within their power solemnly to publicize the text of the Declaration and to cause it to be disseminated, displayed, read and expounded principally in schools and other educational institutions, without distinction based on the political status of countries or territories'.

"During the past two years the response from Member Nations has been most gratifying. The text of the Declaration has been translated into many languages and distributed far and wide. It has found its way into the teaching of the schools. Moreover, collectively through various United Nations organs, and individually in acts of national legislation, Member Nations have taken concrete actions based on the Universal Declaration of Human Rights.

"Last year in many countries 10 December was celebrated as Human Rights Day. The grave developments in international relations since then would seem to make it more rather than less imperative that Human Rights Day be fittingly observed this year and that in all Member Nations the great human rights objectives of the United Nations be stressed.

"In a recent memorandum which is now before the General Assembly, I suggested that the World Organization should consecrate itself to a twenty-year programme for peace. The programme contained ten points. One of them was: 'Vigorous and continued development of the work of the United Nations for wider observance and respect for human rights and fundamental freedoms throughout the world.' I went on to say: 'It is becoming evident that the Universal Declaration of Human Rights adopted by the General Assembly in 1948 without a dissenting vote is destined to become one of the great documents of history. The United Nations is now engaged on a programme that will extend over the next twenty years and beyond to secure the extension and wider observance of the political, economic and social rights there set down. Its success needs the active support of all governments.'

"I would appeal to you therefore to set aside this 10 December 1950 as Human Rights Day, to be marked by solemn celebrations in the schools and colleges of your nation and by appropriate public ceremonies, recalling, in the words of the Universal Declaration that 'recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.'"

DOCUMENT A/C.3/L.71/Rev.1**Philippines and Syria : draft resolution**

[Original text : English]
[1 November 1950]

The General Assembly,

Invites the Economic and Social Council to recommend to the Commission on Human Rights the inclusion of the following article in the first international covenant on human rights :

“ Article...

“ The provisions of the present Covenant shall extend or be applicable to a signatory metropolitan State as well as all the territories, be they non-self-governing, trust, or colonial territories, which are being administered or governed by such metropolitan State ”

DOCUMENT A/C.3/L.74 and Add.1**Uruguay : draft resolution**

[Original text : Spanish]
[1 November 1950]

The General Assembly,

Recalling its resolution 217 (III),

Considering the decision of the Economic and Social Council at its eleventh session to transmit the draft covenant on human rights to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on four points, including the adequacy of implementation,

Considering the need for revising the draft articles on implementation in order to bring them into harmony with the views expressed by various delegations,

Considering the desirability that the Commission on Human Rights should examine in detail the various proposals and suggestions, with a view to devising the best possible means of implementing the covenant;

Recommends that the Commission on Human Rights,

in revising the draft articles on implementation in the light of the discussions and suggestions at the fifth session of the General Assembly, take into account the proposal for the creation of a permanent agency of the United Nations, to be known as Attorney-General or High Commissioner for Human Rights, who would (a) initiate proceedings before a standing committee, elected for the purpose of hearing complaints of violations of the covenant on human rights, upon receipt of such complaints from governments parties to the covenant, individuals, or groups of individuals, and after their careful examination in accordance with specified rules of procedure, and who would; (b) act as official plaintiff in these proceedings; (c) be responsible for the general supervision of the observance of the covenant by signatory States; and (d) have power to make investigations *ex officio* and to attempt to secure an amicable settlement before referring the case to the central commission.

DOCUMENT A/C.3/L.75/Rev.1**Egypt : draft resolution**

[Original text : French]
[3 November 1950]

The General Assembly,

Recommends the Commission on Human Rights :

(a) To add to the safeguards expressed in article 14, paragraph 3, of the draft international covenant on human

rights that of the maintenance of peace and friendly relations between States;

(b) To delete from article 13, paragraph 1, of the draft international covenant on human rights the implication concerning freedom to change one's religion or belief.

DOCUMENT A/C.3/L.76

Brazil, Turkey, United States of America : joint draft resolution

[Original text : English]
[1 November 1950]

FUTURE WORK OF THE COMMISSION ON HUMAN RIGHTS

The General Assembly,

Appreciating the priority which, in accordance with General Assembly resolution 217E (III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft international covenant on human rights and measures for its implementation,

Noting the decision of the Economic and Social Council at its eleventh session to transmit the draft covenant on human rights together with relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in resolution 303 I (XI) of the Economic and Social Council,

Having considered the draft covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies,

1. *Commends* the Commission on Human Rights for the important work it has thus far accomplished;

2. *Calls upon* the Economic and Social Council to request the Commission on Human Rights;

(a) To continue to give priority in its work to the completion of the draft international covenant on human rights and measures for its implementation in order that the General Assembly may at its sixth session have before it the revised draft of this covenant;

(b) To take into consideration in its work of revision of the draft covenant, the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council;

(c) To study the federal State article and to prepare, for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose meeting the constitutional problems of federal States;

(d) To study the territories articles and to prepare recommendations for consideration by the General Assembly at its sixth session;

(e) To proceed with the consideration of additional instruments and measures dealing with economic, social, cultural and other human rights not included in the international covenant on human rights, taking into account the conventions, other legal instruments, projects and procedures of other organs of the United Nations and of specialized agencies in the field of human rights;

(f) To take such steps as are necessary to obtain the co-operation of other organs of the United Nations and of specialized agencies in the consideration of such rights;

(g) To proceed with the consideration of separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the international covenant on human rights; and

(h) To report to the thirteenth session of the Economic and Social Council concerning the above matters.

3. *Requests* the Secretary-General to invite Member States to submit their views by 15 February 1951 concerning the draft international covenant on human rights as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it in its further consideration of the draft covenant at its seventh session.

DOCUMENT A/C.3/L.78

Ethiopia and France : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[2 November 1950]

Insert between paragraphs 2 (f) and 2 (g) the following sub-paragraph :

“ To make preparation for the establishment of a body which by its very composition would offer all

possible guarantees of independence and competence and be responsible, in accordance with precise terms of reference, for examining all charges of violation of the covenant. ”

DOCUMENT A/C.3/L.81**Chile : draft resolution**

[Original text : Spanish]
[2 November 1950]

The General Assembly

Recommends that the Economic and Social Council should give consideration to the inclusion in the international covenant on human rights of a new article or paragraph to read as follows :

“ The rights referred to in Article 38 may also be exercised by non-governmental organizations duly recognized by the United Nations. Such complaints shall be submitted in accordance with the provisions of Article 38, paragraph 2. ”

DOCUMENT A/C.3/L.82/Rev.1**France : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)**

[Original text : French]
[7 November 1950]

Insert the following paragraph between paragraphs 2 and 3 :

“ 2 *a* Requests the Economic and Social Council to

give consideration, at its twelfth session, to the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights. ”

DOCUMENT A/C.3/L.83/Rev.1**Greece and New Zealand : revised amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)**

[Original text : English]
[14 November 1950]

Amend paragraph 2 (e) to read as follows :

“ 2. (e) To proceed *after the completion of work on the International Covenant on Human Rights* with the consideration of additional instruments and measures concerning articles of the covenant which may require further implementation by regulations or dealing

with *those* economic, social, cultural and other human rights not included in the international covenant, taking into account the conventions, other legal instruments, projects and procedures of other organs of the United Nations and of specialized agencies in the field of human rights. ”

DOCUMENT A/C.3/L.84**Israel : draft resolution**

[Original text : English]
[2 November 1950]

The General Assembly,

Recalling its resolution 217 E (III) giving priority to the preparation of a draft international covenant on human rights and measures for its implementation,

Noting the decision of the Economic and Social Council to transmit the draft covenant to the General Assembly for consideration with a view to the adoption of policy decisions on the four points indicated in resolution 303 I (XI) of the Economic and Social Council,

Having considered the draft covenant in accordance with the above decision,

Recommends that the Human Rights Commission, in revising the draft covenant, insert the following three additional articles after article 41 :

“ 1. (a) The right to bring cases of non-compliance with the provisions of the covenant to the attention of the Human Rights Committee shall be granted also to such non-governmental organizations enjoying consultative status with the Economic and Social Council as are included in a list to be drawn up for this purpose by the Secretary-General in conjunction with the chairman of the Human Rights Committee.

“ (b) The provisions of Articles 31 to 41 shall be applicable to such cases *mutatis mutandis*.

“ 2. (a) The Human Rights Committee may by decision reached in accordance with Article 33, sub-paragraph (b), be seized of cases of non-compliance with the provisions of the covenant by parties thereto on its own motion when the facts before the Committee appear in its view to warrant such consideration.

“ (b) The provisions of Articles 38 to 41 shall be applicable *mutatis mutandis*.

“ 3. (a) In urgent cases the Human Rights Committee may deviate from the provisions of Articles 39 and 41 and may recommend to the State or States concerned the adoption of measures designed to give immediate effect to the provisions of the covenant.

“ (b) As urgent within the meaning of the foregoing provision shall be considered cases in which the lives, liberties and other rights of persons enumerated in Article 1, paragraph 1, are directly threatened by the action or non-action of persons and authorities referred to in Article 1, paragraph 3 (a) or 3 (b). ”

Recommends that article 41, paragraph 1, be redrafted by the Commission to read as follows :

“ 1. Subject to the provisions of Article 39, the Committee shall ascertain the facts *and suggest such remedies as it deems advisable* and make available its good offices to the States concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in this Covenant. ”

DOCUMENT A/C.3/L.85

Egypt : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[3 November 1950]

Paragraph 2, sub-paragraph (b) :

Add at the end of the sub-paragraph the following :

“ and particularly those in favour of surmounting the obstacles to the universal application of the covenant and maintaining peace and friendly relations between States.”

Sub-paragraph (b) would thus read as follows :

“ (b) To take into consideration in its work of revision of the draft covenant, the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, and particularly those in favour of surmounting the obstacles to the universal application of the covenant and maintaining peace and friendly relations between States.”

DOCUMENT A/C.3/L.86

Lebanon : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[3 November 1950]

Paragraph 2, sub-paragraph (c) :

Between the words “ have as their purpose ” and “ The constitutional problems ”, insert the words :

“ securing the maximum extension of the Covenant to the constituent units of federal States, and... ”

DOCUMENT A/C.3/L.87

Lebanon : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[3 November 1950]

Paragraph 2 (b)

Add the following at the end of the sub-paragraph :

“ and in particular the view that it would be

advisable to define as precisely as possible the rights set forth in the covenant together with their limitations.”

DOCUMENT A/C.3/L.88 ⁷

Afghanistan and Saudi Arabia : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : English]
[3 November 1950]

Paragraph 2 (d)

Substitute the following text :

“ (d) To study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for

consideration by the General Assembly at its sixth session ”.

⁷ The authors of this amendment issued a revised text (A/C.3/L.88/Rev.1), in which they proposed that the study should concern the right of *nations* to self-determination. The revised text was withdrawn at the 310th meeting.

DOCUMENT A/C.3/L.89/Rev.1

Mexico : revised amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : Spanish]
[8 November 1950]

Paragraph 2 (c)

Substitute the following text :

“ (c) To study the problem of the so-called federal

clause in order to obtain a formula that will definitely preclude the possibility of the non-application of the Covenant in any one or more of the territories forming a federation.”

DOCUMENT A/C.3/L.90

Lebanon and the United Kingdom of Great Britain and Northern Ireland : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : English]
[3 November 1950]

Paragraph 2 (b)

Add at the end of the paragraph the words “ on the desirability of defining the rights with which the covenant deals and the limitations thereto with more precision ”.

The whole sub-paragraph will thus read :

“ (b) To take into consideration in its work of revi-

sion of the draft covenant, the views expressed during the discussion of the draft covenant of the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council on the desirability of defining the rights with which the covenant deals and the limitations thereto with more precision ”.

DOCUMENT A/C.3/L.91/Rev.1 (incorporating A/C.3/L.91/Rev.1/Corr.1)

Israel : revised amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : English]
[7 November 1950]

Paragraph 2

After paragraph 2 (g) insert the following :

“ (x) To consider the insertion into part III of the draft covenant of the following provisions :

“ (i) The right to bring cases of non-compliance with the provisions of the Covenant to the attention of the Human Rights Committee shall be granted also to such non-governmental organizations enjoying consultative status with the Economic and Social Council as are included in a list to be drawn up for this purpose by the Secretary-General in conjunction with the Chairman of the Human Rights Committee.

“ (ii) The Human Rights Committee may, by decision reached in accordance with article 33 (b), be seized of

cases of non-compliance with the provisions of the Covenant by parties thereto *on its own motion* when the facts before the Committee appear in its view to warrant such consideration.

“ (iii) In urgent cases the Human Rights Committee may deviate from the provisions of Articles 39 and 41 and may recommend to the State or States concerned the adoption of measures designed to give immediate effect to the provisions of the Covenant. As urgent within the meaning of the foregoing provision shall be considered cases in which the lives, liberties and other rights of persons enumerated in article 1, paragraph 1, are directly threatened by the action or non-action of persons and authorities referred to in article 1, paragraph 3 (a) or 3 (b). ”

DOCUMENT A/C.3/L.92

Yugoslavia : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[3 November 1950]

1. *Insert after paragraph 2 (a) the following text :*

“ *Considering* that the list of rights in the first eighteen articles of the draft covenant on human rights does not contain certain of the most elementary rights;

“ *Considering* that the present wording of the first eighteen articles of the draft covenant on human rights is inadequate to protect the rights to which they refer;

“ *Decides* that the following rights should be added to the list of the rights to be defined in the covenant :

“ (a) The right of universal and equal suffrage,

“ (b) The right of every person to participate in the government of the State,

“ (c) The right of every member of a minority to make use of its national language and develop its culture,

“ (d) The right of asylum;

“ *Considers* that in drafting the covenant on human rights, account should be taken of the following :

“ The principles and purposes of the Charter of the United Nations should be consistently applied and protected assiduously against the abuse of certain rights.

“ Human rights and fundamental freedoms should be based on the general principles of the rights acquired by humanity in its efforts to develop well-being and democratic relations among men.

“ *Calls upon* the Economic and Social Council to request the Commission on Human Rights :

“ (a) To draw up a draft covenant on human rights

based on this resolution and in the spirit of the principles therein affirmed; ”

2. *Delete sub-paragraphs (c) and (d).*

3. *Replace sub-paragraph (e) by the following text :*

“ *Whereas* the covenant on human rights should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights;

“ *Whereas* the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong;

“ *Whereas* the enjoyment of civic and political freedoms and that of economic, social and cultural rights are interconnected and interdependent;

“ *Whereas*, when deprived of economic, social and cultural rights man does not represent the human person whom the Universal Declaration regards as the ideal of the free man;

“ *Decides* to include economic, social and cultural rights in the draft covenant on human rights;

“ *Calls upon* the Economic and Social Council to request the Commission on Human Rights, in accordance with the spirit of the Universal Declaration to include in the covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms to be proclaimed by the covenant ;

“ *Calls upon* the Economic and Social Council to request the Commission on Human Rights... ”

DOCUMENT A/C.3/L.93

Uruguay : addition to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : Spanish]
[3 November 1950]

After paragraph 2 (g), add a new paragraph reading as follows:

“ To study the advisability and propriety of establishing, as one of the measures for the effective implementation of the covenant, a permanent United Nations agency, which might be called the Office of the Attorney General, High Commissioner or Procurator General, with all or some of the following powers, or powers similar thereto :

“ (a) To receive reports of alleged violations of the covenant submitted by governments, certain authorized associations or individuals;

“ (b) To investigate such reports, either alone or with the assistance of regional commissioners, with ample power to reject such reports as might prove to be unfounded or frivolous;

“ (c) To supervise the general implementation of the covenant by its signatories, with power to conduct *ex officio* investigations for that purpose and for the purpose of established procedures;

“ (d) In all cases to endeavour to reach friendly solutions or agreements before taking further action;

“ (e) To refer cases in which, after the appropriate investigations have been made, it is considered that grave violations of the covenant have taken place, and for which it has not been possible to find a friendly solution, to a central commission established for that purpose, and to act before that commission as prosecuting attorney in accordance with judicial standards to be established;

“ (f) The powers of this commission with regard to the performance of its tasks shall be the subject of special decisions. ”

DOCUMENT A/C.3/L.94

Lebanon and the United Kingdom of Great Britain and Northern Ireland : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76) ⁸

[Original text : English]
[4 November 1950]

Paragraph 2 (b)

1. Substitute the word “ view ” for the word “ views ”.

2. Add, at the end of the sub-paragraph, the following text :

“ That it is desirable to define the rights set forth in the covenant and the limitations thereto with more precision ”.

The whole sub-paragraph would thus read :

“ (b) To take into consideration in its work of revision

of the draft covenant, the view, expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, that it is desirable to define the rights set forth in the covenant and the limitations thereto with more precision ”.

⁸ This document replaces documents A/C.3/L.87 and A/C.3/L.90.

DOCUMENT A/C.3/L.94/Rev.1

Lebanon and the United Kingdom of Great Britain and Northern Ireland : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76) ⁹ : revised text

[Original text : English]
[6 November 1950]

Paragraph 2

Insert, after sub-paragraph (b), a new sub-paragraph reading as follows :

“ To take into consideration in its work of revision of the draft covenant the view expressed during the discussion of the draft covenant at the fifth session of

the General Assembly and at the eleventh session of the Economic and Social Council, that it is desirable to define the rights set forth in the covenant and the limitations thereto with the greatest possible precision. ”

⁹ This document replaces documents A/C.3/L.87 and A/C.3/L.90.

DOCUMENT A/C.3/L.96

Union of Soviet Socialist Republics : amendments to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : Russian]
[6 November 1950]

1. After the first two paragraphs of the preamble add the following :

" Noting that the articles of the draft covenant referred to omit a number of essential provisions concerning human rights and fundamental freedoms; in particular, the right to participate in the administration of the State, the right of peoples and nations to national self-determination, and the right to employment, social security, leisure and education and other rights in the social, economic and cultural fields;

" Considering it essential that the covenant should include provisions rendering it obligatory for States to promote the implementation of the human rights and fundamental freedoms proclaimed in the covenant and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms;

" Recognizing that the implementation of the provisions of the covenant on human rights falls entirely within the domestic jurisdiction of States : "

II. After paragraph 2 (b) insert the following : " In drafting the covenant, to have in mind the inclusion therein of the following provisions :

" 1. Every citizen, irrespective of race, colour, nationality, social position, property status, social origin, language, religion or sex, shall be guaranteed by the State an opportunity to take part in the government of the State, to elect and be elected to all organs of authority on the basis of universal, equal and direct suffrage with secret ballot, and to occupy any State or public office. Property, educational or other qualifications restricting the participation of citizens in voting at elections to representative organs shall be abolished.

" 2. Every people and every nation shall have the right to national self-determination. States which have responsibilities for the administration of Non-Self-Governing Territories shall promote the fulfilment of this right, guided by the aims and principles of the United Nations in relation to the peoples of such Territories. The State shall ensure to national minorities the right to use their native tongue and to possess their national schools, libraries, museums and other cultural and educational institutions.

" 3. In the interests of democracy, everyone must be guaranteed by law the right to the free expression of opinion; in particular, to freedom of speech, of the Press and of artistic representation, under conditions ensuring that freedom of speech and of the Press are not exploited for war propaganda, for the incitement of hatred among the peoples, for racial discrimination and for the dissemination of slanderous rumours.

" 4. Any form of propaganda on behalf of fascist or nazi views, or of racial and national exclusiveness, hatred and contempt, must be prohibited by law.

" 5. In the interests of democracy, the right to organize assemblies, meetings, street processions and demonstrations and to organize voluntary societies and unions must be guaranteed by law. All societies, unions and organizations of a fascist or anti-democratic nature, and any form of activity by such societies, must be prohibited by law, subject to penalty. "

III. Add at the end of paragraph 2 (c), after the words " constitutional problems of federal States ", the following : " the intention being to extend the provisions of the covenant without any exceptions or restrictions to all parts of federal States; "

IV. Delete paragraph 2 (d).

V. Delete paragraph 2 (e) and replace it by the following :

" (e) Include in the said draft covenant on human rights the following provisions concerning human rights in the economic, social and cultural spheres :

" 1. The State shall ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation.

" 2. Access to education shall be open to all without distinction of race, sex, language, economic situation or social origin and this right shall be ensured by the State by the provision of free elementary education, a system of scholarships and the requisite system of schools.

" 3. It is the duty of the State to guarantee to everyone the right to work and to choose his occupation in such a manner as to create conditions which will exclude the threat of death from hunger and from exhaustion.

" 4. The right to rest and leisure shall be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for a reasonable limitation of working hours and for periodic holidays with pay.

" 5. Social security and social insurance for workers and employees shall be effected at the expense of the State or at the expense of the employers in accordance with the laws of each country.

" 6. The State shall take all necessary measures, legislative measures in particular, to ensure decent living accommodation to every person.

“ 7. Women shall enjoy in their work rights and privileges which shall not be less than those enjoyed by men and they shall receive equal pay with men for equal work.

“ 8. The right freely to combine in trade unions shall be guaranteed to all hired workers without distinction as to nationality, race, religion, sex, occupation, political or philosophical views.

“ Trade unions shall be guaranteed the right freely to pursue their activities directed towards improving the life and economic welfare of workers, and all regulations of whatever kind directed against trade-union rights shall be prohibited.

“ 9. Trade-union organizations shall have the right freely to elect all their representatives, to make their own administrative arrangements and democratically to fulfil their functions and tasks in the interests of their members, and shall be protected against any interference on the part of public authorities or officials. Public authorities or officials may not attempt to exert pressure of any kind whatsoever, whether directly or indirectly, upon trade unions and their members. Public authorities or officials shall be required to abstain from found-

ing, financing or interfering in the direction of trade-union organizations.

“ 10. Legislative measures shall be adopted to enable trade-union organizations to participate in the determination of economic and social policy in undertakings and on the local, regional and national levels.

“ 11. Trade-union organizations shall have the right to amalgamate on a trade, inter-union, local, regional and national basis and to affiliate to international trade-union organizations.

“ 12. The right to strike shall be guaranteed.

“ 13. No one may prevent an international trade-union organization from fulfilling its functions and communicating with the organizations affiliated to it. ”

VI. Insert the following paragraph after paragraph 2 (e) :

“ Delete articles 19 to 41 inclusive from the draft international covenant on human rights, since their inclusion would constitute an attempt at intervention in the domestic affairs of States and would encroach on their State sovereignty. ”

DOCUMENT A/C.3/L.97/Rev.1

Egypt : revised amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[6 November 1950]

1. Paragraph 2 (b) Add the italicized words :

“ (b) To take into consideration in its work of revision of the draft covenant, *with a view to the addition, in this first covenant or in other covenants, of other rights and to the definition of the scope and limitations of all rights*, the views expressed during the discussion of the draft covenant in this session of the General Assembly

and in the eleventh session of the Economic and Social Council ”.

2. Paragraph 2 (b)

Add at the end of the paragraph the text of the Egyptian amendment (A/C.3/L.85) and of the Yugoslav, U.S.S.R. or other amendments.

DOCUMENT A/C.3/L.98

United States of America : sub-amendments to the amendments submitted by the U.S.S.R. (A/C.3/L.96) and by Yugoslavia (A/C.3/L.92) to the joint draft resolution (A/C.3/L.76)

[Original text : English]
[6 November 1950]

Yugoslav amendment (A/C.3/L.92, point I)

Delete the first three paragraphs of the text, from the words “ *Considering that the list of rights* ” to the words “ defined in the covenant ”.

U.S.S.R. amendment (A/C.3/L.96, point II)

Delete the first paragraph of the text, as far as the words “ the following provisions ”.

Joint draft resolutions, paragraph 2 (b)

Add at the end of that sub-paragraph, the following text :

“ Including views relating to the rights set forth by the Union of Soviet Socialist Republics in document (A/C.3/L.96 and by Yugoslavia in document A/C.3/L.92.

DOCUMENT A/C.3/L.99

Egypt, the United Kingdom of Great Britain and Northern Ireland and the United States of America : sub-amendments to the amendments submitted by the U.S.S.R. (A/C.3/L.96) and by Yugoslavia (A/C.3/L.92) to the joint draft resolution (A/C.3/L.76)

[Original text : English and French]
[6 November 1950]

Yugoslav amendment (A/C.3/L.92, point 1)

Delete the first three paragraphs of the text, from the words " Considering that the list of rights " to the words " defined in the covenant ".

U.S.S.R. amendment (A/C.3/L.96, point 2)

Delete the first paragraph of the text, as far as the words " the following provisions ".

Joint draft resolution, paragraph 2 (b)

Redraft the text as follows :

" (b) To take into consideration in its work of revision of the draft covenant, *with a view to the addition, in this first covenant or in other covenants, of other rights*, the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, including those relating to articles 13 and 14 of the draft covenant and those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92. "

DOCUMENT A/C.3/L.101

United States of America and Yugoslavia : sub-amendment to the amendment submitted by Yugoslavia (A/C.3/L.92)

[Original text : English]
[8 November 1950]

Yugoslav amendment (A/C.3/L.92, point 1)

Replace the fourth paragraph (beginning with the words " *Considers that in drafting* " and ending with the words " among men ") by the following text :

" *Considers that in the drafting of the covenant on*

human rights account should be taken of the purposes and principles of the Charter of the United Nations and that these purposes and principles of the Charter of the United Nations should be consistently applied and assiduously protected ".

DOCUMENT A/C.3/L.102

Human Rights Day : United States of America ; draft resolution

[Original text : English]
[9 November 1950]

The General Assembly,

Considering that on 10 December 1948 the General Assembly adopted the Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations,

Considering that the anniversary of this event should be appropriately celebrated in all countries as part of

a common effort to bring the Declaration to the attention of the peoples of the World,

Recommends that Governments of Member States designate 10 December of each year as United Nations Human Rights Day and observe this day in an appropriate recognition of the adoption of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948.

DOCUMENT A/C.3/L.104

Lebanon : procedural proposal relating to the amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88/Rev.1)¹⁰

[Original text : French]
[10 November 1950]

The General Assembly,

Having considered the amendment proposed by the delegations of Afghanistan and Saudi Arabia (A/C.3/L.88/Rev.1) to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76);

Considering that the question raised by this amendment is of primary importance;

Considering that this question might with advantage

be studied thoroughly by the General Assembly as a separate and independent item on its agenda;

Decides to include in the agenda of its sixth session the question of " The study of ways and means which would ensure the right of nations to self-determination ".

¹⁰ See footnote to document A/C.3/L.88.

DOCUMENT A/C.3/L.106

Iraq : sub-amendment to the amendment submitted by Yugoslavia (A/C.3/L.92)

[Original text : English]
[14 November 1950]

Point 3 of the Yugoslav amendment

To the paragraph beginning with the word " *Decides* ", add the following :

" and an explicit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations. "

DOCUMENT A/C.3/L.107

Iraq : sub-amendment to the amendment submitted by Greece and New Zealand (A/C.3/L.83/Rev.1)

[Original text : English]
[14 November 1950]

Add the following :

" *Recommends* to the Commission on Human Rights

to state explicitly in all further work of the Commission the equal rights of men and women as set forth in the Charter of the United Nations. "

DOCUMENT A/C.3/L.108

Egypt : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)

[Original text : French]
[14 November 1950]

Paragraph 2

Add after sub-paragraph (e) a new sub-paragraph (f) reading as follows :

" (f) To proceed with the consideration of additional instruments and measures dealing with the human

rights not included in the international covenant, taking into account the conventions, other legal instruments, projects and procedures of other organs of the United Nations and of specialized agencies in the field of human rights. "

DOCUMENT A/1559 (incorporating A/1559/Corr.1)

Report of the Third Committee

[Original text : English]
[29 November 1950]

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I. INTRODUCTION

1. On 10 December 1948, the General Assembly, by resolution 217 A (III), adopted and proclaimed the Universal Declaration of Human Rights. At the same time, the General Assembly, in resolution 217 E (III), "considering that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant and measures of implementation", requested "the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft covenant on human rights and draft measures of implementation". By resolution 191 (VIII) of 9 February 1949, the Economic and Social Council transmitted General Assembly resolution 217 E (III) to the Commission on Human Rights for the action contemplated therein.

2. The Commission on Human Rights accordingly continued to prepare and to draft the international covenant on human rights and measures of implementation, and devoted most of its fifth and sixth sessions to that task. At its sixth session, the Commission prepared a draft first covenant and draft measures of implementation and took a number of decisions connected therewith.

3. The following are the main features of the draft first covenant on human rights as prepared by the Commission at its sixth session :

(a) Part I (articles 1 and 2) and article 18 of part II provide for certain general obligations which the States parties to the covenant undertake; for the derogation of certain of the rights set forth in the covenant in the event of the official proclamation of a state of emergency; there are also provisions deferring the relationship between the draft covenant and other instruments of both national and international law.

(b) Part II (articles 3 to 17) defines the following rights together with the limitations thereto :

Article 3. Right to life;

Article 4. Prohibition of torture and cruel, inhuman or degrading treatment and punishment;

Article 5. Prohibition of slavery, slave-trade, servitude and forced labour;

Article 6. Freedom of the person from arbitrary arrest or detention;

Article 7. Prohibition of imprisonment for the non-performance of contractual obligations;

Article 8. Freedom of movement;

Article 9. Prohibition of expulsion of aliens;

Article 10. Fair trial in criminal and civil cases;

Article 11. Prohibition of retroactive penal laws;

Article 12. Recognition as a person before the law;

Article 13. Freedom of thought, conscience and religion;

Article 14. Freedom of opinion, expression and information;

Article 15. Right of assembly;

Article 16. Right of association;

Article 17. Equality before the law and equal protection of the law.

(c) Part III (articles 19 to 41) contains measures of implementation which are based on the following principles : the establishment of a human rights committee composed of seven members elected by the States parties to the covenant; only States parties to the covenant would have access to the committee; in cases of dispute, the committee would ascertain the facts and make available its good offices to the States concerned with a view to a friendly solution of the matter on the basis of respect for human rights as recognized in the covenant; the committee would normally deal with a matter referred

to it only if available domestic remedies had been invoked and exhausted in the case; the committee would draw up a report to be sent to the States concerned and communicated to the Secretary-General of the United Nations for publication; if a solution were reached, the committee would confine its report to a brief statement of the facts and the solution reached; if such a solution were not reached, the committee should state in the report its conclusions on the facts.

(d) Part IV of the draft covenant provides in article 42 for signature, ratification and accession, and in article 45 for amendments to the covenant. The Commission decided, however, not to discuss the drafts for articles 43 and 44 on the application of the covenant to federal States and to Non-Self-Governing or Trust Territories, but to transmit to the Economic and Social Council for its consideration the draft texts of those articles proposed at previous sessions, together with comments and suggestions relating thereto.

4. As far as proposals for the inclusion of additional articles in the draft covenant were concerned, that is, both articles referring to economic, social and cultural rights and articles not coming within that category, the Commission decided that the covenant should be the first of a series of covenants and measures of implementation to be adopted in order to cover the whole of the Universal Declaration of Human Rights. It decided to proceed, at its seventh session, in 1951, with the consideration of additional covenants and measures dealing with economic, social, cultural, political and other categories of human rights, and requested the Economic and Social Council to confirm that decision. It also recommended to the Economic and Social Council to take steps to secure the co-operation in this field of other United Nations organs and of specialized agencies.

5. As far as access to the contemplated organ for the implementation of the covenant (the human rights committee) is concerned, the Commission on Human Rights rejected, by 7 votes to 4, with 3 abstentions, the inclusion of a provision under which the committee could consider complaints from selected non-governmental organizations; it also rejected, by 8 votes to 3, with 3 abstentions, the inclusion in the covenant of provisions for petitions from individuals. The Commission further expressed the opinion that it was desirable that the human rights committee should be able to obtain from the International Court of Justice advisory opinions on questions of law arising in the course of its work.

6. At its eleventh session, the Economic and Social Council considered the draft covenant on human rights in its broad aspects¹¹. It gave consideration to the following questions :

- (a) The general adequacy of the first eighteen articles;
- (b) The desirability of including special articles on the application of the covenant to federal States and to Non-Self-Governing and Trust Territories;

(c) The desirability of including articles on economic, social and cultural rights; and

(d) The adequacy of the articles relating to implementation.

The Council concluded that further progress on the covenant could not be made without basic policy decision on the above matters being taken by the General Assembly. It therefore transmitted the draft covenant on human rights, together with relevant documentation and records of the discussion in the Council, to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the four points (a), (b), (c) and (d). The Council also requested the Commission on Human Rights to consider the draft covenant further, bearing in mind the policy decisions of the General Assembly and the views expressed in the Council at its eleventh session, and to submit a revised draft covenant to the Council at its thirteenth session (in the summer of 1951). At the same time, the Council requested the Secretary-General to transmit the resolution, together with the records of the debate in the Council, to Member States with a view to obtaining their observations after the fifth session of the General Assembly for transmission to the Commission on Human Rights. In resolutions 303 C (XI) and 303 D (XI), the Council approved, with certain modifications, the suggested work programme of the Commission in the fields of economic, social, cultural, political and other categories of human rights.

7. The General Assembly, at its 285th plenary meeting, held on 26 September 1950, referred to the Third Committee item 63 of the agenda : " Draft first international covenant on human rights and measures of implementation. "

8. Pursuant to the decisions taken by the Economic and Social Council at its eleventh session, the General Assembly and the Third Committee respectively had before them the documentation referred to the Assembly by the Economic and Social Council, including the draft first international covenant on human rights contained in the report of the sixth session of the Commission on Human Rights (E/1681) and other documents listed in a note by the Secretary-General (A/1384, paragraph 4). The Third Committee had before it also an additional note by the Secretary-General (A/C.3/534) and a subject analysis of the documentation and records (A/C.3/535).

II. GENERAL OUTLINE OF THE WORK OF THE THIRD COMMITTEE

9. The Third Committee devoted thirty-one meetings—its 278th to 316th and 318th meetings—to the consideration of the draft covenant and related subjects mentioned below. The Committee began its work with an examination of each of the four questions referred to the General Assembly by the Economic and Social Council in its resolution 303 I (XI) and took up proposals concerning them at the end of the general discussion on the last of these points. The Committee considered separately a draft resolution proposed by the Philippines, and Syria (A/C.3/L.71/Rev.1) on the question of

¹¹ See *Official Records of the Economic and Social Council, Eleventh Session, Resolutions*, No. 303 I (XI).

the territorial clause and also two additional questions which arose in the course of the proceedings of the Committee, namely, the question of the self-determination of nations and peoples introduced by a joint proposal of Afghanistan and Saudi Arabia (A/C.3/L.88) (see paragraph 46 below) and the question of a Human Rights Day, introduced by the United States of America (A/C.3/L.102) (see paragraph 64 below). As a result of these discussions, the Committee adopted three draft resolutions for submission to the General Assembly (see section X of the present report) :

- (a) A draft resolution on the future work of the Commission on Human Rights (draft resolution I);
- (b) A draft resolution on the territorial application of the covenant (draft resolution II);
- (c) A draft resolution on Human Rights Day (draft resolution III).

10. The three draft resolutions cover those replies which the Third Committee recommends should be given to the four questions placed before the General Assembly by the Economic and Social Council as well as decisions on the two additional questions referred to in paragraph 9.

11. The arrangement of the resolutions is as follows :

A. General decisions on action to be taken by the Economic and Social Council, the Commission on Human Rights and the Secretary-General.

The preamble and sections A, G and H of the draft resolution entitled " Future work of the Commission on Human Rights ".

B. General adequacy of the first eighteen articles of the draft first covenant.

Section B of the draft resolution entitled " Future work of the Commission on Human Rights ".

C. The desirability of including special articles on the application of the covenant :

(i) To federal States :

Section C of the draft resolution entitled " Future work of the Commission on Human Rights ".

(ii) To Non-Self-Governing and Trust Territories.

Draft resolution entitled " Territorial application of the International Covenant on Human Rights ".

D. The question of self-determination of peoples and nations.

Section D of the draft resolution entitled " Future work of the Commission on Human Rights ".

E. The desirability of including articles on economic, social and cultural rights.

Section E of the draft resolution entitled " Future work of the Commission on Human Rights ".

F. The adequacy of the articles relating to implementation.

Section F of the draft resolution entitled " Future work of the Commission on Human Rights ".

The question of a Human Rights Day is treated in a separate draft resolution (draft resolution III).

III. DISCUSSION OF THE FOUR QUESTIONS REFERRED TO THE GENERAL ASSEMBLY BY THE ECONOMIC AND SOCIAL COUNCIL

12. At the 288th to 291st meetings, held on 18 to 20 October 1950, the Third Committee examined the first of the four questions referred to the General Assembly by the Council, namely, the general adequacy of the first eighteen articles and, in particular, the two major questions raised thereby : (a) whether the catalogue of rights contained in the first eighteen articles was adequate (i. e., whether any rights other than those dealt with in those articles should be made the subject of provisions to be included in parts I and II of the covenant); and (b) whether the existing eighteen articles as drafted were adequate to protect the rights to which they related (A/C.3/534, paragraph 4). In the course of the debates, some delegations expressed the view that the list of rights as contained in the draft was generally adequate for inclusion in the first covenant, while others maintained that a number of rights which, in their opinion, were very important should be added to the list. Differing points of view were also expressed as regards the adequacy of the definitions and limitations contained in the draft articles. Several delegations also referred to particular provisions which, in their view, should either be deleted, added to, or changed.

13. The Committee decided to deal separately with the question of the application of the covenant to federal States, on the one hand, and to Non-Self-Governing and Trust Territories, on the other. It discussed the question of the federal State clause at its 292nd to 294th meetings, held on 25 and 26 October 1950. Some delegations pointed out that in certain federal States either all or some matters relating to human rights were not within the jurisdiction of the federal Power, but were matters of concern to state, provincial or cantonal authorities. It was explained that it was the purpose of the federal State clause to enable federal governments to accept obligations concerning those matters which were within their jurisdiction and to recommend favourably to the state, provincial or cantonal authorities those which fell within their jurisdiction. Other delegations, however, declared that a federal State clause would be tantamount to a reservation and an escape clause and that, if a federal State clause were adopted, it would mean that different States parties to the covenant would undertake different obligations.

14. The Committee discussed the question of the territorial application clause at its 294th to 296th meetings, held on 26 and 27 October 1950. Some delegations pointed out, in support of including a territorial application clause, that some Non-Self-Governing Territories under their administration had reached a stage in their development towards self-government which placed them in a position to enact, through their own autonomous organs, the laws covering matters dealt with in the covenant, and that the metropolitan Powers could not therefore automatically adhere to the covenant on

behalf of such territories without consulting their legislative organs. The majority of the Committee, however, favoured the principle of the universal application of the covenant (see paragraph 18 below).

15. The Committee then took up the question of the desirability of including in the covenant articles on economic, social and cultural rights. It considered the matter at its 297th to 299th meetings, held on 30 and 31 October 1950. Almost all participants in the debate were in favour of international instruments to be adopted under the auspices of the United Nations defining and guaranteeing economic, social and cultural rights. A number of speakers doubted, however, the feasibility of including articles on those rights in the covenant under discussion. Most speakers also emphasized the fact that the United Nations should be assisted in that task by the specialized agencies. As is stated below, the Committee eventually decided in favour of including articles on economic, social and cultural rights in the covenant (see paragraph 51 of the present report). When examining the question of economic, social and cultural rights and the assistance to be given in connexion therewith by specialized agencies, the Committee heard statements by the representatives of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization, at its 298th, 299th and 315th meetings.

16. The discussions on the question of the adequacy of the articles relating to implementation took place at the 300th and 301st meetings, held on 1 November 1950. Some delegations were of the opinion that the articles on implementation were generally adequate, although drafting changes might be necessary. Others feared that an implementation system restricted to State-to-State complaints was not satisfactory, and that provisions for the admission of petitions from selected non-governmental organizations or from individuals should be included. It was suggested by some delegations that provisions on the admissibility and handling of petitions should be included in a separate protocol. Observations were made concerning the composition, emoluments and competence of the proposed human rights committee and the relationship of the implementation machinery with the organs of the United Nations, including the General Assembly, the Trusteeship Council and the International Court of Justice. It was suggested, for example, that the proposed human rights committee should submit annual reports on its work to the General Assembly and that provision should be made for the Committee to have recourse to the International Court of Justice for advisory opinions. Doubts were expressed concerning the wording of the article of the draft covenant which dealt with the exhaustion of domestic remedies. The Committee rejected a proposal for the deletion of the articles on implementation from the draft covenant.

IV. DRAFT RESOLUTIONS SUBMITTED TO THE COMMITTEE

17. At the conclusion of the debates on the above four questions, the Third Committee had before it the following draft resolutions and proposals :

A/C.3/L.71/Rev.1: Philippines and Syria. Draft resolution according to which the provisions of the covenant would extend or be applicable to a signatory metropolitan State as well as to all the Territories, whether Non-Self-Governing, Trust or colonial Territories, which are being administered or governed by such metropolitan State.

A/C.3/L.74 and Add.1: Uruguay. Draft resolution according to which it would be recommended that the Commission on Human Rights, in revising the draft articles on implementation, should take into account the proposal for the creation of a permanent agency of the United Nations, to be known as an Attorney-General or High Commissioner for Human Rights, who would initiate proceedings before a standing committee upon receipt of such complaints from States parties to the covenant, individuals or groups of individuals, and would act as official plaintiff in those proceedings; who would be responsible for the general supervision of the observance of the covenant by signatory States; who would have power to make investigations *ex officio*; and who would attempt to secure an amicable settlement before referring the case to the implementation body.

A/C.3/L.75/Rev.1: Egypt. Draft resolution in which a recommendation would be made to the Commission on Human Rights to add to the safeguards expressed in article 14, paragraph 3, of the draft international covenant on human rights, that of the maintenance of peace and friendly relations between States and to delete from article 13, paragraph 1, of the draft covenant the implication concerning freedom to change one's religion or belief.

A/C.3/L.76: Brazil, Turkey and the United States of America. Joint draft resolution mapping out the future work of the Commission on Human Rights concerning the covenant. It was eventually decided to accept this draft resolution as the basis for the Third Committee's work (see below paragraph 19).

A/C.3/L.77/Rev.1: Union of Soviet Socialist Republics. Draft resolution on the preamble of which it is stated that the general character of the first eighteen articles did not correspond to the aims envisaged either in regard to the rights enumerated in those articles or in regard to the guaranteeing of the rights to which they referred; in which it is noted that the covenant omitted a number of essential provisions concerning human rights and fundamental freedoms; in which it was considered essential that the covenant should include provisions rendering it obligatory for States to promote the implementation of the rights concerned and to take the necessary steps, including legislation, to guarantee to everyone a real opportunity of enjoying those rights and freedoms. It was also suggested that the General Assembly would recognize that the implementation of the provisions of the covenant on human rights fell entirely within the domestic jurisdiction of States. It was further recommended to the Economic and Social Council to instruct the Commission on Human Rights to provide for the inclusion in the covenant of a number of additional provisions dealing with the right to participate in the government of one's country, with the right to national self-determination, the protection of minorities, the right

to freedom of expression, the prohibition of propaganda on behalf of fascist or nazi views, the prohibition of incitement of hatred among the peoples, racial discrimination and the dissemination of slanderous rumours. The proposal also contained a comprehensive list of defined rights coming within the category of economic, social and cultural rights.

A/C.3/L.78: Ethiopia and France. Amendment calling for the insertion, in the draft resolution of Brazil, Turkey and the United States of America (A/C.3/L.76), of provisions to the effect that preparation should be made for the establishment of an implementation body which, by its very composition, would offer all possible guarantees of independence and competence and be responsible, in accordance with precise terms of reference, for examining all charges of violations of the covenant.

A/C.3/L.79: Yugoslavia. Draft resolution on the general adequacy of the first eighteen articles stating that certain basic rights had been omitted from those articles and that in their existing form, they were not adequate to protect the rights to which they referred and proposing that the rights to universal and equal suffrage, the right of everyone to participate in the administration of his country, the right of every member of a minority to use his own language and develop his culture, and the right of asylum should be added to those rights to be defined in the covenant. It would also be stated in the draft resolution that the purposes and principles of the United Nations Charter should be logically implemented and properly protected against the abuse of certain rights, and that fundamental human rights and freedoms should be based on the general principles of the rights acquired by mankind in its efforts to promote human welfare and democratic relations between human beings.

A/C.3/L.80: Yugoslavia. Draft resolution by which the General Assembly would decide to include economic, social and cultural rights in the covenant and to invite the Commission on Human Rights to incorporate in the covenant, in the spirit of the Universal Declaration of Human Rights, a clearly worded provision for economic, social and cultural rights corresponding to the provision guaranteeing civic and political freedoms.

A/C.3/L.81: Chile. Draft resolution by which it would be recommended to the Economic and Social Council to give consideration to the inclusion in the covenant of a new article or paragraph to the effect that access to the contemplated human rights committee should not be limited to a State party to the covenant, but that the right of access to that Committee might also be exercised by non-governmental organizations duly recognized by the United Nations.

A/C.3/L.82: France. Proposal to insert in the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76) a request to the Economic and Social Council to give consideration, at its twelfth session, to the methods by which the specialized agencies might assist the work of the Commission on Human Rights with regard to economic, social and cultural rights.

A/C.3/L.83/Rev.1: Greece and New Zealand. Amendment to the joint draft resolution of Brazil, Turkey and

the United States of America (A/C.3/L.76) according to which the Commission on Human Rights would be requested to proceed with the consideration of additional instruments and measures dealing with economic, social, cultural and other human rights not included in the first international covenant on human rights, only after the completion of the work on the first international covenant.

A/C.3/L.84: Israel. Draft resolution by which it would be recommended to the Commission on Human Rights to insert in the provisions dealing with implementation additional provisions to the effect (a) that the right to bring cases of non-compliance with the provisions of the covenant to the attention of the human rights committee would be granted also to such non-governmental organizations enjoying consultative status with the Economic and Social Council as would be included in a list to be drawn up for that purpose by the Secretary-General in conjunction with the chairman of the human rights committee; (b) that the human rights committee might (by a decision of the majority of the members present) be seized of cases of non-compliance with the provisions of the covenant by parties thereto on its own motion when the facts before the committee appeared in its view to warrant such consideration; (c) that in urgent cases, the human rights committee might deviate from the provisions of articles 39 and 41 and recommend to the State or States concerned the adoption of measures designed to give immediate effect to the provisions of the covenant. It was also contemplated in the draft resolution proposed by Israel that the human rights committee should have the right to suggest to the States concerned such remedies as it deemed advisable.

V. DECISION ON THE DRAFT RESOLUTION CONCERNING THE TERRITORIAL APPLICATION OF THE COVENANT

18. At its 302nd meeting, held on 2 November 1950, the Third Committee decided to take up first the draft resolution submitted by the Philippines and Syria concerning the territorial application of the covenant (A/C.3/L.74/Rev.1). After the sponsors of the draft resolution had accepted a number of minor oral amendments, the resolution, as amended, was adopted by 30 votes to 11, with 8 abstentions. The voting was as follows :

In favour: Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Canada, Greece, Netherlands, New Zealand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Denmark, Dominican Republic, France, Norway, Peru, Sweden, Thailand.

The text of the resolution is to be found in section X of the present report (draft resolution II).

VI. ADOPTION OF THE JOINT DRAFT RESOLUTION SUBMITTED BY BRAZIL, TURKEY AND UNITED STATES OF AMERICA (A/C.3/L.76) AS THE BASIC TEXT

19. At its 303rd meeting, held on 3 November 1950, the Third Committee found that among the resolutions presented to it there were two that could be described as general resolutions purporting to cover the whole range of the problems submitted to the General Assembly by the Economic and Social Council for policy decisions, namely, the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76) and the draft resolution submitted by the Union of Soviet Socialist Republics (A/C.3/L.77/Rev.1). The Committee decided, by 28 votes to 13, with 4 abstentions, to adopt as the basic text for its further work one of these two general draft resolutions. Subsequently, the Committee decided, by 31 votes to 8, with 10 abstentions, to adopt as the basic text the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76). At the same meeting, delegations which had submitted draft resolutions and proposals to the Committee were requested to redraft them in the form of amendments to the basic text. The delegations which had submitted proposals complied with that request, so that the Committee, when examining the joint draft resolution, had eventually before it the following amendments and sub-amendments :

A/C.3/L.78 : Ethiopia and France. To insert a new sub-paragraph between paragraphs 2 (f) and 2 (g).

A/C.3/L.82/Rev.1 : France. To insert a new paragraph between paragraphs 2 and 3.

A/C.3/L.83/Rev.1 : Greece and New Zealand. Amendment to paragraph 2 (e).

A/C.3/L.86 : Lebanon. Amendment to paragraph 2 (c)

A/C.3/L.88/Rev.1 : Afghanistan and Saudi Arabia. To insert a new sub-paragraph (d) between paragraphs 2 (c) and 2 (e).

A/C.3/L.89/Rev.1 : Mexico. To substitute a new text for paragraph 2 (c).

A/C.3/L.91/Rev.1 : Israel. To insert a new text after paragraph 2 (g).

A/C.3/L.92 : Yugoslavia. To insert new texts after paragraph 2(a); to delete paragraphs 2 (c) and 2 (d), and to replace paragraph 2 (e) by a new text.

A/C.3/L.93 : Uruguay. To insert a new text after paragraph 2 (g).

A/C.3/L.94/Rev.1 (superseding A/C.3/L.87 and A/C.3/L.90 : Lebanon and the United Kingdom of Great Britain and Northern Ireland. Addition of a new sub-paragraph after paragraph 2 (b).

A/C.3/L.96 : Union of Soviet Socialist Republics. To insert three paragraphs in the preamble; to add new texts after paragraph 2 (b); to add a text at the end of paragraph 2 (c); to delete paragraph 2 (d); to substitute a new text for paragraph 2 (e); to insert a new sub-paragraph after paragraph 2 (e).

A/C.3/L.99 (superseding A/C.3/L.85, A/C.3/L.97/Rev.1 and A/C.3/L.98) : Egypt, the United Kingdom of Great

Britain and Northern Ireland and the United States of America. Revised text of paragraph 2 (b).

A/C.3/L.101 : United States of America and Yugoslavia. Sub-amendment to the Yugoslav amendment (A/C.3/L.92).

A/C.3/L.104 : Lebanon. Procedural proposal relating to the amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88/Rev.1).

A/C.3/L.106 : Iraq. Sub-amendment to the Yugoslav amendment (A/C.3/L.92).

A/C.3/L.107 : Iraq. Sub-amendment to the amendment submitted by Greece and New Zealand (A/C.3/L.83/Rev.1).

An amendment to insert a new sub-paragraph in paragraph 2 of the joint draft resolution (A/C.3/L.76), presented by Egypt on 14 November 1950 (A/C.3/L.108), was ruled out of order by the Chairman, as it had been submitted after the expiry of the time limit agreed on at the 313th meeting. The substance of the amendments enumerated above is described in section VII of the present report.

VII. VOTING ON THE VARIOUS PROPOSALS EMBODIED IN THE DRAFT RESOLUTION ON THE FUTURE WORK OF THE COMMISSION ON HUMAN RIGHTS

20. The following paragraphs describe the voting on the different parts of the joint draft resolution which was accepted by the Committee as the basic text, and on the amendments and sub-amendments submitted thereto. The present report does not show the chronological order in which the individual parts of what is now the draft resolution on the future work of the Commission on Human Rights adopted by the Committee were taken up, but is arranged according to the substance of the decisions taken as reflected in that draft resolution.

21. At the 309th meeting of the Committee, on 9 November 1950, the representatives of Brazil, Turkey and the United States of America withdrew paragraph 2 (d) of their draft resolution (A/C.3/L.76) as it would conflict with the Philippine and Syrian resolution (A/C.3/L.71/Rev.1) adopted by the Committee at its 302nd meeting, on 2 November (A/C.3/541) (see paragraph 18 above).

Preamble to the draft resolution

22. The Committee, having agreed at its 304th meeting, held on 6 November 1950, to consider the preamble of the joint draft resolution (A/C.3/L.76) and the amendments to it after action had been taken on the operative part, decided, at its 315th meeting, on 16 November 1950, to vote on the three paragraphs of the preamble to the joint draft resolution and the amendments submitted thereto by the Soviet Union (A/C.3/L.96, point 1).

23. The first paragraph of the preamble of the joint draft resolution was adopted by 37 votes to none, with 2 abstentions. It read as follows :

“ *Appreciating* the priority which, in accordance with General Assembly resolution 217 E (III), the Commission on Human Rights during its 1949 and 1950

sessions gave to the preparation of a draft international covenant on human rights and measures for its implementation ”.

24. The second paragraph of the preamble to the joint draft resolution was adopted by 38 votes to none, with 2 abstentions. It read as follows :

“ *Noting* the decision of the Economic and Social Council at its eleventh session to transmit the draft covenant on human rights together with the relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in resolution 303 I (XI) of the Economic and Social Council ”.

25. The Committee then voted on the U.S.S.R. amendment for the insertion of three additional paragraphs in the preamble (A/C.3/L.96, point I). The first paragraph of the amendment, which read :

“ *Noting* that the articles of the draft covenant referred to omit a number of essential provisions concerning human rights and fundamental freedoms; in particular, the right to participate in the administration of the State, the right of peoples and nations to national self-determination, and the right to employment, social security, leisure and education and other rights in the social, economic and cultural fields ”, was rejected by 20 votes to 8, with 11 abstentions.

26. The second paragraph of the U.S.S.R. amendment was adopted by 16 votes to 15, with 12 abstentions. It read as follows :

“ *Considering* it essential that the covenant should include provisions rendering it obligatory for States to promote the implementation of human rights and fundamental freedoms proclaimed in the covenant and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms ”.

27. The third paragraph of the U.S.S.R. amendment, which read : “ *Recognizing* that the implementation of the provisions of the covenant on human rights falls entirely within the domestic jurisdiction of States ”, was rejected by 32 votes to 5, with 14 abstentions : The vote was as follows :

In favour : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against : Australia, Belgium, Brazil, Burma, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, Ethiopia, France, Greece, Guatemala, Haiti, India, Iraq, Israel, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining : Afghanistan, Argentina, El Salvador, Honduras, Indonesia, Iran, Mexico, Pakistan, Saudi Arabia, Syria, Union of South Africa, Venezuela, Yemen, Yugoslavia.

28. The third paragraph of the preamble of the joint draft resolution was adopted by 49 votes to none, with 2 abstentions. It read as follows :

“ *Having considered* the draft covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies ”.

Section A of the draft resolution

29. At the 304th meeting, on 6 November 1950, the Committee considered paragraph 1 and paragraph 2 (a) of the joint draft resolution (A/C.3/L.76). It adopted unanimously (by 39 votes) paragraph 1 of the operative part of the joint draft resolution, which read as follows :

“ *Commends* the Commission on Human Rights for the important work it has thus far accomplished ”.

30. At the same meeting, the Committee decided, by 18 votes to 16, with 15 abstentions, to vote on paragraph 2 (a) in two parts, the first part consisting of the request “ to continue to give priority in its (the Commission’s) work to the completion of the draft international covenant on human rights and measures for its implementation ”, and the second part consisting of the clause “ in order that the General Assembly may at its sixth session have before it the revised draft of this covenant ”. The first part was adopted unanimously (by 52 votes), and the second part by 41 votes to 3, with 6 abstentions.

31. The introductory phrase to paragraph 2 and paragraph 2 (a) as a whole were adopted in the following form by 48 votes to none, with 2 abstentions :

“ *Calls upon* the Economic and Social Council to request the Commission on Human Rights;

“ (a) To continue to give priority in its work to the completion of the draft international covenant on human rights and measures for its implementation in order that the General Assembly may at its sixth session have before it the revised draft of this covenant ”.

Section B of the draft resolution (general adequacy of the first eighteen articles)

32. At its 305th meeting, held on 6 November 1950, the Committee decided, by 22 votes to 15, with 10 abstentions, to vote first on the paragraph of the Yugoslav amendment (A/C.3/L.92, point 1) to paragraph 2 of the joint draft resolution beginning with the words “ *Decides* that the following rights should be added to the list of rights to be defined in the covenant ”, with the understanding that the two introductory paragraphs of the Yugoslav amendment beginning with the word “ *Considering* ” (subsequently changed by an oral amendment to “ *Considers* ”) would be voted upon later. The Committee voted separately on the words : “ *Decides* that the following rights should be added to the list of the rights to be defined in the covenant ” and rejected them by 24 votes to 18, with 5 abstentions. In view of this vote, it was found unnecessary to put the remainder of this part of the Yugoslav amendment (sub-paragraphs (a) (b), (c) and (d)) to the vote.

33. The Committee thereupon proceeded to vote on the U.S.S.R. amendment to paragraph 2 (b) (A/C.3/L.96, section II). The Committee decided, by 20 votes to 18, with 18 abstentions, to take a separate vote on the clause of the U.S.S.R. amendment reading as follows: "In drafting the covenant, to have in mind the inclusion therein of the following provisions". This clause was rejected by 28 votes to 17, with 4 abstentions. The vote was as follows:

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, India, Indonesia, Iraq, Mexico, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Cuba, Denmark, Dominican Republic, Egypt, Ethiopia, France, Greece, Guatemala, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Ecuador, Iran, Liberia, Yemen. Accordingly, the five subsequent paragraphs of the U.S.S.R. amendment were not put to the vote.

34. The representatives of Egypt and of the United States of America having withdrawn their amendments (A/C.3/L.85 and A/C.3/L.97/Rev.1, and A/C.3/L.98 respectively) in favour of the joint amendment submitted by Egypt, the United Kingdom and the United States of America (A/C.3/L.99), the Committee proceeded to vote on this joint amendment. The amendment was to add after the words "To take into consideration in its work of revision of the draft covenant, the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council" the following words:

"including those relating to articles 13 and 14 of the draft covenant and, with a view to the addition, in this first covenant or in other instruments, of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92."

The Committee first voted on a Mexican amendment to delete the words "first" and "or in other instruments" from the joint amendment (A/C.3/L.99). The Mexican amendment was adopted by 28 votes to 18, with 3 abstentions. The vote was as follows:

In favour: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Colombia, Cuba, Czechoslovakia, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Israel, Liberia, Mexico, Peru, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Denmark, Dominican Republic, France, Greece, Netherlands, New Zealand, Norway, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Lebanon, Pakistan, Philippines.

35. The joint amendment by Egypt, the United Kingdom and the United States of America to paragraph 2 (b), as amended, was adopted by 25 votes to 18 with 6 abstentions. Paragraph 2 (b), as amended, was then adopted, as a whole, by 27 votes to 13, with 7 abstentions. The text was as follows:

"(b) To take into consideration in its work of revision of the draft covenant the views expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, including those relating to articles 13 and 14 of the draft covenant and, with a view to the addition in this covenant of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92".

36. At the 307th meeting, on 8 November 1950, the Committee adopted, by 25 votes to 16, with 9 abstentions, the following first paragraph of the Yugoslav amendment (A/C.3/L.92, point 1):

"*Considers* that the list of rights in the first eighteen articles of the draft covenant on human rights does not contain certain of the most elementary rights".

37. Thereupon, the Committee adopted, by 48 votes to none, with 2 abstentions, the following revised text of the second paragraph of the Yugoslav amendment (A/C.3/L.92, point 1):

"*Considers* that the present wording of some of the first eighteen articles of the draft covenant on human rights should be improved in order to protect more effectively the rights to which they refer".

38. The delegations of the United States of America and Yugoslavia presented a joint amendment (A/C.3/L.101) to replace the fourth paragraph of the Yugoslav amendment (A/C.3/L.92, point 1), beginning with the words "*Considers* that in the drafting" and ending with the words "among men" by the following text:

"*Considers* that in the drafting of the covenant on human rights account should be taken of the principles and purposes of the Charter of the United Nations and that these principles and purposes of the Charter of the United Nations should be consistently applied and assiduously protected."

This joint amendment was adopted, at the 309th meeting, on 9 November, by 43 votes to none, with 2 abstentions.

39. At the 307th meeting, on 8 November 1950, the Committee adopted, by 39 votes to none, with 10 abstentions, the following amendment submitted by Lebanon and the United Kingdom (A/C.3/L.94/Rev.1) to add a new sub-paragraph to paragraph 2 of the joint draft resolution:

"To take into consideration in its work of revision of the draft covenant, the view, expressed during the discussion of the draft covenant at the fifth session of the General Assembly and at the eleventh session

of the Economic and Social Council, that it is desirable to define the rights set forth in the covenant and the limitations thereto with the greatest possible precision".

Section C of the draft resolution (the federal clause)

40. At the 309th meeting, held on 9 November 1950, a vote was taken on the U.S.S.R. proposal (A/C.3/L.96, point 3) to add at the end of paragraph 2 (c) of the joint draft resolution, after the words "constitutional problems of federal States" the following: "the intention being to extend the provisions of the covenant without any exceptions or restrictions to all parts of federal States". The amendment was rejected by 21 votes to 6, with 21 abstentions. The vote was as follows:

In favour: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Cuba, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Argentina, Burma, Chile, Denmark, Dominican Republic, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran, Iraq, Israel, Mexico, Nicaragua, Pakistan, Saudi Arabia, Syria, Uruguay, Venezuela.

41. The Committee also rejected, by 21 votes to 12, with 15 abstentions, the Mexican amendment (A/C.3/L.89/Rev.1) reading:

"To study the problem of the so-called federal clause in order to obtain a formula that will positively prevent the possibility of the non-application of the covenant in any one or more of the territories forming a federation..."

The vote was as follows:

In favour: Argentina, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Iraq, Mexico, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yugoslavia.

Against: Australia, Belgium, Bolivia, Brazil, Canada, China, Denmark, France, Greece, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Afghanistan, Burma, Dominican Republic, Egypt, El Salvador, Ethiopia, India, Indonesia, Iran, Israel, Nicaragua, Pakistan, Saudi Arabia, Syria, Venezuela.

The proposal made orally by the representative of Mexico to add to the text (given in document A/C.3/L.89/Rev.1) the words "five years after the ratification of the covenant" was consequently not put to the vote.

42. Following the rejection of the U.S.S.R. and Mexican amendments, the Committee, at the same

meeting, adopted by 27 votes to 6, with 16 abstentions, the Lebanese amendment (A/C.3/L.86) to insert after the words "Have as their purpose" in paragraph 2 (c) of the joint draft resolution the words "securing the maximum extension of the covenant to the constituent units of federal States, and...". The vote was as follows:

In favour: Australia, Belgium, Bolivia, Brazil, Canada, China, Dominican Republic, Egypt, El Salvador, Ethiopia, France, Greece, India, Iran, Israel, Lebanon, Netherlands, New Zealand, Norway, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: Cuba, Denmark, Iraq, Mexico, Peru, Yugoslavia.

Abstaining: Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Indonesia, Nicaragua, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen.

43. An oral Chinese proposal to replace the word "the" (before "federal State article") by the word "a" at the beginning of paragraph 2 (c) of the joint draft resolution was adopted by 16 votes to 9, with 22 abstentions. The vote was as follows:

In favour: Argentina, China, El Salvador, Ethiopia, Iran, Iraq, Netherlands, New Zealand, Peru, Philippines, Syria, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, France, Mexico, Nicaragua, Thailand, Turkey, United States of America.

Abstaining: Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, Canada, Cuba, Czechoslovakia, Denmark, Dominican Republic, Greece, India, Indonesia, Israel, Lebanon, Norway, Pakistan, Poland, Saudi Arabia, Sweden, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics.

44. An amendment proposed orally by Australia at the 308th meeting for the substitution of the word "positions" for the word "problems" at the end of subparagraph 2 (c) of the joint draft resolution was rejected (309th meeting) by 12 votes to 9, with 24 abstentions.

45. Paragraph 2 (c), as amended, was adopted in the following form by 31 votes to 3, with 14 abstentions:

"To study a federal State article and to prepare, for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose the securing of the maximum extension of the covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal States".

The vote was as follows:

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, China, Cuba, Dominican Republic, El Salvador, Ethiopia, France, Greece, India, Iran, Israel, Lebanon, Netherlands, New Zealand, Nicaragua, Norway, Peru, Philippines, Sweden, Thailand, Turkey,

Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against : Denmark, Mexico, Yugoslavia.

Abstaining : Afghanistan, Burma, Byelorussian Soviet Socialist Republic, Chile, Czechoslovakia, Indonesia, Iraq, Pakistan, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen.

Section D of the draft resolution

46. At its 309th to 311th meetings on 9 and 10 November 1950, the Committee discussed the joint amendment submitted by Afghanistan and Saudi Arabia (A/C.3/L.88) relating to the right of peoples and nations to self-determination. In document A/C.3/L.88 the delegations sponsoring the amendment had suggested that the General Assembly should call upon the Economic and Social Council to request the Commission on Human Rights to study the problem of the right of peoples and nations to self-determination. In a revised version of the amendment (A/C.3/L.88/Rev.1), they had proposed that the study should refer to the right of nations to self-determination. Subsequently, however, the representatives of the two countries withdrew the revised version of the proposal so that, at its 311th meeting, the Committee voted upon the original text (A/C.3/L.88) dealing with the right of both peoples and nations to self-determination. The amendment was adopted by 31 votes to 16, with 5 abstentions. The text read as follows :

“ To study ways and means which would ensure the right of peoples and nations to self-determination and to prepare recommendations for consideration by the General Assembly at its sixth session. ”

The vote was as follows :

In favour : Afghanistan, Argentina, Burma, Byelorussian Soviet Socialist Republic, Chile, China, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia.

Against : Australia, Belgium, Canada, Denmark, France, Greece, Netherlands, New Zealand, Nicaragua, Norway, Peru, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining : Brazil, Ethiopia, Lebanon, Thailand, Venezuela.

47. The Committee rejected, by 16 votes to 7, with 28 abstentions, a Lebanese proposal whereby the General Assembly would decide to include in the agenda of its sixth session as a separate item the question of the study of ways and means which would ensure the right of nations to self-determination (A/C.3/L.104). The vote was as follows :

In favour : Denmark, Ethiopia, Iraq, Lebanon, Mexico, Netherlands, Peru.

Against : Afghanistan, Australia, Belgium, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, El Salvador, Guatemala, India, New Zealand, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yemen, Yugoslavia.

Abstaining : Argentina, Brazil, Canada, Chile, China, Cuba, Dominican Republic, Egypt, France, Greece, Haiti, Honduras, Indonesia, Iran, Israel, Nicaragua, Norway, Pakistan, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United States of America, Uruguay, Venezuela.

Section E of the draft resolution (the desirability of including articles on economic, social and cultural rights)

48. At its 312th and 313th meetings, on 13 and 14 November, the Committee examined paragraph 2 (e) of the joint draft resolution to which the following amendments were submitted : U.S.S.R. amendment (A/C.3/L.96); Iraqi amendment to the Yugoslav amendment (A/C.3/L.106); Yugoslav amendment (A/C.3/L.92); Iraqi amendment (A/C.3/L.107) to the amendment submitted by Greece and New Zealand (A/C.3/L.83/Rev.1); amendment submitted by Greece and New Zealand (A/C.3/L.83/Rev.1).

49. At its 313th meeting, the Committee rejected, by 25 votes to 14, with 10 abstentions, the motion for voting by parts on the various paragraphs of the U.S.S.R. amendment concerning economic, social and cultural rights. The Committee then voted on the U. S. S. R. amendment to paragraph 2 (e) (A/C.3/L.96, point V).

“ V. Delete paragraph 2 (e) and replace by the following :

“ Include in the said draft Covenant on Human Rights the following provisions concerning human rights in the economic, social and cultural spheres :

“ 1. The State shall ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation.

“ 2. Access to education shall be open to all without distinction of race, sex, language, economic situation or social origin and this right shall be ensured by the State by the provision of free elementary education, a system of scholarships and the requisite system of schools.

“ 3. It is the duty of the State to guarantee to everyone the right to work and to choose his occupation in such a manner as to create conditions which will exclude the threat on death from hunger and from exhaustion.

“ 4. The right to rest and leisure shall be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for

a reasonable limitation of working hours and for periodic holidays with pay.

" 5. Social security and social insurance for workers and employees shall be effected at the expense of the State or at the expense of the employers in accordance with the laws of each country.

" 6. The State shall take all necessary measures, legislative measures in particular, to ensure decent living accommodation to every person.

" 7. Women shall enjoy in their work rights and privileges which shall not be less than those enjoyed by men and they shall receive equal pay with men for equal work.

" 8. The right freely to combine in trade unions shall be guaranteed to all hired workers without distinction as to nationality, race, religion, sex, occupation, political or philosophical views.

" Trade-unions shall be guaranteed the right freely to pursue their activities directed towards improving the life and economic welfare of workers, and all regulations of whatever kind directed against trade-union organizations, workers and employees shall be prohibited.

" 9. Trade-union organizations shall have the right freely to elect all their representatives, to make their own administrative arrangements and democratically to fulfil their functions and tasks in the interests of their members, and shall be protected against any interference on the part of public authorities or officials. Public authorities or officials may not attempt to exert pressure of any kind whatsoever, whether directly or indirectly, upon trade-unions and their members. Public authorities or officials shall be required to abstain from founding, financing or interfering in the direction of trade-union organizations.

" 10. Legislative measures shall be adopted to enable trade-union organizations to participate in the determination of economic and social policy in undertakings and on the local, regional and national levels.

" 11. Trade-union organizations shall have the right to amalgamate on a trade, inter-union, local, regional and national basis and to affiliate to international trade-union organizations.

" 12. The right to strike shall be guaranteed.

" 13. No one may prevent an international trade-union organization from fulfilling its functions and communicating with the organizations affiliated to it."

The U.S.S.R. amendment was rejected by 26 votes to 8, with 15 abstentions.

50. The Committee then voted on the sub-amendment submitted by Iraq (A/C.3/L.106) to the Yugoslav amendment (A/C.3/L.92, point 3) to add after the words "*Decides* to include economic, social and cultural rights in the draft covenant on human rights", in section 3 of the Yugoslav amendment the words "and an expli-

cit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations". The Iraqi amendment was adopted, at the 313th meeting of the Committee, by 34 votes to none, with 13 abstentions.

51. At the same meeting, the Yugoslav amendment, amended by the Iraqi amendment, was adopted by 23 votes to 17, with 10 abstentions, to replace subparagraph 2 (e) of the joint draft resolution. The wording was as follows :

" *Whereas* the Covenant on Human Rights should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights;

" *Whereas* the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong;

" *Whereas* the enjoyment of civic and political freedoms and that of economic, social and cultural rights are interconnected and interdependent;

" *Whereas* when deprived of economic, social and cultural rights man does not represent the human person whom the Universal Declaration regards as the ideal of the free man;

" *Decides* to include economic, social and cultural rights in the draft Covenant on Human Rights and an explicit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations;

" *Calls upon* the Economic and Social Council to request the Commission on Human Rights in accordance with the spirit of the Universal Declaration of Human Rights to include in the Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms to be proclaimed by the Covenant."

The Iraqi sub-amendment to the amendment proposed by Greece and New Zealand and the latter amendment itself were consequently not put to the vote.

52. At its 314th meeting, held on 15 November 1950, the Committee adopted unanimously (by 43 votes) paragraph 2 (f) of the joint draft resolution (A/C.3/L.76) calling upon the Economic and Social Council to request the Commission on Human Rights

" to take such steps as are necessary to obtain the co-operation of other organs of the United Nations and of specialized agencies in the consideration of such rights" (i. e., economic, social and cultural rights).

53. At its 315th meeting, held on 16 November 1950, the Committee adopted by 36 votes to none, with 1 abstention, the following amendment by France (A/C.3/L.82/Rev.1) as a new paragraph to be inserted in the joint draft resolution :

" *Requests* the Economic and Social Council to give consideration, at its twelfth session, to the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights".

*Section F of the draft resolution
(adequacy of the articles of implementation)*

54. At its 314th meeting, on 15 November 1950, the representative of Mexico suggested that the Commission on Human Rights should be allowed to examine certain proposals concerning implementation which had been made before the Third Committee, a decision to this effect not amounting to a commitment of delegations to any or all of those proposals. He therefore proposed that the following amendment should be added at the end of paragraph 2 (g) of the joint draft resolution :

“ ... and to take into consideration in their studies of questions relative to petitions and implementation the proposals presented by the delegations of Chile, Ethiopia and France, Israel, Uruguay, in documents A/C.3/L.81, A/C.3/L.78, A/C.3/L.91/Rev.1, A/C.3/L.91/Rev.1/Corr.1 and A/C.3/L.93 ”.

In so far as it referred to the Chilean proposal (A/C.3/L.81), the Mexican amendment was adopted by 24 votes to 11, with 11 abstentions.

In so far as it referred to the joint Ethiopian-French proposal (A/C.3/L.78), the Mexican amendment was adopted by 33 votes to 8, with 5 abstentions.

In so far as it referred to the Israeli proposal (A/C.3/L.91/Rev.1 and Corr.1), the Mexican amendment was adopted by 21 votes to 16, with 10 abstentions.

In so far as it referred to the Uruguayan proposal (A/C.3/L.93), the Mexican amendment was adopted by 21 votes to 16, with 8 abstentions.

The Mexican amendment as a whole was adopted by 28 votes to 9, with 8 abstentions.

55. The sponsors of the joint draft resolution accepted the proposal of Israel for the insertion of the words “ of provisions to be inserted in the draft covenant or ” between the words “ consideration ” and the words “ in separate protocols ” in the text of paragraph 2 (g) of the joint draft resolution. The Committee adopted the following part of this paragraph by 26 votes to 10, with 7 abstentions :

“ To proceed with the consideration of provisions to be inserted in the draft covenant,... ”.

56. A separate vote was taken on the words “ or in separate protocols ” which followed the words of paragraph 2 (g) that had been adopted, and it was decided by 21 votes to 10, with 13 abstentions, to retain those words.

57. The Committee then adopted, by 26 votes to 11, with 7 abstentions, the remainder of paragraph 2 (g) of the joint draft resolution (A/C.3/L.76), consisting of the words “ for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights ”.

58. A vote by parts on the amended paragraph as a whole having been requested, the Committee voted on the first part of the amended text consisting of the joint amendment, without the Mexican amendment, reading as follows :

“ To proceed with the consideration of provisions to be inserted in the draft covenant or in separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights ”.

The text was rejected by 21 votes to 8, with 13 abstentions.

59. Subsequently, however, the Committee adopted, by 28 votes to 13, with 3 abstentions, a motion to reconsider the separate voting on this part of the paragraph and also the result of this separate voting, namely, the decision to reject this part of the paragraph. The whole of paragraph 2 (g), as amended, was put to the vote as a whole, and was adopted in the following form by 24 votes to 11, with 11 abstentions :

“ To proceed with the consideration of provisions to be inserted in the draft covenant or in separate protocols for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the International Covenant on Human Rights; and to take into consideration in their studies of questions relative to petitions and implementation, the proposals presented by the delegations of Chile, Ethiopia and France, Israel, Uruguay, in documents A/C.3/L.81, A/C.3/L.78, A/C.3/L.91/Rev.1, A/C.3/L.91/Corr.1 and A/C.3/L.93 ”.

60. At its 314th meeting, held on 15 November 1950, the Committee also considered the amendment proposed by the U.S.S.R. (A/C.3/L.96, point VI) to the effect that the articles on implementation (articles 19 to 41) should be deleted from the draft international covenant on human rights since their inclusion would constitute an attempt at intervention in the domestic affairs of States and would encroach on their sovereignty. This U.S.S.R. amendment was rejected by 29 votes to 5, with 12 abstentions. The vote was as follows :

In favour : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against : Australia, Belgium, Brazil, Canada, Chile, China, Cuba, Denmark, Dominican Republic, Ecuador, Ethiopia, France, Greece, Guatemala, Haiti, Israel, Lebanon, Netherlands, New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining : Afghanistan, Argentina, Burma, Egypt, India, Iran, Iraq, Mexico, Pakistan, Saudi Arabia, Syria, Yugoslavia.

Section G of the draft resolution

61. At its 315th meeting, on 16 November 1950, the Committee adopted by 29 votes to none, with 2 abstentions, paragraph 2 (h) of the joint draft resolution by which the Commission on Human Rights was requested “ to report to the Economic and Social Council at its thirteenth session concerning the above matters ”.

Section H of the draft resolution

62. At its 315th meeting, on 16 November 1950, the Committee also adopted, by 37 votes to none, with 1 abstention, paragraph 3 of the joint draft resolution, reading as follows :

“ *Requests* the Secretary-General to invite Member States to submit by 15 February 1951 their views concerning the draft international covenant on human rights as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it in its further consideration of the draft covenant at its seventh session. ”

VIII. VOTING ON THE DRAFT RESOLUTION ON THE FUTURE WORK OF THE COMMISSION ON HUMAN RIGHTS, AS A WHOLE

63. The Committee, having considered and voted upon all the parts of the joint draft resolution of Brazil, Turkey and the United States of America (A/C.3/L.76) and the amendments submitted thereto, agreed, at the 315th meeting, held on 16 November 1950, to postpone the voting on the draft resolution as a whole until the officers of the Committee, with the assistance of the Secretariat, had prepared a consolidated and rearranged text of the whole draft resolution as it had been adopted in parts. The officers of the Third Committee presented to the Committee at its 318th meeting, held on 17 November 1950, a proposal for a consolidated text of the draft resolution (A/C.3/L.111). The text of the draft resolution as a whole, as contained in that proposal was adopted at that meeting by 29 votes to 5, with 13 abstentions. It was also agreed at that meeting that the draft resolution should be called “ Draft resolution on the future work of the Commission on Human Rights ”. The text of the draft resolution thus adopted appears in section X of the present report (draft resolution I).

IX. DRAFT RESOLUTION ON HUMAN RIGHTS DAY

64. At its 315th and 316th meetings, held on 16 November 1950, the Committee considered a proposal by the United States of America concerning the proclamation of Human Rights Day (A/C.3/L.102). The Committee also had before it in this connexion a memorandum from the Secretary-General (A/C.3/542). The Committee, by 44 votes to none, with 4 abstentions, adopted the draft resolution with certain amendments (A/C.3/543), the text of which appears in section X of the present report (draft resolution III).

X. RECOMMENDATIONS OF THE THIRD COMMITTEE

65. The Third Committee therefore recommends to the General Assembly the adoption of the following three resolutions :

DRAFT INTERNATIONAL COVENANT ON HUMAN RIGHTS AND MEASURES OF IMPLEMENTATION

Future work of the Commission on Human Rights The General Assembly,

Appreciating the priority which, in accordance with General Assembly resolution 217 (III), the Commission on Human Rights during its 1949 and 1950 sessions gave to the preparation of a draft International Covenant on Human Rights and measures for its implementation,

Noting the decision of the Economic and Social Council at its eleventh session to transmit the draft Covenant together with the relevant documentation and records of the discussion in the Council to the General Assembly at its fifth session for consideration with a view to reaching policy decisions on the points listed in Economic and Social Council resolution 303 I (XI).

Considering it essential that the Covenant should include provisions rendering it obligatory for States to promote the implementation of the human rights and fundamental freedoms proclaimed in the Covenant and to take the necessary steps, including legislation, to guarantee to everyone the real opportunity of enjoying those rights and freedoms,

Having considered the draft covenant prepared by the Commission on Human Rights, particularly with reference to certain basic policies :

A

Commends the Commission on Human Rights for the important work it has thus far accomplished;

Calls upon the Economic and Social Council to request the Commission on Human Rights to continue to give priority in its work to the completion of the draft Covenant and measures for its implementation in order that the General Assembly may at its sixth session have before it the revised draft of this Covenant;

B

Considers

(a) That the list of rights in the first eighteen articles of the draft Covenant does not contain certain of the most elementary rights;

(b) That the present wording of some of the first eighteen articles of the draft Covenant should be improved in order to protect more effectively the rights to which they refer;

(c) That in the drafting of the Covenant account should be taken of the purposes and principles of the Charter of the United Nations and that these purposes and principles should be consistently applied and assiduously protected;

Calls upon the Economic and Social Council to request the Commission on Human Rights to take into consideration in its work of revision of the draft Covenant :

(i) The views expressed during the discussion of the draft Covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and

Social Council, including those relating to articles 13 and 14 of the draft Covenant and, with a view to the addition in the draft Covenant of other rights, those relating to the rights set forth by the Union of Soviet Socialist Republics in document A/C.3/L.96 and Yugoslavia in document A/C.3/L.92;

(ii) The view, expressed during the discussion of the draft Covenant at the fifth session of the General Assembly and at the eleventh session of the Economic and Social Council, that it is desirable to define the rights set forth in the Covenant and the limitations thereto with the greatest possible precision;

C

Calls upon the Economic and Social Council to request the Commission on Human Rights to study a federal State article and to prepare, for the consideration of the General Assembly at its sixth session, recommendations which will have as their purpose the securing of the maximum extension of the Covenant to the constituent units of federal States, and the meeting of the constitutional problems of federal States;

D

Calls upon the Economic and Social Council to request the Commission on Human Rights to study ways and means which would ensure the right of peoples and nations to self-determination, and to prepare recommendations for consideration by the General Assembly at its sixth session;

E

Whereas the Covenant should be drawn up in the spirit and based on the principles of the Universal Declaration of Human Rights,

Whereas the Universal Declaration regards man as a person, to whom civic and political freedoms as well as economic, social and cultural rights indubitably belong,

Whereas the enjoyment of civic and political freedoms and of economic, social and cultural rights are interconnected and interdependent,

Whereas, when deprived of economic, social and cultural rights, man does not represent the human person whom the Universal Declaration regards as the ideal of the free man;

(a) *Decides* to include in the Covenant economic, social and cultural rights and an explicit recognition of equality of men and women on related rights, as set forth in the Charter of the United Nations;

(b) *Calls upon* the Economic and Social Council to request the Commission on Human Rights, in accordance with the spirit of the Universal Declaration to include in the draft Covenant a clear expression of economic, social and cultural rights in a manner which relates them to the civic and political freedoms proclaimed by the draft Covenant;

(c) *Calls upon* the Economic and Social Council to request the Commission on Human Rights to take such steps as are necessary to obtain the co-operation of

other organs of the United Nations and of the specialized agencies in the consideration of such rights;

(d) *Requests* the Economic and Social Council to consider, at its twelfth session, the methods by which the specialized agencies might co-operate with the Commission on Human Rights with regard to economic, social and cultural rights;

F

Calls upon the Economic and Social Council to request the Commission on Human Rights to proceed with the consideration of provisions, to be inserted in the draft Covenant or in separate protocols, for the receipt and examination of petitions from individuals and organizations with respect to alleged violations of the Covenant; and to take into consideration in their studies of questions relating to petitions and implementation the proposals presented by Chile (A/C.3/L.81), Ethiopia and France (A/C.3/L.78), Israel (A/C.3/L.91/Rev.1) and Uruguay (A/C.3/L.93);

G

Calls upon the Economic and Social Council to request the Commission on Human Rights to report to the Economic and Social Council at its thirteenth session concerning the above matters;

H

Requests the Secretary-General to invite Member States to submit, by 15 February 1951, their views concerning the draft Covenant as revised by the Commission on Human Rights at its sixth session, in order that the Commission may have such views before it in its further consideration of the draft Covenant at its seventh session.

II

TERRITORIAL APPLICATION OF THE INTERNATIONAL
COVENANT ON HUMAN RIGHTS

The General Assembly,

Requests the Commission on Human Rights to include the following article in the International Covenant on Human Rights:

“ *Article ...*

“ The provisions of the present Covenant shall extend to or be applicable equally to a signatory metropolitan State and to all the territories, be they Non-Self-Governing, Trust, or Colonial Territories, which are being administered or governed by such metropolitan State ”.

III

HUMAN RIGHTS DAY

The General Assembly,

Considering that on 10 December 1948 the General Assembly proclaimed the Universal Declaration of

Human Rights as a common standard of achievement for all peoples and all nations,

Considering that the Declaration marks a distinct forward step in the march of human progress,

Considering that the anniversary of this event should be appropriately celebrated in all countries as part of a common effort to bring the Declaration to the attention of the peoples of the world,

Expressing its appreciation to all those countries Members or non-members of the United Nations which have already celebrated this anniversary,

1. *Invites* all States and interested organizations to adopt 10 December of each year as Human Rights Day, to observe this day to celebrate the proclamation of the Universal Declaration of Human Rights by the General Assembly on 10 December 1948, and to exert increasing efforts in this field of human progress,

2. *Invites* all States and interested organizations to report annually through the Secretary-General concerning the observance of Human Rights Day.

DOCUMENT A/1576 (incorporating A/1576/Corr.1)

Union of Soviet Socialist Republics : amendments to draft resolution I proposed by the Third Committee (A/1559)

[Original text : Russian]
[1 December 1950]

1. Insert the following paragraph between the third and fourth paragraphs of the preamble to the draft resolution :

“ *Recognizing* that the implementation of the provisions of the Covenant on Human Rights falls entirely within the domestic jurisdiction of States ”,

2. Delete sub-paragraph (a) of part B of the draft resolution and substitute for it a new sub-paragraph (a) worded as follows :

“ (a) That the general character of the first eighteen articles of the draft International Covenant does not correspond with the aims envisaged either in regard to the rights enumerated in those articles or in regard to the guaranteeing of the rights to which they refer; and that the above-mentioned articles omit a number of essential provisions concerning human rights and fundamental freedoms; in particular, the right to participate in the administration of the State, the right of peoples and nations to national self-determination, and the right to employment, social security, leisure and education and other rights in the social, economic and cultural fields ”.

3. Delete part C and substitute the following text :

“ C

“ *Considers* that all the provisions of the Covenant on Human Rights must be extended without any exceptions or restrictions to the peoples of federal States ”.

4. Add the following to sub-paragraph (a) of part E, after the words “ the Charter of the United Nations ” :

“ and, in particular, to include in the Covenant the following principles ” :

“ 1. Every citizen, irrespective of race, colour, nationality, social position, property status, social origin, language, religion or sex, shall be guaranteed

by the State an opportunity to take part in the government of the State, to elect and be elected to all organs of authority on the basis of universal, equal and direct suffrage with secret ballot, and to occupy any State or public office. Property, educational or other qualifications restricting the participation of citizens in voting at elections to representative organs shall be abolished.

“ 2. Every people and every nation shall have the right to national self-determination. States which have responsibilities for the administration of Non-Self-Governing Territories shall promote the fulfilment of this right, guided by the aims and principles of the United Nations in relation to the peoples of such territories.

“ The State shall ensure to national minorities the right to use their native tongue and to possess their national schools, libraries, museums and other cultural and educational institutions.

“ 3. The State shall ensure the development of science and education in the interests of progress and democracy and in the interests of ensuring international peace and co-operation.

“ 4. Access to education shall be open to all without distinction of race, sex, language, economic situation or social origin and this right shall be ensured by the State by the provisions of free elementary education, a system of scholarships and the requisite system of schools.

“ 5. It is the duty of the State to guarantee to everyone the right to work and to choose his occupation in such a manner as to create conditions which will exclude the threat of death from hunger and from exhaustion.

“ 6. The right to rest and leisure shall be guaranteed by the State to everyone employed in enterprises and institutions, either by law or on the basis of collective agreements providing, in particular, for a reasonable

limitation of working hours and for periodic holidays with pay.

“ 7. Social security and social insurance for workers and employees shall be effected at the expense of the State or at the expense of the employers in accordance with the laws of each country.

“ 8. The State shall take all necessary measures, legislative measures in particular, to ensure decent living accommodation to every person.

“ 9. In the interests of democracy, everyone must be guaranteed by law the right to the free expression of opinion; in particular, to freedom of speech, of the Press and of artistic representation, under conditions ensuring that freedom of speech and of the Press are not exploited for war propaganda, for the incitement of hatred among the peoples, for racial discrimination and for the dissemination of slanderous rumours.

“ 10. Any form of propaganda on behalf of fascist or nazi views, or of racial and national exclusiveness, hatred and contempt, must be prohibited by law.

“ 11. Women shall enjoy in their work rights and privileges which shall not be less than those enjoyed by men and they shall receive equal pay with men for equal work.

“ 12. In the interests of democracy, the right to organize assemblies, meetings, street processions and demonstrations and to organize voluntary societies and unions must be guaranteed by law. All societies, unions and organizations of a fascist or anti-democratic nature, and any form of activity by such societies, must be prohibited by law, subject to penalty.

“ 13. Trade-union rights :

“ (a) The implementation of trade-union rights, which are inviolable and essential for improving the life and economic welfare of workers, shall be guaranteed to all hired workers without distinction as to nationality, race, religion, sex, occupation, political or philosophical views.

“ (b) All regulations of whatever kind directed against trade-union rights and the rights of hired wor-

kers and employees to join trade-unions must be prohibited.

“ (c) Trade-union organizations shall have the right freely to elect all their representatives, to make their own administrative arrangements and democratically to fulfil their functions and tasks in the interests of their members, and shall be protected against any interference on the part of public authorities or officials. Public authorities or officials may not attempt to exert pressure of any kind whatsoever, whether directly or indirectly, upon trade-unions and their members. Public authorities or officials shall be required to abstain from founding, financing or interfering in the direction of trade-union organizations.

“ (d) The right to strike shall be guaranteed.

“ (e) Legislative measures shall be adopted to enable trade-union organizations to participate in the determination of economic and social policy in undertakings and on the local, regional and national levels.

“ (f) Trade-union organizations shall have the right to amalgamate on a trade, inter-union, local, regional and national basis and to affiliate to international trade-union organizations.

“ (g) No one may prevent an international trade-union organization from fulfilling its functions and communicating with the organizations affiliated to it.”

5. In sub-paragraph (b) of part E, after the words “ proclaimed in the Covenant”, add the words : “ and also to include in the Covenant the rights enumerated in detail in the preceding sub-paragraph”.

6. Delete part F and substitute the following text :

“ F

“ *Considers* that articles 19 to 41 of the draft Covenant should be deleted, since their inclusion would constitute an attempt at intervention in the domestic affairs of States and an encroachment on their sovereignty.”

Check list of documents

Document No.	Title	Page	Observations and references to other sources
E/1371 (E/CN.4/350)	Report of the Commission on Human Rights (fifth session)		<i>Official Records of the Economic and Social Council, Ninth Session, Supplement No. 10.</i>
E/1563	Abolition of economic and social discriminatory measures against workers, based on race and colour : communication from the WFTU	}	Mimeographed documents only.
E/1563/Add.1	Abolition of economic and social discriminatory measures against workers, based on race and colour : report by the WFTU		

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
E/1681 (E/CN.4/507)	Report of the Commission on Human Rights (sixth session)		<i>Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 5.</i>
E/1721 and E/1721/Corr.1	Federal and colonial clauses : report by the Secretary-General		Mimeographed documents only.
E/1732	Means by which the proposed Human Rights Committee may be able to obtain advisory opinions from the International Court of Justice : report by the Secretary-General		Mimeographed document only.
E/L.68	Memorandum by the Secretary-General : comments on the draft first international covenant on human rights		Mimeographed document only.
E//CN.4/364, E/CN.4/ 364/Corr.1	Survey of the activities of bodies of the United Nations other than the Commission on Human Rights, and of the specialized agencies, in matters within the scope of articles 22 to 27 of the Universal Declaration of Human Rights : report by the Secretary-General		Mimeographed documents only.
E/CN.4/365, E/CN.4/365/ Corr.1			Mimeographed documents only.
A/1303/Add.1	Information from Non-Self-Governing Territories : information transmitted under Article 73 e of the Charter : report of the Special Committee, part two (report on education)		Mimeographed document only.
A/1384	Note by the Secretary-General	2	
A/1559 (incorporating A/1559/Corr.1)	Report of the Third Committee	21	
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A/1620	Resolution adopted by the General Assembly at its 317th plenary meeting, on 4 December 1950		See resolution 421 (V).
A/1622	Resolution adopted by the General Assembly at its 317th plenary meeting, on 4 December 1950		See resolution 422 (V).
A/1623	Resolution adopted by the General Assembly at its 317th plenary meeting, on 4 December 1950		See resolution 423 (V).
A/C.3/534	Note by the Secretary-General	3	
A/C.3/535	Subject analysis of the relevant documentation and records transmitted to the General Assembly by the Economic and Social Council, prepared by the Secretary-General		Mimeographed document only.
A/C.3/541	Text of the draft resolution adopted by the Third Committee at its 302nd meeting		See document A/1559, draft resolution II.
A/C.3/542	Human Rights Day : memorandum by the Secretary-General.	7	
A/C.3/543	Human Rights Day : text of the draft resolution adopted by the Third Committee		See document A/1559, draft resolution III.
A/C.3/544	Text of the draft resolution adopted by the Third Committee		See document A/1559, draft resolution I.
A/C.3/L.71	Philippines and Syria : proposal for an additional article on the application of the covenant to Non-Self-Governing Territories		Mimeographed document only.
A/C.3/L.71/Rev.1	Philippines and Syria : draft resolution	10	
A/C.3/L.72	Egypt : amendment to article 13 of the draft covenant (A/1681)		Mimeographed document only. Superseded by document A/C.3/L.75.
A/C.3/L.73	Egypt : amendment to article 14 of the draft covenant (A/1681)		Mimeographed document only. Superseded by document A/C.3/L.75.
A/C.3/L.74 and Add.1	Uruguay : draft resolution	10	
A/C.3/L.75	Egypt : draft resolution		See document A/C.3/L.75/Rev.1.
A/C.3/L.75/Rev.1	Egypt : draft resolution	10	

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
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A/C.3/L.77	Union of Soviet Socialist Republics : draft resolution		See document A/C.3/L.77/Rev.1.
A/C.3/L.77/Rev.1	Union of Soviet Socialist Republics : draft resolution		Draft resolution replaced by an amendment to document A/C.3/L.76. Reproduced in substance in document A/C.3/L.96.
A/C.3/L.78	Ethiopia and France : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	11	
A/C.3/L.79	Yugoslavia : draft resolution	}	Draft resolutions replaced by an amendment to document A/C.3/L.76. Reproduced in substance in document A/C.3/L.92/point 1 and point 3 respectively.
A/C.3/L.80	Yugoslavia : draft resolution		
A/C.3/L.81	Chile : draft resolution	12	
A/C.3/L.82	France : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)		See document A/C.3/L.82 Rev.1.
A/C.3/L.82/Rev.1	<i>Idem</i> : revised text	12	
A/C.3/L.83	Greece and New Zealand : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)		Incorporated in the record of the 312th meeting of the Third Committee, para.34.
A/C.3/L.83/Rev.1	Greece and New Zealand : revised amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	12	
A/C.3/L.84	Israel : draft resolution	12	
A/C.3/L.85	Egypt : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	13	
A/C.3/L.86	Lebanon : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	13	
A/C.3/L.87	Lebanon : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	14	
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A/C.3/L.93	Uruguay : addition to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	16	
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A/C.3/L.95	Analysis of amendments to paragraph 2 of the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)		Mimeographed document only.
A/C.3/L.96	Union of Soviet Socialist Republics : amendments to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	17	
A/C.3/L.97	Egypt : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)		Incorporated in the record of the 304th meeting of the Third Committee, para. 43.
A/C.3/L.97/Rev.1	<i>Idem</i> : revised text	18	
A/C.3/L.98	United States of America : sub-amendments to the amendments submitted by the U. S. S. R. (A/C.3/L.96) and by Yugoslavia (A/C.3/L.92) to the joint draft resolution (A/C.3/L.76)	18	
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A/C.3/L.100	Analysis of amendments to sub-paragraph 2 (c) to paragraph 3, inclusive, of the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)		Mimeographed document only.
A/C.3/L.101	United States of America and Yugoslavia : sub-amendment to the amendment submitted by Yugoslavia (A/C.3/L.92) .	19	
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A/C.3/L.108	Egypt : amendment to the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)	20	
A/C.3/L.109	Recapitulation of amendments to paragraphs 2 and 3 of the operative part of the joint draft resolution submitted by Brazil, Turkey and the United States of America (A/C.3/L.76)		Mimeographed document only.
A/C.3/L.111	Proposal for a consolidated text of the draft resolution to be adopted by the Third Committee, presented by the officers of the Third Committee		Adopted without change. See document A/C.3/544.



Agenda item 64 : Long-range activities for children. United Nations International Children's Endowment Fund

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DOCUMENT A/1411

Draft resolution prepared by the Secretary-General

[Original text: English]
[29 September 1950]

I. INTRODUCTORY NOTE

1. The question of appropriate international action to meet the continuing needs of children, and of co-ordination of international resources to this end, has engaged the attention of the United Nations and of the specialized agencies for a considerable time.

2. Resolutions on the subject were adopted by the Social Commission in May 1949,¹ by the Executive Board of the United Nations International Children's Emergency Fund in July 1949,² and by the Executive Board of the World Health Organization in the same month.³ A Working Party of the Administrative Committee on Co-ordination, set up as a result of these resolutions, laid a report (E/CN.5/177 and E/CN.5/177/Add.1) before the Social Commission (fifth session), which requested a further report from the Secretary-General. The report by the Secretary General (E/CN.5/201) was considered by the Social Commission at its sixth session in May 1950. The report and the resolution then adopted by the Social Commission (E/1678)⁴ were placed before Economic and Social Council at its eleventh session, together with resolutions on the subject adopted by the Food and Agriculture Organization (E/1745), the World Health Organization (E/1730) and the International Labour Organisation (E/1731), relevant sections of a report by the Administrative Committee on Co-ordination (E/1682),⁵ a report of the Executive Board of UNICEF (E/1738) and two reports from the Secretary-General (E/1741,⁵ part A, and E/1725), the latter of which included statements by the specialized agencies having permanent responsibilities in the matter and by the Department of Social Affairs of the Secretariat of the United Nations on their programmes relating to activities for children.

3. Resolution 310 (XI), concerning long-range activities for children, was adopted by the Economic and Social Council on 11 August 1950.

II. DRAFT RESOLUTION SUBMITTED BY THE SECRETARY-GENERAL

4. In the penultimate paragraph of Council resolution 310 (XI) it is recommended that the General Assembly should "amend resolution 57 (I) to incorporate the proposals contained" in the Council resolution. Accordingly, the Secretary-General, as requested in the reso-

lution, has prepared a draft which combines in a single resolution the provisions of Council resolution 310 (XI) and those provisions of General Assembly resolution 57 (I) which, in his opinion, would remain in effect as not inconsistent with the Council resolution. The Secretary-General has adhered as closely as possible to the texts of these resolutions except for consequential drafting changes and other changes which are necessary or useful for legal reasons. For purposes of convenience the proposed modifications to the Council's resolution have been italicized, and marginal references have been made to indicate the provisions taken from General Assembly resolution 57 (I). The reasons for the modifications (other than the purely formal changes) suggested by the Secretary-General are indicated in the footnotes.

5. The following draft resolution is, therefore, submitted for the consideration of the General Assembly:

"The General Assembly,

"Having considered, in the light of General Assembly resolutions 57 (I) and 318 (IV), resolution 310 (XI) of the Economic and Social Council,

"Considering that the International Children's Emergency Fund has been one of the most promising achievements of the United Nations, and that it has extended the influence of the Organization by contributing effectively to the betterment of the situation of children in the world,

"Considering that the principal needs of children throughout the world which offer scope for effective international action consist of:

"(a) Those of long-term character which may best be met by the provision of appropriate assistance to governments designed to aid them in creating or expanding their permanent programmes for the benefit of children,⁶ and

"(b) Those arising from serious emergencies which may best be alleviated by the provision of relief supplies,

"Considering that the most effective long-term method of ensuring the welfare of children is by promoting the social welfare services of the community within the framework of the economic development of the resources of the community and that the United Nations and the specialized agencies are already engaged in a variety of activities to this end,

"Considering that the International Children's Emergency Fund already tends towards the type of

¹ See *Official Records of the Economic and Social Council, Ninth Session, Supplement No. 8*, para. 69.

² See document E/CN.5/177/Add.1, annex II.

³ *Ibid.*, annex III.

⁴ See *Official Records of the Economic and Social Council, Eleventh Session, Supplement No. 3*.

⁵ *Ibid.*, *Eleventh Session, Annex*, agenda item 43.

⁶ The words "child welfare programmes" were changed to "programmes for the benefit of children" because the expression child welfare has different connotations in different countries.

activity mentioned in sub-paragraph (a) above, and that future activities should, progressively and with due regard to all circumstances and available resources, shift emphasis from immediate to long-term objectives,

“ *Considering it desirable to amend its resolution 57 (I) to incorporate the proposals contained in Economic and Social Council resolution 310 (XI),*

“ A. *Resolves that, with a view to ensuring the uninterrupted continuation and development of the activities of the International Children’s Emergency Fund in accordance with Article 55 of the Charter, there shall be continued a separate and distinct United Nations fund for children, which shall be known as the United Nations International Children’s Endowment Fund (UNICEF) and which shall be utilized and administered exclusively* ⁷ *for the purpose of :*

(a) *Providing supplies, training services and advisory assistance in support of the recipient countries’ permanent programmes for children,*

“ (b) *Meeting relief needs in cases of serious emergencies;* ⁸

“ B. *Concludes that :*

“ (1) *There shall be established for these purposes a United Nations Children’s Board composed of the governments represented on the Social Commission and of other governments, not necessarily Members of the United Nations, designated by the Economic and Social Council;*

“ (2) *In accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission, the United Nations Children’s Board, with the advice of a programme committee of members of the Board, which shall meet as often as necessary, shall formulate the policies, including the determination of programmes, and allocations of funds, under which the Fund shall be administered;*

“ (3) *The United Nations Children’s Board shall take all necessary steps to assure the close collaboration of the Fund with the specialized agencies, pursuant to the agreements between the United Nations and the specialized agencies, and as appropriate with non-governmental organizations having a special interest in child and family welfare, and to obtain from them the advice and technical assistance which it may require for the implementation of its programmes; the specialized agency or agencies concerned and the Secretary-*

General ⁹ *should each in its respective sphere of responsibility, in collaboration with the Fund, develop and give technical approval to all programmes of assistance to governments to be presented to the programme committee of the Board and should provide technical personnel required in the implementation of such programmes; the Administration of the Fund shall be assisted by an advisory committee composed of representatives of the Secretary-General* ⁹ *and the specialized agencies concerned, in order to co-ordinate the procedures of co-operation with these organizations and to exchange information with a view to promoting the most effective action on behalf of children;*

“ (4) *The Board may designate from among its members such committees as it deems advisable in the interest of effective administration. The Board shall elect its own Chairman and its Vice-Chairman, and shall meet whenever convened by the Chairman, or upon the request of any three of its members. The first meeting of the Board shall be convened by the Secretary-General of the United Nations, at the earliest date feasible after the effective date of this resolution. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum and it shall vote by a majority of the members present and voting. Subject to the foregoing, the Board may establish its own rules of procedure. [General Assembly resolution 57 (I), para. 3 (d)]*

“ (5) *The Board shall make periodic reports of its operations at such times and in such form as the Economic and Social Council shall provide. [General Assembly resolution 57 (I), para. 7]*

“ (6) *During its review of the technical assistance programme to under-developed countries the Economic and Social Council should examine the activities of the Fund with a view to ensuring proper co-ordination;*

“ (7) *The Executive Director of the Fund shall be appointed by the Secretary-General, after consultation with the United Nations Children’s Board, and shall be responsible to him; the staff and facilities required for the administration of the Fund shall be provided by the Secretary-General;*

“ (8) *The United Nations shall make no charge to the Fund on account of staff and facilities, so long as these can be provided from the established services of the Secretariat and within the limits of the United Nations budget. If additional funds are necessary, money for such purposes shall be provided by the Fund. [General Assembly resolution 57 (I), para. 4 (b)]*

“ *To the maximum extent feasible, the utilization of the staff and technical assistance of specialized agencies, in particular the World Health Organization, shall be requested, with a view to reducing to a minimum the separate personnel requirements of the Fund. [General Assembly resolution 57 (I), para. 4 (c)]*

⁷ The words “ separate and distinct”, and “ which shall be utilized and administered exclusively” have been added to the corresponding paragraph in Economic and Social Council resolution 310 (XI) in order to make it entirely clear that the fund is to be used exclusively for the humanitarian purposes stated and that it is separate and distinct from the other assets of the United Nations. In addition to clarifying the nature of the fund, this point has significance with respect to tax exemptions applicable to voluntary contributions made by individuals to the Fund.

⁸ The purposes stated in this paragraph are limited to those included in the Council resolution. This is based on the assumption that the Council intended these purposes to supersede the purposes stated in paragraph 1 of resolution 57 (I). However, the Council discussion was not entirely clear on this point and there may be some question as to whether the provision regarding priorities for children of countries victims of aggression was intended to be superseded by the new paragraph. The Secretary-General, therefore, draws the attention of the General Assembly to this matter.

⁹ The words “ United Nations” were changed to “ Secretary-General”. This formulation would make it clear that the Secretary-General (through the appropriate department of the Secretariat) is the organ of the United Nations entrusted with the function set out in these clauses.

“ (9) The central administrative expenses of the Fund shall be covered by appropriations in the regular budget of the United Nations;

“ (10) The operational activities of the Fund, including the costs of its field missions, *shall* be financed from *the resources of the Fund*,¹⁰ the Secretary-General shall not pay from the funds received to finance the United Nations budget any claims arising from the operational activities of the Fund, but the Board is authorized to pay from the Fund claims arising from its operation; [*General Assembly resolution 57 (I), para. 5*]

“ (11) The Secretary-General shall submit to the General Assembly an annual audit of the accounts of the Fund; [*General Assembly resolution 57 (I), para. 6*]

“ (12) The governments of recipient countries shall be expected to contribute to the largest possible extent to the local expenses of projects assisted by the Fund, as has been done during the operation of the International Children's Emergency Fund, due regard being given to the financial ability of under-developed countries;

“ (13) The United Nations International Children's Endowment Fund shall consist of the assets, *rights, title and interest*¹¹ of the International Children's Emergency Fund *on the effective date of this resolution* and of further voluntary contributions made available by governments, voluntary agencies, individual or other sources; *as from the effective date of this resolution the United Nations International Children's Endowment Fund shall be bound by the legal obligations of the International Children's Emergency Fund, and the agreements entered into by the International Children's Emergency Fund shall be applicable to the United Nations International Children's Endowment Fund*;¹²

“ (14) *As from the effective date of this resolution the resolutions adopted by the General Assembly, the Economic and Social Council and other organs of the United Nations which apply to the International Children's Emergency Fund shall be applicable to the United Nations International Children's Endowment Fund in so far as*

¹⁰ The words “ should be financed from a special account to which shall be credited all voluntary contributions from public or private sources ” which were contained in paragraph (7) of the Economic and Social Council resolution were changed to “ shall be financed solely from the resources of the Fund ”. The proposed formulation is intended to include all the resources of the Fund, such as claims and other non-monetary assets which, although they may not be deposited in a special account, could be used to finance the operational activities of the Fund.

¹¹ The words “ rights, title and interest ” were inserted after “ assets ” in order to ensure that the Endowment Fund would be entitled to all the resources of the Emergency Fund, including for example, non-liquidated claims and beneficial interests. This formulation would also cover the UNRRA claims assigned to the United Nations for the account of the Emergency Fund.

Since the Endowment Fund is a continuation of the Emergency Fund and both are part of the United Nations, it would not appear to be necessary to effect a formal transfer or assignment of assets. This resolution of the General Assembly, if adopted, would be sufficient to invest the Endowment Fund with legal title to all the resources of the Emergency Fund.

¹² The proposed clause is a corollary to the principle that the Endowment Fund is a continuation of the Emergency Fund. The assumption of legal obligations by the Endowment Fund would make it unnecessary to have a formal liquidation and termination of the Emergency Fund.

they are consistent with the provisions of this resolution; ¹³

“ (15) The Fund shall be authorized to receive funds, contributions or other assistance from governments, voluntary agencies, individual or other sources; to make expenditures and to finance or arrange for the provision of supplies, material, services and technical assistance for the furtherance of its purposes; to facilitate and co-ordinate activities relating thereto; and, generally, to acquire, hold or transfer property, and to take any other legal action necessary or useful in the performance of its objects and purposes; [*Substantially taken from General Assembly resolution 57 (I), para. 2 (a)*]

“ (16) The Fund, in agreement with the governments concerned, shall take such measures as are deemed appropriate to ensure the proper utilization and distribution of supplies or other assistance which it provides. Supplies or other assistance shall be made available to governments upon the approval by the Fund of the plans of operation drawn up by the governments concerned. Provision shall be made for :

“ (i) The submission to the Fund of such reports on the use of supplies and other assistance as the Fund may from time to time require;

“ (ii) Equitable and efficient dispensation or distribution of all supplies or other assistance, on the basis of need, without discrimination because of race, creed, nationality status or political belief; [*General Assembly resolution 57 (I), para. 2 (b)*]

“ (17) The Fund shall not engage in activity in any country except in consultation with, and with the consent of, the government concerned; [*General Assembly resolution 57 (I), para. 2 (c)*]

“ (18) The Fund shall appeal to all voluntary relief agencies to continue and intensify their activities and shall take the necessary measures in order to co-operate with these agencies; [*General Assembly resolution 57 (I), para. 2 (d)*]

“ (19) In order to assure the continuity of a long range programme for children, the General Assembly *will* review at its regular sessions the financial situation of the Fund and consider the advisability of increasing the amount of money available from voluntary contributions;

“ (20) This resolution shall become effective 1 January 1951.¹⁴

¹³ In addition to resolution 57 (I), the resolutions applicable to the Emergency Fund include among others, General Assembly resolutions : 138 (II), 157 (II), 212 (III), 214 (III), 215 (III), 229 (III), 241 (III), 302 (IV), 318 (IV), 340 (IV); Economic and Social Council resolutions 44 (IV), 79 (V), 126 (VI), 161 (VII), 206 (VIII), 207 (VIII), 254 (IX), 257 (IX), 280 (X), 281 (X), 311 (XI), 323 (XI).

¹⁴ This paragraph retains the provision of the Economic and Social Council resolution that the effective date of the new resolution is to be 1 January 1951. However, a problem is raised by this date since the Board is to be composed of some governments designated by the Economic and Social Council, and the Council might not have an opportunity to designate these additional members by 1 January. The General Assembly may therefore wish to fix the effective date as the date of the first meeting of the Board.

" *Being aware* that the effective operation of the Fund is dependent upon the financial resources which are put at its disposal;

" *Therefore,*

" *The General Assembly expresses* the earnest hope that governments, voluntary agencies and private individuals will give the Fund their generous support."
[*Substantially taken from General Assembly resolution 57 (I), part II*]

DOCUMENT A/C.3/L.48

United States of America : amendments to the draft resolution prepared by the Secretary-General (A/1411)

[*Original text : English*]

[5 October 1950]

Operative part, section A

Delete the words " and which shall be utilized and administered exclusively " and substitute the words " to be administered by a staff which is an integral part of the United Nations Secretariat, and which shall be utilized exclusively ".¹⁵

Operative part, section A, sub-paragraphs (a) and (b)

Redraft sub-paragraphs (a) and (b) as follows :

" (a) Providing training, services and advisory assistance for the development of national programs

for children accompanied, as appropriate, by supplies for demonstration purposes, and

" (b) Meeting relief needs in cases of special emergencies, if necessity requires ".

Operative part, section B

Paragraph (8)

Delete.

Paragraph (9)

After the word " Fund ", insert the words " and the administrative costs of its field missions ".

Paragraph (10)

Before the word " costs ", insert the word " operational ".

Paragraph (18)

Delete.

Paragraph (19)

Redraft as follows :

" In order to assure the continuity of a long-range programme for children, the General Assembly will review at its seventh session the arrangements herein approved and the financial position of the Fund ".

¹⁵ *Consequential amendments to section B of the operative part*

1. Before the words " the Fund " insert the words " the Administration of " in :

Paragraph (3), first phrase;

Paragraph (6);

Paragraph (9);

Paragraph (10), in the phrase " activities of the Fund " (twice);

Paragraph (15);

Paragraph (16);

Paragraph (17);

The penultimate paragraph of the draft resolution.

2. In paragraph (3) substitute the words " Administration of the Fund " for the words " Secretary-General ", and delete the words " in collaboration with the Fund ".

DOCUMENT A/C.3/L.49

Burma, India, Indonesia, Iraq and Pakistan : amendments to the draft resolution prepared by the Secretary-General (A/1411)

[*Original text : English*]

[6 October 1950]

Title

1. Amend the title to read : " Continuing needs of children ".

Preamble

2. Amend the second to fifth paragraphs to read as follows :

" *Considering* that the International Children's Emergency Fund has been one of the most promising

achievements of the United Nations, and that it has extended the influence of the Organization by contributing effective and substantial aid of lasting value in providing government child-care programmes with foodstuffs, medical supplies and other related assistance,

" *Considering* that the principal needs of children throughout the world which offer scope for effective international action consist of :

" (a) Those needs of a continuing character, consequent upon serious and persistent deficiencies, parti-

cularly in the under-developed areas of the world, which are best met by the provision of supplies and appropriate related assistance;

“ (b) Those needs arising from serious emergencies which may best be alleviated by the provision of relief supplies;

“ (c) Those needs of a long-term character which may best be met by the provision of suitable material and advisory assistance to governments, designed to aid them in creating or expanding their programmes for the development of services for the benefit of children,

“ *Considering* that the work of the International Children’s Emergency Fund has already been expanded to include the types of activity mentioned in subparagraphs (a) and (c) above and that its future activities should, with due regard to the urgency of needs and available resources, be distributed accordingly between emergency, continuing and long-term objectives. ”

Operative part, section A, sub-paragraph (a)

3. Substitute the word “ related ” for the word

“ advisory ” in the phrase “ training services and advisory assistance ”.

Delete the word “ permanent ” before the words “ programmes for children ”.

Operative part, section B, paragraph (19)

4. Amend to read as follows :

“ In order to preserve the continuity and character of the Fund’s activities the General Assembly may review, at its regular sessions, the financial situation of the Fund.”

Last paragraph

5. Substitute the following :

“ *The General Assembly expresses the earnest hope* that governments will give the Fund their generous support, and that voluntary agencies and private individuals will likewise contribute generously, both through the United Nations Appeal for Children and in other ways. ”

DOCUMENT A/C.3/L.50

Venezuela : amendment to the draft resolution prepared by the Secretary-General (A/1411)

[Original text : Spanish]
[6 October 1950]

Operative part, section B

Replace paragraph (1) by the following text :

“ There shall be established for these purposes a board to be called the ‘ United Nations Children’s Board ’, composed of representatives of twenty-five

States some of which may be States not Members of the United Nations. The term of office of the members of the Board shall be three years, and retiring members shall be eligible for re-election for the subsequent period. Members shall be elected by the Economic and Social Council, with due regard to the principle of geographical representation. ”

DOCUMENT A/C.3/L.51

Yugoslavia : amendments to the draft resolution prepared by the Secretary-General (A/1411)

[Original text : English]
[6 October 1950]

Preamble

1. *Second paragraph.* Delete the last phrase “ by contributing effectively to the betterment of the situation of children in the world ” and substitute the following :

“ by contributing effective and substantial aid of lasting value to the children of the world in providing to government child care programmes foodstuffs, medical supplies and other material assistance. ”

2. *Third, fourth and fifth paragraphs.* Delete.

Operative part, section A

3. *Sub-paragraph (a).* Redraft as follows :

“ (a) providing supplies, training services and *related* assistance in support of the recipient countries, permanent programmes for children. ”

Operative part, section B

4. *Paragraph (3).* Delete the second part of the paragraph, after the words “ implementation of its programmes ”,

5. *Paragraphs (9) and (19).* Delete.

6. *Paragraph (20).* Substitute the words “ 1 April 1951 ” for the words “ 1 January 1951 ”.

DOCUMENT A/C.3/L.52**France : amendment to the draft resolution prepared by the Secretary-General (A/1411)**[Original text : French]
[6 October 1950]*Operative part, section B, paragraph (1)*Insert the word " eight " after the words " and of ".
The sentence will then read as follows :

" (1) There shall be established for these purposes a

United Nations Children's Board composed of the governments represented on the Social Commission and of eight other governments, not necessarily Members of the United Nations,..."

DOCUMENT A/C.3/L.53**Dominican Republic : amendment to the draft resolution prepared by the Secretary-General (A/1411)**[Original text : Spanish]
[9 October 1950]*Operative part, section B, paragraph (1)*

Substitute the following text :

" (1) There shall be established for these purposes a United Nations Children's Board composed of twenty-seven members, as follows: (a) two-thirds of the members to be representatives of Member States represented on the Social Commission; (b) the remaining members

of the Board to be selected from the States Members of the United Nations and those non-member States whose representation on the Board is considered desirable on account of their interest in the activities and purposes of the child welfare programme. The members of the Board shall be designated by the Economic and Social Council."

DOCUMENT A/C.3/L.54**Australia : draft resolution**[Original text : English]
[9 October 1950]*The General Assembly,**Having considered* resolution 310 (XI) of the Economic and Social Council, in the light of resolutions 57 (I) and 318 (IV) of the General Assembly,*Recognizing* the necessity for continued emergency action to relieve the sufferings of children in many parts of the world, particularly in under-developed countries and countries that have been subjected to the devastation of war and to other calamities,*Reaffirms* its approval of the policy of the Executive Board of the United Nations International Children's Emergency Fund to devote a greater share of the Fund's resources to the development of programmes outside Europe;*Expresses* again its gratitude to governments and individuals for their generous contributions enabling the Fund to carry out its tasks;*Renews* its appeal to the various official and private international organizations interested in child welfare to collaborate with the Fund in every possible way;*Decides* that :

(a) The Executive Board shall be reconstituted as from 1 January 1951, to consist of eighteen members to be elected, not later than 30 November 1950, by the Economic and Social Council, having regard to geographical distribution and to the representation of the major contributing and recipient countries and to include States not Members of the United Nations;

(b) The General Assembly shall again consider the future of the Fund in two years time.

DOCUMENT A/C.3/L.55**Poland : amendment to the draft resolution prepared by the Secretary-General (A/1411)**[Original text : French]
[9 October 1950]*Operative part, section B, paragraph (9)*

Add the following words : " by effecting savings on

other items in that budget and without increasing the total sum".

DOCUMENT A/C.3/L.56

United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution prepared by the Secretary-General (A/1411)

[Original text : English]
[9 October 1950]

Preamble

1. *Third paragraph.* Reverse the order of sub-paragraphs (a) and (b).

2. *Fifth paragraph.* Delete the second part of the paragraph from the words "future activities should" to the words "long-term objectives", and substitute the words "in consequence some danger of overlapping has arisen".

Operative part, section A

3. Delete and substitute the following paragraph :

"A. Resolves that the United Nations International Children's Emergency Fund be continued for a further period for the purpose of :

"(a) Taking emergency action on behalf of children wherever the need may arise, particularly in the under-developed areas of the world;

"(b) As resources permit, child welfare purposes generally".

Operative part, section B

4. *Paragraph (1).* Delete the words "There shall be established for these purposes", and substitute the following: "To replace the former Executive Board of the United Nations International Children's Emergency Fund, there shall be set up a United Nations Children's Board...".

5. *Paragraph (2).* Delete and substitute the following paragraph :

"(2) Subject to the policies laid down by the General Assembly, the Economic and Social Council and its appropriate subsidiary bodies, the United Nations Children's Board shall be responsible for allocating money and for supervising the administration of the Fund."

6. *Paragraph (3).* Delete and substitute the following:

"(3) The United Nations Children's Board shall take all necessary steps to assure the close collaboration

of the Fund with the specialized agencies, pursuant to the agreements between the United Nations and the specialized agencies; and for this purpose the Administration of the Fund shall be assisted by an Advisory Committee composed of representatives of the Secretary-General and the specialized agencies concerned, in order to co-ordinate the work of these organizations with that of the United Nations International Children's Emergency Fund and to exchange information with a view to promoting the most effective action on behalf of children. The specialized agency or agencies concerned and the Secretary-General should each in its respective sphere of responsibility in collaboration with the Fund develop and give technical approval to all programmes of assistance to governments to be presented to the Board and should provide technical personnel required in the implementation of such programmes. The Fund shall, as appropriate, obtain from non-governmental organizations having a special interest in child and family welfare the advice and technical assistance which it may require for the implementation of its programmes."

Penultimate paragraph

7. Add the following: "...and that, in view of the limited resources of the Fund, many urgent long-term needs of children will remain to be met;"

Proposed additional paragraph

8. As a final operative paragraph add the following text :

"Instructs the Economic and Social Council to explore the possibilities of greater emphasis being given in the expanded programme of technical assistance and in the operation of the advisory social welfare services to schemes of technical assistance on behalf of governments' permanent programmes for children."

DOCUMENT A/C.3/L.57/Rev.2¹⁶

Uruguay : revised amendment to the draft resolution submitted by Australia (A/C.3/L.54)

[Original text : Spanish]
[13 October 1950]

Insert the following paragraph after the fifth paragraph of the Australian draft resolution :

"Recommends that each State, in making budgetary provision for child welfare services, should also set aside a special item, of such amount as its means permit, for assisting the International Children's Emer-

gency Fund; which special item might be expressed wholly or partly in its own currency, and intended, wholly or partly, for the acquisition of products in its own country, or in the other contributing countries".

¹⁶ The representative of Uruguay had originally submitted a similar text (A/C.3/L.57) as an amendment to the draft resolution prepared by the Secretary-General (A/1411).

DOCUMENT A/C.3/L.58

Report of Sub-Committee 6

[Original text : English]
[12 October 1950]

The Third Committee, at its 281st meeting, held on 9 October 1950, resolved to set up a sub-committee, whose terms of reference would be :

“ To clarify to the greatest possible extent the different points of view expressed in the amendments submitted, to reduce these amendments to the smallest number necessary to express the differences still outstanding, and to report to the Committee as quickly as possible. ”

It decided also that the Sub-Committee should be composed of representatives of Burma, France, India, Indonesia, Iraq, Pakistan, Poland, the United Kingdom, the United States of America, Venezuela and Yugoslavia, these being delegations which had put forward amendments to the draft resolution prepared by the Secretary-General.

The Sub-Committee held two meetings, on 11 and 12 October respectively, at which the Chairman of the Third Committee presided.

I

The different points of view expressed in the amendments maintained were clarified as follows :

Title

The purpose of the amendment submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) was to restore reference to “ continuing needs of children ”.

Second paragraph of the preamble

The amendment submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) was said to be a statement of historical fact based on the wording of General Assembly resolution 318 (IV) of 2 December 1949, giving a different emphasis from that proposed in the Secretary-General's draft.

Third paragraph of the preamble

The amendment submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) added a third category of international action, reintroduced a reference to “ needs of a continuing character ”, and distinguished between continuing and long-term needs.

The amendment submitted by the United Kingdom (A/C.3/L.56) was to prevent neglect of emergency relief; in that connexion, mention was made of the narrowness of the majority with which the Executive Board of UNICEF had approved emergency aid to Palestine refugees in 1948.

Fourth paragraph of the preamble

The amendment submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) was aimed at

greater concision by removal of what could be regarded as self-evident generalities.

Fifth paragraph of the preamble

The amendment submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) was a consequence of the amendment to the third paragraph.

The amendment submitted by the United Kingdom (A/C.3/L.56) was a consequence of the reference to long-term activities.

New paragraph

The amendment submitted by Uruguay (A/C.3/L.57) constituted a recommendation to the governments of Member States.

Operative part, section A

The amendment submitted by the United Kingdom (A/C.3/L.56) was to ensure continuation of the Emergency Fund, so as, *inter alia*, to prevent loss of allocations already made, but not yet programmed, e.g. for Asian countries.

The amendments submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) were intended to avoid the possible limiting effects of two qualifying adjectives.

The first part of the United States amendment to section A (A/C.3/L.48) was intended to ensure the integration of the staff of UNICEF in the Secretariat of the United Nations. The second amendment submitted by the United States was consequent on the shift of emphasis from immediate to long-term objectives.

In the course of the discussion, the representative of Venezuela expressed a desire to make it clear that the terms “ separate and distinct ” meant “ separate and distinct from the general funds of the United Nations ”.

*Operative part, section B**Paragraph (1)*

The amendment submitted by France (A/C.3/L.52) retained the Secretary-General's draft, but fixed the number of members of the Board.

The amendment submitted by the United Kingdom (A/C.3/L.56, point 4) modified the Secretary-General's draft in consequence of the amendment to section A of the operative part.

The amendments submitted by the Dominican Republic (A/C.3/L.53) and by Venezuela (A/C.3/L.50) provided in detail for a different composition of the Children's Board from that proposed in the Secretary-General's draft and fixed the number of members.

Paragraph (2)

The amendment submitted by the United Kingdom (A/C.3/L.56, point 5) was aimed at eliminating the impractical distinction between "principles" and "policies", and at preventing the proliferation of policy-making bodies.

Paragraph (3)

The amendment submitted by the United Kingdom (A/C.3/L.56, point 6) was intended to clarify relations with specialized agencies and to ensure technical consideration of programmes before they would be decided upon.

The amendment submitted by Yugoslavia (A/C.3/L.51) was designed to remove the need for approval of programmes by specialized agencies, and to remove the obligation to establish an advisory committee.

The amendment submitted by the United States (A/C.3/L.48, footnote) to this and a number of other paragraphs would make clear the distinction between the administrative integration of UNICEF in the United Nations and the separate and distinct nature of the Fund with regard to finances.

The intention of the Secretary-General's draft was to guarantee to specialized agencies that their technical competence would be utilized, and was based on agreements with them.

Paragraph (8)

The amendment submitted by the United States (A/C.3/L.48) called for the deletion of this paragraph since it would be redundant if the United States amendments to section A and to section B, paragraph (3) were adopted.

Paragraph (9)

The amendment submitted by Poland (A/C.3/L.55) had, as its purpose, to meet central administrative costs out of the general United Nations budget, provided that the total budget of the United Nations were not thereby increased.

The amendment submitted by the United States (A/C.3/L.48) included in the general United Nations budget the administrative costs of field missions of the Fund as well as of those of its headquarters.

The amendment submitted by Yugoslavia (A/C.3/L.51) provided for the administrative as well as the operating expenses of UNICEF to be met out of the budget of UNICEF.

Paragraph (10)

The amendment submitted by the United States (A/C.3/L.48) was consequent on the United States amendment to paragraph (9).

Paragraph (18)

The amendment submitted by the United States (A/C.3/L.48) was a proposal to delete this paragraph as being redundant if provision for co-operation with non-governmental organizations were made in paragraph (3).

Paragraph (19)

The amendment submitted by Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) would avoid raising a contentious point in a procedural paragraph, and would permit General Assembly review instead of requiring it.

The amendment submitted by the United States (A/C.3/L.48) came closer to the wording of Economic and Social Council resolution 310 (XI) of 11 August 1950.

Penultimate paragraph

The amendment submitted by the United Kingdom (A/C.3/L.56, point 7) was consequent on priority to emergency needs.

Proposed additional paragraph

The amendment submitted by the United Kingdom (A/C.3/L.56, point 8) was consequent on a distinction being made between UNICEF, as an organ concerned primarily with emergency needs, and the various technical assistance programmes, as means of aiding governments in their permanent programmes.

II

Amendments were reduced in number as follows:

Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) dropped their amendment to the concluding clause of the draft resolution submitted by the Secretary-General.

The *United Kingdom* (A/C.3/L.56, point 1) applied its amendment to the third paragraph of the preamble both to the joint amendment proposed by Burma and other delegations (A/C.3/L.49) and to the draft submitted by the Secretary-General, and indicated its willingness to accept the joint amendment if it were amended in the manner proposed by the United Kingdom. It also agreed (A/C.3/L.56, point 6) to modify section B, paragraph (3), last sentence, by inserting the words "inter-governmental and" before "non-governmental" and also the words "the Administration of" before "the Fund".

The *United States of America* (A/C.3/L.48) dropped its amendment to section A, sub-paragraph (b), and modified its amendment to sub-paragraph (a) so that the last words would read: "accompanied, as appropriate, by needed supplies".

Yugoslavia (A/C.3/L.51) dropped its amendments to the second, third, fourth and fifth paragraphs of the preamble, to section A, and to section B, paragraphs (19) and (20).

III

Differences still outstanding are embodied in the following amendments:

United States of America (A/C.3/L.48): amendments to section A; section B, paragraphs (8), (9), (10), (18) and (19).

Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49) : amendments to the title and to the second, third, fourth and fifth paragraphs of the preamble, to section A, and to section B, paragraph (19).

Venezuela (A/C.3/L.50) : amendment to section B, paragraph (1).

Yugoslavia (A/C.3/L.51) : amendments to section B, paragraphs (3) and (9).

France (A/C.3/L.52) : amendment to section B, paragraph (1).

Dominican Republic (A/C.3/L.53) : amendment to section B, paragraph (1).

Poland (A/C.3/L.55) : amendment to section B, paragraph (9).

United Kingdom (A/C.3/L.56) : amendments to the third paragraph of the preamble (or to the joint amendment to that paragraph); fifth paragraph of the preamble; section A; section B; paragraphs (1), (2) and (3); the second last paragraph and the proposed additional paragraph.

Uruguay (A/C.3/L.57) : new paragraph to be inserted after the last paragraph of the preamble.

In addition to these amendments, Australia has submitted a draft resolution (A/C.3/L.54).

DOCUMENT A/C.3/L.60

Ecuador : amendment to the draft resolution submitted by Australia (A/C.3/L.54)

[Original text : English]
[13 October 1950]

Replace sub-paragraph (a) of the fourth paragraph of the operative part by the following :

“ The Executive Board shall be reconstituted as from 1 January 1951, to consist of the Governments of the States represented on the Social Commission and

the Governments of eight other States, not necessarily Members of the United Nations, to be designated by the Economic and Social Council, having regard to geographical distribution and to the representation of the major contributing and recipient countries. ”

DOCUMENT A/C.3/L.62

Peru : amendment to the draft resolution submitted by Australia (A/C.3/L.54)

[Original text : Spanish]
[13 October 1950]

1. Add the following after the fifth paragraph :

“ *Recommends* Member States to develop and improve their national child welfare services, providing the necessary funds for that important purpose under their respective budgets, in order that, when the period of time indicated in sub-paragraph (b) of the last part of the resolution has expired, an organ such as the International Children's Endowment Fund may be established within the United Nations on the basis of

effective international collaboration to enable the United Nations to assist governments in meeting the permanent requirements of child welfare and taking direct and effective action for the benefit of children in cases of emergency ”.

2. In sub-paragraph (a) of the fourth paragraph of the operative part, substitute “ twenty-five ” for “ eighteen ”.

DOCUMENT A/C.3/L.63

Lebanon : amendments to the draft resolution submitted by Australia (A/C.3/L.54) and to the amendment submitted by Uruguay (A/C.3/L.57/Rev.2)

[Original text : French]
[13 October 1950]

1. *Amendment to the draft resolution submitted by Australia* (A/C.3/L.54) :

(a) Insert in the third operative paragraph, between the words “ *Renews its appeal* ” and “ to the various official and private organizations ”, the following : “ to governments and private persons to continue their contributions to the Fund and... ”

(b) Delete sub-paragraph (b) of the last operative paragraph of the resolution.

2. *Sub-amendment to the amendment submitted by Uruguay* (A/C.3/L.57/Rev.2) : After the words “ set aside ”, add the words : “ if possible ”.

DOCUMENT A/C.3/L.65

United States of America : amendments to the draft resolution submitted by Australia (A/C.3/L.54)

[Original text : English]
[13 October 1950]

1. *Second paragraph.* Insert the word “some” between the words “for” and “continued” and delete the word “emergency”.

2. *Fifth paragraph.* Replace the word “Fund” by the words “United Nations”.

3. *Last paragraph, sub-paragraph (a).* Amend to read as follows :

“(a) The Executive Board shall be reconstituted as the United Nations Children’s Board from 1 January 1951, to consist of representatives of States represented on the Social Commission and of other States, not necessarily Members of the United Nations, to be designated by the Economic and Social Council not later than 30 November 1950.”

4. *Last paragraph, sub-paragraph (b).* Delete and substitute the following :

“(b) The name of the Fund shall be changed to United Nations International Children’s Endowment Fund, which shall be a separate and distinct account of the United Nations;

“(c) The Secretary-General, after consultation with the Board, shall appoint an executive director who will be responsible to him for the administration of the Fund in accordance with decisions of the Board, and who will direct the staff which will be an integral part of the Secretariat of the United Nations, with the salaries and administrative expenses of the central office met from the regular United Nations budget.

“(d) The Board, in accordance with such principles as may be laid down by the Economic and Social Council and its Social Commission, shall formulate the policies, determine the programmes and allocate the resources of the Fund for the purpose of : (i) providing supplies, training, and advisory assistance with the primary objective of stimulating the development of continuing long-range activities of governments on behalf of children; (ii) meeting relief needs in cases of serious emergencies.

“(e) The Board is authorized to set aside all funds to be received from non-governmental sources as a separate and distinct account to be utilized exclusively to provide supplies and services to meet immediate needs of children without regard to continuing long-term programmes but with particular regard to emergency considerations and to the needs of children in under-developed areas.

“(f) The Board shall take all necessary steps to assure the close collaboration of the Administration of the Fund with the specialized agencies, pursuant to

the agreements between the United Nations and the specialized agencies; and for this purpose the Administration of the Fund shall be assisted by an Advisory Committee composed of representatives of the Secretary-General and the specialized agencies concerned, in order to co-ordinate the work of these organizations with that of UNICEF and to exchange information with a view to promoting the most effective action on behalf of children. The specialized agency or agencies concerned and the Secretary-General should each in its respective sphere of responsibility, in collaboration with the Administration of the Fund, develop and give technical approval to all programmes of assistance to governments to be presented to the Board and should provide technical personnel required in the implementation of such programmes.

“All necessary steps shall be taken to assure that in the implementation of the programmes approved by the Board, the services of the appropriate specialized agencies will be utilized within their respective fields of competence and as necessary such services will be financed by the Fund.

“The Administration of the Fund shall, as appropriate, obtain from inter-governmental and non-governmental organizations having a special interest in child and family welfare the advice and technical assistance which it may require for the implementation of its programmes.

“(g) The governments of recipient countries shall be expected to contribute to the largest possible extent to the local expenses of projects assisted by the Fund, as has been done during the operation of the International Children’s Emergency Fund, due regard being given to the financial ability of under-developed countries;

“(h) The present resolution shall not be construed as in any way altering the legal rights, title and interest or the obligations of the United Nations International Children’s Emergency Fund as changed with respect to name, method of operation, organization and definition of purpose by the present resolution; and prior resolutions applicable to the United Nations International Children’s Emergency Fund will continue to apply under this resolution to the extent consistent with its provisions.

“(i) The Board will, unless it finds such action unreasonable because of changed circumstances even in the light of criteria operative at the time of allocating and reserving funds, respect allocations and reserves made prior to the present resolution.

“(j) The General Assembly shall consider the status of the Fund in two years time.”

DOCUMENT A/C.3/L.66

United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution submitted by Australia (A/C.3/L.54)

[Original text : English]
[13 October 1950]

1. *Last paragraph.* Add sub-paragraphs (c) and (d) as follows :

“ (c) All necessary steps shall be taken to ensure that the specialized agency or agencies concerned shall, each in their sphere of responsibility, give technical approval to the programmes to be presented to the Board and help in carrying out programmes approved by the Board;

“ (d) The Administration of the Fund shall, as appropriate, obtain from inter-governmental and non-governmental organizations having a special interest in child and family welfare the advice and technical assistance which it may require for the implementation of its programmes.”

2. Add a new paragraph worded as follows :

“ *Requests* the Economic and Social Council, in consultation with the appropriate specialized agencies :

“ (a) To give greater emphasis to support of national programmes designed to aid children within the framework of existing United Nations activities for promoting the economic and social development of under-developed areas;

“ (b) To explore the means of procuring and financing supplies incidental to such programmes, especially those needed for demonstration purposes.”

DOCUMENT A/1455

Report of the Third Committee

[Original text : English]
[23 October 1950]

1. The General Assembly, acting under Article 55 of the Charter, established the United Nations International Children's Emergency Fund by resolution 57 (I) of 11 December 1946. By resolution 318 (IV) of 2 December 1949, the Assembly noted with concern the existence of children's emergency needs arising out of war and other calamities as well as the great needs which the Fund's experience had demonstrated as existing in under-developed countries; it also noted with approval the decisions of the Executive Board of the Fund to devote henceforth a greater share of the Fund's resources to the development of programmes outside Europe.

2. The Economic and Social Council, at its eleventh session, considered reports submitted by its Social Commission (E/1678) and by the Executive Board of UNICEF (E/1738) and adopted, by 8 votes to none, with 5 abstentions, resolution 310 (XI), by which it resolved that there should be continued a United Nations fund for children to be known as the United Nations International Children's Endowment Fund (UNICEF); enumerated the purposes of such a fund; recommended to the General Assembly at its fifth session that it amend resolution 57 (I) to incorporate the proposals contained in Council resolution 310 (XI); and requested the Secretary-General to prepare a draft resolution embodying the Council's proposals, for presentation to the General Assembly. Accordingly, the Secretary-General submitted to the General Assembly at its fifth session a draft resolution (A/1411) consolidating the provisions of Council reso-

lution 310 (XI) with those of General Assembly resolution 57 (I). The General Assembly, at its 285th plenary meeting, on 26 September 1950, decided to refer this item to the Third Committee.

3. The Third Committee devoted ten meetings—its 278th to 287th meeting inclusive—to this item. Forty-one delegations participated in the debate. Amendments to the draft resolution prepared by the Secretary-General were presented by the United States of America (A/C.3/L.48), Burma, India, Indonesia, Iraq and Pakistan (A/C.3/L.49), Venezuela (A/C.3/L.50), Yugoslavia (A/C.3/L.51), France (A/C.3/L.52), the Dominican Republic (A/C.3/L.53), Poland (A/C.3/L.55), the United Kingdom (A/C.3/L.56) and Uruguay (A/C.3/L.57).

4. The Committee, at its 281st meeting, referred the amendments to a Sub-Committee, with instructions to clarify the different points of view expressed therein, and to reduce the amendments to the smallest number necessary to express the differences still outstanding. Sub-Committee 6, which met twice, clarified the different points of view expressed in the amendments, made a small reduction in their number, and noted that irreconcilable differences remained (A/C.3/L.58).

5. The Third Committee, on receiving this report, decided to consider a draft resolution presented by Australia (A/C.3/L.54) before considering the Secretary-General's draft and the amendments thereto. Amendments to the draft resolution submitted by Australia

were submitted by Uruguay (A/C.3/L.57/Rev.2), France (A/C.3/L.59), Ecuador (A/C.3/L.60), India (A/C.3/L.61 and A/C.3/L.70), Peru (A/C.3/L.62), Lebanon (A/C.3/L.63), Yugoslavia (A/C.3/L.64), the United States of America (A/C.3/L.65) and the United Kingdom (A/C.3/L.66). Of these amendments, those adopted by the Committee renewed the General Assembly's appeal for the continuance of contributions (A/C.3/L.63); recommended Member States to develop their national child welfare services (A/C.3/L.62); requested the Economic and Social Council to give greater emphasis to the support of national children's programmes within the framework of existing United Nations activities for promoting the economic and social development of under-developed areas, and to explore the means of providing and financing supplies incidental to such programmes, especially those needed for demonstration purposes (A/C.3/L.66); decided that the Executive Board should be reconstituted to consist of governments represented on the Social Commission and other governments, not necessarily Members of the United Nations, to be designated by the Economic and Social Council, the number of these others being fixed at eight (A/C.3/L.60); and recommended that, in 1953, the General Assembly should consider the future of the Fund with the object of continuing it on a permanent basis (A/C.3/L.64).

6. The representative of Australia stated (287th meeting) his understanding that consideration of the future of the Fund by the General Assembly would be "upon the basis of a special report from the Economic and Social Council", as provided in paragraph 9 of General Assembly resolution 57 (I). It was also understood that the General Assembly might be able to request the Economic and Social Council, during its current eleventh session, to designate eight members of the Executive Board. The delegation of Venezuela, moreover, pointed out (286th meeting) that the Council, in designating major contributing countries, could construe this expression in terms either of *per caput* contributions or of largest absolute contributions. Many delegations which voted in favour of the draft resolution as amended made observations concerning their original point of view on the matter. Some representatives made reservations (287th meeting) concerning the power of the General Assembly to consider the future of the Fund at any time, the liberty of their governments to decide at a later date the question of considering the Fund on a permanent basis, and the composition of the Executive Board.

7. The Australian draft resolution, as amended, was approved by the Committee by 43 votes to 8, with 1 abstention.

8. After the adoption of the draft resolution, the Third Committee decided to recommend to the General Assembly that, should it adopt the resolution, the Economic and Social Council, which was still in session, should be immediately notified of the Assembly's decision so that the Council might, during its current session, designate the eight members of the Executive Board which were not members of the Social Commission.

9. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution :

CONTINUING NEEDS OF CHILDREN : UNITED NATIONS
INTERNATIONAL CHILDREN'S EMERGENCY FUND

The General Assembly,

Having considered resolution 310 (XI) of the Economic and Social Council in the light of resolutions 57 (I) and 318 (IV) of the General Assembly,

Recognizing the necessity for continued action to relieve the sufferings of children, particularly in under-developed countries and countries that have been subjected to the devastation of war and to other calamities,

1. *Reaffirms* its approval of the policy of the Executive Board of the United Nations International Children's Emergency Fund to devote a greater share of the Fund's resources to the development of programmes outside Europe;

2. *Expresses* again its gratitude to governments and individuals for their generous contributions enabling the Fund to carry out its tasks;

3. *Renews* its appeal to governments and private persons to continue their contributions to the Fund, and to the various official and private international organizations interested in child welfare to collaborate with the Fund in every possible way;

4. *Recommends* to Member States that they develop and improve their national child welfare services, providing, if possible, the necessary funds for that important purpose under their respective budgets;

5. *Requests* the Economic and Social Council, in consultation with the appropriate specialized agencies :

(a) To give greater emphasis to support of national programmes designed to aid children within the framework of existing United Nations activities for promoting the economic and social development of under-developed areas;

(b) To explore the means of procuring and financing supplies incidental to such programmes, especially those needed for demonstration purposes;

6. *Decides* :

(a) That the Executive Board of the Fund shall be reconstituted as from 1 January 1951 to consist of the governments of the States represented on the Social Commission and the governments of eight other States, not necessarily Members of the United Nations, to be designated by the Economic and Social Council with due regard to geographical distribution and to the representation of the major contributing and recipient countries;

(b) That the Executive Board shall take all necessary steps to ensure close collaboration between the Administration of the Fund and the specialized agencies, pur-

suant to the agreements between the United Nations and the specialized agencies;

(c) That the Administration of the Fund shall, as appropriate, obtain from inter-governmental and non-governmental organizations having a special interest in child and family welfare the advice and technical

assistance which it may require for the implementation of its programmes;

(d) That the General Assembly will again consider the future of the Fund at the expiration of three years, with the object of continuing the Fund on a permanent basis.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
E/1682	Report of the Administrative Committee on Co-ordination		<i>Official Records of the Economic and Social Council, Eleventh Session, Annex, agenda item 43.</i>
E/1725	Report by the Secretary-General (Statements concerning activities of ILO, FAO, UNESCO, WHO and the U. N. Department of Social Affairs to meet the continuing needs of children)		Mimeographed document only.
E/CN.5/201	Essential long-range activities for children—Memorandum by the Secretary-General concerning organizational arrangements for an integrated programme		Mimeographed document only.
A/1411	Draft resolution prepared by the Secretary-General	2	
A/1455	Report of the Third Committee	13	
A/1580	Bolivia, Canada, Ecuador and the Netherlands : amendment to the draft resolution proposed by the Third Committee (A/1455)		Incorporated in the record of the 314th plenary meeting.
A/1581	Australia, Chile, Denmark, Ecuador and Yugoslavia : amendment to the draft resolution proposed by the Third Committee (A/1455)		Incorporated in the record of the 314th plenary meeting.
A/1597	Resolution adopted by the General Assembly at its 314th plenary meeting, on 1 December 1950		See resolution 417 (V).
A/C.3/539	Text of the draft resolution adopted by the Third Committee		See document A/1455, para. 9.
A/C.3/L.48	United States of America : amendments to the draft resolution prepared by the Secretary-General (A/1411)	5	
A/C.3/L.49	Burma, India, Indonesia, Iraq and Pakistan : amendments to the draft resolution prepared by the Secretary-General (A/1411)	5	
A/C.3/L.50	Venezuela : amendment to the draft resolution prepared by the Secretary-General (A/1411)	6	
A/C.3/L.51	Yugoslavia : amendments to the draft resolution prepared by the Secretary-General (A/1411)	6	
A/C.3/L.52	France : amendment to the draft resolution prepared by the Secretary-General (A/1411)	7	
A/C.3/L.53	Dominican Republic : amendment to the draft resolution prepared by the Secretary-General (A/1411)	7	
A/C.3/L.54	Australia : draft resolution	7	
A/C.3/L.55	Poland : amendment to the draft resolution prepared by the Secretary-General (A/1411)	7	
A/C.3/L.56	United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution prepared by the Secretary-General (A/1411)	8	
A/C.3/L.57	Uruguay : amendment to the draft resolution prepared by the Secretary-General (A/1411)	}	See document A/C.3/57/Rev.2.
A/C.3/L.57/Rev.1	Uruguay : amendment to the draft resolution submitted by Australia (A/C.3/L.54)		

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/C.3/L.57/Rev.2	Uruguay : revised amendment to the draft resolution submitted by Australia (A/C.3/L.54)	8	
A/C.3/L.58	Report of Sub-Committee 6	9	
A/C.3/L.58/Add.1	Analysis of amendments to the draft resolution prepared by the Secretary-General (A/1441)		Mimeographed document only.
A/C.3/L.59	France : amendment to the draft resolution submitted by Australia (A/C.3/L.54)		Incorporated in the record of the 286th meeting of the Third Committee, para. 5.
A/C.3/L.60	Ecuador : amendment to the draft resolution submitted by Australia (A/C.3/L.54)	11	
A/C.3/L.61	India : amendment to the draft resolution submitted by Australia (A/C.3/L.54)		Incorporated in the record of the 283rd meeting of the Third Committee, para. 38.
A/C.3/L.62	Peru : amendment to the draft resolution submitted by Australia (A/C.3/L.54)	11	
A/C.3/L.63	Lebanon : amendments to the draft resolution submitted by Australia (A/C.3/L.54) and to the amendment submitted by Uruguay (A/C.3/L.57/Rev.2)	11	
A/C.3/L.64	Yugoslavia : amendment to the draft resolution submitted by Australia (A/C.3/L.54)		Incorporated in the record of the 286th meeting of the Third Committee, paras. 82 and 83.
A/C.3/L.65	United States of America : amendments to the draft resolution submitted by Australia (A/C.3/L.54)	12	
A/C.3/L.66	United Kingdom of Great Britain and Northern Ireland : amendments to the draft resolution submitted by Australia (A/C.3/L.54)	13	
A/C.3/L.67, A/C.3/L.67/Corr.1	Analysis of amendments to the draft resolution submitted by Australia (A/C.3/L.54)		Mimeographed document only.
A/C.3/L.69	Text of the draft resolution adopted by the Committee paragraph by paragraph		Adopted as a whole without change. See document A/C.3/539.
A/C.3/L.70	India : amendment to the title of the draft resolution submitted by Australia (A/C.3/L.54)		Incorporated in the record of the 287th meeting of the Third Committee, para. 86.



Agenda item 65 : Technical assistance for Libya after achievement of independence

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DOCUMENT A/1404

Note by the Secretary-General

[Original text : English]
[28 September 1950]

1. In accordance with resolutions 266 (III) and 289 (IV) of the General Assembly, the Economic and Social Council, at its eleventh session, considered the problems of economic development and social progress of the former Italian colonies. The Council had before it a note on this subject by the Secretary-General dated 22 March 1950¹ and a further note dated 12 August 1950² transmitting a communication from the United Nations Commissioner in Libya.

2. In his note of 22 March 1950 the Secretary-General, in dealing with the eligibility of Libya for technical assistance, pointed out, *inter alia*, that the United Kingdom and France, as Members of the United Nations, were entitled to make requests to the United Nations

for technical assistance under the relevant resolutions of the Economic and Social Council and the General Assembly in respect of territories administered by them.

3. In his communication, included in the Secretary-General's note of 12 August 1950, the United Nations Commissioner in Libya asked the Secretary-General to give urgent consideration to Libyan needs for technical assistance, and emphasized that assistance should be envisaged both for the transitional period before achievement of independence and for the long-range needs of Libya after the achievement of independence. In particular, he proposed that special provision should be made to avoid the danger that the Secretary-General might have to cease rendering technical assistance to Libya during a period between the date on which Libya became independent and the date on which it became a Member of the United Nations or of one of the specialized agencies participating in the Expanded Programme of Technical

¹ Documents E/1581 and E/1581/Corr.1.

² Document A/1758/Rev.1.

Assistance outlined in Economic and Social Council resolution 222 A (IX) and approved by the General Assembly under its resolution 304 (IV) of 16 November 1949.

4. The Council considered the matter during its eleventh session at its 413th meeting on 15 August 1950³ and at the conclusion of the debate adopted resolution 322 B (XI). In the final paragraph of this resolution the Council requested “the Secretary-General to present to the fifth regular session of the General Assembly specific proposals as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized agency participating in the expanded programme”.

5. The Secretary-General has considered the most appropriate procedure that might be followed, and believes that the objective sought by the Economic and Social Council could best be achieved by a decision of the General Assembly requesting the Council and the specialized agencies to consider Libya as eligible for technical assistance without regard to its membership in any of the United Nations organizations. Accordingly, the Secretary-General presents for the consider-

³ See *Official Records of the Economic and Social Council, Eleventh Session*, 413th meeting.

ation of the General Assembly the following draft resolution :

“*The General Assembly,*

“*Mindful* of its resolution 289 A (IV) of 21 November 1949,

“*Having considered* Economic and Social Council resolution 322 B (XI) of 15 August 1950, and the proposal of the Secretary-General as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized agency participating in the expanded programme,

“*Recognizing* that Libya should receive technical assistance in the development of its economy and in the establishment of an efficient public administration, and that it should be eligible to receive technical assistance without interruption after the attainment of independence,

“*Requests* the Economic and Social Council and the specialized agencies concerned to consider Libya as eligible to receive technical assistance under Economic and Social Council resolution 222 A (IX) as soon as it shall be constituted an independent State in accordance with General Assembly resolution 289 A (IV).”

DOCUMENT A/C.2/L.50

Letter dated 23 October 1950 from the Italian Observer with the United Nations to the Secretary-General

[*Original text : French*]
[27 October 1950]

Further to my letters of 27 September and 7 October 1950, in which I had the honour to inform you of the Italian Government's desire to participate in the discussions of those Committees which are dealing with questions referring to the former Italian colonies,⁴ I should be grateful if you would be so good as to also

communicate my Government's wish to the Chairman of the Second Committee which is to deal with questions connected with technical assistance to Libya, so that he may make the necessary arrangements to enable Italian representatives to participate in the relevant discussion.

(*Signed*) Luciano MASCIA
Minister Plenipotentiary,
Italian Observer with the United Nations

⁴ These requests from the Italian Observer with the United Nations were communicated to the *Ad Hoc* Political Committee as document A/AC.38/L.5 and to the Fourth Committee as document A/C.4/L.68.

DOCUMENT A/C.2/L.68

Chile, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Uruguay and Yemen : joint draft resolution

[*Original text : Spanish*]
[13 November 1950]

The General Assembly,

Mindful of its resolution 289 A (IV) of 21 November 1949,

Having considered Economic and Social Council

resolution 322 B (XI) of 15 August 1950, and the proposal of the Secretary-General as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations

or of a specialized agency participating in the expanded programme,

Considering the special responsibility of the United Nations for the future of Libya,

Recognizing the need for continuing technical assistance to Libya without interruption, even after the attainment of its independence, for the development of its economy, its social progress and the improvement of its public administration,

Recognizing, further, the need for immediate study of a complete plan for the economic, social and cultural development of Libya,

Requests the Economic and Social Council and the specialized agencies concerned to consider Libya as eligible to continue to receive technical assistance in such form as the Government of Libya may request from the United Nations expanded programme and in accord-

ance with the fundamental principles and other provisions of Economic and Social Council resolution 222 A (IX), as soon as it shall be constituted an independent State in accordance with General Assembly resolution 289 A (IV);

Instructs the Technical Assistance Board, when giving technical assistance to Libya, to be mindful of the economic unity and independence of Libya in accordance with the aforesaid fundamental principles laid down in resolution 222 (IX) of the Economic and Social Council and in resolution 304 (IV) of the General Assembly; and

Recommends that when requesting technical assistance for Libya or when considering requests for technical assistance submitted by the appropriate authorities, the need for preparing a complete plan for the economic, social and cultural development of Libya shall be borne in mind.

DOCUMENT A/C.2/L.69

Uruguay : amendment to the joint draft resolution submitted by Chile, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Uruguay and Yemen (A/C.2/L.68)

[Original text : English]
[14 November 1950]

Replace the final paragraph by the following :

“ *Recommends* that the need for preparing a complete plan for the economic, social and cultural de-

velopment of Libya shall be borne in mind by the appropriate authorities when requesting technical assistance for Libya or when considering requests for technical assistance for Libya.”

DOCUMENT A/1513

Report of the Second Committee

Rapporteur : Mr. J. VILFAN (Yugoslavia).

[Original text : English]
[16 November 1950]

1. The Second Committee herewith submits for the General Assembly's consideration a draft resolution which was unanimously adopted by the Committee.

2. In accordance with General Assembly resolutions 266 (III) and 289 (IV) the Economic and Social Council, at its eleventh session, considered the problems of economic development and social progress of the former Italian colonies including the question of Libya's needs for technical assistance. In its resolution 322 B (XI), the Council requested the Secretary-General to present to the fifth session of the General Assembly specific proposals as to the procedure which would enable Libya to continue to receive technical assistance after achievement of independence and before becoming a Member of the United Nations or of a specialized agency participating in the programme.

3. The Secretary-General incorporated his propo-

sals in a draft resolution presented for the consideration of the General Assembly and contained in document A/1404.

4. The General Assembly, at its 285th plenary meeting held on 26 September 1950, placed on the agenda of its fifth session the item “ Technical assistance for Libya after achievement of independence ” and allocated it to the Second Committee for consideration and report.

5. The Second Committee devoted three meetings to the consideration of this item; ⁵ seventeen delegations and the United Nations Commissioner for Libya participated in the general debate. At its 135th meeting, following a request of the Italian Observer to the United Nations (A/C.2/L.50), the Committee decided, without

⁵ See *Official Records of the General Assembly, Fifth Session, Second Committee*, 135th to 137th meetings.

objection, to invite the representative of Italy to take part in the discussion, and, accordingly, he also participated in the general debate.

6. After having considered the draft resolution contained in A/1404, together with the following amendments: (a) an amendment by Pakistan (A/C.2/L.65/Rev.1);⁶ (b) a joint amendment by Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen (A/C.2/L.66);⁶ (c) an amendment by Uruguay (A/C.2/L.67/Rev.1),⁶ the Committee received a joint draft resolution submitted by Chile, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Uruguay and Yemen (A/C.2/L.68) incorporating the substance of all the proposals put forward; an amendment to the joint resolution was proposed by Uruguay (A/C.2/L.69) and accepted by the Committee.

7. In the course of the discussion, the Secretary of the Committee stated, in reply to a question by the representative of the United States that, on the adoption of the resolution, the Secretary-General would communicate with those non-member governments which were represented on the Technical Assistance Conference, regarding the subject of the resolution. The United Nations Commissioner for Libya stated, in reply to a question by the representative of Canada, that, in his opinion, the adoption of the joint draft resolution would completely remove the danger that technical assistance might be interrupted upon the achievement of Libya's independence.

8. After discussion, the joint draft resolution, as amended, was unanimously adopted by the Committee. The Second Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

TECHNICAL ASSISTANCE FOR LIBYA AFTER ACHIEVEMENT
OF INDEPENDENCE

The General Assembly,

Mindful of its resolution 289 A (IV) of 21 November 1949,

⁶ See *Official Records of the General Assembly, Fifth Session, Second Committee*. 136th meeting.

Having considered Economic and Social Council resolution 322 B (XI) of 15 August 1950, and the proposal of the Secretary-General (A/1404) as to the procedure which would enable Libya to continue to receive technical assistance after its independence has been achieved and before it has become a Member of the United Nations or of a specialized agency participating in the expanded programme,

Considering the special responsibility of the United Nations for the future of Libya,

Recognizing the need for continuing technical assistance to Libya without interruption, even after the attainment of its independence, for the development of its economy, its social progress and the improvement of its public administration,

Recognizing further the need for immediate study of a complete plan for the economic, social and cultural development of Libya,

1. *Requests* the Economic and Social Council and the specialized agencies concerned to consider Libya, as soon as it shall be constituted an independent State in accordance with General Assembly resolution 289 A (IV), as eligible to continue to receive technical assistance, in such form as the Government of Libya may request, from the expanded programme of the United Nations and in accordance with the fundamental principles and other provisions of Economic and Social Council resolution 222 A (IX);

2. *Instructs* the Technical Assistance Board, when giving technical assistance to Libya, to be mindful of the economic unity and independence of Libya in accordance with the aforesaid fundamental principles laid down in resolution 222 A (IX) of the Economic and Social Council and in resolution 304 (IV) of the General Assembly;

3. *Recommends* that the need for preparing a complete plan for the economic, social and cultural development of Libya shall be borne in mind by the appropriate authorities when requesting technical assistance for Libya or when considering requests for technical assistance for Libya.

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A/C.2/L.65	Pakistan: amendment to the draft resolution contained in the note of the Secretary-General (A/1404)	Incorporated in the summary record of the 136th meeting (paragraph 2).

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A/C.2/L.65/Rev.1	Pakistan : revised amendment		Incorporated in the summary record of the 136th meeting (paragraph 94).
A/C.2/L.66	Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen : joint amendment to the draft resolution contained in the note of the Secretary-General (A/1404)		Incorporated in the summary record of the 136th meeting (paragraph 26).
A/C.2/L.67/Rev.1	Uruguay : amendment to the draft resolution contained in the note of the Secretary-General (A/1404)		Incorporated in the summary record of the 136th meeting (paragraph 37).
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Agenda item 66 : Strengthening of democratic principles as a means of contributing to the maintenance of universal peace¹

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DOCUMENT A/1317

Letter, dated 17 August 1950, from the alternate representative of Chile to the Secretary-General

[*Original text : Spanish*]
[21 August 1950]

New York, 17 August 1950 of contributing to the maintenance of universal peace".

In accordance with rule 14 of the rules of procedure of the General Assembly, the delegation of Chile has the honour to request the inclusion of the following item in the provisional agenda of the fifth session of the General Assembly :

" Strengthening of democratic principles as a means

I shall have the pleasure in forwarding shortly the explanatory memorandum referred to in rule 20 of the rules of procedure.

(*Signed*) Ana FIGUEROA
Alternate Representative of Chile

DOCUMENT A/1343

Letter, dated 29 August 1950, from the alternate representative of Chile to the Secretary-General transmitting an explanatory memorandum on the supplementary item proposed by Chile for inclusion in the agenda for the fifth session of the General Assembly

[*Original text : Spanish*]
[31 August 1950]

New York, 29 August 1950 of which in the supplementary list of items for the agenda of the fifth session of the General Assembly has been

With reference to the item entitled " Strengthening of democratic principles as a means of contributing to the maintenance of universal peace ", the inclusion

¹ Item withdrawn from the agenda of the First Committee at the 371st meeting.

requested by the delegation of Chile, I have the honour to send you herewith the explanatory memorandum referred to in rule 20 of the rules of procedure of the General Assembly.

In this connexion I may say that my delegation will

in due course submit for the Assembly's consideration a draft resolution on the subject.

(Signed) Ana FIGUEROA
Alternate Representative of Chile

EXPLANATORY MEMORANDUM ON THE SUPPLEMENTARY ITEM PROPOSED BY CHILE FOR INCLUSION IN THE AGENDA FOR THE FIFTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, ENTITLED : " STRENGTHENING OF DEMOCRATIC PRINCIPLES AS A MEANS OF CONTRIBUTING TO THE MAINTENANCE OF UNIVERSAL PEACE "

1. The present international situation shows convincingly that the spirit of co-operation between the peoples and Governments mentioned in the Charter of the United Nations has been losing the meaning that was attributed to it by the States assembled at the historic Conference of San Francisco.
2. The various organs of the United Nations, and in particular the General Assembly, have been engaged in seeking a procedure to make international co-operation and peaceful co-existence possible. The Security Council, which according to the Charter of the United Nations has " primary responsibility for the maintenance of international peace and security ", has been constantly hindered in its work by the excessive use of the privilege of the veto.
3. As a result of this situation the General Assembly, which is the most representative and democratic organ of the United Nations, has adopted resolutions based on its essential obligation to preserve peace and good understanding among nations. Outstanding among these agreements are resolution 190 (III), which bears the suggestive title " Appeal to the Great Powers to renew their efforts to compose their differences and establish a lasting peace ", and resolution 290 (IV), headed " Essentials of peace ".
4. In the first of those resolutions the General Assembly restated some of the purposes and principles of the Charter and reminded the Great Powers of the existence of other international agreements such as the Atlantic Charter and the Moscow Agreements of 1945.
5. In resolution 290 the States Members of the United Nations reaffirmed their faith in the fundamental principles of the Charter as " necessary for an enduring peace ", seeing " that disregard of these principles is primarily responsible for the continuance of international tension; and that it is urgently necessary for all Members to act in accordance with these principles in the spirit of co-operation on which the United Nations was founded ".
6. Notwithstanding the resolutions approved by the General Assembly, the international tension continued to increase until it culminated in an act of armed aggression in Korea which put the very existence of the United Nations to the proof and clearly endangered the sovereignty of the States Members and respect for the human rights enshrined in the Charter.
7. Before the Korean crisis arose, the Secretary-General of the United Nations had, in exercise of the powers conferred upon him by the Charter, put forward
- principles upon which an understanding between the Great Powers might be based. The points of this potential agreement have been submitted by the Secretary-General as part of the agenda for the fifth session of the General Assembly; but the Korean crisis intervened between the announcement of these points and the approaches which the Secretary-General was to have made to the Governments of the Great Powers. This would apparently indicate that the bases proposed by the Secretary-General either do not have the support of all the Great Powers or are insufficient in themselves to create an atmosphere of mutual understanding such as would guarantee international peace and security.
8. Concerned at the gravity of the present international crisis, the President of Chile, in a public speech made during his official visit to the United States, suggested eight main points that might serve as a basis of understanding. Some of those points, which were announced last April, were identical with those expressed later by the Secretary-General of the United Nations and included in the agenda for the fifth session of the General Assembly. On that occasion the President of Chile added that, in view of the experience of recent years, he must express his doubts whether those bases would be accepted by a certain Great Power; and he said that if they were not accepted no other course would be left but to unite the forces really devoted to peace in accordance with the purposes and principles expressed in the Charter of the United Nations.
9. Within the United Nations practices and attitudes have been adopted which impede the operation of the machinery created by the Charter to make collaboration between nations real and effective and to seek solutions for problems that might endanger the independence and sovereignty of States. Such attitudes and practices are not confined to the Security Council or to the excessive use of the veto, but are also to be found in other organs the deliberations and agreement of which have suffered from the obstruction or abstention of certain members.
10. In view of these events, which constantly recur in international affairs, each time with greater significance, and which seriously endanger the prestige and capacity for effective action of the highest international organization and help to weaken the system of collective security for which the Charter of the United Nations was established, the Government of Chile is of the opinion that the time has come when it is absolutely necessary to unite the efforts of all countries that practise respect for human rights and are naturally peace-loving,

to the end that, within the powers and means authorized by the Charter of the United Nations, they may :

(1) watch over the fulfilment of the principles, aims and purposes of the United Nations; and

(2) establish efficient machinery enabling its Members to act jointly and rapidly in any emergency.

11. The Government of Chile is convinced that the Charter of the United Nations would permit the adoption of measures enabling countries to live peacefully together with ample scope for international collaboration. It is indispensable that these measures should be adopted and applied practically in international relations and in the conduct of each one of the Members of the United Nations.

12. By their own internal organization, by their judicial forms and by the permanent contact with public opinion from which their powers are derived, the democratic countries are eminently peace-loving.

13. Only the totalitarian countries, which do not require to submit their actions to the verdict of the people, are in a position to practise armed aggression.

14. There is therefore an evidently inseparable connexion between democracy and peace, and a dangerous affinity between totalitarianism and war.

15. The Charter of the United Nations is imbued with the spirit of respect for human rights and fundamental freedoms, which are the basis of all democratic organization.

16. Conscious of this mandate implicit in the Charter, the General Assembly adopted the Universal Declaration of Human Rights in 1948 and is now about to bring the covenant on human rights into being.

17. Both the Declaration and the covenant are cornerstones on which the democratic life of the peoples and their international relations must rest.

18. It is therefore indispensable that all peace-loving countries should act together for the purpose of solemnizing by means of a pact, and within the limits laid down by the Charter, their firm resolve to fulfil and to secure the fulfilment of these fundamental rights and freedoms.

19. In these times it is not enough to ensure regard for individual rights and freedoms : it is indispensable also to guarantee the rights and freedoms of nations in their sovereignty and independence as such.

20. The pact should also include such guarantees.

21. Such an international democratic pact is that which the Government of Chile proposes for the consideration of the Members of the General Assembly.

22. This would meet the requirements of the first item of which we made mention, when we noted the need to " watch over the fulfilment of the principles, aims and purposes of the United Nations ".

23. It is clear, however, that the solemn undertaking to be assumed by the democratically-minded countries

would require the existence of appropriate legal machinery to enable the United Nations to act in any emergency that might endanger the sovereignty and independence of nations. The States Members are aware that in present conditions it is extremely difficult to localize situations that endanger peace and to restrict the scope of a disturbance of the peace.

24. Any threat against any country, any disturbance of the peace, should be countered by immediate United Nations support and assistance to the nation in danger or by effective action on the part of the international organization to restrict the scope of an act of war.

25. Without prejudice to or derogation from the " primary responsibility for the maintenance of international peace and security " which the Members of the United Nations have conferred upon the Security Council, it is within the powers of the General Assembly also to " discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations ... and ... make recommendations with regard to any such questions to the State or States concerned or to the Security Council or to both " (Article 11, paragraph 2).

26. In addition, Article 10 establishes the General Assembly's ample powers to " discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and ... make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters ".

27. Article 14 adds that " the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless origin... including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations ".

28. It is now clearly established that, with the sole reservation expressed in Article 12 to the effect that recommendations should not be made with regard to disputes or situations before the Security Council, the General Assembly is empowered to discuss and make recommendations on all matters or questions which fall within the scope of the Charter.

29. It has been shown that the General Assembly may meet to study and make recommendations with regard to any such matters, and that they may be dealt with at regular or special sessions and submitted by any of the Members, by the Secretary-General or by non-member countries.

30. Grave emergencies may, however, occur at a time when the General Assembly is not in session. It is therefore necessary to facilitate procedure for enabling the Interim Committee of the General Assembly to fill this gap.

31. This subsidiary organ was established in 1947 by the General Assembly and its purposes explicitly include the effective performance of the duties specific-

ally conferred upon the General Assembly by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13) and the peaceful adjustment of any situations likely to impair the general welfare or friendly relations among nations (Article 14).

32. Unfortunately, the duties since then assigned to the Interim Committee do not fulfil the above-mentioned purposes and are confined on the whole to the making of studies and the submission of reports on them to the General Assembly. It is therefore necessary to enable the Interim Committee to fulfil these purposes, by widening its powers and reforming its methods of

procedure so that it may act rapidly and effectively in any emergency and make independent decisions until such time as the General Assembly meets.

33. To enable these purposes to be carried out, the Delegation of Chile will submit a resolution modifying the relevant parts both of the rules of procedure of the General Assembly and of resolution 295 (IV) establishing the powers of the Interim Committee.

34. This draft and the international democratic pact are complementary and will constitute the proposal to be submitted by Chile for the consideration of the fifth session of the General Assembly.

Santiago, 18 August 1950

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Agenda item 67 : Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory

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DOCUMENT A/1339

Letter dated 25 August 1950 from the delegations of Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, addressed to the Secretary-General

[Original text : English]
[28 August 1950]

We have the honour to refer to our telegram of 20 August 1950 (A/1327), submitting the item "Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory" to be placed on the provisional agenda of the fifth session of the General Assembly.

The explanatory memorandum, referred to in the above-mentioned telegram, follows :

At the end of hostilities in Europe and in the Far East in 1945, large numbers of military personnel of various nationalities were in the hands of the Allied Powers. The prompt repatriation of these prisoners was demanded by accepted international practice and no less by the elementary principles of humanity.

The Allied Powers clearly recognized at the outset this responsibility and entered into agreements to repatriate prisoners of war (see paragraph 9 of the Potsdam Proclamation of 26 July 1945; the Foreign Ministers Agreement in Moscow of 23 April 1947; the Agreement between the U.S.S.R. and the Supreme Commander for the Allied Powers in Japan of 19 December 1946, which are reproduced in annexes I, II and III).

The Soviet Union has not complied fully with these agreements. Moreover, the other governments concerned have on various occasions requested the U.S.S.R. to furnish information concerning its repatriation programmes and have even in certain cases offered transportation facilities for repatriation. However, on 22 April 1950 and 5 May 1950, TASS announced that the U.S.S.R. had completed the repatriation of all Japanese and German prisoners of war from its territories except for persons detained in connexion with war crimes or on account of illness (see annexes IV and V).

Evidence exists to show that these statements are not true. Moreover, the Japanese Diet on 2 May 1950

and the Bundestag of the Federal German Government on 5 May 1950 adopted resolutions protesting these announcements and appealing for every possible assistance to bring about an early settlement of the problem (see annexes VI and VII).

On the basis of the evidence of Soviet non-compliance, governments having control responsibility in Germany and Japan have on various occasions stated to the Soviet Government their inability to give credence to the TASS announcements, and have requested it to agree to the designation of an international humanitarian body or organization which should make a thorough examination of the repatriation programme at first hand (see annexes VIII, IX and X).

Since all these efforts have been without avail, the Governments of Australia, the United Kingdom and the United States now consider it essential to place the matter before the General Assembly under Articles 10, 14 and 1, paragraph 3, of the Charter. The three Governments hope that the General Assembly will consider means whereby full information on all these persons may be obtained and the repatriation of all those now living may be secured.

Further documents will be supplied later.

(Signed) Keith C. O. SHANN
Representative of Australia

(Signed) Gladwyn JEBB
Representative of the United Kingdom

(Signed) Warren R. AUSTIN
Representative of the United States

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ANNEX I

PROCLAMATION DEFINING TERMS FOR JAPANESE SURRENDER, POSTDAM, 26 JULY 1945, PARAGRAPH 9

Paragraph 9. The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

ANNEX II

FOREIGN MINISTERS AGREEMENT IN MOSCOW, 23 APRIL 1947

- | | |
|---|---|
| <p>1. German prisoners of war located in the territory of the Allied Powers and in all other territories will be returned to Germany by 31 December 1948.</p> | <p>2. The repatriation of German prisoners of war will be carried out in accordance with the plan which will be worked out by the control council not later than 1 July of this year.</p> |
|---|---|

ANNEX III

AGREEMENT BETWEEN THE U.S.S.R. AND THE SUPREME COMMANDER FOR THE ALLIED POWERS IN JAPAN, 19 DECEMBER 1946

Agreement reached concerning Repatriation of Japanese Prisoners of War and Japanese Nationals from Territory of the Union of Soviet Socialist Republics and from Territories under the control of the U.S.S.R. to Japan, as well as Korean Nationals from Japan to Korea North of the 38° North Latitude

All sections of this agreement have been concurred in by the member of the Allied Council for Japan from the Union of Soviet Socialist Republics and the representative of the Supreme Commander for the Allied Powers in Japan, whose signatures appear at the end of this document.

Section I

PERSONS SUBJECT TO REPATRIATION

1. Following persons are subject to repatriation from territory of the Union of Soviet Socialist Republics and territories under the control of the Union of Soviet Socialist Republics :

- (a) Japanese prisoners of war;
- (b) Japanese nationals (repatriation of Japanese nationals from territory of U.S.S.R. is made on voluntary basis).

2. Subject to repatriation from the territory of Japan are Koreans numbering 10,000 persons, who previously resided in Korea north of the 38° north latitude and who were born in the aforementioned part of Korea.

Section II

PORTS AND RATES OF MOVEMENT

1. The following ports will be used for repatriation of Japanese from the territory of U.S.S.R. and territories under the control of the U.S.S.R. : Nahodka, Maoka, Genzan, Kanko and Dairen (Dalny). Repatriation of Koreans referred to in paragraph 2, section I, from Japan will be made through the port of Sasebo.

2. The rate of movement of Japanese from the above-mentioned Soviet ports is established at 50,000 persons per month.

3. Repatriation of Koreans from Japan to Northern Korea will be made simultaneously, by means of shuttle operations, and after 10,000 Japanese have been repatriated from Northern Korea to Japan.

4. Both parties of this agreement respectively reserve the right to change the ports designated for repatriation and the rates of movement or temporarily suspend the repatriation in case of unforeseen circumstances (climatic conditions, icing, difficulties encountered under winter conditions in transporting repatriates to ports of embarkation etc.).

Section III

EMBARKATION PROCEDURE AND TRANSPORTATION

1. Transportation facilities, for repatriation of persons indicated in section I of this agreement from all ports designated for this purpose, will be provided by the Supreme Commander for the Allied Powers in Japan. No passengers, other than the persons of the above-mentioned categories, will be transported on ships assigned for repatriation.

2. The responsibility for assembling persons subject to repatriation in ports, as well as the responsibility for their embarkation, rests with the authorities directing the repatriation from that particular port. These authorities are also charged with the responsibility over all the details concerning selection of repatriates to be placed on board each ship, planning of the order of embarkation and supervision of same.

3. When dispatching ships for repatriation of repatriates to the Soviet ports indicated in paragraph 1, section II, the Supreme Commander for the Allied Powers in Japan will select ships whose rated capacity will accommodate the number to be lifted as shown in the notification, as mentioned in paragraph 2, appendix 1, below. Under these conditions ships will be loaded to their full capacity. Ships will arrive in Soviet ports indicated in paragraph 1 of section II for repatriation of repatriates not later than fourteen days after the notification is submitted by the Soviet representatives to the Supreme Commander for the Allied Powers in Japan.

4. At the Soviet ports and ports which are under the control of the U.S.S.R., Japanese repatriates will be transferred by representatives of the Soviet authorities, according to rosters and acts written in the Russian language, to the masters of ships arriving from Japan for repatriates. Upon arrival of ships bearing Koreans from Japan at Genzan and Kanko (Northern Korea), the repatriates will be transferred by the master of the ships, according to rosters and acts written in the English language, to the Soviet authorities.

5. In the waters of the Soviet Union and in those under the control of the U.S.S.R., ships operating under the control of the Supreme Commander for the Allied Powers and used in repatriation will follow routes and regulations prescribed by the Union of Soviet Socialist Republics, as stated in appendix 1.

6. Regular navigation communications will be maintained in accordance with the regulations, stated in appendix 2.

Section IV

SUPPLY FOR REPATRIATES AND SHIPS ASSIGNED FOR REPATRIATION

1. It is the responsibility of the Supreme Commander for the Allied Powers in Japan to see that the following is provided by the Japanese Government :

(a) All food supply necessary for the feeding of repatriates from the time of embarkation until their arrival to the port of destination;

(b) Medical service and supply for repatriates for the entire length of trip aboard ship;

(c) Ship stores, including fuel etc., as well as fresh water supply for ships sailing for the port of Nahodka, for the entire round trip and the time while ships are docked or harboured at ports of embarkation.

2. All expenses connected with the repatriation of Japanese prisoners of war and Japanese nationals from the territory of the Union of Soviet Socialist Republics and from territories under control of the U.S.S.R., as well as the expenses covering repatriation of Koreans from Japan, will be charged against the account of the Japanese Government.

3. The Soviet party agrees to render in case of emergency (damaged ship) possible assistance and aid to the damaged ship which arrived for repatriates. In such cases, the masters of the ships must sign the bills presented for the rendered assistance, which shall be paid without any delay in United States dollars by the Supreme Commander for the Allied Powers.

Section V

SANITATION AND MEDICAL MEASURES

1. Both parties are bound to fulfil in their respective ports the following requirements for medical processing of all repatriates :

(a) Small-pox vaccination to be given to all repatriates;

(b) Typhoid vaccine to be given to all repatriates;

(c) Cholera vaccine to be given to all repatriates (either in spring or fall);

(d) Disinfestation of all repatriates and disinfestation of their baggage.

2. No repatriates with contagious diseases will be allowed to embark.

3. The fulfilment of all the above-mentioned measures must be stated in a clause written into the act covering the transfer and acceptance of repatriates which is signed by the representative of the Union of Soviet Socialist Republics and the captain or master of the ship.

4. Ships assigned for repatriation will be cleansed and disinfested in Japan.

Section VI

POSSESSIONS OF REPATRIATES

1. Japanese prisoners being repatriated are permitted to take with them such personal belongings, in hand baggage, as are allowed for exportation by customs regulations.

2. Japanese nationals subject to repatriation will be permitted to bring with them their personal belongings not exceeding 100 kilograms per person, with the exception of

such items as are not allowed for exportation by customs regulations.

3. Japanese prisoners of war and Japanese nationals will be permitted to bring with them their personal papers as well as Japanese yen not exceeding the following amounts per person : 500 yen for officers; 200 yen for soldiers; and 1,000 yen for nationals. All repatriates will be permitted to bring with them their personal postal savings pass books, bank pass books, and other personal documents, issued by Japanese financial institutions, which are payable in Japan.

4. Koreans being repatriated from Japan will be permitted to bring with them, unimpeded and duty-free, their personal things and household belongings not exceeding 200 kilograms per person, as well as some light machinery and handicraft equipment belonging to them, not exceeding 1,000 kilograms per person.

5. Korean repatriates returning to Northern Korea will also be permitted to bring with them the following :

- (a) 1,000 yen per person;
- (b) Postal savings pass books and bank pass books issued by financial institutions in Japan and Korea;
- (c) Insurance policies issued in Japan and Korea;
- (d) Checks, drafts and certificates of deposit drawn on and issued by financial institutions in Japan, payable in Japan.

Section VII

This agreement is made or written in the English and the Russian language : In interpreting this agreement, both texts are considered as being identical and authentic.

(Signed) K. N. DEREVYANKO, (Signed) Paul J. MUELLER,
Lieutenant General, Major General, GSC
Member of the Allied Council Representative for the Supreme
for Japan from the Union of Commander for the Allied Powers
Soviet Socialist Republics

19 December 1946
 Tokyo, Japan

19 December 1946
 Tokyo, Japan

Appendices

- Appendix 1. Procedure covering harbouring of ships in Soviet ports and in ports under control of the U.S.S.R.
- Appendix 2. Navigation communications.

APPENDIX 1

Procedure covering harbouring of ships in Soviet ports and in ports under control of the U.S.S.R.

1. Harbouring facilities at the ports :

- (a) Port of Nahodka can harbour ships of any tonnage with draught up to 7 metres. The daily harbouring capacity is 1-2 ships simultaneously;
- (b) Port of Maoka can harbour ships with draught up to 6 metres. Daily harbour capacity is 2-3 ships simultaneously;

(c) Ports of Genzan and Kanko (Northern Korea) can harbour ships up to 10,000 tons. Daily harbour capacity of each of these ports is 2 ships simultaneously;

(d) Port of Dairen can harbour ships up to 10,000 tons. Daily harbour capacity is 3 ships simultaneously.

2. The notification that a contingent is ready for repatriation and the ships may be dispatched from Japan for their transportation, will be given to the Supreme Commander for the Allied Powers each time in advance through the member of the Allied Council for Japan from the U.S.S.R., indicating name of the port from which repatriates are to be repatriated, the number to be repatriated, the approximate time of repatriation, and the exact location of the point (with indication of latitude and longitude) where ships en route to ports of embarkation will be met by Soviet craft and will proceed further under their escort into the ports.

3. Taking into account the statement in paragraph 2 above, the Supreme Commander for the Allied Powers will notify the member of the Allied Council for Japan from the U.S.S.R. in advance of each ship leaving Japan on a repatriation trip, giving the estimated date of departure, name of the ship, type, estimated time of arrival in the port of destination and the shipmaster's last name.

APPENDIX 2

Navigation communications

1. Navigation messages may be received by means of establishing communications with the following radio stations :

(a) Maritime agency of foreign navies in Vladivostok via radio station in Nahodka Bay. This radio station maintains observation of the sea from 0100 to 0500 hours, from 0600 to 1000 hours, from 1100 to 1300 hours and from 1500 to 1700 hours (Moscow time). Call sign is UKI; frequency 500 KC;

(b) Maritime agency at the port of Maoka. Call sign is UFO; frequency 500 KC. Observation of the sea maintained 24 hours per day;

(c) (1) Port of Kanko — radio station will maintain observation of the sea 24 hours a day. Call sign — UWG — 2; frequency 500 KC;

(2) Port of Genzan — radio station will maintain observation of the sea 24 hours a day. Call sign — UWU — 2; frequency 500 KC;

(d) Port of Dairen — radio station maintains observation of the sea (Moscow time) from 0100 to 0200; from 0230 to 0300; from 0330 to 0500; from 0530 to 0900; from 0930 to 1600; from 1630 to 1900 and from 2000 to 2400. Call sign — UWC; frequency — 500 KC.

2. Russian language will be used in all navigation messages issued by Soviet ports and ports controlled by the U.S.S.R.

3. English language will be used in all navigation messages issued from aboard ships arriving at repatriation ports in Soviet or Soviet-controlled areas.

ANNEX IV

TASS ANNOUNCEMENTS CONCERNING REPATRIATION OF JAPANESE PRISONERS OF WAR FROM THE U.S.S.R.

A. Announcement of 22 April 1950

It was communicated in the statement of the representative of the Council of Ministers of the U.S.S.R. on

Repatriation Affairs on 20 May 1949 that by May 1949 the overwhelming majority of the Japanese war prisoners had been repatriated from the Soviet Union to Japan and that the remaining war prisoners, numbering 95,000 men,

were subject to repatriation during the year 1949, with the exception of persons who are under investigation in connexion with war crimes committed by them.

TASS has been authorized to communicate that at present the Soviet agencies have completed the repatriation of the remaining Japanese war prisoners mentioned in the statement of the representative of the Council of Ministers of the U.S.S.R. on Repatriation Affairs dated 20 May 1949. There have not been repatriated 1,487 Japanese war prisoners sentenced or under investigation for war crimes committed by them, 9 Japanese war prisoners who are subject to repatriation after the completion of their medical treatment and 971 men, Japanese war prisoners, who committed serious crimes against the Chinese people and who are placed at the disposal of the Central People's Government of the Chinese People's Republic.

Since Japan's capitulation, there have been repatriated from the Soviet Union to Japan 510,409 Japanese prisoners of war in all, besides 70,880 men, prisoners of war, who were immediately released in 1945 in the zone of combat operations.

B. *Announcement of 9 June 1950*

In connexion with the repeated statements of official American and Japanese circles and the spreading of all kinds of false communications in the reactionary Press abroad concerning the number of Japanese war prisoners who are in the U.S.S.R., TASS has been authorized to state the following.

It was communicated in the statement of the Administration of the representative of the Council of Ministers of the U.S.S.R. on Repatriation Affairs dated 20 May 1949

that of the total number of 594,000 soldiers and officers of the Japanese Army taken prisoners by 1 May 1949, there were repatriated to Japan 418,166 men, not counting 70,880 men released immediately in the zone of combat operations, and that on 1 May 1949 there remained in the Soviet Union, unrepatriated, 95,000 men.

In the communication of TASS dated 22 April 1950 "concerning the completion of repatriation of Japanese war prisoners from the Soviet Union" it was officially stated that the repatriation of the 95,000 Japanese war prisoners who remained by May 1949 in the territory of the Soviet Union has been completed, with the exception of 1,487 war prisoners sentenced or under investigation for war crimes committed by them, as well as 9 war prisoners who are subject to repatriation after the completion of their medical treatment and 971 men, war prisoners, who committed serious crimes against the Chinese people and who are placed at the disposal of the Central People's Government of the Chinese People's Republic. It was indicated in the communication of TASS in this connexion that the repatriation of Japanese war prisoners from the U.S.S.R. has been completed in full.

In spite of the exhaustive facts quoted in these official statements, there are spread in the United States of America and in Japan invented communications concerning a large number of Japanese war prisoners who have allegedly remained in the territory of the U.S.S.R.

TASS has been authorized to declare that the said communications of foreign circles are of a maliciously slandering nature with respect to the Soviet Union and that they aim to distract the attention of the Japanese people from the policy of the U.S.A. directed towards the economic and political enslavement of Japan.

ANNEX V

TASS ANNOUNCEMENT OF 5 MAY 1950 REGARDING REPATRIATION OF GERMAN PRISONERS OF WAR FROM THE U.S.S.R.

In communication TASS of January 1949 it was shown that vast majority German prisoners of war were repatriated from Soviet Union to Germany by end 1948 and that repatriation remaining prisoners of war being conducted according plan adopted by Soviet Government and should be concluded during 1949.

TASS is authorized to state that last group prisoners of war numbering 17,538 has now been repatriated.

Thus repatriation German prisoners of war from Soviet Union to Germany now completely finished. Since Ger-

many's capitulation there have been repatriated from Soviet Union to Germany 1,939,063 German prisoners of war, including 58,103 turned up during 1947-49 among prisoners of war of other nationalities found in Soviet Union.

Of number German prisoners of war on Soviet Union territory there remain 9,717 persons convicted grave war crimes, 3,815 persons whose war crimes in process investigation, and also 14 persons now detained owing illness who will be repatriated after treatment.

ANNEX VI

RESOLUTION ADOPTED BY THE HOUSE OF REPRESENTATIVES AND THE HOUSE OF COUNCILLORS OF THE JAPANESE DIET ON 2 MAY 1950

(Resolution for request for acceleration of repatriation of unrepatriated Japanese and investigation into their actual situation through the United Nations)

Since the termination of the war, the people of Japan have to this day faithfully carried out the provisions of the Potsdam Declaration.

Yet today, after the lapse of almost five years since the end of the war, there still remain in the Soviet Union and in the areas under Soviet influence (including Siberia, Saghalien, Northern Korea, Dairen and Chinese Communist areas) more than 300,000 Japanese whose fate is unknown.

Notwithstanding the repeated request made to the Soviet Union through the Allied General Headquarters for an

official report, the Soviet Union has made no official response, and the whole people of Japan have been deeply pained in heart and mind. Representing this feeling of our people, by means of this resolution taken by this House, this House is resolved to request the Supreme Commander for the Allied Powers to appeal to the justice and public opinion of the world through the United Nations Organization and to afford every possible assistance for bringing about the early settlement of this question and especially for his highest consideration with regard to the realization of the following :

1. That all of our nationals still remaining in the Soviet Union and in the areas under Soviet influence

(including Siberia, Saghalien, Northern Korea, Dairen and Chinese Communist areas) be repatriated as early as possible.

2. That it be arranged to announce the names of those among the internees in the Soviet Union and in the areas under Soviet influence who have died, who have been asso-

ciated with war crimes, who are serving sentence and who are detained for illness.

3. That it be arranged for an investigation team of the United Nations or neutral or humanitarian body to investigate in the Soviet Union and in the areas under Soviet control the situation of life and death of our interned nationals.

ANNEX VII

RESOLUTION ADOPTED BY THE BUNDESTAG OF THE FEDERAL REPUBLIC OF GERMANY ON 5 MAY 1950

In the name of the German people, the Bundestag rejects the assertion disseminated yesterday by the Soviet radio that the repatriation of German prisoners of war from the Soviet Union has been completed. It is just as untrue as the long-since disproved statement of the Soviet news agency TASS which asserted in early 1947 that there were at that time only 890,000 prisoners of war in the Soviet Union.

The Soviet Union has repeatedly broken all its promises to release German prisoners of war by a given time. Even today, five years after the end of the war, hundreds of thousands of German prisoners of war in the Soviet Union await return to their homes. Moreover, thousands of deportees, men and women, who never were soldiers, are held in the Soviet Union and are damned to slave labour there. Even in very recent days the number of these unfortunates has been again increased by mass shipments from the allegedly de-activated concentration camps of the Soviet occupation zone.

The Bundestag requests the Federal Government immediately to take the necessary steps with the Allied High Commission to bring about the following results :

(1) The publication of the names, crimes and whereabouts of the detained prisoners of war and deported civilians.

(2) The naming of those who have died in prisoner-of-war camps under Soviet control.

(3) A search for the missing.

In our distress we call upon the world and appeal to the conscience of every individual : help free these unfortunate people.

The freely elected representatives of the German people, the Bundestag, protest most solemnly against this injustice, and expect that the solidarity of all democratic peoples, especially the United Nations, will lead them to endorse this protest and co-operate, so that the hour of liberation may soon strike for the last prisoner of war of all nations.

ANNEX VIII

NOTES ADDRESSED BY THE AUSTRALIAN GOVERNMENT TO THE SOVIET EMBASSY IN CANBERRA CONCERNING THE REPATRIATION OF JAPANESE PRISONERS OF WAR ¹

A. Note of 5 January 1950

The Department of External Affairs presents its compliments to the Embassy of the U.S.S.R. and has the honour to inform the Embassy that the Australian Government is concerned at the large number of Japanese prisoners of war who appear to be still detained by the U.S.S.R.

The Embassy will remember that paragraph 9 of the Potsdam Proclamation of 26 July 1945 states : "The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives." The Embassy will also be aware that the repatriation of Japanese prisoners of war held by Allied Powers other than the U.S.S.R. was virtually completed in 1947.

TASS news agency reported on 20 May 1949 that 95,000 Japanese prisoners of war were still held by the U.S.S.R. According to figures carefully compiled by the Japanese Government and checked from every available source, this large figure given by TASS does not account for the additional 376,929 prisoners still in areas under Soviet control. The Australian Government is forced to conclude that if the TASS figure is correct, the discrepancy between that and the Japanese Government estimate can only be accounted for by an abnormally high death rate among Japanese prisoners awaiting repatriation by the U.S.S.R. In this connexion, the Australian Government has observed that the U.S.S.R. has continually refused to furnish notifications of the deaths of Japanese prisoners and feels bound to point out to the Government of the U.S.S.R. that failure to provide such information, as well as the prolonged detention of prisoners after the cessation of hostilities, is contrary to the accepted international concepts of fundamental human rights and the humanitarian prin-

ciples contained in the Geneva Convention of 1949 which has been signed by the U.S.S.R.

The Australian Government expresses the hope that the Government of the U.S.S.R. will accept the principle that an international humanitarian organization should be designated as protecting power to conduct full and impartial investigations into the position of those Japanese detained in areas under the control of the U.S.S.R. since the end of the war. The representative of the British Commonwealth countries on the Allied Council for Japan put forward such a proposal at the Council's meeting on 21 December, and its acceptance by the U.S.S.R. would undoubtedly greatly assist in clarifying the present unsatisfactory position.

B. Note of 10 February 1950

The Department of External Affairs presents its compliments to the Embassy of the Union of Soviet Socialist Republics and has the honour to refer to the Department's Note of 5 January 1950 regarding the Australian Government's concern at the large number of Japanese prisoners of war who are apparently still detained by the Union of Soviet Socialist Republics.

The Australian Government hopes that the Government of the Union of Soviet Socialist Republics will soon be in a position to reply to the suggestion contained in the Department's Note of 5 January that an international humanitarian organization should be designated as protecting Power to conduct a full and impartial investigation into the position of the remaining Japanese prisoners of war now estimated at 376,929.

¹ No reply to these Notes had been received at the time of presentation of this memorandum.

ANNEX IX

NOTE ADDRESSED BY THE UNITED STATES GOVERNMENT TO THE SOVIET EMBASSY IN WASHINGTON AND REPLY OF THE SOVIET EMBASSY CONCERNING THE REPATRIATION OF JAPANESE PRISONERS OF WAR

A. *United States Note of 9 June 1950*

The Secretary of State presents his compliments to the Chargé d'Affaires *ad interim* of the Union of Soviet Socialist Republics and refers to the Secretary's Note of 30 December 1949, requesting the co-operation of the Soviet Union in the matter of repatriating or otherwise accounting for over 370,000 Japanese nationals who, according to figures considered reliable, are in areas under Soviet control, dead or alive.

The Note under reference alluded to the repatriation obligations of the Soviet Union under the Potsdam Declaration of 26 July 1945, and pointed out that the prolonged detention of prisoners after the cessation of hostilities is in patent conflict with accepted international concepts of fundamental human rights and freedoms and with humanitarian principles as set forth in the Geneva Convention of 1949 relative to the treatment of prisoners of war which was signed by some sixty Powers, including the Soviet Union. In the interests of resolving a problem of long-standing concern to the Allied Powers and Japan, the Note specifically requested that the Soviet Government agree to the designation of an international humanitarian body or organization charged

with making a complete first-hand survey of the situation with a view to obtaining exact information on Japanese held in Soviet areas since the cessation of hostilities.

The Embassy is reminded that the Note under reference has not been answered or acknowledged, directly or indirectly, since its delivery over five months ago and that an early indication of the reaction of the Soviet Government to the United States Government's proposal would be appreciated.

B. *Soviet Note of 16 July 1950*

The Embassy of the Union of Soviet Socialist Republics presents its compliments to the Department of State of the United States of America and, referring to the Note of the Department of State dated 9 June and received by the Embassy on 12 June, has the honour to communicate that the question raised in the Note has been fully exhausted by the published communication of 22 April and the statement of 9 June by the Telegraph Agency of the Soviet Union (TASS), the texts of which are enclosed.

[For texts of these statements, see annex IV above.]

ANNEX X

NOTE ADDRESSED BY THE EMBASSY OF THE UNITED KINGDOM IN MOSCOW TO THE SOVIET GOVERNMENT OF 14 JULY 1950 CONCERNING THE REPATRIATION OF GERMAN PRISONERS OF WAR ²

1. His Majesty's Embassy present their compliments to the Ministry of Foreign Affairs for the U.S.S.R. and under instructions from His Majesty's Principal Secretary of State for Foreign Affairs in the United Kingdom have the honour to invite reference to a Soviet Press announcement of 5 May 1950 stating that repatriation of German prisoners of war from the Soviet Union had been completed with the exception of 9,717 persons convicted of grave war crimes, 3,815 persons whose alleged war crimes are under investigation and 14 persons detained owing to illness.

2. The claim that only 13,546 German prisoners remain in Soviet custody has been received with shock and grave concern in Germany and throughout the civilized world since it stands in manifest contradiction to the fact that large numbers of German prisoners of war known to have been held by the Soviet Government have not yet returned to their homes. In this connexion His Majesty's Government in the United Kingdom wish to draw to the attention of the Soviet Government a recent census carried out in the German Federal Republic which has shown that several tens of thousands of Germans have not yet returned from the Soviet Union although their relatives have information that they were in Soviet custody.

3. In failing to complete the repatriation of German prisoners of war and to furnish information regarding them, the Soviet Government has demonstrated complete disre-

gard for the principles of common humanity. It has, moreover, failed to honour the following explicit undertakings :

(A) At a meeting of the Council of Foreign Ministers at Moscow in April 1947 the four Occupying Powers undertook to repatriate, by 31 December 1948 at the latest, all German prisoners of war in their custody. The Governments of the United Kingdom, United States and France have respected this undertaking.

(B) No satisfactory reply has yet been received to enquiries by His Majesty's Government regarding Soviet action in respect of this agreement. In acknowledging one of these enquiries, the Soviet Government, while admitting in a Note of the 24 January 1949 that an unspecified number of German prisoners, about whom no information was furnished, was still held in the Soviet Union, gave a clear undertaking that their repatriation would be completed by or during 1949.

4. The Soviet Government alone bear the heavy responsibility for the suffering and distress which their con-

² A similar note was addressed by the United States Embassy in Moscow to the Soviet Government on the same day. No reply to either of these Notes had been received at the time of presentation of this memorandum.

duct in this matter has brought to the many Germans still in Soviet custody and to their relatives and friends at home. In the earnest desire that this suffering might be mitigated, His Majesty's Government now urge the Soviet Government to take the following measures :

(A) To furnish detailed information regarding the identity of 9,717 persons allegedly convicted of war crimes, the 3,815 persons whose alleged war crimes are under investigation, and the 14 persons said to be under treatment for illness. Such information should include the places of imprisonment, charges preferred against, and sentences imposed on, those who have been convicted, the present state of the investigations being undertaken, and the whereabouts and treatment of those who are sick.

(B) To guarantee to prisoners accused of or condemned for war crimes the right accorded by all countries to correspond with their families.

(C) To give full details of any persons whom the Soviet Government, by classification as civilian workers or in any other way, have deprived of prisoner-of-war status and have thereby excluded from their prisoner-of-war statistics.

(D) To supply information on the number, identity, date of death and place of burial of Germans who have died in captivity in the U.S.S.R. or in transit.

(E) To agree to the establishment of an impartial international body which would undertake an investigation in the

Soviet Union designed to determine the position of prisoners of war known to have been in Soviet custody, in accordance with the Geneva Convention of 27 July 1929, to which the Soviet Government is a party. This body might take the form of an *ad hoc* commission designated by the United Nations, or of a group composed of the representatives of the four Occupying Powers in Germany, or of representatives of neutral Powers, or of any other group mutually acceptable. It should be noted in this connexion that the United Kingdom, United States and France, at the time when they still had German prisoners of war in their custody, furnished full information concerning them and permitted full and impartial access to prisoners of war by international agencies.

5. Although confining themselves at present to the question of German prisoners of war, His Majesty's Government cannot disregard, and are likewise disturbed by, the failure of the Soviet Government to repatriate or to account for numerous nationals of former German occupied countries taken prisoner or brought to the Soviet Union as civilian internees during the war.

6. His Majesty's Government request that the Soviet Government will inform them of the action they are prepared to take in this matter. His Majesty's Government are, for their part, prepared to lend their co-operation to the Soviet Government in any appropriate way in order to bring to an end the present unsatisfactory state of affairs.

Document A/1339Add. 1

Letter dated 27 October 1950 addressed to the Secretary-General by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations, on behalf of the delegations of Australia, the United Kingdom and the United States of America

[Original text : English]
[31 October 1950]

I have the honour to refer to the letter of 25 August 1950 (A/1339), from the representatives of Australia, the United Kingdom and the United States enclosing an explanatory memorandum on the item " Failure of the U.S.S.R. to repatriate or otherwise account for prisoners of war detained in Soviet territory " which these three delegations had proposed for inclusion on the agenda of the fifth session of the General Assembly.

Annex X to that letter contained the text of a Note addressed by the British Embassy in Moscow to the Soviet Government on 14 July 1950 concerning the repatriation of German prisoners of war. I enclose with this letter a copy in translation of a Note addressed by the Soviet Ministry of Foreign Affairs to the British Embassy in Moscow in reply to the Embassy's Note of 14 July, and I have the honour to request, on behalf of the three delegations who proposed the inclusion of this item on the agenda, that this Note from the Government of the U.S.S.R. may be added to the explanatory memorandum already submitted and that it may be given a similar circulation.

(Signed) Gladwyn JEBB

NOTE ADDRESSED BY THE SOVIET UNION GOVERNMENT
TO THE EMBASSY OF THE UNITED KINGDOM IN MOSCOW
ON 30 SEPTEMBER 1950

The Ministry of Foreign Affairs of the U.S.S.R., acknowledging receipt of the British Government's Note of 14 July 1950, considers it necessary to make the following statement.

The assertion contained in the above-mentioned Note of the British Government that a large number of German prisoners of war still remain in the Soviet Union is devoid of all foundation and does not correspond with reality. As is known from the TASS *communiqué* of 5 May of this year, the repatriation of German prisoners of war from the Soviet Union was completed at the beginning of 1950. All German prisoners of war in the Soviet Union were repatriated to Germany with the exception of 9,717 convicted of serious war crimes, 3,815 the question of whose war crimes is being investigated, and 14 temporarily detained owing to illness.

In view of the exhaustive facts adduced above concerning the repatriation of German prisoners of

war from the Soviet Union, the Soviet Government is unable to regard the British Government's renewed communications to the Soviet Government concerning this question other than as a desire to exploit the

question of German prisoners of war for propaganda purposes.

The Soviet Government is sending similar Notes to the Governments of the United States and France.

DOCUMENT A/C.3/555

Communications from the International Committee of the Red Cross and the League of Red Cross Societies

[Original text: French]
[11 December 1950]

In accordance with the request submitted by the representative of Syria at the 344th meeting of the Third Committee, the Secretariat is distributing to the members of the Committee for their information the following communications from the International Committee of the Red Cross and the League of Red Cross Societies :

CABLEGRAM DATED 10 DECEMBER 1950 FROM THE INTERNATIONAL COMMITTEE OF THE RED CROSS TO THE SECRETARIAT OF THE UNITED NATIONS

With reference to your telegram of 9 December, which we immediately communicated to the League

1) Since article 75 of 1929 Prisoners of War Convention provides for repatriation of prisoners after conclusion of peace and not at end of hostilities, the Committee as early as 1945 and on several subsequent occasions reminded principal powers holding prisoners and their national Red Cross Societies that in accordance with spirit of humanitarian conventions repatriation should be arranged as soon as possible.

2) In revising humanitarian conventions the Committee was concerned to clarify repatriation provisions. These were embodied in article 118 of Geneva Conventions of 1949 signed by 61 and ratified by 5 States and providing that "prisoners of war shall be released and repatriated without delay after the cessation of active hostilities".

3) The Committee recalls its memorandum to all governments and national Red Cross Societies of 12 September 1939 defining its position which remains unchanged. According to that memorandum the International Committee of the Red Cross, which is a specifically neutral organ of the International Red Cross, which may act only with the consent and support of the authorities in all the countries concerned, could not proceed to appoint the suggested commission unless all governments concerned consented individually or by *ad hoc* conventions. That means that *prima facie* Committee could not act on instructions from General Assembly of United Nations for the Purpose described in your telegram above mentioned unless all governments concerned gave their agreement to the draft resolution drawn up by the Third Committee.

CABLEGRAM DATED 11 DECEMBER FROM THE LEAGUE OF RED CROSS SOCIETIES TO THE SECRETARIAT OF THE UNITED NATIONS

Your cablegram of 9 December relating to draft resolution on prisoners of war and particularly the amendment submitted by India and Iraq. We agree that request should be addressed to International Red Cross but emphasize that question of prisoners of war is one essential prerogatives of International Committee of the Red Cross which is replying to you separately.

DOCUMENT A/C.3/L.145

Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America : draft resolution establishing a United Nations commission on prisoners of war

[Original text: English]
[7 December 1950]

The General Assembly,

Believing that all prisoners having originally come within the control of Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for,

Recalling that this is required both by recognized standards of international conduct and the Geneva

conventions of 1949 for the protection of war victims and by specific agreements between the Allied Powers,

Mindful that one of the principal purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and to promote and encourage respect for human rights and fundamental freedoms for all, and

Considering that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare of friendly relations among nations,

1. *Expresses* its concern at the evidence presented to it that large numbers of prisoners taken in the course of the Second World War have neither been repatriated nor otherwise accounted for;

2. *Calls upon* all governments still having control of such persons to act in conformity with the recognized standards of international conduct, and the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should with the least possible delay be given an unrestricted opportunity of repatriation;

3. *Establishes* a United Nations Commission on Prisoners of War composed of three qualified and impartial individuals to be appointed by the Secretary-General, and

(a) Requests the Commission to seek from the governments or authorities concerned full information regarding prisoners coming within the custody or control of any foreign government as a consequence of military opera-

tions of the Second World War and not repatriated or otherwise accounted for;

(b) Requests the Commission to assist all governments and authorities which so desire in arranging for and facilitating the repatriation of all such persons as are nationals of their countries or in the furnishing of full information regarding them;

(c) Authorizes the Commission to use the good offices of any person or organization if it considers that this might contribute to the repatriation of or accounting for prisoners;

(d) Directs the Commission to report the results of its efforts to the Secretary-General for transmission to the Members of the United Nations;

4. *Urges* all governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information, and to grant right of access to their respective countries and to areas in which the persons referred to in paragraph 3 (a) above may be held; and

5. *Requests* the Secretary-General to furnish the Commission with the staff and assistance necessary for the effective accomplishment of its task, and authorizes the Secretary-General to incur the necessary expenditure.

DOCUMENT A/C.3/L.145/Rev.1

Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America : revised draft resolution taking into account the amendments proposed by Lebanon and Syria (A/C.3/L.146), the Philippines (A/C.3/L.147) and Afghanistan (A/C.3/L.148)

[Original text : English]
[8 December 1950]

MEASURES FOR THE PEACEFUL SOLUTION OF THE PROBLEM OF PRISONERS OF WAR

The General Assembly,

Mindful that one of the principal purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and to promote and encourage respect for human rights and fundamental freedoms for all, and

Considering that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations,

Believing that all prisoners having originally come within the control of Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for,

Recalling that this is required both by recognized standards of international conduct and the Geneva conventions of 1949 for the protection of war victims and by specific agreements between the Allied Powers,

1. *Expresses* its concern at the *information presented*

to it tending to show that large numbers of prisoners taken in the course of the Second World War have neither been repatriated nor otherwise accounted for;

2. *Calls upon* all governments still having control of such persons to act in conformity with the recognized standards of international conduct, and the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should with the least possible delay be given an unrestricted opportunity of repatriation;

3. *Establishes* a United Nations Commission on Prisoners of War composed of three qualified and impartial individuals to be appointed by the Secretary-General, and

(a) Requests the Commission to seek from the governments or authorities concerned full information regarding prisoners coming within the custody or control of any foreign government as a consequence of military operations of the Second World War and not repatriated or otherwise accounted for;

(b) Requests the Commission to assist all governments and authorities who so desire in arranging for and facilitating the repatriation of all such persons as are nationals

of their countries or in the furnishing of full information regarding them;

(c) Authorizes the Commission to use the good offices of any *qualified and impartial* person or organization if it considers that this might contribute to the repatriation of or accounting for prisoners;

(d) Directs the Commission to report the results of its efforts to the Secretary-General for transmission to the Members of the United Nations;

4. *Urges* all governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information, *including in particular the names*

of prisoners of war still held by them and the particulars of the crimes (if any) with which the said prisoners are charged and the places in which they are detained, and the names of persons who have died in prisoner-of-war camps under the control of the said governments as well as the date and cause of death, and the manner and place of burial in each case; and to grant right of access to their respective countries and to areas in which the persons referred to in paragraph 3 (a) above may be held; and

5. *Requests* the Secretary-General to furnish the Commission with the staff and assistance necessary for the effective accomplishment of its task.

Document A/C.3/L.145/Rev.2

Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America : revised draft resolution taking into account the amendments proposed by Lebanon and Syria (A/C.3/L.146), the Philippines (A/C.3/L.147), Afghanistan (A/C.3/L.148) and Ethiopia (A/C.3/L.150)

[Original text : English]
[11 December 1950]

MEASURES FOR THE PEACEFUL SOLUTION OF THE PROBLEM OF PRISONERS OF WAR

The General Assembly,

Mindful that one of the principal purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and to promote and encourage respect for human rights and fundamental freedoms for all, and

Considering that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations,

Believing that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for,

Recalling that this is required both by recognized standards of international conduct and the Geneva convention of 1949 for the protection of war victims and by specific agreements between the Allied Powers,

1. *Expresses* its concern at the information presented to it tending to show that large numbers of prisoners taken in the course of the Second World War have neither been repatriated nor otherwise accounted for;

2. *Calls upon* all governments still having control of such persons to act in conformity with the recognized standards of international conduct and the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should with the least possible delay be given an unrestricted opportunity of repatriation, and, to that end, to publish and transmit to the Secretary-General of the United Nations before 30 April 1951 :

(a) The names of such prisoners still held by them, the reasons for which they are still detained, and the places in which they are detained;

(b) The names of prisoners who have died while under their control as well as the date and cause of death and the manner and place of burial in each case;

3. *Establishes* an *Ad Hoc* Commission on Prisoners of War composed of three qualified and impartial individuals appointed by the Secretary-General which shall examine and evaluate in the light of the information made available to the fifth session of the General Assembly the information furnished by governments in accordance with the terms of the preceding paragraph and, in the event that the Commission considers that this information is inadequate or affords reasonable ground for believing that prisoners coming within the custody or control of any foreign government as a consequence of military operations of the Second World War have not been repatriated or otherwise accounted for :

(a) *Requests* the Commission to seek from the governments or authorities concerned full information regarding such prisoners;

(b) *Requests* the Commission to assist all governments and authorities who so desire in arranging for and facilitating the repatriation of such prisoners;

(c) *Authorizes* the Commission to use the good offices of any qualified and impartial person or organization whom it considers might contribute to the repatriation or accounting for of such prisoners;

(d) *Urges* all governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information and to grant right of access to their respective countries and to areas in which such prisoners are detained;

(e) *Requests* the Secretary-General to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task;

4. *Directs* the Commission to report as soon as practicable the results of its work to the Secretary-General for transmission to the Members of the United Nations.

DOCUMENT A/C.3/L.146

Lebanon and Syria : amendment to the draft resolution submitted by Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.3/L.145)

[Original text : French]
[7 December 1950]

I. Amend paragraph 1 of the operative part to read as follows :

“ 1. *Expresses* its concern at the *grave charges* which suggest that large numbers of prisoners taken in the course of the Second World War have neither been repatriated nor otherwise accounted for; ”

II. Amend paragraph 2 of the operative part to read as follows :

“ 2. *Calls upon* all governments still having control of such persons :

“ (a) To act in conformity with the recognized standards of international conduct...

“ (b) To publish the names of prisoners of war still held by them and the particulars of the crimes (if any)

with which the said prisoners are charged and the places in which they are detained;

“ (c) To publish the names of persons who have died in prisoner of war camps under the control of the said governments;

“ (d) To report to the Secretary-General before the sixth session of the General Assembly on the measures taken by them to give effect to this resolution; ”

III. Add a new paragraph to read as follows :

“ Calls upon all governments concerned to transmit to the Secretary-General before 1 July 1951 any relevant information they may wish to furnish; ”

IV. Delete paragraphs 3, 4 and 5 of the operative part.

DOCUMENT A/C.3/L.147

Philippines : sub-amendment to the amendments submitted by Lebanon and Syria (A/C.3/L.146)

[Original text : English]
[7 December 1950]

Point II — text proposed for paragraph 2.

1. Insert between sub-paragraphs (b) and (c) a new sub-paragraph reading as follows :

“ (c) To expedite the trials of the persons charged with crimes in a manner consistent with due process of law and with the conscience of mankind; ”

2. Add at the end of the existing paragraph (c) :

“ ... as well as the date and the cause of death, and the manner and place of burial in each case; ”

The existing sub-paragraphs (c) and (d) would then become (d) and (e).

DOCUMENT A/C.3/L.148

Afghanistan : amendments to the draft resolution submitted by Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.3/L.145)

[Original text : English]
[8 December 1950]

1. *Title.* Use the following title :

“ Measures for the peaceful solution of the problem of prisoners of war. ”

2. *Paragraph 1 of the operative part.* Replace the

words “ evidence presented to it ” by the words “ present situation that suggests ”.

3. *Paragraph 3 (c).* Insert the words “ qualified and impartial ” between the words “ any ” and “ person ”.

4. *Paragraph 5 of the operative part.* Delete the following: “ and authorizes the Secretary-General to incur the necessary expenditure ”.

5. *Paragraph 3 of the operative part.* Add the words “ approved by the General Assembly, and.. ” at the end of the introductory part, before sub-paragraph (a).

DOCUMENT A/C.3/L.149

India and Iraq : amendment to the draft resolution submitted by Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.3/L.145)

[Original text : English]
[8 December 1950]

1. In the second paragraph of the preamble,³ delete the words “ and by specific agreements between the Allied Powers ”.

2. In paragraph 2 of the operative part, delete the words “ and the above-mentioned international agreements ”.

3. In paragraph 3 of the operative part, replace the introductory part by the following text :

“ Requests the International Red Cross to establish

a Commission composed of qualified impartial observers with a view to settling amicably the problem of prisoners of war... ”

4. In paragraph 4 of the operative part add the words “ and paragraph 3 (b) ” after the words “ in paragraph 3 (a) ”.

³ Fourth paragraph of the preamble in the revised text of the draft resolution (A/C.3/L.145/Rev.2).

DOCUMENT A/C.3/L.150

Ethiopia : amendments to the revised draft resolution of Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.3/L.145/Rev.1)

[Original text : English]
[9 December 1950]

1. *Title.* Amend the title to read: “ Measures for the peaceful solution of the problem of prisoners of war captured during the Second World War. ”

2. *Paragraph 3 of the operative part* — Amend the introductory part to read as follows :

“ Establishes a United Nations *Ad Hoc* Commission on Prisoners of War captured during the Second World War composed of three qualified and impartial individuals to be appointed by the Secretary-General and ”

3. *Paragraph 3 (b)* — Insert the words “ during its term of office ” after the word “ Commission ”.

4. *Paragraph 3 (d).* Amend the sub-paragraph to read as follows :

“ (d) Directs the Commission to report *within one year* the *final* results of its efforts to the Secretary-General for transmission to the Members of the United Nations ”.

DOCUMENT A/C.3/L.152

France : amendments to the revised draft resolution submitted by Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.3/L.145/Rev.2)

[Original text : French]
[11 December 1950]

1. Delete the beginning of paragraph 3 of the operative part, from the word “ Establishes ” to the words “ which shall ” and substitute the following :

3. “ Requests the Secretary-General to establish,

with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned, a Commission composed of qualified and impartial persons

appointed by the International Red Cross, or failing that, by the Secretary-General himself, to... ”

2. Insert between paragraphs 3 and 4 of the operative part the following paragraph 3 A :

“ 3 A. *Urgently requests* all the governments to make the greatest possible efforts, based in particular on the documentary material to be provided, to search for prisoners of war whose absence has been reported and who might be in their territories; ”.

DOCUMENT A/C.5/444

Estimate of financial implications of the draft resolution proposed by the Third Committee (A/1690) : report of the Secretary-General

[Original text : English]
[11 December 1950]

1. The Third Committee has transmitted to the General Assembly for adoption a draft resolution requesting the Secretary-General to establish an *ad hoc* commission composed of three qualified and impartial persons chosen by the International Red Cross, or failing that, by the Secretary-General himself, to perform the functions enumerated in paragraph 3 of the draft resolution (A/1690).

2. While no basis exists for an accurate estimation of costs, the following rough estimate is presented :

	<i>US dollars</i>
(a) Travel, fees and subsistence of experts (travel expenses for three persons to headquarters and total meeting time of sixty days; a fee of US \$ 50 per person per day, and per diem of \$US 12.50) . . .	20,000
(b) Contractual printing (report of fifty pages in five languages)	5,000
(c) Travel away from headquarters (a lump sum provision of \$US 20,000 might be made, to cover the costs of travel, fees and subsistence of experts and travel and subsistence of supporting staff while in the field, and miscellaneous local expenses)	20,000
TOTAL	45,000

DOCUMENT A/1690

Report of the Third Committee

[Original text : English]
[12 December 1950]

1. By a telegram dated 20 August 1950, the delegations of Australia, the United Kingdom and the United States of America requested the Secretary-General to include in the provisional agenda of the fifth session of the General Assembly the following item : “ Failure of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory ” (A/1327). On 25 August 1950, the delegations of the above countries addressed to the Secretary-General an explanatory memorandum, to which were attached ten annexes (A/1339).

2. The General Assembly, at its 284th and 285th plenary meetings, held on 26 September 1950, placed the item on its agenda, and on the recommendation of the General Committee (A/1386), decided to allocate it to the Third Committee for consideration.

3. On 27 October 1950 the representative of the United Kingdom, on behalf of the delegations of Australia, the United Kingdom and the United States of America, addressed a letter to the Secretary-General enclosing a copy of a note addressed by the Government of the Union of Soviet Socialist Republics to the Embassy of the United Kingdom in Moscow on 30 September 1950 (A/1339/Add.1).

4. At its 271st, 316th and 338th meetings, held on 27 September, 16 November and 6 December 1950, respectively, the Third Committee discussed the priority which this item should be accorded on its agenda. It began consideration of the item at its 339th meeting, held on 7 December 1950, and devoted six meetings to it. The views of the representatives on the Third Committee are contained in the summary records of the 339th, 340th, and 342nd to 345th meetings inclusive.

5. At the 340th meeting, held on 7 December 1950, the Chairman of the Committee announced that the President of the General Assembly and the Secretary-General had transmitted to him the texts of communications received from the Governments of Germany, Italy and Japan concerning the question of prisoners of war. The Committee debated the procedure to be followed in dealing with the communications. The representative of Chile, supported by the representative of Uruguay, formally moved that they should be distributed. The proposal was adopted by 26 votes to 5, with 8 abstentions. At the request of the representative of Chile, the vote was taken by roll-call, with the following result :

In favour : Ecuador, France, Greece, Guatemala, India, Iran, Iraq, Lebanon, Luxembourg, Mexico, Netherlands,

New Zealand, Norway, Peru, Philippines, Sweden, Thailand, Turkey, Uruguay, Brazil, Burma, Canada, Chile, China, Colombia, Denmark.

Against: Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Poland, Czechoslovakia.

Abstaining: Syria, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia, Afghanistan, Australia.

The communications from the Government of the Federal Republic of Germany, the Japanese Government and the Italian Government were accordingly distributed as documents A/C.3/552, A/C.3/553 and A/C.3/554.

6. When the Committee began consideration of the item at its 339th meeting, it had before it a proposal submitted jointly by Australia, the United Kingdom and the United States of America (A/C.3/L.145) whereby the General Assembly would express its concern that prisoners of war had been neither repatriated nor otherwise accounted for; would call upon governments still having control over such persons to give them an unrestricted opportunity of repatriation; and would establish a United Nations commission on prisoners of war, composed of three qualified and impartial persons to be appointed by the Secretary-General, which would collect information regarding prisoners and assist in their repatriation.

7. The following amendments to the joint draft resolution were submitted:

(a) By *Lebanon and Syria* (A/C.3/L.146). The amendment included four points, two of which (the first and third) concerned changes of wording or additions. The second point concerned a request to governments to furnish additional detailed information on prisoners of war. The fourth proposal was for the deletion of the paragraphs relating to the establishment of a United Nations commission on prisoners of war. A sub-amendment to the above amendment was submitted by the Philippines (A/C.3/L.147), consisting of a request for additional information from governments still having control of prisoners of war.

(b) By *Afghanistan* (A/C.3/L.148). The amendment included five points. Point 1 related to the title of the resolution which, it was suggested, should read: "Measures for the peaceful solution of the problem of prisoners of war". Point 5 was a proposal to submit for the approval of the General Assembly the names of the members of the commission on prisoners of war appointed by the Secretary-General. The other proposals were matters of drafting.

(c) By *India and Iraq* (A/C.3/L.149). The amendment included four points. Point 3 concerned paragraph 3 of the operative part of the joint draft resolution, and proposed that the International Red Cross should be requested to establish a Commission composed of qualified impartial observers, with a view to settling amicably the problem of prisoners of war. The other points concerned the deletion or addition of certain words.

8. The representatives of Australia, the United Kingdom and the United States of America revised their draft resolution incorporating some of the amendments proposed by Lebanon and Syria, the Philippines and Afghanistan, as follows (A/C.3/L.145/Rev.1):

- (i) The title suggested by Afghanistan was adopted;
- (ii) In paragraph 1 of the operative part, the words "evidence presented to it" were replaced by the words "information presented to it tending to show";
- (iii) In paragraph 3 (c) the words "qualified and impartial" were inserted before the word "persons";
- (iv) In paragraph 4, the additional information suggested in the Philippines sub-amendment was included;
- (v) In paragraph 5, the following words were deleted, as suggested by Afghanistan, "and authorizes the Secretary-General to incur the necessary expenditure".

9. An amendment to the revised joint draft resolution was submitted by *Ethiopia* (A/C.3/L.150). It suggested a specific reference to prisoners of war captured during the Second World War and added the words "ad hoc" to the title of the commission to be established.

10. In the light of the discussion, the representatives of Australia, the United Kingdom and the United States of America drew up a second revision of their draft resolution (A/C.3/L.145/Rev.2). This draft retained those amendments incorporated in the first revision and also adopted the Ethiopian amendment to the effect that the commission should be an *ad hoc* body. The proposal thus revised provided for two successive steps: (a) a request for information from the governments concerned; and (b) the establishment of an *ad hoc* commission on prisoners of war to examine and evaluate this information, and to take certain specified action if the commission considered the information inadequate.

11. The following amendments were submitted to this second revision:

(a) By *France* (A/C.3/L.152). This amendment had two parts:

- (i) A request that the Secretary-General should establish a commission composed of qualified and impartial persons appointed by the International Red Cross or, failing that, by the Secretary-General himself; and
- (ii) A request to insert an additional paragraph urgently requesting all governments to make the greatest possible efforts, based in particular on the documentation to be provided, to search for prisoners of war whose absence has been reported and who might be in their territories.

An oral sub-amendment to the first French amendment was proposed by the representative of *Greece*, and accepted by the representative of France, to replace the word "appointed" by the word "chosen" in the text of paragraph 3 submitted by France.

(b) By *Lebanon*. An oral amendment was proposed to paragraph 3 of the operative part which would provide that the commission would not function before 30 April 1951.

12. At the 344th meeting, held on 11 December 1950, the representative of the Secretary-General read to the Third Committee two cables from the League of Red Cross Societies and from the International Committee of the Red Cross. The International Committee of the Red Cross stated that it could only accept a mandate from the General Assembly if all the interested governments agreed to the draft resolution drawn up by the Third Committee. The League of Red Cross Societies stated that the question of prisoners of war was one of the essential prerogatives of the International Committee of the Red Cross. At the request of the representative of Syria, copies of these cables were distributed (A/C.3/555). As a consequence, the representative of India withdrew the amendment concerning the establishment of the commission by the International Red Cross, which her delegation had proposed jointly with the delegation of Iraq.

13. At the same meeting the representative of the Secretary-General pointed out the practical difficulties which would arise if the approval of the General Assembly were to be necessary for the appointment of the members to the proposed commission on prisoners of war, as suggested by the representative of Afghanistan. In view of this statement, the amendment was withdrawn.

14. At its 345th meeting, the Committee proceeded to vote on the amendments which had been maintained by their sponsors. Several had been withdrawn in view of the second revision of the joint draft resolution of Australia, the United Kingdom and the United States of America and of the French amendment thereto. This latter amendment was accepted by the sponsors of the joint draft resolution with slight changes in wording. The representative of Afghanistan pointed out that he understood that the title which he had proposed, and which had been accepted by the sponsors of the joint draft resolution, would be retained as the title of the resolution.

15. The draft resolution and the amendments to it were voted on in the following order :

(i) The *amendment submitted by India and Iraq* (A/C.3/L.149, point 1), to delete from the fourth paragraph of the preamble the words " and by specific agreement between the Allied Powers " was rejected by 24 votes to 11, with 15 abstentions.

(ii) The *preamble as a whole* was adopted by 42 votes to 5, with 7 abstentions;

(iii) The *Iraqi amendment* to the last phrase of paragraph 1 of the operative part was rejected by 19 votes to 13, with 19 abstentions;

(iv) The *Iraqi amendment* to substitute the word " five " for the word " three " in the French amendment as the number of members of the Commission was rejected by 18 votes to 14, with 21 abstentions;

(v) The *Iraqi amendment* to delete the phrase " or, failing that, by the Secretary-General himself " was rejected by 31 votes to 12, with 7 abstentions;

(vi) The *last phrase of sub-paragraph (d) of paragraph 3*, beginning with the words " and to grant right... " which was voted on separately at the request of the representative of Argentina, was adopted by 38 votes to 6, with 9 abstentions.

(vii) *Paragraph 3 of the operative part* as a whole, as amended, was adopted by 37 votes to 5, with 13 abstentions. The vote, which was taken by roll-call at the request of the representative of Syria, was as follows :

In favour : Argentina, Australia, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Honduras, Iran, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yemen.

Against : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstentions : Afghanistan, Belgium, Guatemala, India, Iraq, Lebanon, Luxembourg, Mexico, Netherlands, Saudi Arabia, Syria, Venezuela, Yugoslavia.

(viii) Point 2 of the French amendment (A/C.3/L.152) which was a proposal for the insertion of an additional paragraph, as amended by France, was adopted by 45 votes to 5, with 4 abstentions.

16. The *draft resolution as a whole*, as amended, was adopted by 43 votes to 5, with 8 abstentions.

17. The Third Committee therefore recommends to the General Assembly the adoption of the following resolution :

MEASURES FOR THE PEACEFUL SOLUTION OF THE PROBLEM OF PRISONERS OF WAR

The General Assembly,

Mindful that one of the principal purposes of the United Nations is to achieve international co-operation in solving international problems of a humanitarian character and in promoting and encouraging respect for human rights and fundamental freedoms for all,

Considering that the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations,

Believing that all prisoners having originally come within the control of the Allied Powers as a consequence of the Second World War should either have been repatriated long since or have been otherwise accounted for,

Recalling that this is required both by recognized standards of international conduct and the Geneva Convention of 1949 for the protection of war victims, and by specific agreements between the Allied Powers,

1. *Expresses* its concern at the information presented to it tending to show that large numbers of prisoners taken in the course of the Second World War have neither been repatriated nor otherwise accounted for;

2. *Calls upon* all governments still having control of such persons to act in conformity with the recognized standards of international conduct and with the above-mentioned international agreements and conventions which require that, upon the cessation of active hostilities, all prisoners should, with the least possible delay, be given an unrestricted opportunity of repatriation and,

to that end, to publish and transmit to the Secretary-General of the United Nations before 30 April 1951 :

(a) The names of such prisoners still held by them, the reasons for which they are still detained and the places in which they are detained;

(b) The names of prisoners who have died while under their control as well as the date and cause of death, and the manner and place of burial in each case;

3. *Requests* the Secretary-General to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross or, failing that, by the Secretary-General himself, with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned. The Commission shall convene at a suitable date after 30 April 1951 to examine and evaluate, in the light of the information made available to the fifth session of the General Assembly, the information furnished by governments in accordance with the terms of the preceding paragraph. In the event that the Commission considers that this information is inadequate or affords reasonable ground for believing that prisoners coming within the custody or control of any foreign government as a consequence of military operations of the Second World War have not been repatriated or otherwise accounted for, the General Assembly :

(a) Requests the Commission to seek from the governments or authorities concerned full information regarding such prisoners;

(b) Requests the Commission to assist all governments and authorities who so desire in arranging for and facilitating the repatriation of such prisoners;

(c) Authorizes the Commission to use the good offices of any qualified and impartial person or organization whom it considers might contribute to the repatriation or accounting for of such prisoners;

(d) Urges all governments and authorities concerned to co-operate fully with the Commission, to supply all necessary information and to grant right of access to their respective countries and to areas in which such prisoners are detained;

(e) Requests the Secretary-General to furnish the Commission with the staff and facilities necessary for the effective accomplishment of its task;

4. *Urgently requests* all the governments to make the greatest possible efforts, based in particular on the documentation to be provided, to search for prisoners of war whose absence has been reported and who might be in their territories;

5. *Directs* the Commission to report as soon as practicable the results of its work to the Secretary-General for transmission to the Members of the United Nations.

DOCUMENT A/1686

Financial implications of the draft resolution proposed by the Third Committee (A/1690) : fortieth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[13 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/444) on the financial implications of the draft resolution proposed by the Third Committee (A/1690).

2. Under the terms of paragraph 3 of the proposed resolution, the Secretary-General is requested "to establish an *Ad Hoc* Commission composed of three qualified and impartial persons chosen by the International Red Cross or, failing that, by the Secretary-General himself, with a view to settling the question of the prisoners of war in a purely humanitarian spirit and on terms acceptable to all the governments concerned".

3. The estimate submitted by the Secretary-General in respect of the year 1951 includes provision for the payment of fees in addition to travelling and subsistence expenses. The Advisory Committee considers, however, that the principles originally laid down in General Assembly resolution 231 I (III) of 8 October 1948, and reaffirmed in resolution 459 V concerning subsistence allowances for members of commissions, committees and other

subsidiary bodies which was adopted by the General Assembly on 1 December 1950, preclude the payment of fees to the members of such a commission. The Committee also considers that the proposal, if adopted, would establish a further undesirable precedent for the United Nations and a situation likely to create difficulties for the International Red Cross; and that, in any case, no difficulty need be anticipated in securing the services of qualified and impartial persons willing to serve, as a matter of honour and obligation, on the *Ad Hoc* Commission on the normal terms approved by the General Assembly for expert bodies of the United Nations.

4. On this basis, the Advisory Committee recommends that the proposed provision for fees should be deleted and that, instead, the rate of daily subsistence allowance should be raised from \$ US 12.50 to \$ US 25.00 at headquarters and \$ US 20.00 in the field. The total of the remaining items can, in the nature of the case, only be a rough estimate, and the Committee recommends therefore an appropriation of \$ US 35,000 under section 1 of the 1951 budget estimates. This represents a reduction of \$ US 10,000 on the figure submitted.

DOCUMENT A/1718

Financial implications of the draft resolution proposed by the Third Committee (A/1690) : report of the Fifth Committee

[Original text : English]
[13 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly, the Fifth Committee, at its 282nd meeting, held on 13 December 1950, considered the financial implications of the draft resolution proposed by the Third Committee regarding the complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory. The Fifth Committee noted that, under the terms of the draft resolution, the Secretary-General was requested to establish an *ad hoc* commission composed of three qualified and impartial individuals chosen by the International Red Cross or, failing that, by the Secretary-General himself, to perform the functions enumerated in paragraph 3 of the draft resolution.

2. The Committee had before it estimates submitted by the Secretary-General (A/C.5/444) together with the observations thereon by the Advisory Committee on Administrative and Budgetary Questions as set forth in its fortieth report of 1950 (A/1686).

3. The Secretary-General pointed out that no basis existed for an accurate estimation of costs. He believed, however, that expenditure would amount to approximately \$ US 45,000, which sum included provision for the payment of fees in addition to travelling and subsistence expenses of the members of the *ad hoc* commission. The view was expressed by the Advisory Committee that the principles originally laid down in General Assembly resolution 231 I (III) of 8 October 1948 and reaffirmed in resolution 459 (V) adopted by the General Assembly on 1 December 1950 precluded the payment of fees to members of such a commission. The Advisory Committee further considered that such payment would create an undesirable precedent and that, in any case, no difficulty need be anticipated in securing the services of qualified and impartial persons willing to serve as a matter of honour and obligation on the terms approved by the General Assembly for expert bodies of the United Nations. On this basis, it recommended that no provision should be made for payment of fees and that, instead, the rate of daily subsistence allowance should be raised from

\$ US 12.50 to \$ US 25.00 at headquarters and \$ US 20.00 in the field. Accordingly, the Advisory Committee recommended that provision should be made under section 1 of the 1951 budget estimates in the amount of \$ US 35,000, representing a reduction of \$ US 10,000 on the estimate submitted by the Secretary-General.

4. In the course of discussion of the Advisory Committee's recommendations, several delegations felt obliged to support, in principle, the payment of fees in the case of the proposed *ad hoc* commission, having regard to decisions taken by the General Assembly and by the Fifth Committee with respect to certain other expert bodies. Other delegations, however, agreed with the Advisory Committee and suggested that persons appointed to the *ad hoc* commission should not be regarded as experts within the meaning of General Assembly resolution 231 I (III). Still other delegations felt that the policy regarding remuneration of experts required re-examination. The representative of France requested that, in future, the Secretary-General should furnish an annex to the budget document giving full details of payments made to members of various expert bodies.

5. The representative of the Union of Soviet Socialist Republics explained that his delegation had clearly stated its position in the Third Committee, maintaining that the proposal was submitted only for purposes of propaganda. He was therefore opposed to the appropriation of funds for carrying out the draft resolution of the Third Committee. A proposal in that regard was rejected by 25 votes to 4, with 4 abstentions.

6. The Fifth Committee thereupon approved the recommendation of the Advisory Committee by 24 votes to 4, with 5 abstentions.

7. The Fifth Committee therefore decided to inform the General Assembly that adoption of the draft resolution of the Third Committee would require budgetary provision to be made in 1951 in the amount of \$ US 35,000 (\$ US 30,000 under section 1 and \$ US 5,000, for printing, under section 25).

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1327	Telegram dated 20 August 1950 addressed to the Secretary-General by the delegations of Australia, the United Kingdom of Great Britain and Northern Ireland and the United States of America		Mimeographed document only.

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Agenda item 68 : United action for peace

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DOCUMENT A/1373

Letter, dated 20 September 1950, from the head of the United States delegation to the Secretary-General

[Original text : English]
[20 September 1950]

On behalf of the Government of the United States I request that the following items should be included in the agenda of the fifth session of the General Assembly :

- “ United action for peace ”
- “ The question of Formosa ».

Explanatory memoranda on both items will be submitted shortly.

(Signed) Dean ACHESON,
Head of the United States delegation
to the General Assembly

DOCUMENT A/1377

Note, dated 20 September 1950, from the head of the United States delegation to the Secretary-General transmitting an explanatory memorandum on the item “ United action for peace ” submitted by the United States for inclusion in the agenda of the fifth session of the General Assembly

[Original text : English]
[20 September 1950]

The head of the United States delegation to the fifth session of the General Assembly of the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the item entitled “ United action for peace ” submitted by the United States for inclusion in the agenda of the fifth session of the United Nations General Assembly. In accordance with rule 20 of the rules of procedure, copies of an explanatory memorandum on this item are attached.

EXPLANATORY MEMORANDUM

1. The Charter gives the General Assembly important functions to perform in the field of international peace and security, including the right to discuss any question relating to this field and the right to make recommendations. The experience of the United Nations in the five years since the Charter came into force has demonstrated the value of the Assembly's role. In the view of the United States, the Assembly's contribution can be enhanced both with respect to the avoidance of conflicts and with respect to the restoration of peace if need arises.

2. The General Assembly should be enabled to meet on very short notice, in case of any breach of international peace or act of aggression, if the Security Council, because of lack of unanimity of the permanent members, is unable to discharge its primary responsibility for the maintenance of peace and security. To this end, the United States proposes that the Assembly should make provision for emergency special sessions to be convoked in twenty-four hours at the request of either a majority of United Nations Members or any seven members of the Security Council.

3. The United Nations found it most helpful to have

in Korea a commission which could and did report authoritatively on the events of June 1950 in that country. The United States believes that the Assembly should now establish and maintain in being a commission of observers available to travel and to observe in any area in which international tension develops; the reports from such a commission would provide reliable information to the United Nations as a basis for the consideration of problems by the Security Council or the General Assembly.

4. United Nations military forces, pursuant to Article 43 of the Charter, have not yet been established. In this important respect the structure and machinery of the United Nations are incomplete. To fill the gap, pending the conclusion of agreements in accordance with Article 43, the United States believes that the General Assembly should recommend to the Members of the United Nations that they designate within their national armed forces United Nations units so trained, equipped and maintained, that they can be made available for prompt service on behalf of the United Nations upon either a determination by the Security Council or a recommendation of the General Assembly. The United States favours also the appointment of a United Nations military adviser to consult with Members wishing to designate United Nations units in regard to the organization, training and equipping of such forces. The United States believes that each Member should be invited by the Assembly to survey its resources in order to determine what assistance it could render in accordance with any United Nations action to restore international peace and security.

5. To assist in making these planning measures effective, the General Assembly should establish an *ad*

hoc committee to study the means which the United Nations might employ through collective action to suppress breaches of the peace and repel acts of aggression.

6. In conclusion, it should be emphasized that these proposals have the primary aim of preventing breaches of

the peace and deterring acts of aggression and thereby minimizing the necessity of resorting to measures for the restoration of international peace and security. The purpose of the United States proposals is to give maximum effectiveness to United Nations efforts in keeping the peace.

DOCUMENT A/C.1/575

Chile : draft resolution

[Original text : Spanish]
[5 October 1950]

The General Assembly,

Considering that the Preamble of the Charter of the United Nations affirms that the peoples of the United Nations are determined "to unite their strength to maintain international peace and security, and to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest",

Considering that the events of recent years and the abusive use which has been made of the rule of unanimity established by Article 27 of the Charter in respect of decisions of the Security Council make it essential to take steps to enable the United Nations to fulfil its primary purpose of ensuring the maintenance of international peace or re-establishing international peace when any act of aggression has occurred,

Considering that it is therefore necessary to unite all efforts which may contribute to the strengthening of the system of collective security created by the Charter, by means of improved and closer collaboration between all peace-loving nations,

Considering that democracy and peace are obviously indivisible and that a democracy is based essentially on the representative character of its government, respect for human rights and fundamental freedoms, and on the principles which each people freely adopts for its own organization,

Considering that in the words of the Charter the creation of conditions of stability and well-being are necessary for peaceful and friendly relations among nations, that these can only be achieved by higher standards of living, full employment for all, and conditions of economic and social progress and development; and that the economic and social conditions at present prevailing in most of the nations and regions of the world, particularly in the under-developed areas, are a factor making for the internal instability of the nations, prejudice the existence of democratic governments and create a suitable atmosphere for direct or indirect aggression,

Considering that in consequence a grave responsibility lies upon all Members to secure the rapid establishment of these conditions of stability and well-being which can only be achieved by urgent and effective collective action,

Considering that it is the duty of the United Nations and of its most representative and democratic organ, the General Assembly, to secure faithful observance of the principles, objectives and purposes of the United Nations,

Considering that under Articles 10, 11, 13 and 14 of the Charter, the General Assembly has broad powers to consider, discuss and make recommendations on any questions or matters within the scope of the Charter, most of which relate to the maintenance of international peace and security, as the fundamental purpose of the United Nations,

Considering that in order to accomplish the purposes laid down in the Charter in these matters, and in all matters relating to the development of friendly relations between the nations and the co-ordination of their efforts to this end, it is essential that the United Nations should be equipped with instruments enabling it to fulfil the functions laid down in the Charter,

1. *Invites* Member States to give consideration to the adoption of a solemn pact in which they would undertake *inter alia* :

(a) To co-ordinate and unify their efforts and resources, including their armed forces, in order to ensure that organs of the United Nations are able to react effectively and rapidly to any threat to the peace, act of direct or indirect aggression or other breach of the peace;

(b) To observe and give assistance in the observance of all important Security Council and General Assembly resolutions concerning the maintenance of peace and security;

(c) To respect and cause to be respected, within the framework of the United Nations, the individual liberties and fundamental human rights;

(d) To co-ordinate their material, human and technical efforts and resources with a view to carrying out a comprehensive programme for the achievement of economic stability throughout the world, primarily by means of the economic development of the under-developed countries and regions; and with this purpose in view to carry out and assist in carrying out all important recommendations of the General Assembly and the Economic and Social Council directed towards these ends;

2. *Authorizes* the Interim Committee :

(a) To investigate any matter relating to the maintenance of international peace and security submitted for its consideration by a Member of the United Nations, or, in conformity with Article 35, paragraph 2, of the Charter, by a State which is not a member, provided the Committee has decided that the matter is important. If after study and investigation the Committee concludes that the General Assembly should be convened, the Secretary-General will be notified forthwith. If the matter brought to its attention is such as to require measures of the greatest possible urgency, the Committee may, in addition to notifying the Secretary-General, recommend the State or States concerned to take any provisional steps considered essential. All decisions of the Interim Committee in this respect shall require a two-thirds majority of the Members present and voting;

(b) To give consideration to the co-ordination of the resources, including the armed forces, of the Members of the United Nations in such a way as to enable the United Nations in any case arising to take whatever collective action consistent with the principles of the

Charter is necessary to give effect to the decisions or recommendations of United Nations organs, in particular those relating to the maintenance of international peace and security. Decisions in this respect shall require a two-thirds majority of the Members present and voting. For the purposes of this paragraph the Interim Committee may, by a simple majority of its members present and voting, appoint any working committees which it may deem expedient for the discharge of these duties;

3. *Resolves* that if the Security Council fails to exercise effectively its duty to take action in any case of direct or indirect aggression or any other breach of international peace, the General Assembly may give immediate consideration to the case and recommend all such measures as it may deem appropriate for the purpose of putting an end to the situation;

For this purpose the General Assembly may be convened, subject to only twenty-four hours notice to States Members, at the request of the Interim Committee of the General Assembly or of seven members of the Security Council, no distinction being made between permanent and non-permanent members.

DOCUMENT A/C.1/576

Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay : joint draft resolution

[Original text : English]
[7 October 1950]

The General Assembly,

Recognizing that the first Purpose of the United Nations is : " To maintain international peace and security, and to that end : to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace ",

Finding that international tension exists on a dangerous scale,

Recalling its resolution 290 (IV) entitled " Essentials of peace ", and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council and desiring to ensure that, pending the conclusion of such agreements, the United Nations have at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to United Nations Members for collective action which, to be effective, should be prompt,

A

1. *Resolves* that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall

consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including when necessary the use of armed force, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by seven members of the Security Council;

2. *Adopts* for this purpose the revisions in its rules of procedure set forth in the annex to this resolution;

B

3. *Establishes* a Peace Observation Commission, which for the calendar years 1951 and 1952 shall be composed of representatives of (9-14 Members), and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made upon the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

4. The Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions;

5. *Recommends* to all governments and authorities that they cooperate with the Commission and assist it in the performance of its functions;

6. *Requests* the Secretary-General to provide the necessary staff and facilities, utilizing where directed by the Commission the United Nations panel of field observers envisaged in resolution 297 B (IV);

C

7. *Invites* each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or the General Assembly for the restoration of international peace and security;

8. *Recommends* to the Members of the United Nations that each Member maintain within its national armed forces elements so trained and organized that they could promptly be made available for service as a United Nations unit or units, upon recommendation by the Security Council or General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;

9. *Requests* the Secretary-General to appoint, with the approval of the Committee provided for in paragraph 10, a panel of military experts who could be made available upon request of Member States which wish to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8,

D

10. *Establishes* a Collective Measures Committee consisting of representatives of (10-14 Members) and directs the Committee, in consultation with the Secretary-General, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods which might be used and resources, including armed force, which are or might be made available to the United Nations in order to maintain international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter),

11. *Requests* the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in parts C and D of this resolution.

ANNEX TO DRAFT RESOLUTION

The rules of procedure of the General Assembly are amended in the following respects :

1. The present text of rule 8 shall become paragraph (a) of that rule, and a new paragraph (b) shall be added to read as follows :

“ Emergency special sessions pursuant to resolution 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General or a request for such a session from the Security Council or any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9. ”

2. The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows :

“ This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377 A (V). In such a case the Secretary-General shall communicate with other Members by the most expeditious means of communication available. ”

3. Rule 10 is amended by adding at the end thereof the following :

“ In the case of an emergency special session convened pursuant to rule 8 (b), the Secretary-General shall notify

the Members of the United Nations at least twelve hours in advance of the opening of the session.”

4. Rule 16 is amended by adding at the end thereof the following :

“ The provisional agenda of an emergency special session shall be communicated to the Members of the United Nations simultaneously with the communication summoning the session. ”

5. Rule 19 is amended by adding at the end thereof the following :

“ During an emergency special session additional items may be added to the agenda by a two-

thirds majority of the Members present and voting. ”

6. There is added a new rule to precede rule 65 to read as follows :

“ Notwithstanding the provisions of any other rule and unless the Assembly decides otherwise, in case of an emergency special session the Assembly shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other Committee; the President and Vice-Presidents for such emergency special session shall be, respectively, the heads of those delegations from which were elected the President and Vice-Presidents of the previous session. ”

DOCUMENT A/C.1/576/Rev.1

Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay : joint draft resolution

[Original text : English]
[14 October 1950]

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are :

“ To maintain international peace and security, and to that end : to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace ” and

“ To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace »,

Finding that international tension exists on a dangerous scale,

Recalling its resolution 290 (IV) entitled “ Essentials of peace ”, which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council and desiring to ensure that, pending the conclusion of such agreements, the United Nations have at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendation by the General Assembly to United Nations Members for collective action which, to be effective, should be prompt,

A

1. *Resolves* that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force, when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the

Security Council on the vote of any seven members or by a majority of the Members of the United Nations ;

2. *Adopts* for this purpose the revisions in its rules of procedure set forth in the annex to this resolution ;

B

3. *Establishes* a Peace Observation Commission, which for the calendar years 1951 and 1952 shall be composed of representatives of (9-14 Members), and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made upon the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter ;

4. The Commission shall have authority in its discretion to appoint sub-commissions and to utilize the services of observers to assist it in the performance of its functions ;

5. *Recommends* to all governments and authorities that they cooperate with the Commission and assist it in the performance of its functions ;

6. *Requests* the Secretary General to provide the necessary staff and facilities, utilizing where directed by the Commission the United Nations panel of field observers envisaged in resolution 297 B (IV) ;

C

7. *Invites* each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or the General Assembly for the restoration of international peace and security ;

8. *Recommends* to the Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized, and equipped that they could promptly be made available, in accordance with their respective constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter ;

9. *Invites* the Members of the United Nations to inform the Collective Measures Committee as soon as possible of the measures taken in implementation of the preceding paragraph ;

10. *Requests* the Secretary-General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available upon request of Member States which wish to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8 ;

D

11. *Establishes* a Collective Measures Committee consisting of representatives of (10-14 Members) and directs the Committee, in consultation with the Secretary-General and with Member States as the Committee finds appropriate, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those of part C of this resolution, which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter) ;

12. *Recommends* to all Members that they co-operate with the Committee and assist it in the performance of its functions ;

13. *Requests* the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in parts C and D of this resolution ;

E

14. *The General Assembly*, in adopting the proposals set forth above, is fully conscious that enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the principles and purposes established in the Charter of the United Nations, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries ; and accordingly

15. *Urges* Member States to respect fully, and to intensify joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of underdeveloped countries and areas.

ANNEX TO DRAFT RESOLUTION

The rules of procedure of the General Assembly are amended in the following respects :

1. The present text of rule 8 shall become paragraph (a)

of that rule, and a new paragraph (b) shall be added to read as follows :

“ Emergency special session pursuant to resolu-

tion 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council on the vote of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9."

2. The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows :

" This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377 A (V). In such a case the Secretary-General shall communicate with other Members by the most expeditious means of communication available. "

3. Rule 10 is amended by adding at the end thereof the following :

" In the case of an emergency special session convened pursuant to rule 8 (b), the Secretary-General shall notify the Members of the United Nations at least twelve hours in advance of the opening of the session. "

4. Rule 16 is amended by adding at the end thereof the following :

" The provisional agenda of an emergency special session shall be communicated to the Members of the United Nations simultaneously with the communication summoning the session. "

5. Rule 19 is amended by adding at the end thereof the following :

" During an emergency special session additional items concerning the matters dealt with in resolution 377 A (V) may be added to the agenda by a two-thirds majority of the Members present and voting. "

6. There is added a new rule to precede rule 65 to read as follows :

" Notwithstanding the provisions of any other rule and unless the Assembly decides otherwise, in case of an emergency special session the Assembly shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other Committee; the President and Vice-Presidents for such emergency special session shall be, respectively, the heads of those delegations from which were elected the President and Vice-Presidents of the previous session. "

DOCUMENT A/C.1/578

Lebanon : amendments to the joint draft resolution of Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/576)

[Original text : French]
[10 October 1950]

1. Amend the first line of the first paragraph of the preamble to the draft resolution (A/C.1/576) to read as follows :

" Recognizing that the essential purposes of the United Nations are... "

2. Add, after the first paragraph of the preamble to the draft resolution, a new paragraph as follows :

" To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace "

3. Amend and expand the third paragraph of the preamble to the draft resolution to read as follows :

" Recalling its resolution 290 (IV) entitled " Essentials of peace ", which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension,

" Considering that the observance of those principles involves the duty on the part of Member States to implement the resolutions adopted by the Security Council and the General Assembly with a view to the maintenance of international peace and security and the achievement of the purposes of the United Nations, "...

4. Supplement paragraph 1 of the operative part of the draft resolution to read as follows :

" Resolves that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including when necessary the use of armed force, to maintain or restore international peace and security, with due regard to the provisions regarding regional arrangements (Articles 52 and 53 of the Charter). "...

The rest of the paragraph remains unchanged.

5. Amend paragraph 10 of the operative part of the draft resolution to read as follows :

" Establishes a Collective Measures Committee consisting of representatives of (10-14 Members) and directs the Committee, in consultation with the Secretary-General, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods which might be used

and resources, including armed forces, which are or might be made available to the United Nations in order to enable the Organization, if need arises, to take any collective measure compatible with the principles of the Charter deemed necessary to give effect

to the resolutions of the Security Council and the General Assembly, in particular those concerning the maintenance of international peace and security, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter). ”

DOCUMENT A/C.1/581

Egypt : amendments to the joint draft resolution of Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/576)

[Original text : English]
[11 October 1950]

1. *Part C :*

In paragraph 8, after the words “ so trained and organized ” add the following “ and so equipped ”...

2. *Part D :*

(a) In paragraph 10, after the words “ the Secretary-General ” insert the words “ and each State directly concerned ”...

(b) Add to paragraph 10 a new passage reading as follows :

“ With a view to raising the general standard of preparedness against any possible aggression, the Com-

mittee shall, in discharging its duties, give priority to the equipment of the national forces of Member States situated in sensitive areas and which are comparatively under-equipped ”.

3. *Part B :*

Delete paragraph 5 and add a new paragraph as follows at the end of the draft resolution :

“ *Recommends* to all governments and authorities that they co-operate with the Peace Observation Commission and the Collective Measures Committee and assist them in the performance of their functions ”.

DOCUMENT A/C.1/582

Yugoslavia : amendments to the joint draft resolution of Canada, France, Philippines, Turkey, United Kingdom United States of America and Uruguay (A/C.1/576)

[Original text : French]
[12 October 1950]

1. Insert the following new paragraph after the first paragraph of the preamble :

“ *Recognizing*, on the one hand, that the Charter does not authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State and, on the other hand, that every activity of the United Nations should be based on respect for the principle of equal rights and self-determination of peoples, and that consequently every

measure of collective security should be in harmony with these principles; ”

2. In Section A, paragraph 1, add the words “ in case of an act of aggression ” after the word “ including ”.

3. In paragraph 5 of the annex, add the words “ concerning the matter dealt with in resolution 377 A (V) ” after the word “ items ”.

DOCUMENT A/C.1/583

Union of Soviet Socialist Republics : amendments to the joint draft resolution of Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/576)

[Original text : Russian]
[13 October 1950]

I

1. *Preamble :* Delete the third paragraph.

2. *Preamble :* Fourth paragraph, delete the words and to exercise restraint in the use of the veto ”.

3. *Preamble :* Fifth paragraph, delete the words “ and desiring to ensure that, pending the conclusion of such agreements, the United Nations have at its disposal means for maintaining international peace and security ” and replace them by the words « and taking into account the obligation to implement Article 106 of the Charter ”.

4. *Preamble*: Delete the sixth, seventh and eighth paragraphs.

5. *Section A*: Paragraph 1, delete the words “to making appropriate recommendations to Members for collective measures, including, when necessary, the use of armed force” and replace them by the words “to making appropriate recommendations whereby any such matter, in respect of which action must be taken, shall be referred, in accordance with Article 11 of the Charter, by the General Assembly to the Security Council before or after discussion”.

6. *Section A*: Paragraph 1, delete the words “within twenty-four hours” and replace them by the words “within two weeks”.

7. *Section A*: Paragraph 1, replace the words “if requested by seven members of the Security Council” by the words “if requested by the majority of the Members of the United Nations or by the Security Council”.

8. *Section B*: Paragraph 3, replace the words “shall be composed of representatives of (9-14 Members)” by the words “shall be of a representative character and shall be composed of representatives of 9-14 Members of the United Nations including all the permanent members of the Security Council”.

9. *Section B*: Paragraph 3, delete the words “or the Interim Committee when the Assembly is not in session”.

10. *Section B*: Paragraph 6, delete the words “utilizing where directed by the Commission the United Nations panel of field observers envisaged in resolution 297 B (IV)”.

11. *Section C*: Delete paragraphs 7, 8, and 9.

12. *Section D*: Delete paragraphs 10 and 11.

II

Amendments to the rules of procedure of the General Assembly (annex to A/C.1/576)

1. Rule 8, paragraph (b): replace the words “twenty-four hours” by the words “two weeks”; delete the words “of any seven members thereof” and the words “expressed by vote in the Interim Committee or otherwise”.

2. Rule 10, replace the words “twelve hours” by the words “two weeks”.

DOCUMENT A/C.1/584

Israel: amendments to the joint draft resolution of Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/576)

[Original text: English]
[13 October 1950]

1. *Preamble*: Insert between the first and second paragraphs the following: “Reaffirming that it remains the primary duty of all Members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions.”

2. *Preamble*: Present fifth paragraph, insert after the word “agreements” “and in case the five permanent members of the Security Council have failed to develop procedures for the taking of joint action as envisaged in Article 106 of the Charter.”

3. *Section A*: Substitute for the first sentence of

paragraph 1 the following: “Resolves that if the Security Council because of lack of unanimity of the permanent members fails—in the exercise of its primary responsibility for the maintenance of international peace and security—to determine the existence of a breach of the peace or act of aggression, or to adopt a cease-fire resolution and to secure its implementation, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members, including when necessary the use of armed force, to maintain or restore international peace and security.”
Omit the third sentence.

4. *Section B*: Line 7, delete: “... or the Interim Committee when the Assembly is not in session”.

DOCUMENT A/C.1/585

Iraq and Syria: joint draft resolution

[Original text: English]
[13 October 1950]

The General Assembly,

Recognizing that the primary function of the United Nations is to promote peace and security throughout the world,

Recognizing the responsibility of all Member States in

promoting the cause of peace, primarily by negotiation, mediation and conciliation,

Recognizing that the Charter charges the permanent members of the Security Council with the primary responsibility for maintaining world peace,

Attributing the present crisis in the United Nations and the world at large mainly to the failure of the permanent members of the Security Council to reach an understanding and agreement on some fundamental world affairs,

Recommends to the Governments of France, the United Kingdom, the United States of America, and the Union of Soviet Socialist Republics :

(a) To meet during this fifth session of the General

Assembly and discuss afresh the outstanding problems which threaten world peace and cripple the United Nations, with the view to their resolving fundamental differences and reaching agreement in accordance with the spirit of the Charter;

(b) To report the results of their discussions and negotiations to the General Assembly not later than 15 November 1950.

DOCUMENT A/C.1/585/Rev.1

Iraq and Syria : revised joint draft resolution

[Original text : English]
[20 October 1950]

The General Assembly,

Recognizing that the primary function of the United Nations is to promote peace and security throughout the world,

Recognizing the responsibility of all Member States in promoting the cause of peace, primarily by negotiation, mediation and conciliation,

Recognizing that the Charter charges the permanent members of the Security Council with the primary responsibility for maintaining world peace,

Recommends to the permanent members of the Security Council that they meet and discuss individually or collectively and with other nations concerned, the outstanding problems which threaten world peace and paralyse the United Nations with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit of the Charter;

Requests that they report to the General Assembly, during this fifth session, any prospective progress in their discussions and negotiations which might be of interest to the Assembly, or might contribute to world peace and security.

DOCUMENT A/C.1/586/Rev.1

Union of Soviet Socialist Republics : revised amendments to the revised joint draft resolution of Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/576/Rev.1)

[Original text : Russian]
[18 October 1950]

1. *Preamble* : Delete the fourth paragraph.
2. *Preamble* : Fifth paragraph, delete the words " and to exercise restraint in the use of the veto ".
3. *Preamble* : Paragraph 6, delete the words " and desiring to ensure that, pending the conclusion of such agreements, the United Nations have at its disposal means for maintaining international peace and security, " and replace them by the words " and taking into account the obligation to implement Article 106 of the Charter ".
4. *Preamble* : Delete the seventh, eighth and ninth paragraphs.
5. *Section A* : Paragraph 1, delete the words " to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force, when necessary, to maintain or restore international peace and security " and replace them by the words

" to making appropriate recommendations to maintain or restore international peace and security, it being understood that any such question on which action is necessary, shall, in accordance with Article 11 of the Charter, be referred to the Security Council by the General Assembly either before or after discussion. "

6. *Section A* : Paragraph 1, delete the words " within twenty-four hours " and replace them by the words " within ten days ".

7. *Section A* : Paragraph 1, delete the words " on the vote of any seven members ".

8. *Section B* : Paragraph 3, delete the words " shall be composed of representatives of (9-14 Members) " and replace by the words " shall be of a representative character and shall be composed of representatives of the following fourteen Members of the United Nations : Czechoslovakia, France, the People's Republic of China,

the Union of Soviet Socialist Republics, the United Kingdom, the United States of America, ...”

9. *Section B* : Paragraph 3, delete the words “ or the Interim Committee when the Assembly is not in session ”.

10. *Section B* : Paragraph 6, delete the words “ utilizing where directed by the Commission the United Nations panel of field observers envisaged in resolution 297 B (IV) ”.

11. *Section C* : Delete paragraphs 7, 8, 9, 10.

12. *Section D* : Delete paragraphs 11, 12, 13.

II

Amendments to the rules of procedure of the General Assembly (annex to A/C.1/576/Rev.1)

1. Rule 8, paragraph (b) : replace the words “ twenty-four hours ” by the words “ ten days ”; delete the words “ on the vote of any seven members thereof ” and the words “ expressed by vote in the Interim Committee or otherwise ”.

2. Rule 10, replace the words “ at least twelve hours ” by the words “ ten days ”.

DOCUMENT A/C.5/388

Financial implication of the draft resolution proposed by the First Committee (A/C.1/592) : report by the Secretary-General

[Original text : English]
[24 October 1950]

1. At its 369th meeting on 19 October 1950, the First Committee recommended that the General Assembly should approve a resolution concerning united action for peace (A/C.1/592). This resolution provides for the discharge by the General Assembly of responsibilities under the Charter in regard to the maintenance of international peace and security in, among others, the following ways :

(a) Subject to the terms of paragraph 1, the General Assembly could meet in emergency special session within twenty-four hours of the request therefor, to consider and make recommendations for collective measures in any case where there appeared to be a threat to the peace, breach of the peace, or act of aggression;

(b) A Peace Observation Commission would be established which, for the calendar years 1951 and 1952, would consist of fourteen members and which, subject to the provisions in paragraph 3 of the resolution, would observe and report on the situation in any area where there existed international tension, the continuance of which was likely to endanger the maintenance of international peace and security. The Commission would have authority to appoint sub-commissions and to utilize the services of observers. The Secretary-General would provide necessary staff and facilities, utilizing, where directed by the Commission, the United Nations Panel of Field Observers envisaged in resolution 297 B (IV);

(c) A Collective Measures Committee would be established consisting of fourteen members. This Committee, in consultation with the Secretary-General and with Member States as the Committee found appropriate, would study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those referred to in (d) below, which might be used to maintain and strengthen international peace and security, in accordance with the Charter.

(d) In connexion with the maintenance within national armed forces of elements which could be used collectively, the Secretary-General would appoint, with the approval of the Collective Measures Committee, a panel of military experts who could be made available upon request of Member States which wished to obtain technical advice regarding the organization, training and equipment of those elements for prompt service as United Nations units;

(e) The Secretary-General would furnish the staff and facilities necessary for the effective accomplishment of the purposes mentioned in (c) and (d) above.

The following preliminary estimates of the budgetary consequences of these proposals are submitted to the Fifth Committee for its use in accordance with rule 152 of the rules of procedure of the General Assembly.

A. ESTIMATE OF EXPENDITURES

I. *Emergency special sessions of the General Assembly*

2. If the General Assembly were to meet in emergency special session in 1951, additional expenses would be incurred in respect of travel of representatives, staff and technical servicing, and possibly local transportation. Expenses in the neighbourhood of \$225,000 would be incurred if such a session were held at Flushing Meadow for a period of three weeks.

II. *Activities of Peace Observation Commission*

3. Additional costs in connexion with the activities of the Commission would relate to : (a) expenses of representatives of the Commission and of sub-commissions, subject to the qualifications made below; (b) contractual printing; (c) in the case of meetings held at Headquarters, possible provision for local transportation; (d) provision of field administrative staff and services for sub-com-

missions; (e) travel, salaries and allowances for field observers.

4. It is hoped that substantive staff required to service the Commission or sub-commissions will be found from the normal establishment of the Secretariat and that it will be possible to provide for servicing of meetings held in the New York area within the normal budget.

5. The draft resolution in A/C.1/592 contains no authorization for payment of expenses and *per diem* of representatives of the Commission, nor does it authorize payment of expenses of alternates on the Commission or sub-commissions. For purposes of financial estimate, it is assumed that :

(a) The sub-commissions can be construed as " commissions of inquiry " whose representatives would be entitled to payment of travelling and subsistence expenses under paragraph 2 of resolution 231 (III);

(b) The Commission itself, when meeting away from Headquarters, can also be considered a " commission of inquiry ", since it would meet at the call of the General Assembly, the Interim Committee or the Security Council, in order to " observe and report on the situation in any area " (A/C.1/592, paragraph 3);

(c) In the absence of specific authorization in the resolution, the travelling and subsistence expenses of alternates on the Commission or sub-commissions would not be paid by the United Nations.

6. On the basis of the assumptions stated, any meeting of the Commission for a single week at Headquarters would require expenditures for local transportation (if required) of about \$1,200 and about \$5,000 for contractual printing. A meeting held away from Headquarters would entail expenditures for travel and subsistence of representatives as well as administrative servicing and other miscellaneous costs.

7. The appointment of any sub-commissions in 1951 would entail expenses in connexion with temporary assistance, travel and subsistence of representatives, travel and subsistence of staff, communications, contractual printing and other miscellaneous requirements, including equipment.

8. With respect to the use of field observers, it is assumed that the financial provisions for such observers would be those specified in the report of the Special Committee on a United Nations Guard, which states : " When called into service, the Panel members would receive a daily subsistence allowance, and their Governments would be reimbursed for salaries and family allowances " (A/959¹, annex I).

III. *Technical advice for United Nations military elements*

9. No provision is made in the draft resolution for the payment by United Nations of expenses in connexion with the services of members of the proposed panel of military experts.

10. Extra costs of an indeterminate amount might have to be incurred for staff and related expenses in connexion with central administration of such a technical advice programme.

IV. *Collective Measures Committee*

11. The Committee, consisting of fourteen Member States, would be required to report to the Security Council and the General Assembly by not later than 1 September 1951. No payments by United Nations of expenses of representatives would be required, since the Committee would be composed of Governments. It may be calculated that, if the Committee met at Headquarters for periods approximating fifteen weeks in all, substantive and technical services could be supplied within the normal budget and only the following items would require special financial provisions :

	<i>US dollars</i>
Local transportation (if required)	2,100
Contractual printing (annual estimate)	10,000
TOTAL	12,100

B. METHODS OF FINANCING

12. The Secretary-General would propose that provision be made for the possible financing of any costs arising in 1951 with respect to emergency special sessions of the General Assembly, activities of the Peace Observation Commission, and technical advice for United Nations military elements, under the provisions with respect to unforeseen and extraordinary expenses related to the maintenance of peace and security.

13. With respect to the expenses which can be anticipated in connexion with the establishment of a Collective Measures Committee, the Secretary-General believes that the amounts of \$2,100 and \$10,000, respectively, to cover the costs for local transportation and contractual printing referred to in part IV above, can be met from the normal appropriations for 1951.

¹ See *Official Records of the General Assembly, Fourth Session, Supplement No. 13*, p. 6.

DOCUMENT A/1456

Report of the First Committee

Rapporteur : Mr. Thor THORS (Iceland)

[Original text : English]
[25 October 1950]

1. By a note dated 20 September 1950, addressed to the Secretary-General (A/1373), the United States delegation requested that the item "United action for peace" should be included in the agenda of the fifth session of the General Assembly. An explanatory memorandum (A/1377) outlined four proposals.

2. The General Assembly, at its 285th meeting on 26 September 1950, decided to include this item in its agenda and to refer it to the First Committee for consideration and report.

3. The First Committee considered the question at its 354th to 370th meetings inclusive.

4. The following draft resolutions were submitted :

(a) A draft resolution submitted at the 354th meeting by Chile (A/C.1/575) which, considering the inability of the Security Council to discharge its responsibilities due to the abusive use of the unanimity rule, and the desirability of strengthening the system of collective security, invited the Member States to adopt a pact in which they would undertake *inter alia* : to co-ordinate their resources, including armed forces, in order to ensure that the United Nations organs were able to react effectively and rapidly to any threat to the peace or act of aggression; to observe the resolutions of the Security Council and the General Assembly concerning the maintenance of peace and security; to respect individual liberties and fundamental human rights; and to co-ordinate their economic resources with a view to carrying out a comprehensive programme for the achievement of economic stability throughout the world. To these ends, the General Assembly would authorize the Interim Committee to investigate all questions relating to the maintenance of international peace and security and, in urgent cases, to recommend provisional measures to the States concerned; and to give consideration to the co-ordination of the resources, including armed forces, of the Member States, in order to give effect to the decisions or recommendations of the United Nations organs. It was further stipulated that if the Security Council failed to exercise effectively its duty to take action in any case of aggression, or any other breach of international peace, the General Assembly might consider the case and recommend appropriate measures to put an end to the situation. The General Assembly could be convened, with twenty-four hours' notice, at the request of the Interim Committee or any seven members of the Security Council;

(b) A joint draft resolution submitted at the 354th meeting by Canada, France, Philippines, Turkey, United Kingdom, United States and Uruguay (A/C.1/576), which provided (section A) that, if the Security Council, because of lack of unanimity among the permanent members, failed to exercise its primary responsibility regarding the maintenance of international peace and

security in the case of a threat to the peace, breach of the peace or act of aggression, the General Assembly should immediately consider the matter, in regular or emergency session, and make appropriate recommendations to Members for collective measures, including when necessary the use of armed force. The General Assembly was authorized to meet in emergency special session within twenty-four hours at the request of any seven members of the Security Council. Section B provided for the establishment of a Peace Observation Commission which could observe and report on the situation in any area where there was international tension likely to endanger international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly or the Interim Committee could utilize the Peace Observation Commission if the Security Council was not exercising its functions under the Charter with respect to the matter in question. The Commission was authorized to appoint sub-commissions and to utilize the services of observers. Section C invited Member States to survey their resources in order to determine what assistance they could render in support of any recommendations of the Security Council or the General Assembly for the restoration of international peace and security. It was further recommended that each Member should maintain within its national armed forces elements which could promptly be made available to the United Nations on the recommendation of the Security Council or the General Assembly, without prejudice to the use of such elements for self-defence. It requested the Secretary-General to appoint a panel of military experts which could be placed at the disposal of Member States which desired their technical advice. Section D provided for the establishment of a Collective Measures Committee to study and report to the Security Council and the General Assembly, not later than 1 September 1951, on methods which could be used and resources, including armed forces, which could be made available to the United Nations by Member States for the maintenance of international peace and security;

(c) A draft resolution submitted at the 358th meeting by the Soviet Union (A/C.1/579), which recommended to the Security Council that it should take the necessary steps to ensure that the action provided for under the Charter was taken with respect to threats to the peace or acts of aggression and the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security; and that the Council should devise measures for the earliest application of Articles 43, 45, 46 and 47 of the Charter regarding the placing of armed forces at the disposal of the Council by the Members of the United Nations and the effective functioning of the Military Staff Committee;

(d) A draft resolution presented at the 358th meeting by the Soviet Union (A/C.1/580), which recommended that, before armed forces were placed at the disposal of the Security Council under appropriate agreements concluded in accordance with Article 43 of the Charter, the permanent members of the Security Council should take steps to ensure the necessary implementation of Article 106 of the Charter;

(e) A joint draft resolution submitted by Iraq and Syria at the 363rd meeting (A/C.1/585), which recommended to the Governments of France, the United Kingdom, the United States and the Soviet Union that they should meet during the fifth session of the General Assembly and discuss afresh the outstanding problems threatening world peace and crippling the United Nations, with a view to resolving fundamental differences and reaching agreement in accordance with the spirit of the Charter, and report the results of their discussions to the General Assembly not later than 15 November 1950.

5. The following amendments were presented to the joint seven-Power draft resolution of Canada, France, Philippines, Turkey, United Kingdom, United States and Uruguay (A/C.1/576) :

(a) An amendment by Greece (A/C.1/577), submitted at the 354th meeting, to invite the Members of the United Nations to inform the Secretary-General as soon as possible of measures taken to maintain elements within their armed forces to be made available to the United Nations;

(b) Amendments submitted by Lebanon (A/C.1/578) at the 358th meeting to amend the preamble so as to include the second stated purpose of the United Nations (Article 1, paragraph 2, of the Charter); to recall the text of resolution 290 (IV) (Essentials of peace) relating to the principles of the Charter and to affirm the duty of Member States to implement resolutions adopted by the Security Council and the General Assembly with a view to the maintenance of peace and security; to insert in section A, regarding the recommendation of collective measures by the General Assembly, a safeguard regarding Articles 51 and 52 of the Charter; and to reformulate the statement of objectives in section D;

(c) Amendments submitted by Egypt (A/C.1/581) at the same meeting, to include in section B a recommendation to governments and authorities to co-operate with the Peace Observation Commission and the Collective Measures Committee; to add to section C a stipulation regarding equipment; to provide in section D for consultation by the Collective Measures Committee with States directly concerned; and to provide, also in section D, that the Collective Measures Committee should give priority to the equipment of national forces situated in sensitive areas, and which are comparatively under-equipped;

(d) Amendments submitted by Yugoslavia (A/C.1/582) at the 362nd meeting, to insert in the preamble a reference to Article 2, paragraph 7, of the Charter and to the principle of equal rights and self-determination of peoples; to limit the use of armed force as a collective measure under section A to cases of acts of aggression;

and to confine additional items of an emergency special session to the matters dealt with in the draft resolution;

(e) Amendments submitted by the Soviet Union (A/C.1/583) at the same meeting, to delete from the preamble the third, sixth, seventh and eighth paragraphs, together with the reference to the veto in the fourth paragraph, and to invoke Article 106 of the Charter in place of the second part of the fifth paragraph of the preamble. In section A, paragraph 1, the U.S.S.R. amendments proposed to replace the provision for recommendations for collective measures by a provision for reference to the Security Council in accordance with Article 11 of the Charter; to extend the length of notice for the calling of an emergency special session from twenty-four hours to two weeks; and to authorize the calling of such sessions at the request of the majority of the Members of the United Nations or at the request of the Security Council instead of at the request of seven members of the Council. In section B, paragraph 3, the U.S.S.R. amendments proposed to insert a stipulation that the composition of the Peace Observation Commission should be of a representative character and should include the permanent members of the Security Council, and to delete the authorization to the Interim Committee to make use of the Peace Observation Commission. In section B, paragraph 6, it was proposed to delete the provision for the utilization of the United Nations Panel of Field Observers. It was proposed to delete sections C and D. Lastly, the U.S.S.R. amendment proposed consequential amendments to the rules of procedure contained in the annex to the joint draft resolution.

(f) Amendments submitted by Israel (A/C.1/584) at the same meeting, to insert in the preamble as a second paragraph a reaffirmation of the primary duty of Members to seek settlement of international disputes by peaceful means through the procedures of Chapter VI of the Charter, and to insert in the fifth paragraph a qualification indicating the primacy of Article 106 of the Charter; to stipulate in section A, as the condition of the contemplated recommendations by the General Assembly, that the Security Council should have failed to determine the existence of a breach of the peace or act of aggression or to adopt a cease-fire resolution and to secure its implementation; to delete the third sentence of paragraph 1 of section A; and, in section B, to delete the authorization to the Interim Committee to utilize the Peace Observation Commission.

6. At the 361st meeting, the United States representative, on behalf of the seven sponsors of the joint draft resolution, stated that certain provisions of the Chilean draft resolution and certain of the amendments which had been submitted were acceptable to the sponsors, and that the latter were prepared to submit a revised draft resolution incorporating the changes acceptable to them. At the 363rd meeting a seven-Power revised draft resolution (A/C.1/576/Rev.1) was submitted which incorporated certain parts of the amendments proposed by the delegations of Egypt (A/C.1/581), Greece (A/C.1/577), Lebanon (A/C.1/578) and Yugoslavia (A/C.1/582), and contained a new section (E) which embodied the principles set forth in the Chilean draft (A/C.1/575) concerning

the dependence of genuine peace upon respect for and observance of human rights and fundamental freedoms and the establishment of economic and social well-being for all, particularly through the development of under-developed countries and areas.

7. The following amendments were submitted in respect of the revised joint draft resolution (A/C.1/576/Rev.1) :

(a) Amendments submitted by the Soviet Union (A/C.1/586) at the 363rd meeting, which superseded the previous amendments presented by that delegation (A/C.1/583). These revised amendments proposed, in addition to the proposals described in paragraph 5 (e) above, to delete the new paragraphs 9 and 12 of the revised joint draft resolution. A new text of the U.S.S.R. amendments was presented at the 368th meeting (A/C.1/586/Rev.1) containing, in addition to the earlier amendments, a re-draft of the U.S.S.R. amendment to paragraph 1 of section A to provide for recommendations by the General Assembly to maintain or restore international peace and security, subject to the last sentence of Article 11, paragraph 2, of the Charter. It further provided that emergency sessions of the General Assembly might be convened within ten days, and that the Peace Observation Commission should include Czechoslovakia, France, the People's Republic of China, the Soviet Union, the United Kingdom and the United States among its fourteen members;

(b) An amendment submitted by Egypt (A/C.1/587) at the 365th meeting, to add a new paragraph to section D to provide that the Collective Measures Committee should give particular attention to the degree of preparedness of national armed forces and their various requirements. The earlier amendment by Egypt to the same section (A/C.1/581), point 2 (b) was withdrawn;

(c) An amendment submitted by Lebanon (A/C.1/589) at the 368th meeting, to include among the statement of the conditions of lasting peace in section E, paragraph 14, the implementation of the resolutions of the Security Council and the General Assembly relating to the maintenance of international peace and security.

8. In respect of the U.S.S.R. draft resolution (A/C.1/579) (paragraph 4 (c) above), the representative of France submitted an amendment (A/C.1/591) at the 369th meeting, in order that the provisions of this draft resolution should not in any way prevent the General Assembly from fulfilling its functions under the draft resolution submitted by the seven sponsoring Powers. The representative of the U.S.S.R. accepted an oral Uruguayan amendment adding the words "breaches of the peace" after the words "threats to the peace".

9. In respect of the joint draft resolution of Iraq and Syria (A/C.1/585) (paragraph 4 (e) above), the representative of the U.S.S.R. submitted an amendment (A/C.1/588) at the 367th meeting to include the Government of the People's Republic of China among those governments which were asked to consult among themselves with a view to reaching agreement on the outstanding problems which threaten world peace.

10. At its 363rd meeting, the Committee began its consideration of the revised joint draft resolution section by section, beginning with the operative part. At the 365th meeting, on the proposal of the representative of Iraq, the Committee decided, by 25 votes to 19, with 13 abstentions, to postpone the vote on section A of the joint draft resolution pending consideration of the other sections. At the 366th meeting, the Committee decided, by 23 votes to 22, with 9 abstentions, to postpone voting until the conclusion of the debate on each section.

11. In the light of the revised joint draft resolution, a number of amendments were withdrawn, at the 363rd to 368th meetings inclusive, by the representatives of Egypt, Greece, Israel, Lebanon and Yugoslavia.

12. At the 368th meeting, at the close of the discussion on the operative parts and the preamble, the Committee began to vote on the revised joint draft resolution submitted by Canada, France, Philippines, Turkey, United Kingdom, United States of America and Uruguay (A/C.1/576/Rev.1) and the outstanding amendments thereto, with the following results :

SECTION A

PARAGRAPH 1

(a) *First U.S.S.R. amendment (A/C.1/586/Rev.1, point 5) was rejected by 47 votes to 5, with 6 abstentions.*

(b) *Second U.S.S.R. amendment (A/C.1/586/Rev.1 point 6) was rejected by 46 votes to 6, with 6 abstentions.*

(c) *Third U.S.S.R. amendment (A/C.1/586/Rev.1, point 7) was rejected by 47 votes to 5, with 7 abstentions.*

Paragraph 1 was approved by 52 votes to 5, with 2 abstentions.

PARAGRAPH 2

Paragraph 2 was approved by 53 votes to 5, with 1 abstention.

SECTION B

A U.S.S.R. proposal that voting on paragraph 3 should be deferred until the membership of the Peace Observation Commission had been decided was rejected by 35 votes to 5, with 18 abstentions.

PARAGRAPH 3

(a) *A U.S.S.R. amendment to paragraph 3, submitted orally, that the Peace Observation Commission should be composed of "14 Members, namely: ..." was approved unanimously by 59 votes.*

(b) *A U.S.S.R. amendment (A/C.1/586/Rev.1, point 9) was rejected by 44 votes to 8, with 8 abstentions.*

(c) *Paragraph 3, as amended, was approved by 55 votes to 5.*

PARAGRAPH 4

Paragraph 4 was approved by 59 votes to none.

PARAGRAPH 5

Paragraph 5 was approved unanimously.

PARAGRAPH 6

(a) *A U.S.S.R. amendment (A/C.1/586/Rev.1, point 10) was rejected by 50 votes to 5, with 2 abstentions.*

(b) *Paragraph 6 was approved by 55 votes to 5.*

SECTION C

A U.S.S.R. amendment (A/C.1/586/Rev.1, point 11) to delete paragraphs 7, 8, 9 and 10 was rejected by 47 votes to 5, with 6 abstentions.

PARAGRAPHS 7, 8 AND 9

Paragraphs 7, 8 and 9 were approved by 48 votes to 5, with 6 abstentions.

PARAGRAPH 10

Paragraph 10 was approved by 47 votes to 5, with 7 abstentions.

SECTION D

A U.S.S.R. amendment (A/C.1/586/Rev.1, point 12) to delete paragraphs 11, 12 and 13, was rejected by 46 votes to 5, with 6 abstentions.

An Egyptian amendment to paragraph 11 (A/C.1/587) was rejected by 28 votes to 10, with 17 abstentions.

Section D was approved by 48 votes to 5, with 7 abstentions.

SECTION E

A Lebanese amendment (A/C.1/589) to paragraph 14, further amended orally by Chile, was approved by 26 votes to 1, with 32 abstentions.

Section E, as amended, was approved by 58 votes to none, with 2 abstentions.

PREAMBLE

A Yugoslav amendment (A/C.1/582, point 1) was rejected by 22 votes to 20, with 16 abstentions.

The first Israeli amendment (A/C.1/584, point 1) was approved by 12 votes to 11, with 37 abstentions.

The first U.S.S.R. amendment (A/C.1/586/Rev.1, point 1) was rejected by 51 votes to 5, with 3 abstentions.

The second U.S.S.R. amendment (A/C.1/586/Rev.1, point 2) was rejected by 48 votes to 5, with 5 abstentions.

The second Israeli amendment (A/C.1/584, point 2) was rejected by 47 votes to 4, with 7 abstentions.

The third U.S.S.R. amendment (A/C.1/586/Rev.1, point 3) was rejected by 45 votes to 5, with 8 abstentions.

The fourth U.S.S.R. amendment (A/C.1/586/Rev.1, point 4) was rejected by 52 votes to 5, with 3 abstentions.

The Preamble as a whole, as amended, was approved by 54 votes to 5, with 1 abstention.

ANNEX

The annex was approved by 54 votes to 5, with 1 abstention.

13. At the 369th meeting, the representative of the United Kingdom, on behalf of the sponsors of the seven-Power draft resolution (A/C.1/576/Rev.1), proposed that

the Peace Observation Commission should be composed of representatives of China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, Union of Soviet Socialist Republics, United Kingdom, United States of America and Uruguay, and that the Collective Measures Committee should be composed of representatives of Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, United Kingdom, United States of America, Venezuela and Yugoslavia.

14. The representative of the U.S.S.R. orally proposed that the list of members of the Peace Observation Commission should be amended by substituting "the Chinese People's Republic" for "China".

15. After discussion, the Committee, by 40 votes to 7, with 10 abstentions, approved a French proposal that the U.S.S.R. amendment should be declared inadmissible.

The proposal of the sponsors of the seven-Power draft resolution concerning the membership of the Peace Observation Commission was approved by 50 votes to none, with 8 abstentions.

The proposal of the sponsors of the seven-Power draft resolution concerning the membership of the Collective Measures Committee was approved by 50 votes to none, with 5 abstentions.

The seven-Power draft resolution (A/C.1/576/Rev.1) as a whole, as amended, was put to the vote by roll-call and was approved by 50 votes to 5, with 3 abstentions.

The voting was as follows :

In favour : Afghanistan, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia.

Against : Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstentions : Argentina, India, Syria.

16. The Committee then proceeded to vote on the U.S.S.R. draft resolutions (A/C.1/579 and A/C.1/580) and amendments thereto.

The French amendment (A/C.1/591) to add a paragraph to the U.S.S.R. draft resolution (A/C.1/579) was approved by 50 votes to 5, with 3 abstentions.

The first part of the amended U.S.S.R. draft resolution (A/C.1/579), as amended orally also by Uruguay, was approved by 54 votes to none, with 5 abstentions. (The second part of the amended U.S.S.R. draft resolution, in the form of the French proposal, was not put to the vote, as it was considered unnecessary to do so.)

The U.S.S.R. draft resolution (A/C.1/579) as a whole, as amended, was approved by 49 votes to none, with 9 abstentions.

The second U.S.S.R. draft resolution (A/C.1/580) was rejected by 34 votes to 6, with 18 abstentions.

17. The Committee then began consideration of the joint draft resolution of Iraq and Syria (A/C.1/585) and the U.S.S.R. amendment thereto (A/C.1/588).

18. At the 370th meeting, the representatives of Iraq and Syria submitted a revision (A/C.1/585/Rev.1) of their joint resolution which, instead of recommending that the Governments of France, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics should meet in order to solve fundamental differences, recommended "to the permanent members of the Security Council that they meet and discuss individually or collectively and with other nations concerned, the outstanding problems which threaten world peace...". It was requested that they should report to the General Assembly during the fifth session on any prospective progress.

19. During the discussion which followed, various oral and one written amendment and some suggestions were submitted by the delegations of El Salvador (A/C.1/594), Brazil, Netherlands, Israel, Mexico, the United States of America and Yugoslavia. These amendments were all withdrawn in view of a new revision of the Iraqi-Syrian resolution (A/C.1/585/Rev.2) which was submitted at the next meeting and which incorporated most of the amendments.

20. After having recognized in the preamble, *inter alia*, that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security, and having reaffirmed the importance of unanimity among the permanent members of the Security Council, this revised draft resolution recommended "to the permanent members of the Security Council that: (a) they meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter; (b) they advise the General Assembly and, when it is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations."

21. A U.S.S.R. proposal that the phrase "the permanent members of the Security Council" should be replaced by "the Governments of France, the United Kingdom, the United States of America, the People's Republic of China and the U.S.S.R." was, on the proposal of the Chinese representative, declared inadmissible by 26 votes to 13, with 16 abstentions.

22. Another U.S.S.R. proposal that the words "these being taken to include the People's Republic of China" should be inserted after the phrase "the permanent members of the Security Council" was, on the proposal of the United States, likewise declared inadmissible by 35 votes to 12, with 11 abstentions.

23. The Committee then proceeded to a vote on the

revised draft resolution of Iraq and Syria (A/C.1/585/Rev.2).

The revised draft resolution of Iraq and Syria (A/C.1/585/Rev.2) was approved by 59 votes to none.

24. The First Committee recommends to the General Assembly the adoption of the following three resolutions:

RESOLUTION A

UNITING FOR PEACE

The General Assembly,

Recognizing that the first two stated Purposes of the United Nations are:

"To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace", and

"To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace",

Reaffirming that it remains the primary duty of all Members of the United Nations, when involved in an international dispute, to seek settlement of such a dispute by peaceful means through the procedures laid down in Chapter VI of the Charter, and recalling the successful achievements of the United Nations in this regard on a number of previous occasions,

Finding that international tension exists on a dangerous scale,

Recalling its resolution 290 (IV) entitled "Essentials of peace", which states that disregard of the Principles of the Charter of the United Nations is primarily responsible for the continuance of international tension, and desiring to contribute further to the objectives of that resolution,

Reaffirming the importance of the exercise by the Security Council of its primary responsibility for the maintenance of international peace and security, and the duty of the permanent members to seek unanimity and to exercise restraint in the use of the veto,

Reaffirming that the initiative in negotiating the agreements for armed forces provided for in Article 43 of the Charter belongs to the Security Council and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security,

Conscious that failure of the Security Council to discharge its responsibilities on behalf of all the Member States, particularly those referred to in the two preceding paragraphs, does not relieve Member States of their obligations or the United Nations of its responsibility under the Charter to maintain international peace and security,

Recognizing in particular that such failure does not deprive the General Assembly of its rights or relieve it of its responsibilities under the Charter in regard to the maintenance of international peace and security,

Recognizing that discharge by the General Assembly of its responsibilities in these respects calls for possibilities of observation which would ascertain the facts and expose aggressors; for the existence of armed forces which could be used collectively; and for the possibility of timely recommendations by the General Assembly to Members of the United Nations for collective action which, to be effective, should be prompt,

A

1. *Resolves* that if the Security Council, because of lack of unanimity of the permanent members, fails to exercise its primary responsibility for the maintenance of international peace and security in any case where there appears to be a threat to the peace, breach of the peace, or act of aggression, the General Assembly shall consider the matter immediately with a view to making appropriate recommendations to Members for collective measures, including in the case of a breach of the peace or act of aggression the use of armed force when necessary, to maintain or restore international peace and security. If not in session at the time, the General Assembly may meet in emergency special session within twenty-four hours of the request therefor. Such emergency special session shall be called if requested by the Security Council on the vote of any seven members, or by a majority of the Members of the United Nations;

2. *Adopts* for this purpose the revisions in its rules of procedure set forth in the annex to this resolution;

B

3. *Establishes* a Peace Observation Commission, which for the calendar years 1951 and 1952 shall be composed of fourteen Members, namely : China, Colombia, Czechoslovakia, France, India, Iraq, Israel, New Zealand, Pakistan, Sweden, Union of Soviet Socialist Republics, United Kingdom, United States of America and Uruguay, and which could observe and report on the situation in any area where there exists international tension the continuance of which is likely to endanger the maintenance of international peace and security. Upon the invitation or with the consent of the State into whose territory the Commission would go, the General Assembly, or the Interim Committee when the Assembly is not in session, may utilize the Commission if the Security Council is not exercising the functions assigned to it by the Charter with respect to the matter in question. Decisions to utilize the Commission shall be made upon the affirmative vote of two-thirds of the members present and voting. The Security Council may also utilize the Commission in accordance with its authority under the Charter;

4. The Commission shall have authority in its discretion to appoint sub-commissions and to utilize the

services of observers to assist it in the performance of its functions;

5. *Recommends* to all governments and authorities that they co-operate with the Commission and assist it in the performance of its functions;

6. *Requests* the Secretary-General to provide the necessary staff and facilities, utilizing where directed by the Commission the United Nations Panel of Field Observers envisaged in resolution 297 B (IV);

C

7. *Invites* each Member of the United Nations to survey its resources in order to determine the nature and scope of the assistance it may be in a position to render in support of any recommendations of the Security Council or the General Assembly for the restoration of international peace and security;

8. *Recommends* to the Members of the United Nations that each Member maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with their respective constitutional processes, for service as a United Nations unit or units, upon recommendation by the Security Council or General Assembly, without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter;

9. *Invites* the Members of the United Nations to inform the Collective Measures Committee as soon as possible of the measures taken in implementation of the preceding paragraph;

10. *Requests* the Secretary-General to appoint, with the approval of the Committee provided for in paragraph 11, a panel of military experts who could be made available upon request of Member States which wish to obtain technical advice regarding the organization, training, and equipment for prompt service as United Nations units of the elements referred to in paragraph 8;

D

11. *Establishes* a Collective Measures Committee consisting of fourteen Members, namely : Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, United Kingdom, United States of America, Venezuela and Yugoslavia, and directs the Committee, in consultation with the Secretary-General and with Member States as the Committee finds appropriate, to study and make a report to the Security Council and the General Assembly, not later than 1 September 1951, on methods, including those of part C of this resolution, which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52 of the Charter);

12. *Recommends* to all Member States that they

co-operate with the Committee and assist it in the performance of its functions;

13. *Requests* the Secretary-General to furnish the staff and facilities necessary for the effective accomplishment of the purposes set forth in parts C and D of this resolution;

E

14. *The General Assembly*, in adopting the proposals set forth above, is fully conscious that enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United

Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries; and accordingly;

15. *Urges* Member States to respect fully, and to intensify joint action, in co-operation with the United Nations, to develop and stimulate universal respect for and observance of human rights and fundamental freedoms, and to intensify individual and collective efforts to achieve conditions of economic stability and social progress, particularly through the development of underdeveloped countries and areas.

ANNEX

The rules of procedure of the General Assembly are amended in the following respects :

1. The present text of rule 8 shall become paragraph (a) of that rule, and a new paragraph (b) shall be added to read as follows :

“Emergency special sessions pursuant to resolution 377 A (V) shall be convened within twenty-four hours of the receipt by the Secretary-General of a request for such a session from the Security Council, on the vote of any seven members thereof, or of a request from a majority of the Members of the United Nations expressed by vote in the Interim Committee or otherwise, or of the concurrence of a majority of Members as provided in rule 9.”

2. The present text of rule 9 shall become paragraph (a) of that rule and a new paragraph (b) shall be added to read as follows :

“This rule shall apply also to a request by any Member for an emergency special session pursuant to resolution 377 A (V). In such a case the Secretary-General shall communicate with other Members by the most expeditious means of communication available.”

3. Rule 10 is amended by adding at the end thereof the following :

“In the case of an emergency special session convened pursuant to rule 8 (b), the Secretary-General shall notify

RESOLUTION B

For the purpose of maintaining international peace and security, in accordance with the Charter of the United Nations, and, in particular with Chapters V, VI and VII of the Charter,

The General Assembly

Recommends to the Security Council :

That it should take the necessary steps to ensure that the action provided for under the Charter is taken with respect to threats to the peace, breaches of the peace or acts of aggression and the peaceful settlement of disputes or situations likely to endanger the maintenance of international peace and security;

That it should devise measures for the earliest applica-

tion of Articles 43, 45, 46 and 47 of the Charter of the United Nations regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee.

4. Rule 16 is amended by adding at the end thereof the following :

“The provisional agenda of an emergency special session shall be communicated to the Members of the United Nations simultaneously with the communication summoning the session.”

5. Rule 19 is amended by adding at the end thereof the following :

“During an emergency special session additional items concerning the matters dealt with in resolution 377 A (V) may be added to the agenda by a two-thirds majority of the Members present and voting.”

6. There is added a new rule to precede rule 65 to read as follows :

“Notwithstanding the provisions of any other rule and unless the General Assembly decides otherwise, in case of an emergency special session, the Assembly shall convene in plenary session only and proceed directly to consider the item proposed for consideration in the request for the holding of the session, without previous reference to the General Committee or to any other committee; the President and Vice-Presidents for such emergency special session shall be, respectively, the heads of those delegations from which were elected the President and Vice-Presidents of the previous session.”

tion of Articles 43, 45, 46 and 47 of the Charter of the United Nations regarding the placing of armed forces at the disposal of the Security Council by the States Members of the United Nations and the effective functioning of the Military Staff Committee.

The above dispositions should in no manner prevent the General Assembly from fulfilling its functions under resolution 377 A (V).

RESOLUTION C

The General Assembly,

Recognizing that the primary function of the United Nations is to maintain and promote peace, security and justice among all nations,

Recognizing the responsibility of all Member States in promoting the cause of international peace in accordance with their obligations as provided in the Charter,

Recognizing that the Charter charges the Security Council with the primary responsibility for maintaining international peace and security,

Reaffirming the importance of unanimity among the permanent members of the Security Council on all problems which are likely to threaten world peace,

Recalling its resolution 190 (III) entitled "Appeal to the Great Powers to renew their efforts to compose their differences and establish a lasting peace",

Recommends to the permanent members of the Security Council that :

(a) They meet and discuss, collectively or otherwise, and, if necessary, with other States concerned, all problems which are likely to threaten international peace and hamper the activities of the United Nations, with a view to their resolving fundamental differences and reaching agreement in accordance with the spirit and letter of the Charter;

(b) They advise the General Assembly and, when it

is not in session, the Members of the United Nations, as soon as appropriate, of the results of their consultations.

STRENGTHENING OF DEMOCRATIC PRINCIPLES AS A MEANS OF CONTRIBUTING TO THE MAINTENANCE OF UNIVERSAL PEACE

1. At the 571st meeting of the First Committee, the representative of Chile declared that, in view of the approval by the Committee of the revised seven-Power draft resolution,² his delegation would have no resolution to propose under item 66 of the General Assembly agenda entitled "Strengthening of democratic principles as a means of contributing to the maintenance of universal peace". Consequently, he suggested that the item should be withdrawn.

2. The Committee adopted this suggestion, without objection.

3. The First Committee recommends to the General Assembly that item 66 should be withdrawn from its agenda.

² See resolution A above.

DOCUMENT A/1462

Financial implications of the draft resolution proposed by the First Committee (A/C.1/592) : tenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[27 October 1950]

1. In accordance with a decision taken by the Fifth Committee at its 252nd meeting on 20 October 1950, the Advisory Committee on Administrative and Budgetary Questions has considered a report submitted by the Secretary-General (A/C.5/388) on the financial implications of the draft resolution entitled "Uniting for peace" proposed by the First Committee (A/C.1/592).

2. The Secretary-General has proposed that any expenditure during 1951 under parts A, B and C of the draft resolution (A/C.1/592), which relate respectively to emergency special sessions of the General Assembly, activities of the Peace Observation Commission, and technical advice for United Nations military elements, should be financed from the Working Capital Fund under the provisions for unforeseen and extraordinary expenses relating to the maintenance of peace and security. The Advisory Committee concurs in this method of financing.

3. The Advisory Committee takes note that, as regards the Collective Measures Committee (A/C.1/592, part D), additional expenses, on the basis of meetings at Headquarters aggregating fifteen weeks in duration, would amount during 1951 to \$12,400, comprising \$2,400 for local transportation and \$10,000 for contrac-

tual printing. This amount would, it is anticipated, be met from the normal appropriations for 1951.

4. As regards the payment of travel expenses and subsistence allowances, the Advisory Committee concurs in the assumptions, in respect of these items, on which the estimates are based, both in the case of the Peace Observation Commission (including sub-commissions and observers) and in the case of the Collective Measures Committee.

5. Attention is also drawn to the interpretation given in paragraphs 9 and 10 of the report by the Secretary-General (A/C.5/388) to the status of the panel of military experts. The Advisory Committee was informed, and it agrees, that it is possible to interpret paragraphs 10 and 13 of the draft resolution (A/C.1/592) in several ways, and accordingly it suggests that the estimate of expenditure for 1951 submitted by the Secretary-General may understate the expenditure for this technical service. The exact figure will depend upon the number of military experts to be appointed by the Secretary-General with the concurrence of the Collective Measures Committee, and upon the terms and conditions of their service. It is therefore not possible at this stage to arrive at a precise estimate.

DOCUMENT A/1463

Financial implications of the draft resolution proposed by the First Committee (A/1456) : report of the Fifth Committee

Rapporteur : Mr. B. G. FOURIE (Union of South Africa)

[Original text : English]
[28 October 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter dated 23 October 1950 (A/C.5/387), the Fifth Committee, at its 256th meeting held on 27 October 1950, considered the effect on the budget estimates for 1951 of the draft resolution adopted on 19 October 1950 by the First Committee entitled "Uniting for peace".

2. As a basis for its consideration of the financial implications of the draft resolution, the Fifth Committee had before it estimates submitted by the Secretary-General (A/C.5/388) and a report thereon by the Advisory Committee on Administrative and Budgetary Questions (A/1462).

3. The Committee took note that, as regards the Collective Measures Committee (A/1456, resolution A, part D), additional expenses, on the basis of meetings at Headquarters aggregating fifteen weeks in duration, would amount during 1951 to \$12,100, comprising \$2,100 for local transportation and \$10,000 for contractual printing. This amount would, it is anticipated, be met from the normal appropriations for 1951. The foregoing estimates are based on the assumption that, as the Collective Measures Committee is to be composed of Governments, no payment by the United Nations of expenses of representatives would be required.

4. As regards the activities of the Peace Observation Commission (resolution A, part B), the Fifth Committee considered and concurred in the assumptions on which the estimates for travel expenses and subsistence allowance had been based, namely :

(a) The sub-commissions can be construed as "commissions of inquiry" the members of which would be entitled to payment of travelling and subsistence expenses under paragraph 2 of General Assembly resolution 231 (III);

(b) The Commission itself, when meeting away from Headquarters, can also be considered a "commission of inquiry", since it would meet at the call of the General Assembly, the Interim Committee, or the Security Council, in order to "observe and report on the situation in any area";

(c) In the absence of specific authorization in the resolution, the travelling and subsistence expenses of alternates on the Commission or sub-commissions would not be paid by the United Nations.

5. The Committee was informed, and it agreed, that it was possible to interpret paragraphs 10 and 13 of the draft resolution in several ways; accordingly, it considered that the estimate for expenditure for 1951 submitted by the Secretary-General may understate expenditure likely to be incurred in connexion with the panel of military experts. It believed that the exact figure would depend upon the number of military experts to be appointed by the Secretary-General with the concurrence of the Collective Measures Committee, and upon the terms and conditions of their service. It was therefore not found possible to arrive at a precise estimate at the present time.

6. The Committee further took note of the Secretary-General's proposal that any expenditure incurred during 1951 under parts A, B and C of the draft resolution, relating respectively to emergency special sessions of the General Assembly, activities of the Peace Observation Commission, and technical advice for United Nations military elements, should be financed from the Working Capital Fund under the provisions for unforeseen and extraordinary expenses relating to the maintenance of peace and security.

7. In the course of the discussion, the representative of the Union of Soviet Socialist Republics stated that, since the resolution violated provisions of the Charter, his delegation was opposed to the approval of the estimates relating to the financial implications of the resolution.

8. The representative of Colombia raised a question in regard to the payment of travelling expenses and *per diem* of members of the two proposed bodies and of any sub-commissions. The Chairman of the Fifth Committee and the Chairman of the Advisory Committee clarified the position to the satisfaction of the Colombian representative. Their explanations will be found in the summary records of the 256th meeting of the Fifth Committee (paras. 74 to 78).

9. The recommendations of the Advisory Committee concerning the effect on the budget estimates for 1951 of the draft resolution proposed by the First Committee were then approved by 33 votes to 5, with no abstentions.

10. The Fifth Committee, therefore, decided to recommend to the General Assembly that note should be taken of the foregoing financial implications of the draft resolution proposed by the First Committee.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/1373	Letter, dated 20 September 1950, from the head of the United States delegation to the Secretary-General	2	
A/1377	Note, dated 20 September 1950, from the head of the United States delegation to the Secretary-General transmitting an explanatory memorandum on the item " United action for peace " submitted by the United States for inclusion in the agenda of the fifth session of the General Assembly	2	
A/1456	Report of the First Committee	14	
A/1462	Financial implications of the draft resolution proposed by the First Committee (A/C.1/592) : tenth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	21	
A/1463	Financial implications of the draft resolution proposed by the First Committee (A/1456) : report of the Fifth Committee	22	
A/1465	Union of Soviet Socialist Republics : amendments to draft resolution A and annex proposed by the First Committee (A/1456)		Incorporated in the 302nd plenary meeting.
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GENERAL ASSEMBLY



ANNEXES

FIFTH SESSION

NEW YORK, 1950

Official Records

Agenda item 69: Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations

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DOCUMENT A/1376

Letter dated 20 September 1950 from the Secretary-General of the delegation of the Union of Soviet Socialist Republics addressed to the President of the General Assembly

[Original text: Russian]
[20 September 1950]

Flushing Meadow, 20 September 1950

I have the honour to communicate to you herewith for inclusion in the agenda of the fifth session of the General Assembly of the United Nations the "Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations" introduced by Mr. A. Y. Vyshinsky, Chairman of the delegation of the Union of Soviet Socialist Republics at the meeting of the General Assembly held on 20 September.

I shall be very grateful if you will arrange for the

attached draft to be distributed as a General Assembly document.

(Signed) B. PODTSEB
Secretary-General of the delegation of the
Union of Soviet Socialist Republics

[The text of the declaration (draft resolution) introduced by Mr. Vyshinsky at the 279th plenary meeting of the General Assembly, on 20 September 1950, is incorporated in the official record of that meeting, under paragraph 138.]

DOCUMENT A/C.1/595

Union of Soviet Socialist Republics: draft resolution (revision of draft resolution in document A/1376)

[Original text: Russian]
[23 October 1950]

The General Assembly,

Considering that the most important task of the United Nations is to maintain international peace and security, and to strengthen and develop friendly relations among nations and co-operation between them in solving international problems,

Expressing its firm determination to avert the threat of a new war and sharing the nations' inflexible will to peace as expressed by the hundreds of millions of signatures appended to the Stockholm Appeal,

Regarding the use of the atomic weapon and other means of the mass destruction of human beings as a most heinous international crime against humanity and basing this attitude on the unanimously adopted General Assembly resolution (1 (I)) of 1946 on the need for prohibiting the use of atomic energy for military purposes,

Noting that the events at present taking place in Korea and other areas of the Pacific Ocean emphasize with added force the extreme importance and urgency, from the point of view of international peace and security, of unifying for this purpose the efforts of the five Powers which are permanent members of the Security Council and bear special responsibility for the maintenance of international peace,

Decides to adopt the following declaration:

1. The General Assembly condemns the propaganda in favour of a new war now being conducted in a number of countries and urges all States to prohibit such propaganda in their countries and call those responsible to account.

2. The General Assembly, recognizing that the use of the atomic weapon as a weapon of aggression and the mass destruction of human beings is contradictory to international conscience and honour and incompatible with membership in the United Nations, declares that the use of the atomic weapon shall be unconditionally prohibited and that a strict system of international control shall be instituted to ensure the exact and unconditional observance of this prohibition.

The General Assembly also declares that the first government to use the atomic weapon or any other means for the mass destruction of human beings against any country will thereby commit a crime against humanity and be regarded as a war criminal.

3. The General Assembly, acting in recognition of the need for strengthening peace, and taking into account the special responsibilities of the permanent members of the Security Council for ensuring peace, unanimously expresses the desire:

(a) That the United States of America, the United Kingdom, France, China and the Soviet Union should combine their efforts for peace and conclude among themselves a pact for the strengthening of peace;

(b) That these great Powers should reduce their present armed forces (land forces, military air forces of all kinds, naval forces) by one-third during 1950-1951 and that the question of a further reduction of armed forces should be brought up for consideration at one of the forthcoming sessions of the General Assembly.

DOCUMENT A/C.1/596

Bolivia: draft resolution

[Original text: English]
[25 October 1950]

The General Assembly,

Considering that the main task of the United Nations is to maintain international peace and security and develop friendly relations among its Members,

Believing that the use of atomic weapons as instruments of aggression would be contrary to the principles of the Charter of the United Nations,

Realizing that a new threat to peace has arisen in the form of intervention by one State in the domestic affairs of another for the purpose of forcibly changing its government,

Noting that the lack of agreement among the permanent members of the Security Council, who bear special responsibility for the maintenance of international peace, has developed into a dangerous armaments race,

Decides to adopt the following declaration:

1. The General Assembly condemns all propaganda in favour of a new war.

2. The General Assembly condemns the use of atomic weapons as instruments of aggression and urges the early adoption of a strict system of international control to prevent their being so used.

3. The General Assembly condemns the intervention of a State in the internal affairs of another for the purpose of forcibly changing its legally established government.

4. The General Assembly views with concern the lack of agreement prevailing among the permanent members of the Security Council, and urges them to seek new ways of understanding and accord, so that once their present differences have been eliminated, their gradual disarmament may begin under an effective system of international supervision, through the United Nations.

DOCUMENT A/C.1/597**France, Lebanon, Mexico, Netherlands, United Kingdom and United States of America: draft resolution**

[Original text: English]
[25 October 1950]

The General Assembly,

Recognizing the profound desire of all mankind to live in enduring peace and security,

Confident that, if all governments faithfully reflect this desire and observe their obligations under the Charter, such lasting peace and security can be established,

Solemnly reaffirming that, whatever the weapons used, any aggression, whether committed openly or by fomenting civil strife, is the gravest of all crimes against peace and security throughout the world,

Determines that for the realization of lasting peace and security it is indispensable:

1. That prompt united action be taken against aggression;

2. That every nation agree

(a) To accept effective international control of atomic energy under the United Nations on the basis already approved by the General Assembly in order to make effective the prohibition of atomic weapons; and

(b) To regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction;

Declares that these goals can be attained if all the Members of the United Nations demonstrate by their deeds their will to achieve peace.

DOCUMENT A/C.1/597/Rev.1**Bolivia, France, Lebanon, Mexico, Netherlands, United Kingdom and United States of America: revised draft resolution**

[Original text: English]
[28 October 1950]

PEACE THROUGH DEEDS

The General Assembly,

Recognizing the profound desire of all mankind to live in enduring peace and security,

Confident that, if all governments faithfully reflect this desire and observe their obligations under the Charter, such lasting peace and security can be established,

Condemning the intervention of a State in the internal affairs of another State for the purpose of forcibly changing its legally established government,

Solemnly reaffirms that, whatever the weapons used, any aggression, whether committed openly or by fomenting civil strife in the interest of a foreign Power, is the gravest of all crimes against peace and security throughout the world.

The remainder of the text of this draft resolution, beginning with the words, "Determines that . . ." is identical with that of the preceding document, the six-Power draft resolution (A/C.1/597). The text of the eight-Power draft resolution (A/C.1/597/Rev.2) appears in the present fascicule as draft resolution A in the report of the First Committee (A/1490).

DOCUMENT A/C.1/598**India: draft resolution**

[Original text: English]
[26 October 1950]

The General Assembly,

Considering that the prevalence of hunger, disease and want in large areas of the world creates discontent, fosters disorder, and is therefore a danger to world peace, and stability,

Considering that the existence of large armaments and their unchecked growth, besides being a threat to international peace and security, lead to the diversion of human and economic resources which would otherwise be available for raising the standard of life in the under-developed areas of the world,

Considering further that immediate steps should be

taken to carry out the recommendation contained in paragraph 15 of resolution . . . [377 (V)] on "Uniting for peace",

Recommends the creation of a United Nations peace fund for the development of under-developed areas; and

Further recommends that each Member of the United Nations prepare and send to the Secretary-General before March 1951, a scheme setting forth the principles and the scale on which it would be prepared

(a) Progressively to reduce its armaments, and

(b) To contribute to the above-mentioned fund.

DOCUMENT A/C.1/602**Greece: draft resolution**

[Original text: French]
[27 October 1950]

The General Assembly,

Recognizing the desire of all mankind for enduring peace and security,

Considering that it is the task of the United Nations to maintain international peace and security, to develop friendly relations among nations and to promote social progress and better standards of life in larger freedom,

Convinced that the purposes of the United Nations cannot easily be attained without the observance and the universal application of the principles of democracy and social justice,

Noting that the distress of the masses is a powerful factor making for the instability of peace,

Considering that propaganda against peace tends to take the form of propaganda to intimidate the peoples by distorting the real significance of genuine peace and democracy and by claiming a monopoly of peace and democracy for certain countries the institutions of which differ from those of the great majority of the United Nations,

Confident, nevertheless, that if all governments faithfully reflect this desire and observe their obligations under the Charter, such lasting peace and security can be established,

Solemnly reaffirming that, whatever the weapons used, any aggression whether committed openly or by fomenting civil strife is the gravest of all crimes against peace and security throughout the world,

Declares that to achieve lasting peace and security it is essential that joint and rapid action should be taken against aggression:

Reaffirms its resolutions 110 (II) and 290 (IV), paragraph 8, which condemn all propaganda against peace and recommend the free exchange of information and ideas as an essential condition of good neighbourly relations between the peoples, and notes that such propaganda likewise includes:

(1) Incitement to conflicts or acts of aggression;

(2) Measures tending to isolate the peoples from any contact with the outside world, preventing the Press, radio and other media of communication from reporting international events, and hindering mutual comprehension and understanding between peoples; and

(3) Measures tending to silence or distort the activities of the United Nations in favour of peace or preventing the people of one country from having knowledge of the views of other States Members;

Recommends the creation of a United Nations peace fund to assist in the struggle against distress and promote the development of under-developed areas;

Establishes a special commission of eighteen members to study the details of the establishment of such a fund;

Considers that it is necessary that every nation agree

(a) To accept effective international control of atomic energy under the United Nations on the basis already approved by the General Assembly in order to make effective the prohibition of atomic weapons; and

(b) To regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction;

Declares that these goals can be attained if all the Members of the United Nations demonstrate by their deeds their will to achieve peace.

DOCUMENT A/1490**Report of the First Committee**

[Original text: English]
[8 November 1950]

1. By a letter dated 20 September 1950 addressed to the President of the General Assembly (A/1376), the delegation of the Union of Soviet Socialist Republics requested that the item "Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations" should be included in the agenda of the fifth session of the General Assembly.

2. The General Assembly, at its 286th meeting on 26 September 1950 on the recommendation of the General Committee, decided to include this question in its agenda and to refer it to the First Committee for consideration and report.

3. The First Committee considered the question at its 372nd to 383rd meetings inclusive.

4. The following draft resolutions were submitted:

(a) A draft resolution submitted by the Union of Soviet Socialist Republics (A/C.1/595) at the 372nd meeting, condemning propaganda in favour of a new war, and urging all States to prohibit such propaganda and call those responsible to account; declaring that the use of the atomic weapon shall be unconditionally prohibited and that a strict system of international control shall be instituted to ensure the observance of this prohibition; declaring that the first government to use the atomic weapon or any other means of mass destruction against any country would be committing a crime against humanity and be regarded as a war criminal; expressing the desire that the permanent members of the Security Council should conclude among themselves a pact for the

strengthening of peace, and that they should reduce their armed forces of all kinds by one-third during 1950-1951 and that the question of further reduction should be considered at one of the forthcoming sessions of the General Assembly.

(b) A draft resolution presented at the 375th meeting by Bolivia (A/C.1/596), condemning all propaganda in favour of a new war; condemning the use of atomic weapons as instruments of aggression; urging early adoption of a strict system of international atomic control; and further condemning intervention of a State in the internal affairs of another State for the purpose of forcibly changing its legally established government. The draft resolution also urged the permanent members of the Security Council to seek new ways of achieving understanding so that, once their differences had been eliminated, their gradual disarmament might begin under an effective system of international supervision.

(c) A joint draft resolution submitted at the 375th meeting by France, Lebanon, Mexico, Netherlands, the United Kingdom and the United States of America (A/C.1/597), proposing that the General Assembly determine that for the realization of lasting peace and security it was indispensable that prompt united action be taken against aggression; and that every nation agree (i) to accept effective international control of atomic energy on the basis already approved by the General Assembly to make effective the prohibition of atomic weapons, and (ii) to regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction. The draft resolution finally declared that these goals could be attained if all the Members demonstrated by their deeds their will to achieve peace.

(d) A draft resolution submitted by India (A/C.1/598) at the 377th meeting, recommending the creation of a United Nations peace fund for the development of under-developed areas, and further recommending that each Member of the United Nations, before March 1951, send to the Secretary-General a scheme setting forth the principles and the scale on which it would be prepared progressively to reduce its armaments, and to contribute to a United Nations peace fund.

(e) A draft resolution submitted at the 381st meeting by Chile (A/C.1/603) which had originally been submitted as an amendment (A/C.1/601) to the joint draft resolution (A/C.1/597). After having reaffirmed General Assembly resolutions 110 (II) and 290 (IV), paragraph 8, condemning all propaganda against peace and recommending the free exchange of information and ideas, this draft resolution declared that such propaganda likewise included the following: (i) incitement to conflicts or acts of aggression; (ii) measures tending to isolate the peoples of one country from contact with the outside world; and (iii) measures tending to silence or distort the peace activities of the United Nations or preventing the peoples from knowing the views of other Member States.

(f) A draft resolution submitted at the 379th meeting by Greece (A/C.1/602) which incorporated the Chilean proposal (A/C.1/603) and also took up the Indian proposal regarding a United Nations peace fund which was to be

studied by a special commission of eighteen members, established for that purpose. This draft resolution further incorporated the sub-paragraphs of the joint draft resolution (A/C.1/597) regarding the necessity for agreement among all nations as to the effective international control of atomic energy and the regulation of armaments and armed forces.

5. At the 380th meeting, the six sponsors of the joint draft resolution, joined by Bolivia, submitted a revised draft resolution (A/C.1/597/Rev.1) incorporating certain provisions of the Bolivian draft resolution (A/C.1/596), which was subsequently withdrawn. The revised text amended the original six-Power draft resolution, *inter alia*, by introducing the heading "Peace through deeds" and by inserting in the preamble a new paragraph condemning the intervention of a State in the internal affairs of another State for the purpose of forcibly changing its legally established government.

6. At the 382nd meeting, two amendments (A/C.1/605) submitted by Egypt to the revised joint draft resolution (A/C.1/597/Rev.1) substituted, in the fourth paragraph, the word "otherwise" for the words "by fomenting civil strife in the interest of a foreign Power"; and, at the end of sub-paragraph (2) (a) of the fifth paragraph, added the words "all other weapons adaptable to mass destruction".

7. At the 383rd meeting, the seven sponsors of the revised draft resolution, together with India, submitted a second revised joint draft resolution (A/C.1/597/Rev.2) containing certain amendments to meet the points raised in the above-mentioned Egyptian amendments and the Indian draft resolution (A/C.1/598). It was proposed, *inter alia*, that the words "or otherwise" be inserted after the words "or by fomenting civil strife in the interest of a foreign Power". Furthermore, two new sub-paragraphs were added to the second paragraph of the operative part, regarding control and elimination of all weapons of mass destruction, the reduction of armament expenses to a minimum and the development of human and economic resources for the general welfare, with due regard to the needs of under-developed areas.

8. At the 380th meeting, India and Greece withdrew their draft resolutions (A/C.1/598 and A/C.1/602), while Egypt withdrew its second amendment (A/C.1/605).

9. At the 382nd meeting, the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR submitted amendments (A/C.1/607 and Corr.1) to the revised joint draft resolution (A/C.1/597/Rev.1). These five-Power amendments proposed, *inter alia*, the insertion of a new paragraph recognizing that the use of the atomic weapon is contrary to conscience and incompatible with membership in the United Nations. It was further proposed to replace two sub-paragraphs (2) (a) and (c) under paragraph 2 of the operative part by new text to the effect that all nations should agree on the unconditional prohibition of atomic weapons and the establishment of strict international control under United Nations supervision, and that all armaments and armed forces should be regulated in such a way as to initiate the reduction in the year 1950-1951. Lastly, the five Powers proposed the insertion of three new sub-paragraphs under paragraph 2, declaring, *inter alia*, that the government

which first uses the atomic weapons or other means of mass destruction would be regarded as committing a crime against humanity, and condemning any form of propaganda for a new war.

10. At the 382nd meeting, the USSR draft resolution (A/C.1/595) was put to the vote with the following results:

The first paragraph of the preamble was rejected by 25 votes to 13, with 15 abstentions.

A Chilean proposal that the second paragraph of the preamble be put to the vote in two parts was adopted by 14 votes to 8, with 30 abstentions.

(a) The first part of the second paragraph, up to and including the word "peace", was rejected by 23 votes to 16, with 16 abstentions.

(b) The remainder of the paragraph was rejected by 43 votes to 5, with 7 abstentions.

The third paragraph of the preamble was rejected by 29 votes to 6, with 21 abstentions.

The fourth paragraph was rejected by 35 votes to 12, with 9 abstentions.

Paragraph 1 of the operative part was rejected by 38 votes to 7, with 12 abstentions.

The first part of paragraph 2 of the operative part was rejected by 32 votes to 9, with 14 abstentions.

The second part of paragraph 2 was rejected by 35 votes to 5, with 18 abstentions.

The introductory phrase and sub-paragraph (a) of paragraph 3 were rejected by 33 votes to 11, with 11 abstentions.

The introductory phrase and sub-paragraph (b) of paragraph 3 were rejected by 41 votes to 5, with 10 abstentions.

11. At the 383rd meeting, the revised joint draft resolution (A/C.1/597/Rev.2) and the amendments thereto were put to the vote with the following results:

The three paragraphs of the preamble were approved unanimously, by 53 votes.

The five-Power amendment (A/C.1/607 and Corr.1, amendment 1) to the fourth paragraph¹ was rejected by 37 votes to 5, with 10 abstentions.

The Egyptian amendment (A/C.1/605, amendment 1) to the fourth paragraph was rejected by 24 votes to 8, with 21 abstentions.

An Egyptian amendment, submitted orally, to move the words "or otherwise" so that they would appear before the words "or by fomenting civil strife in the interest of a foreign Power", was rejected by 20 votes to 7, with 23 abstentions.

The fourth paragraph of the revised joint draft resolution was approved by 48 votes to none, with 5 abstentions.

The five-Power amendment (A/C.1/607 and Corr.1, amendment 2) to insert a new paragraph between the fourth and fifth paragraphs of the joint draft was rejected by 25 votes to 7, with 21 abstentions.

The five-Power amendment (A/C.1/607 and Corr.1, amendment 3) to the fifth paragraph² was rejected by 35 votes to 6, with 11 abstentions.

The introductory phrase and sub-paragraph (1) were approved by 47 votes to 5, with no abstentions.

The five-Power amendment (A/C.1/607 and Corr.1, amendment 4) was rejected by 34 votes to 6, with 12 abstentions.

A USSR proposal that sub-paragraph (2) (a) of the fifth paragraph should be voted on in two parts was rejected by 28 votes to 8, with 15 abstentions.

Sub-paragraph (2) (a) was approved by 43 votes to 5, with 4 abstentions.

Sub-paragraph (2) (b) was approved by 45 votes to 5, with no abstentions.

The five-Power amendment (A/C.1/607 and Corr.1, amendment 5) was rejected by 38 votes to 6, with 9 abstentions.

Sub-paragraph (2) (c) was approved by 47 votes to 5, with one abstention.

Sub-paragraph (2) (d) was approved unanimously, by 53 votes.

The three parts of the five-Power amendment (A/C.1607 and Corr.1, amendment 6) to add three new sub-paragraphs were voted on separately.

(a) The first sub-paragraph was rejected by 35 votes to 5, with 12 abstentions.

(b) The second sub-paragraph was rejected by 22 votes to 16, with 14 abstentions.

(c) The third sub-paragraph was rejected by 23 votes to 12, with 18 abstentions.

The sixth paragraph¹ was approved by 48 votes to none, with 5 abstentions.

12. The eight-Power revised draft resolution (A/C.1/595/Rev.2) as a whole was then put to the vote by roll-call and approved by 47 votes to 5, with one abstention. The vote was as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Saudi Arabia, Sweden, Syria, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Yugoslavia.

13. The Committee then proceeded to vote on the Chilean draft resolution (A/C.1/603), which was approved by 43 votes to none, with 8 abstentions.

14. The First Committee consequently recommends to the General Assembly the adoption of the following two draft resolutions:

¹ Subsequently established as paragraph 1 in the definitive text.

² Subsequently established as paragraph 2 in the definitive text.

¹ Subsequently established as paragraph 3 in the definitive text.

A

PEACE THROUGH DEEDS

The General Assembly,

Recognizing the profound desire of all mankind to live in enduring peace and security, and in freedom from fear and want,

Confident that, if all Governments faithfully reflect this desire and observe their obligations under the Charter, lasting peace and security can be established,

Condemning the intervention of a State in the internal affairs of another State for the purpose of changing its legally established government by the threat or use of force,

1. *Solemnly reaffirms* that, whatever the weapons used, any aggression, whether committed openly, or by fomenting civil strife in the interest of a foreign power, or otherwise, is the gravest of all crimes against peace and security throughout the world;

2. *Determines* that for the realization of lasting peace and security it is indispensable:

(1) That prompt united action be taken to meet aggression wherever it arises;

(a) To accept effective international control of atomic energy, under the United Nations, on the basis already approved by the General Assembly in order to make effective the prohibition of atomic weapons;

(b) To strive for the control and elimination, under the United Nations, of all other weapons of mass destruction;

(c) To regulate all armaments and armed forces under a United Nations system of control and inspection, with a view to their gradual reduction;

(d) To reduce to a minimum the diversion for armaments of its human and economic resources and to strive towards the development of such resources for the general welfare, with due regard to the needs of the underdeveloped areas of the world;

3. *Declares* that these goals can be attained if all the Members of the United Nations demonstrate by their deeds their will to achieve peace.

B

CONDEMNATION OF PROPAGANDA AGAINST PEACE

The General Assembly

1. *Reaffirms* its resolutions 110 (II) and 290 (IV), paragraph 8, which condemn all propaganda against peace and recommend the free exchange of information and ideas as one of the foundations of good-neighbourly relations between the peoples;

2. *Declares* that such propaganda likewise includes:

(1) Incitement to conflicts or acts of aggression;

(2) Measures tending to isolate the peoples from any contact with the outside world, by preventing the Press, radio and other media of communication from reporting international events, and thus hindering mutual comprehension and understanding between peoples;

(3) Measures tending to silence or distort the activities of the United Nations in favour of peace or to prevent their people from knowing the views of other States Members.

DOCUMENT A/1505

Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic and Union of Soviet Socialist Republics: amendments to draft resolution A recommended by the First Committee (A/1490)

[Original text: Russian]
[14 November 1950]

1. In paragraph 1, after the words "whether committed openly, or by fomenting civil strife", add the words "including any form of intervention in a civil war".

2. Between paragraphs 1 and 2, insert the following new paragraph:

"*Recognizes* that the use of the atomic weapon as a weapon of aggression and mass destruction is contrary to international conscience and honour and incompatible with membership of the United Nations,"

3. In paragraph 2 (1), after the words "be taken", insert the words "in conformity with the provisions of Chapter VII of the Charter of the United Nations";

4. Amend paragraph 2, sub-paragraph (2) (a), to read as follows:

"On the unconditional prohibition of atomic weapons and the establishment of strict international control, under United Nations supervision, over the scrupulous and unconditional implementation of this ban, in order to make effective the prohibition of atomic weapons;"

5. Amend paragraph 2, sub-paragraph (2) (c) to read as follows:

"To regulate all armaments and armed forces in such a way as to proceed, beginning in the year 1950-1951, to the reduction of armaments and armed forces;"

6. In paragraph 2, after sub-paragraph (2) (d), add three new paragraphs as follows:

“*Declares* that the Government which first uses against any country the atomic weapon or any other means of mass destruction of human beings will thereby commit a crime against humanity and will be regarded as a war criminal;

“*Condemns* any form of propaganda for a new war;

“*Notes* that the reduction of armaments and armed forces and the condemnation of propaganda for a new war are of great importance for the strengthening of peace and security among the nations;”

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A/C.1/607 and Corr.1	Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics: amendments to the revised joint draft resolution of Bolivia, France, Lebanon, Mexico, Netherlands, United Kingdom and United States of America (A/C.1/597/Rev.1)		Incorporated in 383rd meeting, paras. 10 to 15 (substantially same text as A/1505)



Agenda item 70 : Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America

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DOCUMENT A/1382

Communication dated 21 September 1950 addressed to the Secretary-General by the delegation of the Union of Soviet Socialist Republics

[Original text : Russian]

Flushing Meadow, 21 September 1950

The Chairman of the delegation of the Union of Soviet Socialist Republics to the fifth session of the General Assembly of the United Nations presents his compliments to the Secretary-General of the United Nations and in connexion with the question of " United States aggression against China ", proposed by the delegation of the Union of Soviet Socialist Republics for inclusion in the agenda of the fifth session of the General Assembly, has the honour to enclose, in accordance with rule 20 of the General Assembly's rules of procedure, an explanatory note on that question.

EXPLANATORY NOTE ON THE QUESTION OF UNITED STATES AGGRESSION AGAINST CHINA PROPOSED BY THE U.S.S.R. DELEGATION FOR INCLUSION IN THE AGENDA OF THE FIFTH SESSION OF THE GENERAL ASSEMBLY

Under rule 15 of the rules of procedure of the General Assembly, the U.S.S.R. delegation proposes that the question of United States aggression against China should be included in the agenda of the fifth session of the General Assembly as a matter of importance and urgency. This question is of exceptional importance in view of the fact on 27 June 1950 the President of the United States officially stated that he had issued orders to the United

States armed forces concerning operations in connexion with the Chinese island of Taiwan.

This order was immediately followed by the blockade of the island of Taiwan by the United States navy and the invasion of the island by United States armed forces. These actions by the United States Government against Taiwan, which is an integral part of Chinese territory, not only represent gross interference by the United States Government in the internal affairs of China, which in itself is a flagrant violation of the United Nations Charter but also constitute a direct encroachment upon the territorial integrity of China and a direct act of aggression against the People's Republic of China. As is known,

this aggression against China by the United States was followed by other acts of American aggression consisting in the bombing and machine-gunning of Chinese territory in the area of the Manchurian-Korean frontier by the United States air force, causing loss of life and damage to buildings and installations.

These hostile acts by the United States Government against China represent a gross violation of important principles of the United Nations Charter, including the principles of territorial inviolability and the political independence of States, constitute a serious threat to international peace and security and call for immediate action by the United Nations.

DOCUMENT A/C.1/590

Telegram dated 17 October 1950 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the President of the General Assembly and to the Secretary-General

[Original text: English]
[19 October 1950]

On 26 September 1950 the fifth session of the United Nations General Assembly adopted on its agenda the complaint of United States aggression against China submitted by the Union of Soviet Socialist Republics representative, and on 7 October 1950 the fifth session of the United Nations General Assembly adopted on its agenda the complaint against United States invasion of Chinese territorial air, strafing and bombing Chinese territory and shelling a Chinese ship. The Central People's Government of the People's Republic of China, being the sole legal Government representing the Chinese people, has the right and necessity to send its delegation to attend and join the fifth session of the United Nations General Assembly. In the name of the Central People's Government of the People's Republic of China, I hereby firmly demand from the fifth session of the United Nations General Assembly, that when the General Assembly and its related Committees proceed with the above-mentioned two items, there must be present the representative of the People's Republic of China to state the case and participate in the discussion. This is the inalienable right of the Central People's Government of the People's Republic of China and a just demand in complete accordance with the spirit of the United Nations Charter, which could not be obliterated. Should the fifth session of the United Nations General Assembly proceed with the above-mentioned items without the attendance and participation in the discussion of the representative of the People's Republic of China, all the resolutions adopted by it would be illegal, and consequently null and void.

On 7 October 1950 the fifth session of the United Nations General Assembly adopted without any justification on its agenda the so-called "Question of For-

mosa" submitted by the United States. In submitting this item, the United States obviously attempted to arrogate the name of the United Nations in its interference with the internal affairs of China and its violation of Chinese territory and sovereignty. Taiwan is an inseparable part of the territory of China. This is not only a fact based on history, confirmed by the situation since the surrender of Japan, but also corroborated by the Cairo Declaration of 1943 and the Potsdam Declaration of 1945. In connexion with Taiwan, there exists today only the fact of United States aggression on Taiwan, the territory of China; there is no such so-called "Question of Formosa" concerning the status or future of Taiwan. The adoption on its agenda of the so-called "Question of Formosa" by the United Nations General Assembly, under the manipulation of the United States, is an unjustified decision in violation of the United Nations Charter and of international law. In the name of the Central People's Government of the People's Republic of China and of the 475 million Chinese people, I hereby raise a strong protest before the United Nations General Assembly, and firmly oppose the inclusion in the agenda of the United Nations General Assembly or any other meetings of the so-called "Question of Formosa" submitted by the United States in transgression of the sovereignty and independence of China. I also firmly demand that the United Nations General Assembly cancel this illegal decision.

(Signed) CHOU En-lai

*Minister for Foreign Affairs
of the Central People's Government
of the People's Republic of China*

DOCUMENT A/C.1/636

Telegram dated 24 November 1950 from the Secretary-General to the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China transmitting the resolution adopted at the 406th meeting of the First Committee, and cabled reply dated 26 November 1950 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China to the Secretary-General

[Original text : English]
[27 November 1950]

New York, 24 November 1950

I have the honour to inform you that the Committee on Political and Security Questions, at its 406th meeting held today, adopted the following resolution: "The First Committee, in connexion with the discussion by the General Assembly at its fifth session of the item entitled 'Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States of America', and bearing in mind the request of the Central People's Government of the People's Republic of China on the subject of the participation of representatives of the People's Republic of China in the discussion of the above-mentioned item, decides to invite the representative of the Central People's Government of the People's Republic of China to be present at the meetings of the First Committee for the purpose of participating in the discussion of the item entitled 'Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the

United States of America' ". I have the honour to request that you inform me of the names of your Government's representatives as soon as possible, having in mind that the next meeting of the Committee on this item is fixed for Monday morning, 27 November 1950.

Peking, 26 November 1950

Your cable to me dated 24 November 1950 has been duly received and noted. I hereby inform you that the Central People's Government of the People's Republic of China has appointed Wu Hsiu-chuan special representative for attending the meetings of the Security Council, his adviser Chiao Kuan-hua and other staff members to act concurrently as representative, adviser and staff members to attend the meetings of the Political and Security Committee for participating in the discussion of the "Complaint regarding aggression against China by the United States of America". I have separately informed Ambassador Wu Hsiu-chuan of this appointment.

DOCUMENT A/C.1/661

Statement by General Wu Hsiu-chuan, representative of the People's Republic of China, in support of the charge of United States aggression against China made by the representative of the Soviet Union, Mr. Vyshinsky, in the Committee on Political and Security Questions of the United Nations General Assembly¹

[Original text : English]
[6 February 1951]

I have listened to the speech on November 27² by the representative of the Soviet Union, Mr. Vyshinky, charging the United States with aggression against China. In the name of the Central People's Government of the People's Republic of China, I hereby support and uphold completely the entire speech by the representative of the Soviet Union, Mr. Vyshinky, on the charge of United States aggression against China. The Soviet Union has always been in history the great friend of the Chinese people. Shortly after the victory of the great Socialist October Revolution of the Soviet Union, it renounced the unequal treaties concluded with China by Czarist Russia and adopted a policy of real equality with China. After

the establishment of the Central People's Government of the People's Republic of China, the Soviet Union concluded with China the truly friendly Sino-Soviet Treaty of Friendship, Alliance and Mutual Assistance, which solidified in the form of a treaty the profound friendship between the people of China and the people of the Soviet Union.

Mr. Vyshinsky's speech once again demonstrates that the Soviet Union is the most reliable friend and ally of the Chinese people in their resistance to imperialist aggression and their construction of a people's China. All the imperialist aggressors, especially the United States imperialist aggressors, are afraid of the unity between the people's China and the Soviet Union. They are afraid of the Sino-Soviet Treaty of Friendship, Alliance and Mutual Assistance which opposes imperialist aggression and defends the mutual interests of China and the Soviet Union. As China and the Soviet Union are united, it becomes difficult for the imperialists to carry

¹ This statement is being circulated in accordance with the decision taken by the First Committee at its 440th meeting held on 6 February 1951.

² See *Official Records of the General Assembly, Fifth Session, First Committee*, 407th meeting.

out their aggressive plots. The strength of the firmly united 700 million people of China and the Soviet Union is the greatest obstacle to the course of imperialist aggression. Hence, in their despair, the imperialist aggressors have devised various measures in their attempt to wedge a cleavage in the relationship between the two great allies of China and the Soviet Union. But I must tell these imperialist aggressors: the great unity between China and the Soviet Union is unshakable. All your conspiracies of wedging a cleavage are futile, doomed to failure and have already failed.

I have also listened to the reply to Mr. Vyshinsky's speech by the United States representative, Mr. Dulles, on the same date³. However, Mr. Dulles' reply to Mr. Vyshinsky, Mr. Austin's speech⁴ on this same question and his reply to my speech in the Security Council, and the arguments of the representative of the United Kingdom, Sir Gladwyn Jebb⁵ supporting the United States representative—all such speeches, replies and arguments are a distortion of the facts and a perversion of the truth, unable to withstand any examination. They have talked much. But whatever they have talked, whether it be history or philosophy, politics or economics, they could never succeed in making their argument consistent. This is because they are determined to support aggression and argue for aggression. They wish to call aggression as defence, to call resistance to aggression as aggression, to call war as peace, to call truth as falsehood and to call black as white. But regardless of how eloquent they are, this is impossible after all.

With regard to the problem under our present discussion, is it possible for them to talk out of existence the massive object stationed at Taiwan Strait—the United States Seventh Fleet invading and occupying China's territory, Taiwan? Is it possible for them to talk about the violations of China's territorial air, bombing, strafing and reconnoitering of thousands of United States aeroplanes for hundreds of times, as if such events had not occurred at all? No, this is not possible. But to do the impossible—this is exactly the mission here of Mr. Dulles, Mr. Austin and other representatives of the Anglo-American bloc.

With the pose of kind heart, Mr. Dulles started his speech with a discussion of the friendship between the people of China and the people of the United States. Let us then take up the discussion of the friendship between the Chinese people and the American people. Is there a profound friendship between the Chinese people and the American people? Yes. At the time of my arrival at New York, I pointed out: there has always been a profound friendship between the Chinese people and the American people. I would like to emphasize again: not only has there been in the past a profound friendship between the Chinese people and the American people, not only is there a profound friendship at present, but this friendship will also continue to exist in the future. But the friendship between the Chinese people

and the American people has no similarity whatsoever with the so-called friendship, which Messrs. Dulles, Austin, Acheson and Truman have spoken of, between the United States imperialist aggressors and the Chinese people who suffer such aggression. Mr. Dulles and Mr. Austin made much effort in their speeches to prove the existence of the friendship of the United States imperialist aggressors towards the Chinese people. According to Mr. Dulles, this friendship was not based primarily upon American commercial interests in China, but upon cultural and humanitarian motives. It is claimed that this has always been the case in the relationship between the United States imperialists and China for the past 150 years.

What is actually this so-called friendship of the United States imperialists for the Chinese people in history? What is the actual content of their cultural and humanitarian endeavours in China? Who are actually their friends in China?

The United States imperialists, just as those of the United Kingdom, are the first ones among the opium peddlars who transported opium to China. A very large part of the opium confiscated in 1839 at Canton was taken from American opium sellers. During the Opium War, United States Naval Commander Kearny personally led a squadron of naval vessels to the China Sea to render moral support to the British armed forces. In July 1844, the Manchu Government of China was forced to sign the Treaty of Wanghia with the United States, which created for the first time such provisions as "extraterritorial rights" and "equal opportunity". The Treaty of Wanghia is one of the first unequal treaties concluded by the Manchu Government with foreign governments.

During the period from 1857 to 1860, when Great Britain and France jointly invaded China, occupying Tientsin and Peking, the United States naval vessels also participated in the action. The United States Government further took advantage of the situation to force the Manchu Government into signing the Sino-American Treaty of Tientsin (1858) and obtained thereby the special rights of restrictions on China's customs and privileges in China's inland navigation.

In 1862, the United States Consul in Shanghai directed Ward and other Americans to organize troops together with British nationals for helping the Manchu Government to suppress the Taiping Revolutionary Movement of the Chinese people.

In 1872, the United States troops invaded Korea. In 1873, in addition to the invasion of Korea, the United States invaded Taiwan jointly with Japan. In 1874, the United States again invaded Korea jointly with Japan.

In 1900, the United States participated in the eight nation invasion of China and obtained with other imperialist Powers in the Treaty of Peking the special rights of stationing troops in Peking and other Chinese cities.

In September 1917, the Secretary of State of the United States, Mr. Lansing, concluded an agreement with the Japanese Foreign Minister, Ishii, which recognized the special rights of Japan in China. In 1919, the United States further recognized in the Paris Peace Conference the Japanese succession to the special rights of Germany in the Shantung Province.

³ *Ibid.*

⁴ *Ibid.*, 439th meeting.

⁵ See *Official Records of the Security Council, Fifth Year*, Nos. 69, 70 and 72.

From 1922 to 1924, the United States Government supplied military and financial support to the Chinese warlords of the Chihli clique, Tsao Kun and Wu Pei-fu to carry out the civil war.

In the massacre of 30 May 1925, the United States imperialists participated in the slaughtering of the Chinese people.

In April 1927, in order to suppress the Great Revolution of China and to promote, in particular, the surrender of Chiang Kai-shek to imperialism, the United States Government together with the United Kingdom bombarded Nanking, creating the "Massacre of Hsiakuan".

From 1931 to 1933, the United States supplied the Chiang Kai-shek reactionary government with loans (one of which amounted to 50 million U.S. dollars), aeroplanes, and military advisers, to attack the Red Army of the Chinese workers and peasants led by the Communist Party of China.

During the period of Japanese invasion of China, the United States Government supplied Japan with a vast amount of war materials. According to Japanese official publications, war materials imported from the United States accounted for 33.5 per cent of the total Japanese imports of war materials in 1937. In March 1940, the percentage further increased to 38.7. As late as the end of 1944, imports of scrap iron from the United States to Japan accounted for 70 per cent of the total Japanese imports of scrap iron.

After the surrender of Japan, the United States Government became even more active in its aggression against China in an attempt to replace the Japanese rule over China and to reduce China to a colony of the United States. On 4 November 1946, the United States Government concluded with Chiang Kai-shek the notorious aggressive treaty, the Sino-American Treaty of Friendship, Commerce and Navigation, which deprived China of the sovereignty over its economy, its customs, and its coastal and inland navigation. Even a member of the British Parliament called it "the most savage economic aggression against China in history".

After the surrender of Japan, the United States Government helped Chiang Kai-shek with money, ammunition, military equipment, war materials and military advisers, to launch a large-scale civil war against the Chinese people. From the time around the Japanese surrender to June 1948, according to published accounts, the various kinds of United States Government aid to Chiang Kai-shek amounted to more than 6,000 million U.S. dollars. Such is the huge investment of the United States Government in Chiang Kai-shek's civil war against the people.

Thus, the history of the past 150 years proves that the United States imperialists have consistently been the aggressor against China. Their so-called friendship to the Chinese people is but another name for aggression. Their so-called cultural and humanitarian endeavours in China are actually but means to realize such aggression. Their friends in China, from the Manchu Emperor, Tseng Kuo-fan, Li Hung-chang, Yuan Shih-kai, Wu Pei-fu and Tsao Kun down to Chiang Kai-shek, who has been forsaken by all the Chinese people, have all been their lackeys in their aggression.

As is well known, the best friend of the United States Government in China now is Chiang Kai-shek. Chiang

Kai-shek is the best friend of the United States imperialists, yet he is the most deadly enemy of the Chinese people. Does not this prove that the American imperialists have always been the friends of the enemies of the Chinese people and that they themselves are the enemies of the Chinese people?

Mr. Dulles and Mr. Austin have attempted to glorify here the United States "open door" policy towards China in history. They consider this policy as the highest manifestation of the friendship of the American ruling circle towards the Chinese people. But what is actually the meaning of the "open door" policy? "Open door" policy means that China's door must be kept open to the American imperialists as well as to other imperialist countries. It means the opposition of the American imperialists to the monopolization of China by other imperialist countries. It means "sharing the spoils" by the American imperialists from the aggression against China by other imperialist countries. It means "equal opportunity" to the American imperialists in the exploitation of China with other imperialist countries. Is that not crystally clear?

The United States ruling circles did undertake many so-called cultural, religious and humanitarian projects in China. There have indeed been many good-hearted American people who believed in the deceitful propaganda of the United States ruling circles and participated in these projects. But the actual aim and the objective effect of the initiation of such projects are to paralyse the mind of the Chinese people so that they would not resist aggression by the United States imperialists.

The best explanation of the so-called "friendship" of the American imperialists for the Chinese people is the so-called aid to China from the United States Government, which Mr. Dulles and Mr. Austin have also attempted to glorify. Was there any aid from the United States Government to China? Yes, there was indeed. But those who were aided by the United States Government are the enemies of the Chinese people. They were aided to suppress the Chinese people and to slaughter the Chinese people. Mr. Austin asserted that in the past thirteen years, the so-called aid to China from the United States Government amounted to a yearly average of more than 100 million U.S. dollars. Mr. Austin also pointed out that the actual amount was even greater than this figure. In the period after the war, the United States Government has supplied a vast amount of arms, guns, bombs, ammunition, aeroplanes and naval vessels to the Chiang Kai-shek government to wage the civil war. But what is the result of such so-called "aid" from the United States Government? Chiang Kai-shek slaughtered several million Chinese people with American arms. I have here a copy of photographs of part of the United States military equipment captured by the Chinese People's Liberation Army from the Kuomintang reactionary troops. I shall ask the members of this Committee to pass around this copy. This is iron-clad proof of the fact that the American imperialists slaughtered Chinese people through the hands of Chiang Kai-shek. This is the manifestation of the so-called friendship of the United States Government towards the Chinese people.

There has always been a profound friendship between

the Chinese people and the American people. But there is only aggression by the American imperialists against China and the Chinese people. There has never been any friendship of the Chinese people towards the American imperialists and the American ruling circles. What there is is only hatred. Such hatred is the inevitable result of the United States imperialist policy of aggression against China. As the American imperialist policy of aggression has already reached the stage of armed aggression against China, the friendship between the Chinese people and the American people is indeed faced with the danger of being impaired. But I would like to ask Mr. Dulles with his benevolent pose: who are the ones that are impairing the friendship between the people of China and the people of the United States? They are none other than the United States Government, the ruling circles of the United States, the United States imperialist aggressors, the United States Government policy and actions of armed aggression against China. It is the American imperialists who send the sons and daughters of the United States to the Taiwan Strait and to China's territorial air to fight the Chinese people. Could it possibly be said that there had been a Chinese fleet which sailed to the coast of the United States in a preparation of fighting against the American people? Could it possibly be said that there had been Chinese aeroplanes which flew into the territorial air of the United States and bombed American women and children? Could it be said that the one who announced consideration of using the criminal weapon, the atomic bomb, to destroy the Chinese people and the Korean people, was not the President of the United States, Mr. Truman?

The United States imperialist aggression against China has now been changed from its covered and roundabout form in the past to the form of outright and naked aggression.

Taiwan is undisputably an inalienable part of China's territory. The liberation of Taiwan by the Central People's Government of the People's Republic of China is the exercise of sovereign rights over its own territory. This is strictly a domestic issue which allows no interference from any foreign Power. Yet President Truman openly dispatched American armed forces to Taiwan to prevent the Chinese Liberation Army from liberating Taiwan. This is clearly an outright and naked aggression against China's territory on the part of the United States imperialists.

The United States representatives and their followers have chanted the line that "Taiwan is one of the territories formerly belonging to Japan, and its disposal, like that of other territories belonging to Japan, still remains a matter of international concern". These representatives of the Anglo-American bloc have forgotten that Taiwan has always been in history an integral part of China's territory. The residents of Taiwan are people of China, under the jurisdiction of the Chinese Government. It was only stolen by Japan in 1895. The status of Taiwan was not only decided upon in the Cairo Declaration and the Potsdam Declaration, but has also been realized for five years ever since the end of the war. The representative of the United States, Mr. Austin, asserted that the United States invasion of Taiwan was

for the military neutralization of that island. Yet, according to the United Nations Charter and according to international law, there is no justification whatsoever which may be used to justify interference in the domestic affairs of other countries or aggression against the territory of other countries. To argue that the invasion of Taiwan by the United States armed forces is for the military neutralization of Taiwan is precisely an unwitting proof of United States aggression against Taiwan.

Mr. Dulles asserted that the Government of the United States had not invaded Taiwan, because according to him the United States military personnel on Taiwan amounted only to forty-four persons⁶. Mr. Dulles thought that this would prove that the Government of the United States had not invaded Taiwan. But Mr. Dulles failed to tell us: how many military personnel are there on the Seventh Fleet and where is that Seventh Fleet stationed? Mr. Dulles used the trick of talking things into non-existence to defend the United States aggression on Taiwan. But no amount of Mr. Dulles' sophistry could make the Seventh Fleet which has invaded Taiwan vanish into thin air.

Mr. Austin, on the other hand, used another set of tricks. He did not deny the fact that the United States Seventh Fleet had invaded the Taiwan Strait, but he attempted to deny the indisputable fact and the international agreements which stipulate that Taiwan is China's territory. He had the audacity to raise the question: what are the intentions of the Central People's Government of the People's Republic of China towards Taiwan? The Chinese people are determined to recover Taiwan from the clutches of the shameless United States aggressors. We are determined to do so and we have the strength to do it. The Government of the United States must bear the full responsibility for all consequences that may arise. Mr. Austin has attempted to steal the name of the United Nations to legalize the act of United States aggression on Taiwan and to enlist more accomplices to invade Taiwan. But I must tell Mr. Austin: all illegal resolutions of the United Nations under the manipulation of the United States Government have not the least binding force over the Chinese people. The Chinese people are not only determined to defeat the major aggressors confronting China, but are also determined to defeat all the aggressors who dare to invade China's territory.

Mr. Dulles dare not deny the aggressive acts of aggression in Korea committed by the United States air force—their violations of China's territorial air and their bombing and strafing and reconnoitering activities. But Mr. Dulles asserted that of the 83 violations of China's territorial air charged by the Soviet delegation on 15 November 1950, 61 were merely of a reconnaissance character. I would like to ask Mr. Dulles: assume that they were violations of China's territorial air of a reconnaissance character, would that mean that they were not acts of aggression? What if Chinese aeroplanes should fly into the air of New York? What would be Mr. Dulles' reaction then? The United States representative asserted also that if facts should prove that

⁶ See *Official Records of the General Assembly, Fifth Session, First Committee, 407th meeting.*

the United States military aircraft did invade China's territorial air, bomb Chinese cities and kill Chinese people, the Government of the United States was willing to pay appropriate compensation for the damages. How lightly the United States representative speaks! But I would like to call to the attention of the United States representative, that the sovereignty of the People's Republic of China cannot be bought by your dollars. I would also like to tell the United States representative: you have encountered many difficulties in this world of today. One of the sources of these difficulties is that you think you can buy the sovereign rights of any country by your dollars. But you forget that China is now a country where the people are in power. The sovereignty of that country cannot be bought by your filthy dollars. What sovereignty you could buy is only such as that of the old China under Chiang Kai-shek's rule. But unfortunately for you, the ruling clique of old China, in spite of the billions of dollars that it has received from you, has been driven out at the end from China's mainland by the Chinese people. Mr. Dulles, this is the reason for your animosity towards the Chinese people.

Mr. Austin asserted: "The United States Government's actions since the establishment of the Peiping regime have not been aggressive towards China or towards Korea or in Korea". But it is not an easy job for a robber loaded with loot to disguise as an angel entering the Gate of Heaven.

I shall now present to the Committee the following facts. By these facts, I accuse the United States Government of intervention, aggression and hostility against China.

1. The Government of the United States has actively supported and is still actively supporting the Chiang Kai-shek reactionary remnant clique in Taiwan to carry out its desperate struggle and has directed Chiang Kai-shek to blockade China's coast and to bomb Chinese cities. The United States Government has continuously been shipping ammunition, arms and other war materials to Taiwan. According to incomplete statistics, from January to October of this year, the Governments of the United States and Canada sent several hundred aeroplanes and over 700 tanks to the Chiang Kai-shek reactionary remnant clique, while United States military officers trained Chiang Kai-shek's troops to fight against the Chinese people. The American war-monger Claire Chennault, former Commander of the United States Fourteenth Air Force, said openly: "To strangle the communists by starvation, blockade is necessary". As is well known to the whole world, the Chiang Kai-shek reactionary remnant clique has been using American aircraft to bomb Chinese coastal cities. On February 6 of this year, Chiang Kai-shek used American aircraft for barbaric bombing of Shanghai, killed and wounded more than 1,000 Chinese people and damaged a vast number of houses and properties. This the Chinese people shall never forget.

In addition to the open and active support to the Chiang Kai-shek reactionary remnant clique in its desperate struggle, the Government of the United States is also trying to sabotage the People's Republic of China from within. The secret service agencies of the United States

Government together with those of the Kuomintang are jointly directing secret agents and bandits to engage in various kinds of disruptive activities. According to the statistical report of the Southwest Military and Political Council of China, 60 per cent of the important bandit leaders in the southwest provinces have had United States and Chiang Kai-shek secret service training. The same Chennault stated openly in the issue of 18 November of *Collier's* magazine: "A program of military aid to anti-communist Chinese guerrillas is practicable. It would not cost very many American dollars. It would cost no American lives".

2. The United States Government has employed every measure to prevent the representatives of the Central People's Government of the People's Republic of China from participating in the United Nations and the Allied Council for Japan, while insisting that the representatives of the public enemy of the Chinese people, the Taiwan Kuomintang reactionary clique, usurp the seat of China.

Ever since 15 November 1949, our Foreign Minister Chou En-lai has repeatedly demanded that the United Nations expel the illegal representatives of the Kuomintang reactionary remnant clique. The representatives of the Soviet Union, India and other countries have also repeatedly made similar proposals at the General Assembly and at the Security Council of the United Nations. But all those just demand and proposals have been rejected by the United States and its satellites. Thus, up to now, the United States Government has not only kept the representatives of the Kuomintang reactionary remnant clique in the United Nations, but has also directed those running dogs to attack the justified charge levelled by the lawful representative of the People's Republic of China.

3. The Government of the United States is actively rearming the fascist forces in Japan. The Japanese fascist forces are being revived. Disregarding protests and warnings from our Government, General MacArthur has illegally released a large number of the Japanese war criminals who had invaded China. The Japanese army is being rebuilt by the United States authorities in Japan under the name of "Police Reserve". The Japanese police force has already reached 125,000 men. The Japanese navy is also being revived. The so-called "Marine Security Board" of Japan has already 300 vessels under its command. The Government of the United States is contriving to conclude a separate peace with Japan without the Soviet Union and China, in order to obtain an exclusive domination over Japan. In the recent *aide mémoire* of the United States Department of State to the Far Eastern Commission, it is even openly proposed that the status of the Chinese territory, Taiwan, should be determined by joint consultation of the United States of America, the United Kingdom, China and the Union of Soviet Socialist Republics. From these, one can see what kind of a peace treaty with Japan the United States Government has in mind. In adopting such a policy towards Japan, the Government of the United States is unquestionably aiming to convert Japan into a military base for the American imperialists to wage aggressive war in Asia. In fact, the United States

Government has already made use of this military base, Japan, and Japanese fascist war-lords to launch the armed aggression against China's territory, Taiwan, and against China's neighbour, Korea.

4. The United States Government has built up a vast network of military bases in the Pacific. This network runs from the United States military base in Alaska, through the Aleutian islands, Japan, the Ryukyu Islands, Korea, Taiwan, the Philippines, Vietnam, and Thailand. Everyone can see that this network of bases forms an encirclement of the new China. In fact, General MacArthur has openly admitted that this network of bases is aimed at China and the Soviet Union as its objects for encirclement and targets for attack. The simultaneous armed aggression against China's territory, Taiwan and China's neighbour, Korea, is not only the inevitable consequence of the consistent American imperialist aggression against China, but also a premeditated step for a further total attack against the People's Republic of China. The aim of the United States Government in its aggression on Taiwan is to convert Taiwan into a spring-board for the American imperialists to attack the Chinese mainland. Similarly, the armed aggression against Korea is also aimed at converting Korea into another spring-board for the American imperialists to attack China's mainland.

From the very outset, the aggression against Korea by the United States Government threatened China's security. Since then, the United States Government has disregarded the repeated warnings of the Government of China and directed its armed forces of aggression in Korea to extend the flames of war persistently towards the northeastern border of China. There can be no other aim for the United States Government to take such a course of action except that of a further invasion of China after the occupation of Korea is completed.

Facts in history have shown that the end of a first aggression is the beginning of a second new aggression. In fact, even before the achievement of a total occupation of Korea, the American imperialist aggressors and their puppets have already formulated their next step. In 1949, Syngman Rhee submitted to the United States Government a draft of the "Korean-American Treaty of Alliance". Article 7 of the draft Treaty stated:

"It is recognized and understood by the high contracting parties that if the war of liberation (i. e., the United States war of aggression) must be continued on the territory of Manchuria in reply to an attack of the Chinese Communist Party on Korea, His Excellency the President of the United States of America helps His Excellency the President of the Korean Republic to bring the war of liberation to a victorious conclusion. In his turn, the President of the Korean Republic, apart from the rehabilitation of Northern Korea, which will be of main interest for the Korean Republic, undertakes to hand over the development of the natural resources of Manchuria and other parts of Eastern China to the joint administration of the United States and Korea".

The American war-mongers have continuously been

clamouring for the crossing of the North Korean border by the United States armed forces to invade northeastern China. The popular American magazine, *U. S. News and World Report*, in its issue of 13 October, published a bombing chart of the United States aggressive forces in Korea, in which cities of northeastern China are clearly marked as targets of the United States air forces of aggression in Korea. Two days after my arrival in New York, on 26 November, *The New York Times* published a letter from Mr. Henry de Young, the former South Korean Minister to MacArthur's Headquarters in Japan, suggesting the establishment of a buffer State in China's territory north of the Yalu river. It cannot be accidental that *The New York Times* should publish such a letter. All this demonstrates that the United States armed forces of aggression in Korea are systematically plotting to invade China's northeastern area.

The intention of the United States Government to extend the aggressive war in Korea is even more clearly manifested in the actions of the United States armed forces of aggression in Korea. As early as 27 August, the aircraft and naval vessels of the United States armed forces of aggression in Korea started persistent provocations against China. From August 27 to November 24, the United States air force of aggression in Korea, employing more than 1,000 aeroplanes, violated China's territorial air for more than 200 times and penetrated far into China's territory to bomb, strafe and reconnoitre, causing heavy casualties among the Chinese people and serious damage in Chinese property. Furthermore, naval craft of the United States aggressive forces against Taiwan and Korea unlawfully inspected Chinese peaceful merchant shipping on the high seas. The long series of aggressive actions of the United States proves that the United States Government is determined to extend the aggression to China and that the aggressive, war-like actions of the American imperialists against the People's Republic of China have already begun. I have here a list of tables which I shall ask the Chairman to pass around among the members of the Committee. This list of tables records the course of events from August 27 to 9.20 a.m., November 10, of violations of China's territorial air by the United States military aeroplanes and their bombing, strafing and reconnoitering, damaging Chinese property and killing Chinese people.

The American imperialists have long been committing aggressive actions against China. The American imperialists have been hostile to the Chinese people on every issue. The American imperialists have launched simultaneously aggression against Taiwan and Korea. They are determined to extend the aggressive war against Korea. They have persistently been making provocations against China. Under such unbearable circumstances, the Chinese people, in order to protect their homeland, are volunteering in great numbers to go to the aid of the Korean people to resist the American imperialists. This is completely natural, reasonable and honourable. There is nothing to cause the alarm of the war-mongers.

In accordance with to a premeditated plan, the United States ruling circles directed their puppet, Syngman Rhee, to launch an attack on the People's Democratic Republic of Korea, thus unleashing the civil war in

Korea. Under the pretext of intervening in the civil war in Korea, the United States ruling circles further launched simultaneously the aggression against Taiwan and Korea. While its aggression upon China's territory, Taiwan, is an act of outright and naked aggression which is completely unjustified, its aggression on Korea is equally inexcusable. The arguments put forward by the United States Government to justify its aggression against Korea will not bear examination. The United States Government has attempted to cover up its armed intervention in Korea under the mantle of the United Nations, but its efforts are in vain.

If the Syngman Rhee reactionary clique had not only unleashed the civil war in Korea but also gained an upper hand in the civil war and pushed the war to the interior of the Korean People's Democratic Republic from the very outset, we may be sure that the United States Government would never consider this as an aggression by South Korea against North Korea. Nor would they call upon the United Nations to undertake the so-called measure of "anti-aggression". But unfortunately for the ruling circles of the United States, the Korean People's Democratic Republic repelled the provocative attack of the reactionary clique of Syngman Rhee. Moreover, it immediately switched to a counter-offensive and swiftly pushed the war into the area ruled by Syngman Rhee's reactionary clique. The United States Government started to scream then the absolutely absurd charge of so-called aggression of South Korea by North Korea. It dispatched at once its armed forces, according to its premeditated plan to carry out armed intervention in the internal affairs of Korea and armed aggression against the Korean people.

To brand as aggression the counter-offensive of the people's armed forces of North Korea in the civil war against the reactionary clique of South Korea, is the biggest lie in history. But it is on this big lie that the United States Government relies to cover up its armed aggression against Korea. We would like to ask the United States representative the following question. During the American Civil War in the 1860's, President Lincoln led the armed forces of the northern states in an attack into the southern states. Does the United States representative maintain that this was an aggression by the northern states against the south? Does he maintain that President Lincoln was the greatest aggressor heading this aggression? Not long ago, the Chinese people had the same experience. In 1946, the Chiang Kai-shek Kuomintang reactionary clique violated peace in China and launched a civil war against the liberated areas which were under the leadership of the Communist Party of China. In 1948, after having repelled the offensive of Chiang Kai-shek, the armed forces of the Chinese people counter-attacked and pushed the war into the areas under the Kuomintang rule. Does the United States representative consider that as an aggression of the Chinese People's Liberation Army against the Chinese Kuomintang reactionary clique?

The United States ruling circle may deny its own history, but the peace-loving peoples of the whole world know clearly the facts. The counter-offensive of the armed forces of the North Korean people in the civil war against the Syngman Rhee reactionary clique of

South Korea is in no sense an aggression. The real aggressors are the United States Government, the ruling circles of the United States and the American imperialists, who dispatched their armed forces to Korea to attack the Korean people under the pretext of opposing the so-called "aggression" of North Korea against South Korea. People the world over are posing the following question to the ruling circles of the United States: how could the Korean people commit aggression against the Korean people? Why are the armed forces of the United States dispatched to Korea, 5,000 miles away from America, to attack the Korean people, who have never committed any aggression against the United States? This is a very pertinent question. The Korean people could no more commit aggression against the Korean people than the American people could commit aggression against the American people. The Korean people have never been the aggressor against the United States and the people of the United States. It is the ruling circles of the United States that have intervened in the internal affairs of Korea and committed armed aggression against Korea.

The ruling circles of the United States have usurped the name of the United Nations in an attempt to cover up their intervention in the internal affairs of Korea. However, such manoeuvre cannot deceive anyone either. The United States representatives have repeatedly cited the resolutions of the United Nations Security Council of 25 June, 27 June and 7 July 1950⁷, which requested the Members of the United Nations to render armed support to the so-called Republic of Korea in opposing the Korean People's Democratic Republic for its alleged aggression. It is said that these are the legal bases upon which the United Nations troops are opposing North Korea for its aggression. However, all these legal bases are illegal themselves. They are in violation of the United Nations Charter, both in their form and in their substance. The Charter of the United Nations clearly stipulates that the United Nations is not authorized to intervene in matters which are essentially within the domestic jurisdiction of any State. However, all the above-mentioned resolutions of the United Nations Security Council on the Korean issue are in gross violation of the principle of non-intervention in the domestic affairs of any State, and hence illegal. As a matter of procedure, the adoption of these resolutions in the Security Council is also illegal. The Charter of the United Nations clearly stipulates that decisions of the Security Council on all matters other than procedural ones shall be made by an affirmative vote of seven members including the concurring votes of the permanent members. But all these resolutions were adopted without the participation and the concurring votes of the two great permanent members, the Soviet Union and China. Therefore, they are in violation of the United Nations Charter, and illegal. The Central People's Government of the People's Republic of China has long since expressed its stand, that is, it firmly opposes the reactionary resolutions adopted in the United Nations Security Council under the manipulation of the United States Government

⁷ See *Official Records of the Security Council, Fifth Year*, Nos. 15, 16 and 18.

As a matter of fact, it is superfluous to study and to analyse the illegal nature of these resolutions. This is because of the fact that it was only after the United States Government had already decided on 27 June to commit armed intervention in the domestic affairs of Korea and had made a statement to the whole world to this effect, that Mr. Austin was ordered to present the draft resolution to the Security Council asking that it should be approved.

Mr. Austin has repeatedly argued that the so-called anti-aggressive war in Korea is being waged by the United Nations troops. But who would be deceived by such arguments? Those who are fighting against the Korean people today are not United Nations troops but mainly United States troops and a small number of troops of other countries which are helping the United States. The one who is directing the war is not a United Nations commander-in-chief either, but the Commander-in-Chief of the United States Armed Forces in the Far East, General MacArthur, who is bitterly hated by the people of Asia. The purpose of these troops, which are fighting against the Korean people, is not to oppose aggression as it is alleged, because the Korean people could not possibly commit aggression against the Korean people. Nor is the purpose the achievement of independence and unity of Korea, because there could never be such an absurdity that the independence and unity of a country had to be achieved by the armed forces of a foreign country or several foreign countries. The purpose of the United States troops, which are fighting the Korean people, is to conquer the whole of Korea and to use Korea as a spring-board to attack the mainland of China. As I have stated, the attack on the mainland of China has already begun.

These United States troops and Syngman Rhee's troops which are fighting against the Korean people have violated all international rules and precedents. They have slaughtered *en masse* the innocent and peace-loving residents of Korea, including women and children. They have savagely destroyed the peaceful towns and villages of Korea. Their barbarism and cruelty have surpassed those of the Hitlerite troops in Europe. The anger among the peoples of Korea and China and the peace-loving nations of the world that has been aroused by these barbaric, cruel and inhuman acts is immeasurable. I must point out here that as from 5 August to 27 November 1950 the Foreign Minister of the Korean People's Democratic Republic, Pak Hen-en, has repeatedly protested to the United Nations, demanding that the United Nations bring to an end such inhuman cruelties of the United States and Rhee's troops. However, the United Nations has purposely disregarded these protests and has purposely covered up these bloody records. Despite the fact that the People's Army of Korea has treated with magnanimity the war prisoners who have laid down their arms—as is well-known to the American people, the People's Army of Korea has set free large groups of these war prisoners—news reports of the United States ruling circles have been purposely exaggerating news of United States troops being killed at the battle-front to fool the American people and to incite a spirit of revenge, so as to prepare more pretexts for still greater massacre and destruction in Korea by the United States

and Rhee's troops. This is a shameful act. Against this we cannot but lodge a protest with anger. The reactionary view that only the lives of the Anglo-Saxons are precious while the lives of the Asian people are worthless no longer works. The Chinese people will fight resolutely without regard to sacrifices against such unprecedented barbaric, cruel and inhuman acts of the United States and Rhee's troops.

Members of the Committee: the true substance of the Korean issue is that the United States Government has committed armed intervention in Korea and slaughtered Korean people. Its aim is to conquer the whole of Korea and to attack the mainland of China. In the name of the Central People's Government of the People's Republic of China, I hereby submit to the United Nations General Assembly the charge against the United States Government of unlawful, criminal and aggressive acts of armed aggression in Korea, of slaughtering the Korean people, of extending the Korean war, and of threatening China's mainland.

The armed aggression against Taiwan on the part of the United States Government is completely unjustified, outright and naked aggression. The armed aggression against Korea on the part of the United States Government is in substance equally unjustified and inexcusable. The fact that the United States Government has carried out simultaneous armed aggression against Taiwan and Korea is in fact the realization of a premeditated plan of large-scale aggression. Therefore, it is this aggression which threatens simultaneously the Chinese people and the Korean people that is a brazen aggression. President Truman of the United States, Secretary of State Mr. Acheson, and representative of the United States, Mr. Austin, have persistently argued that the aggression against Taiwan by the United States Government is necessary due to its armed intervention in Korea. Even the President of the Security Council in November, Mr. Bebler, has argued in the same way. Mr. Bebler asserted⁸ that the question of aggression against Taiwan by the United States Government was only of secondary importance. In so arguing, he has supported those who advocate that the charge brought by my Government against the United States of armed aggression against Taiwan should not be discussed at all or that the solution of the question of the United States armed aggression on Taiwan must await the solution of the Korean question. I would like to point out that all these arguments are absurd and biased in favour of the United States aggressors. The Charter of the United Nations clearly stipulates that no justification whatsoever may be used as an excuse for aggression. On what ground could the armed intervention in Korea by the United States Government be used as an excuse for its armed aggression on Taiwan? The attempt of the United States representative to justify the United States armed aggression on Taiwan by its armed intervention in Korea, is ridiculous. It cannot deceive anyone, nor will it bear examination.

There is indeed a close relationship between the United States aggression on Taiwan and its aggression on Korea. But the relationship is not such that the armed interven-

⁸ *Ibid.*, No. 72.

tion in Korea by the United States Government may be used as a justification of its aggression against Taiwan. The relationship is instead that both the aggression against Taiwan and the aggression against Korea by the United States Government are part of its overall design of attack against the mainland of China. To the Chinese people, those who are waging an aggressive war against the Korean people in Korea are the same aggressors who are committing aggression against Taiwan. As the United States Government has simultaneously launched the aggression against the territory of China, Taiwan, and against its close neighbour, Korea, there is no reason why the Chinese people could not support the Korean people on a voluntary basis against the United States armed aggression on Korea, at the same time as they are resisting the United States armed aggression on Taiwan.

I have heard much empty talk in the Security Council to the effect that the troops fighting in Korea at present have no intention to commit aggression against the north-eastern territory of China. Moreover, it is said that the majority of the members of the Security Council are ready to put such assurances into a resolution. It seems that the Chinese people should now rest assured. This is taking the Chinese people for idiots.

It is to be noted that those countries which wish to assure us that the United States troops in Korea would not violate the territory of China are precisely those which maintain that the United States Seventh Fleet should stay at the Taiwan Strait and continue its aggression against China. Suppose a detachment of the armed forces of a country hostile to the United States had occupied Hawaii, while another detachment of this same country was attacking the neighbour of the United States, Mexico. Now the aggressor comes to assure the American people: "You have nothing to fear. Our troops in Mexico will not commit any aggression against the United States". Is it conceivable that the American people would believe in the assurances given by such an aggressor and its accomplices? The United States Government has invaded the territory of China, Taiwan, while its armed forces threaten to approach the border of China from another direction. But the United States Government and its accomplices are demanding that the Chinese people believe in their assurances that the armed forces which are approaching China's border would not invade China's territory. The Chinese people have had too much experience in struggle to pay any attention to such empty words. The United States Seventh Fleet is invading the Strait of Taiwan and the United States air force of aggression in Korea has violated the territorial air of China more than 200 times. Such actions refute any assurances that may be given by Mr. Austin or Sir Gladwyn Jebb. The words of the United States Seventh Fleet are much more powerful and eloquent than those of Mr. Austin.

The Chinese people understand fully and correctly the whole implication of the constant provocations against China by the United States armed forces which are committing armed aggression simultaneously against Taiwan and Korea. The aggressor who has invaded Korea is exactly the aggressor who is invading Taiwan. They understand that once the aggressor in Korea completes its aggression against Korea, its next step will be

inevitably a further aggression against the mainland of China. China is the only country which has a common border of 500 kilometres with Korea. The people of China and the people of Korea have always in history relied upon each other. The aggressor who invades Korea today invariably invades China tomorrow. This is what imperialist Japan did fifty-five years ago. This is what the American imperialists are doing now, only proceeding with greater speed. Hence, the Chinese people, in their resistance against the United States aggression on Taiwan, are rendering help on a voluntary basis to the Korean people to resist the aggressive actions of the United States. Such actions are not only irreproachable, but wholly rightful. Such actions are not only a help rendered to their neighbour, but also an act of defence of their own homeland. It is the American imperialist aggressors and their accomplices who have committed armed aggression against Taiwan and Korea. The actions of the Chinese people of rendering voluntary support to the Korean people in their resistance to the aggression of the United States Government, are rightful deeds aimed at opposing intervention and aggression. So long as the criminal acts of intervention and aggression on the part of the United States aggressors and their accomplices continue, the rightful struggle of the Chinese people and the Korean people against intervention and aggression will never cease, no matter how the United States aggressors and their accomplices try to pervert the truth, to cheat and to deceive. The American imperialists have come 5,000 miles across the Pacific to invade Korea and Taiwan. To argue that the Chinese people must not render any voluntary support to the Korean people to oppose the intervention and aggression by the American imperialists against both China and Korea, is absurd and inconceivable. The lance of the American aggressors has extended too far. It has stabbed across 5,000 miles of the Pacific into the territory of China and that of Korea. The Chinese people and the Korean people resolutely demand that the United States aggressors and their accomplices draw back their aggressive long lance by withdrawing simultaneously all their armed forces from Taiwan and Korea.

Recently, owing to the bankruptcy of the so-called "end the war" offensive launched by General MacArthur of the United States, President Truman of the United States, Secretary of State, Mr. Acheson, and the United States representative, Mr. Austin, have uttered screams of the so-called "new aggression" or "intervention" of China against Korea. They have threatened once more to use illegally the name of the United Nations to extend the war further into the mainland of China, not hesitating at all to stir up a third war. Members of the Committee, these are barbaric threats. The people of China and the people of Korea, determined to resist the United States aggression, shall never bow their heads to any threat whatsoever. The ruling circles of the United States are attempting once more to steal the name of the United Nations to extend its aggressive war against Korea into the mainland of China. We firmly oppose the United Nations for being used once again by the United States; for it would be a thorough violation of the United Nations Charter. At the same time, I must call the attention of the representatives

of those countries which are prepared to support such a manoeuvre of the United States. If you do so, it would mean that you are taking a further step in supporting the United States aggression. It would mean that you are making enemies of the 475 million people of China and of the people of the whole world who love peace and oppose war. The people of China and the people of the whole world would not lightly forgive you. You must bear the full responsibility for the inevitable consequences of your actions.

President Truman of the United States and Secretary of State, Mr. Acheson, have constantly referred to the "crisis" in the present international situation. But we would like to ask: what is the origin of this "crisis"? The origin of this crisis is the aggressive and war policy of the American imperialists. A handful of American imperialist aggressors are determined to extend aggression and to demand world war, thus creating the so-called "crisis" in the present international situation. People of the whole world are opposed to war. Nevertheless, peace cannot be obtained by making concessions to aggressors. The only way to avert the so-called "war crisis" and improve the present international situation is for the peace-loving people of the whole world to strengthen their resistance to the United States imperialist aggression and to strengthen their struggle to end the United States imperialist aggression. Mr. Austin, in a complete distortion of facts, asserted that the question of world peace or world war was to be decided by the Chinese people, as if the Chinese people wanted to bomb America and to drop atomic bombs on the United States. No, Mr. Austin, the judgment of the whole world is not to be distorted. The situation that confronts the whole world today is that a few American imperialist aggressors are determined, against the will of the American people and of the people of the whole world, to extend aggression and to demand war, even threatening to use the atomic bomb. The Chinese people have learnt from their bitter experience of long struggles that only by resisting the aggression of the United States Government without the minutest concession, can a world war be averted and peace of the world maintained. The Chinese people are determined to do so. All threats and deceit will be of no use.

The Chinese people have full confidence and determination to recover Taiwan from the grip of the United

States aggressors and to put to an end all the direct and indirect aggressive actions of the United States Government against the People's Republic of China. But to safeguard international peace and security and to uphold the sanctity of the United Nations Charter, the United Nations has the inalienable duty to apply sanctions against the United States Government for its criminal acts of armed aggression on China's territory, Taiwan, and armed intervention in China's neighbour, Korea. I, therefore, in the name of the Central People's Government of the People's Republic of China, request that the General Assembly should adopt the following resolution:

"The General Assembly,

"Recognizing that the invasion and occupation of Taiwan by the armed forces of the United States of America constitute open and direct aggression on China's territory,

"Recognizing that the armed aggression on China's territory and the armed intervention in Korea by the armed forces of the Government of the United States of America have shattered peace and security in Asia and violated the United Nations Charter and international agreements,

"Requests the Security Council

"(1) To condemn and to take concrete steps to apply severe sanctions against the Government of the United States of America for its criminal acts of armed aggression against the territory of China, Taiwan and armed intervention in Korea;

"(2) To adopt immediately effective measures to bring about the complete withdrawal by the Government of the United States of America of its forces of armed aggression from Taiwan, in order that peace and security in the Pacific and in Asia may be ensured; and

"(3) To adopt immediately effective measures to bring about the withdrawal from Korea of the armed forces of the United States of America and all other countries and to leave the people of North and South Korea to settle the domestic affairs of Korea themselves, so that a peaceful solution of the Korean question may be achieved".

DOCUMENT A/1773

Report of the First Committee

*[Original text: English]
[9 February 1951]*

1. By a letter dated 20 September 1950 addressed to the President of the General Assembly (A/1375), the delegation of the Union of Soviet Socialist Republics proposed that the question of United States aggression against China should be included in the agenda of the fifth session of the General Assembly. An explanatory

note dated 21 September 1950 (A/1382) followed this request.

2. The General Committee decided at its 70th meeting to recommend the inclusion of this item in the agenda under the heading "Complaint by the Union of Soviet

Socialist Republics regarding aggression against China by the United States of America". The General Assembly approved this recommendation at its 285th meeting on 26 September 1950, and included the item as item 70 on its agenda, referring it to the First Committee.

3. At the 399th meeting of the First Committee, during a discussion on the priority to be assigned to the consideration of items that still remained on its agenda, the U.S.S.R. delegation introduced a draft resolution (A/C.1/630) proposing that the First Committee should invite the representative of the Central People's Government of the People's Republic of China to participate in the discussion of this item.

4. The First Committee considered the item at its 405th to 409th and 439th to 441st meetings, inclusive.

5. At the 405th meeting, an amendment was submitted by Chile (A/C.1/635) to replace the operative part of the U.S.S.R. draft resolution (A/C.1/630). The Chilean amendment proposed that the representative of the People's Republic of China should be invited to present his views and provide such information as the Committee might request during its discussion of the item, and stated that the invitation in no way prejudged the merits of the question under discussion or affected the present status of Chinese representation in the United Nations.

6. At the 406th meeting, upon further clarification by the U.S.S.R., the Chilean delegation agreed to withdraw the amendment if the U.S.S.R. was agreeable to the addition of the following sentence to its draft resolution: "This invitation in no way prejudges the merits of the question under discussion or affects the present status of Chinese representation in the United Nations". The proposed addition was not accepted by the U.S.S.R. and the Chilean amendment was therefore put to the vote and rejected by 17 votes to 9, with 33 abstentions.

7. The U.S.S.R. draft resolution (A/C.1/630) was put to the vote by roll-call and was adopted by 30 votes to 8, with 22 abstentions. The vote was as follows:

In favour: Afghanistan, Australia, Burma, Byelorussian Soviet Socialist Republic, Canada, Colombia, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, France, Haiti, Iceland, India, Indonesia, Israel, Lebanon, Netherlands, Norway, Pakistan, Poland, Sweden, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Uruguay, Yemen, Yugoslavia.

Against: Bolivia, China, Costa Rica, Cuba, Dominican Republic, Nicaragua, Paraguay, Turkey.

Abstaining: Argentina, Belgium, Brazil, Chile, Egypt, Greece, Guatemala, Honduras, Iran, Iraq, Liberia, Luxembourg, Mexico, New Zealand, Panama, Peru, Philippines, Saudi Arabia, Thailand, Union of South Africa, United States of America, Venezuela.

8. Further discussion of the item was then postponed for two days to enable the Secretary-General to communicate to the Government of the People's Republic of China the text of the resolution adopted by the Committee. The Government of the People's Republic of China

replied by telegram (A/C.1/636) appointing its representative to participate in the discussion of the item in the First Committee. At the 407th meeting, the representative of the Government of the People's Republic of China, at the invitation of the Chairman, took a place at the Committee table.

9. At its 408th and 409th meetings the First Committee considered a proposal by France that the Committee should give priority to the consideration of item 76 of the agenda, of the General Assembly, namely, "Intervention of the Central People's Government of the People's Republic of China in Korea". The French proposal was adopted by 42 votes to 5, with 4 abstentions, at the 409th meeting held on 7 December 1950.

10. The First Committee resumed consideration of item 70 at its 439th meeting held on 2 February 1951. At the 440th meeting, held on 6 February, the Chairman informed the Committee that he had, on 2 February, informed the Government of the People's Republic of China by telegram that the Committee had resumed on that date discussion of item 70 of the agenda, and had also indicated the date of the Committee's next meeting. The reply to this telegram was read to the Committee. The Chairman ruled at the same meeting that the text of the statement of the representative of the Government of the People's Republic of China, alluded to in the telegram from the Minister for Foreign Affairs of the Government of the People's Republic of China, which had been read out to the Committee, would be circulated as a Committee document instead of being both read out to the Committee and circulated as a document. The Committee sustained the Chairman's ruling and the statement of the representative of the Government of the People's Republic of China was circulated as a Committee document (A/C.1/661).

11. During the consideration of the item, the following draft resolution (A/C.1/637) was submitted by the U.S.S.R. at the 407th meeting:

"The General Assembly,

"Having considered the question of the aggression against China by the United States of America,

"Having heard the statement on this question by the delegation of the People's Republic of China and the explanation given by the delegation of the United States of America,

"Having considered the facts of the infringement of China's territorial integrity and the inviolability of its frontiers by naval and air units of the United States of America, as witnessed by:

"(a) the invasion by United States armed forces of the island of Taiwan, which, as recognized in the three-Power Cairo Agreement of 1 December 1943 between the United States of America, the United Kingdom and China, is an inalienable part of Chinese territory, and the consequent intervention by the Government of the United States of America in the domestic affairs of China,

"(b) the blockade of the coast of the island of Taiwan by the United States Seventh Fleet for the

hostile purpose of barring the island to the armed forces and authorities of the People's Republic of China,

“ Requests the Security Council to take necessary steps to ensure the immediate cessation of aggression against China by the United States of America ”.

12. The U.S.S.R. draft resolution, which was the only draft resolution submitted on the item, was put to the vote at the 441st meeting of the Committee and was rejected by 49 votes to 5, with 3 abstentions. Consequently, as regards this item, the First Committee has no recommendation to submit to the General Assembly.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1375	Letter, dated 20 September 1950, addressed to the President of the General Assembly by the Secretary-General of the delegation of the Union of Soviet Socialist Republics		Incorporated in the 69th meeting of the General Committee
A/1382	Communication, dated 21 September 1950, addressed to the Secretary-General by the delegation of the Union of Soviet Socialist Republics	1	
A/1773	Report of the First Committee	12	
A/1776	Union of Soviet Socialist Republics : draft resolution		Incorporated in the 328th plenary meeting
A/C.1/590	Telegram, dated 17 October 1950, from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the President of the General Assembly and to the Secretary-General .	2	
A/C.1/630	Union of Soviet Socialist Republics : draft resolution		Incorporated in the 405th meeting of the First Committee, paragraph 1
A/C.1/635 and A/C.1/635/Corr.1	Cuba : amendment to the Union of Soviet Socialist Republics draft resolution (A/C.1/630)		Incorporated in the 406th meeting of the First Committee, paragraph 8
A/C.1/636	Telegram, dated 24 November 1950, from the Secretary-General to the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China transmitting the resolution adopted at the 406th meeting of the First Committee, and cabled reply dated 26 November 1950 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China to the Secretary-General.	3	
A/C.1/637	Union of Soviet Socialist Republics : draft resolution		Incorporated in A/1773, paragraph 11
A/C.1/661	Statement by General Wu Hsiu-chuan, representative of the People's Republic of China, in support of the charge of United States aggression against China made by the representative of the Soviet Union, Mr. Vyshinsky, in the Committee on Political and Security Questions of the United Nations General Assembly.	3	



Agenda item 71 : The question of Formosa

C O N T E N T S

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Plenary meetings (first phase) :		
A/1381	Letter, dated 21 September 1950, from the head of the United States delegation to the Secretary-General	1
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DOCUMENT A/1381

Letter, dated 21 September 1950, from the head of the United States delegation to the Secretary-General

[Original text : English]
[21 September 1950]

In accordance with rule 20 of the rules of procedure of the General Assembly, the delegation of the United States offers the following observations in connexion with and in support of its request that the "Question of Formosa" should be placed on the agenda of the fifth session of the General Assembly as an additional item of an important and urgent character within the meaning of rule 15.

In the joint Declaration at Cairo of 1 December 1943 the President of the United States, the Prime Minister of the United Kingdom, and the President of China stated " it is their purpose that ... Manchuria, Formosa and the Pescadores shall be restored to the Republic of China ... The aforesaid three great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent ". In the Potsdam Declaration of July 1945, defining the terms for a Japanese surrender, the three Allied leaders declared that the terms of the Cairo Declaration should be carried out. The provisions of this Declaration were accepted by Japan at the time of its surrender. General Order No. 1 of the Japanese Imperial Headquarters issued pursuant to the terms of surrender, provided for the surrender of the Japanese forces in China (excluding Manchuria) and Formosa to Generalissimo Chiang Kai-shek. Formal transfer of Formosa to China was to await the conclusion of peace with Japan or some other appropriate formal act. For the past five years, Chinese authority has been exercised over the island.

On 25 June 1950, a breach of the peace occurred in the Pacific area in the form of an armed attack against the Republic of Korea. In the resolution adopted on that day, the Security Council took the first step towards restoring the peace¹. On 27 June, the President of the United States stated that the North Korean forces had " defied the orders of the Security Council of the United Nations issued to preserve international peace and security. In these circumstances the occupation of Formosa by communist forces would be a direct threat to the security of the Pacific area and to United States forces performing their lawful and necessary functions in that area. Accordingly, I have ordered the Seventh Fleet to prevent any attack on Formosa. As a corollary of this action I am calling upon the Chinese Government on Formosa to cease all air and sea operation against the mainland. The Seventh Fleet will see that this is done. The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations... "

The Government of the United States has made it abundantly clear that the measures it has taken with respect to Formosa were without prejudice to the long-term political status of Formosa, and that the United States has no territorial ambitions and seeks no special position or privilege with respect to Formosa. The United States believes further that the future of

¹ See *Official Records of the Security Council, Fifth Year, No. 15.*

Formosa and of its nearly 8 million inhabitants should be settled by peaceful means in accordance with the Charter of the United Nations.

The limited question, that of charges by the Peiping régime against the United States, as set forth in document S/1715, remains before the Security Council. The United States considers that the General Assembly could make an important contribution towards carrying

out the purposes and principles of the United Nations in the Pacific area if it should study the general situation with respect to Formosa with a view to formulating appropriate recommendations.

(Signed) Dean ACHESON,
Head of the United States delegation
to the General Assembly

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and reference to other sources</i>
A/1373	Letter, dated 20 September 1950, from the head of the United States delegation to the Secretary-General		<i>Official Records of the General Assembly, Fifth Session, Annexes, agenda item 68.</i>
A/1381	Letter, dated 21 September 1950, from the head of the United States delegation to the Secretary-General	1	



Agenda item 72 : Duties of States in the event of the outbreak of hostilities

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A/C.1/608	Union of Soviet Socialist Republics : draft resolution on the definition of aggression	4
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DOCUMENT A/1399

Letter dated 26 September 1950 from the Vice-President of the Government and Minister of Foreign Affairs of the Federal People's Republic of Yugoslavia addressed to the Secretary-General

[Original text : English]
[27 September 1950]

New York, 26 September 1950

EXPLANATORY MEMORANDUM AND DRAFT RESOLUTION

On behalf of the Government of the Federal People's Republic of Yugoslavia, I have the honour to request that the necessary steps be taken so that the following item be included in the agenda of the fifth session of the General Assembly of the United Nations : " Duties of States in the event of the outbreak of hostilities " .

An explanatory memorandum is enclosed in accordance with rule 20 of the rules of procedure of the General Assembly.

(Signed) Edvard KARDELJ
*Vice-President of the Government and
Minister of Foreign Affairs of the
Federal People's Republic of Yugoslavia*

1. Between the two great world wars, the international community laid down a new fundamental rule about the right of war. In place of the limitless right of a State to declare war as it thought appropriate came the prohibition against waging an aggressive war. Aggressive war was outlawed. This principle was formulated not only in the Kellogg-Briand Pact, but also in the Convention for the definition of the aggressor (London, 1933).

2. The question of the compulsory character of the rule on the outlawing of aggressive war and the question of sanctions for the violation of this legal rule, received twofold confirmation on the part of the United Nations

after the Second World War. On the one hand, the Charter of the United Nations (Article 2, paragraph 4) established the principle that all States are bound to refrain from the use of force in their actions against other States, the use of force being permitted only in the case of legitimate defence and only until the Security Council (Article 51) has taken the necessary measures. On the other hand, the charter of the International Military Tribunal (London, 1945), commonly known as the Nürnberg Charter, laid down that the planning of and resorting to aggressive war constitute crimes against the peace and security of mankind.

3. The International Law Commission has proposed in this sense a formulation of the principles of the Nürnberg Charter which lays down that resorting to a war of aggression, its planning, preparation, etc., constitute international crimes.

4. It is, however, insufficient that the United Nations should merely outlaw war legally and thereby fulfil its duty for the safeguarding of international peace and security. The duty of the United Nations is not only to take sanctions against an aggressor after the aggression has occurred; it is especially the duty of the United Nations to take preventive steps before force is used.

5. Considering the structure of the United Nations, the Yugoslav delegation has come to the conclusion that the Charter (Chapters V, VI and VII) has entrusted the Security Council with the task of eliminating an imminent menace against international peace and security when it has already appeared, while all the other questions pertaining to this matter are within the competence of the General Assembly (Articles 11, 12 and 13 of the Charter). Thus, the general question of regulating the use of the right of States to legitimate defence is also within the competence of the General Assembly.

6. The Security Council pursues the policy of finding concrete solutions for every situation or dispute which has already arisen: The Council is not competent to regulate the question of the manner in which the States, which themselves determine whether the possibility of applying legitimate defence exists, shall actually demonstrate that they wish to remain within the limits of legitimate defence and to end the conflict if the opposite side shows a readiness to accept a pacific solution.

7. Experience has shown that each State which has resorted to the use of force as an instrument of its national policy has pretended to have been attacked and has accused the other State of having been the aggressor. Thus, the parties involved have mutually accused one another of aggressive practices. The accusations themselves, once started, have constituted a serious obstacle to the localization of hostilities already begun, as well as to the possibility of withdrawal from a conflict without loss of political prestige.

8. In order to eliminate, or at least lessen, the possibility of such situations arising, the Yugoslav delegation is submitting its draft resolution, which lays down:

(i) That every State which finds itself involved in hostilities shall make a public statement of its readiness

to cease hostilities and withdraw its armed forces from beyond the frontiers or demarcation lines or from the territorial waters of the opposite side, if it has crossed the said borders or entered the said territorial waters;

(ii) That at midnight on the day when the opposite side makes its statement, a cease-fire order shall be put into effect and the withdrawal of armed forces begin, this withdrawal to be completed not later than forty-eight hours from the moment of the cease-fire.

9. This procedure would enable both parties, if they show a similar desire, to absolve themselves from the charge of being aggressors, and to cease hostilities without endangering their political prestige, which is often essential for the political attitude of States in conflict.

10. Simultaneously, however, in the opposite case, this procedure would completely unmask the actual aggressor. By combining the statement, the obligation to cease hostilities, and the withdrawal from beyond the boundaries of the menaced territories, a clear picture of the aggressor would be obtained. A State which would ignore such procedure, and would not itself submit to these laws and duties, would place itself in the position of aggressor and, as such, would have to bear the responsibility before the international community for the breach of the peace.

11. The Yugoslav delegation is convinced that the laying down of this legal rule would prove very useful and would prevent, both before world opinion and the public opinion of the respective States, the misuse of armed force under the pretence of exercising the right of self-defence.

12. Regarding this proposal as a new contribution to peace, as a means of localizing and preventing wars, as a method of struggle against the false use of the right to legitimate defence, and as an easy means of exposing an aggressor, the delegation of the Federal People's Republic of Yugoslavia considers that this proposal is especially useful and urgent at present, when it is the duty of every Member of the United Nations to contribute its part in the struggle against aggressive war.

13. The delegation of the Federal People's Republic of Yugoslavia requests that this item be placed on the agenda of the fifth session of the General Assembly and be sent to the First Committee as a question concerning methods of preventing the danger of war.

Yugoslavia: draft resolution

The General Assembly,

Reaffirming the principle of the Charter that war must not serve as an instrument of national policy,

Reaffirming the principle of the Charter that war shall be resorted to only in defence of the national independence and territorial integrity of the State which has been the victim of attack,

Desiring to create a further obstacle to the outbreak of war and facilitate the cessation of hostilities in cases

where they have started, by the action of the parties themselves, and thus contribute to the peaceful settlement of disputes,

Considers :

That every State having become engaged in hostilities with another State or with other States shall, at their very outset, and in any case not later than twenty-four hours thereafter, make a public statement whereby it will proclaim its readiness to issue a cease-fire order and withdraw its armed forces beyond the frontier or demarcation line or from the territorial waters of the opposing party, in so far as it has crossed the said boundary or entered the said territorial waters, and

That each of these States shall, at midnight on the day on which the said statements are made, put the cease-fire order into effect and begin the withdrawal of its armed forces beyond the frontier or demarcation line or from the territorial waters of the opposing party, this withdrawal to be completed not later than within forty-eight hours from the moment of the cease-fire;

Determines that every State which, having become engaged in hostilities with another State or with other States, does not make the above statement, or, which, having made it, fails to act in accordance with the provisions of the previous paragraph, shall be considered an aggressor and shall be held responsible before the international community for the breach of the peace.

DOCUMENT A/C.1/604

Yugoslavia : draft resolution

(FIRST REVISION OF DRAFT RESOLUTION IN DOCUMENT A/1399)

[Original text : English]
[30 October 1950]

The General Assembly,

Reaffirming the principle of the Charter that war must not serve as an instrument of national policy,

Reaffirming the principle of the Charter that war shall be resorted to only in defence of the national independence and territorial integrity of the State which has been the victim of aggression,

Desiring to create a further obstacle to the outbreak of war, even after hostilities have started, and facilitate the cessation of the hostilities by the action of the parties themselves, and thus contribute to the peaceful settlement of disputes,

Recommends :

That every State having become engaged in hostilities with another State or with other States shall, at their very outset, and in any case not later than twenty-four hours thereafter, make a public statement whereby it will proclaim its readiness to issue a cease-fire order, prohibit the violation of air space and withdraw its armed forces beyond the frontier or demarcation line or from the territorial waters of the other party, in so far as it has crossed the said boundary or entered the said territorial waters; and

That each of these States shall, at midnight of the day on which the said statements are made, put the cease-fire order into effect, cease the violation of air space and begin the withdrawal of its armed forces beyond the frontier or demarcation line or from the

territorial waters of the other party, this withdrawal to be completed not later than within forty-eight hours from the moment of the cease-fire;

Calls upon every State which is engaged in hostilities against another State or States immediately to inform the Secretary-General about the outbreak of hostilities and the above statement made, so that, if need be, measures falling within the competence of the United Nations may be taken;

Determines that every State which, having become engaged in hostilities with another State or with other States, does not make the above statement, or, which, having made it, fails to act in accordance with the provisions of the two preceding paragraphs, shall be considered an aggressor and shall be held responsible before the international community for the breach of the peace;

Determines that provisions of the present resolution in no way impair the general obligations of States under the Charter of the United Nations or such obligations as derive from the decisions or recommendations of the Security Council, General Assembly or any other competent organ of the United Nations;

Determines that the present resolution shall not apply to enforcement measures taken by the United Nations. Nor shall it apply in the case of a State coming, in compliance with the obligation of collective self-defence, to the assistance of a State against which aggression has been committed.

DOCUMENT A/C.1/604/Rev.1

Yugoslavia : draft resolution

(SECOND REVISION OF DRAFT RESOLUTION IN DOCUMENT A/1399)

[Original text : English]
[7 November 1950]*The General Assembly,**Reaffirming* the principle of the Charter that war must not serve as an instrument of national policy,*Reaffirming* the principle of the Charter that war shall not be resorted to except in defence of the national independence and territorial integrity of the State which has been the victim of aggression,*Desiring* to create a further obstacle to the outbreak of war, even after hostilities have started, and facilitate the cessation of the hostilities by the action of the parties themselves, and thus contribute to the peaceful settlement of disputes,*Recommends*

1. That if a State becomes engaged in armed conflict with another State or States, it take all steps practicable in the circumstances and compatible with the right of self-defence to bring the armed conflict to an end at the earliest possible moment;

2. In particular such State shall immediately, and in any case not later than twenty-four hours after the outbreak of the hostilities, make a public statement wherein it will proclaim its readiness to discontinue all military operations and withdraw all its military forces which have invaded the territory or territorial waters of another State or crossed a demarcation line, on terms

agreed by the parties or under conditions to be indicated by the appropriate organs of the United Nations;

3. That such State immediately notify the Secretary-General, for communication to the Security Council and to the Members of the United Nations, of the statement made in accordance with the preceding paragraph and of the circumstances in which the conflict has arisen;

4. That such State, in its notification to the Secretary-General, invite the appropriate organs of the United Nations to dispatch the Peace Observation Commission to the area in which the conflict has arisen, if the Commission is not already functioning there;

5. That the conduct of the States concerned in relation to the matters covered by the foregoing recommendations be taken into account in any determination of responsibility for the breach of the peace or act of aggression in the case under consideration and in all other relevant proceedings before the appropriate organs of the United Nations;

Determines that the provisions of the present resolution in no way impair the rights and obligations of States under the Charter of the United Nations or such rights and obligations as may derive from the decisions or recommendations of the Security Council, the General Assembly or any other competent organ of the United Nations.

DOCUMENT A/C.1/608

Union of Soviet Socialist Republics : draft resolution on the definition of aggression

[Original text : Russian]
[4 November 1950]*The General Assembly,**Considering* it necessary, in the interests of general security and to facilitate agreement on the maximum reductions of armaments, to define the concept of aggression as accurately as possible, so as to forestall any pretext which might be used to justify it,*Recognizing* that all States have equal rights to independence, security and the defence of their territory,*Inspired* by the desire, in the interests of general peace, to guarantee all nations the right freely to develop by such means as are appropriate to them and at the rate which they consider to be necessary, and for that purpose to provide the fullest possible protection for their security, their independence and the integrity of their territory, and also for their right to defend themselves against aggression or invasion from without, but only within the limits of their own countries, and

Considering it necessary to formulate essential directives for such international organs as may be called upon to determine which party is guilty of attack,

Declares :

1. That in an international conflict that State shall be declared the attacker which first commits one of the following acts :

- (a) Declaration of war against another State;
- (b) Invasion by its armed forces, even without a declaration of war, of the territory of another State;
- (c) Bombardment by its land, sea or air forces of the territory of another State or the carrying out of a deliberate attack on the ships or aircraft of the latter;
- (d) The landing or leading of its land, sea or air forces inside the boundaries of another State without the permission of the government of the latter, or the violation of the conditions of such permission, particularly as regards the length of their stay or the extent of the area in which they may stay;
- (e) Naval blockade of the coasts or ports of another State;

2. Attacks such as those referred to in paragraph 1 may not be justified by any arguments of a political, strategic or economic nature, or by the desire to exploit natural riches in the territory of the State attacked or to derive any other kind of advantages or privileges, or by reference to the amount of capital invested in the State attacked or to any other particular interests in its territory, or by the affirmation that the State attacked lacks the distinguishing marks of statehood;

In particular, the following may not be used as justifications for attack :

A. The internal position of any State, as, for example :

- (a) The backwardness of any nation politically, economically or culturally;

- (b) Alleged shortcomings of its administration;
- (c) Any danger which may threaten the life or property of aliens;
- (d) Any revolutionary or counter-revolutionary movement, civil war, disorders or strikes;
- (e) The establishment or maintenance in any State of any political, economic or social system;

B. Any acts, legislation or orders of any State, as for example :

- (a) The violation of international treaties;
- (b) The violation of rights and interests in the sphere of trade, concessions or any other kind of economic activity acquired by another State or its citizens;
- (c) The rupture of diplomatic or economic relations;
- (d) Measures in connexion with an economic or financial boycott;
- (e) Repudiation of debts;
- (f) Prohibition or restriction of immigration or modification of the status of foreigners;
- (g) The violation of privileges granted to the official representatives of another State;
- (h) Refusal to allow the passage of armed forces proceeding to the territory of a third State;
- (i) Measures of a religious or anti-religious nature;
- (j) Frontier incidents.

3. In the event of the mobilization or concentration by another State of considerable armed forces near its frontier, the State which is threatened by such action shall have the right of recourse to diplomatic or other means of securing a peaceful settlement of international disputes. It may also in the meantime adopt requisite measures of a military nature similar to those described above, without, however, crossing the frontier.

DOCUMENT A/C.I/609

Cuba : amendments to the Yugoslav draft resolution (A/C.I/604)

[Original text : Spanish]
[6 November 1950]

1. *Operative part* : Replace the second paragraph by the following paragraphs :

“ That the State which regards itself as attacked shall establish communication with the Secretary-General as rapidly as possible with a view to informing him of the situation that has arisen and asking him to arrange for the Peace Observation Commission to proceed immediately to the place affected;

“ The said Commission, in accordance with the statements of the parties, shall determine the hour

at which the cease-fire shall take place, and at which the violation of the air space shall cease and the withdrawal of armed forces beyond the frontier or demarcation line or from the territorial waters of the other party commence, such withdrawal to be completed not later than within forty-eight hours from the time of the cease-fire;

“ This obligation shall be incumbent on a State which is exercising the right of legitimate self-defence within its territory only after the aggressor State has

withdrawn its land forces beyond the frontiers of the State attacked and ceased to violate the air space and territorial waters of the latter country;”

2. *Operative part*: delete the third paragraph.

3. *Operative part*: replace the fourth paragraph by the following:

“*Determines* that the Peace Observation Commis-

sion shall be instructed to ascertain the manner in which the States finding themselves in the situation referred to in the preceding paragraph are complying with these recommendations, and in case of failure to comply with the said recommendations, to determine which State should be described as the aggressor, and to inform the competent organs of the United Nations accordingly.”

DOCUMENT A/C.1/613

Egypt : draft resolution

[Original text : French]
[8 November 1950]

The General Assembly,

Reaffirming the principles embodied in the Charter, which require that the force of arms shall not be resorted to except in the common interest, and not against the territorial integrity or political independence of States Members of the United Nations,

Desiring to create a further obstacle to the outbreak of war, even after hostilities have started, to facilitate the cessation of hostilities by the action of the parties themselves, and thus to contribute to the peaceful settlement of disputes,

Recommends

1. That, when hostilities have broken out, each State involved should immediately, and in any case not later than twenty-four hours after the outbreak of hostilities, make a public statement to the effect that it is prepared to discontinue all military operations and withdraw all its military forces which have invaded the territory or territorial waters of another State, on terms agreed between the parties or under conditions to be indicated by the appropriate organs of the United Nations;

2. That each State involved :

(a) Should immediately notify the Secretary-General of the United Nations, for communication to the Security Council and to the Members of the United Nations, of the public statement made in accordance with the preceding paragraph and of the circumstances in which the conflict arose;

(b) Should in its notification to the Secretary-General invite the appropriate organs of the United Nations to dispatch to the area in which hostilities have broken out the Peace Observation Commission established by General Assembly resolution... (A/1481), if that Commission is not already functioning there;

3. That the appropriate organs of the United Nations, in determining the aggressor and the responsibility for the breach of the peace, should take into due consideration the conduct of the States involved in the hostilities in relation to the matters covered by the foregoing recommendations;

Decides that the provisions of the present resolution do not apply to measures of coercion ordered by the appropriate organs of the United Nations, or impair the right of individual or collective self-defence referred to in Article 51 of the Charter.

DOCUMENT A/1500

Report of the First Committee

[Original text : English]
[13 November 1950]

1. By a letter dated 26 September 1950 (A/1399) the Vice-President and Minister of Foreign Affairs of the Federal People's Republic of Yugoslavia requested that the item, "Duties of States in the event of the outbreak of hostilities", be included in the agenda of the fifth session of the General Assembly. The accompanying explanatory memorandum included the text

of a draft resolution which provided that, should a State become engaged in hostilities with another State, it should within twenty-four hours publicly proclaim its readiness to order a cease-fire and to withdraw its armed forces from the territory or territorial waters of the opposing State. The draft resolution provided, further, that the State should at midnight of the same

day put the cease-fire order into effect and begin the withdrawal of its armed forces, the withdrawal to be completed within forty eight hours after the cease-fire. Any State failing to make the required public statement or to effect the cease-fire and withdrawal as required should be considered an aggressor and should be held responsible for the breach of the peace.

2. The General Committee decided at its 71st meeting to recommend the inclusion of the item in the agenda. The General Assembly approved this recommendation at its 294th meeting and referred the item to the First Committee for consideration and report.

3. The First Committee considered the item at its 384th to 390th meetings inclusive.

4. In the course of the general debate, three draft resolutions were submitted :

(a) A revised draft resolution by Yugoslavia (A/C.1/604), submitted at the 384th meeting, which proposed certain additions to the original draft resolution. It added the prohibition of the violation of air space to the commitments to be comprised in the public statement. Also added were provisions to the effect that any State engaged in hostilities should immediately inform the Secretary-General so that, if need be, measures falling within the competence of the United Nations might be taken; that the resolution in no way impaired the general obligations of States under the Charter, nor obligations deriving from the decisions or recommendations of competent organs of the United Nations; and that the resolution should not apply to enforcement measures by the United Nations or in the case of a State assisting a victim of aggression in compliance with the obligation of collective self-defence.

(b) A draft resolution by the Union of Soviet Socialist Republics (A/C.1/608), submitted at the 385th meeting, which provided, *inter alia*, that, in an international conflict, that State should be declared the attacker which first committed one of the following acts : declaration of war; invasion by its armed forces, even without a declaration of war, of the territory of another State; bombardment of the territory of another State or deliberate attack on the ships or aircraft of the latter; the landing or leading of its forces inside the boundaries of another State without the permission of the latter's government, or the violation of the conditions of such permission; or naval blockade. The draft resolution further provided that attacks such as those specified might not be justified by any arguments of a political, strategic or economic nature, or by the desire to exploit natural riches in the territory of the State attacked, or to derive any other kind of advantages or privileges, or by reference to the amount of capital invested in the State attacked or to any other particular interest in its territory, or by the affirmation that the State attacked lacked the distinguishing marks of statehood, or by the other considerations listed in the draft resolution. Finally, the draft resolution provided that, a State threatened by the concentration near its frontier of considerable armed forces of another State should have the right of recourse to diplomatic and other means of securing a peaceful settlement of international

disputes. The former State might also adopt requisite measures of a military nature, without, however, crossing the frontier.

(c) A draft resolution by Syria (A/C.1/610), submitted at the 387th meeting, which provided that the definition of aggression should be referred to the International Law Commission for study and report.

5. An amendment to the Yugoslav draft resolution was submitted by Cuba (A/C.1/609), at the 385th meeting, to delete the second operative paragraph, which related to the cease-fire and the withdrawal of forces, and to replace it by the provision that the State attacked should communicate with the Secretary-General informing him of the situation and asking him to arrange for the Peace Observation Commission to proceed immediately to the place; that the Commission should determine the hour for the cease-fire, for the cessation of the violation of air space, and for the commencement of the withdrawal of armed forces, such withdrawal to be completed within the stipulated forty-eight hours; and that this obligation should be incumbent on a State exercising the right of legitimate self-defence within its territory only after the aggressor State had withdrawn its land forces and ceased to violate air space and territorial waters. The Cuban amendment proposed further to delete the third and fourth paragraphs of the operative part of the Yugoslav draft resolution, replacing the fourth paragraph with a provision that the Peace Observation Commission should ascertain compliance with these recommendations and, in case of failure to comply, should determine the aggressor and so inform the competent organs of the United Nations.

6. A revised text of the draft resolution by Yugoslavia (A/C.1/604/Rev.1) was submitted at the 388th meeting, and certain changes were introduced orally. The revised draft contained, *inter alia*, a new first operative paragraph to the effect that, if a State became engaged in armed conflict, it should take all practicable steps compatible with the right of self-defence to bring the armed conflict to an end at the earliest possible moment. The revised draft modified the content of the required public statement to provide for the discontinuance of military operations and withdrawal of forces on terms or conditions agreed to by the parties or indicated by the appropriate organs of the United Nations. The text relating to notification to the Secretary-General was modified, and the recommendation added thereto that the notification should contain an invitation for the dispatch of the Peace Observation Commission. The provision regarding the determination of the aggressor was modified to the effect that the conduct of States regarding these recommendations should be taken into account in the determination of responsibility for the breach of the peace or act of aggression.

7. The representative of Cuba announced at the 387th meeting that, in view of the modifications which were to be made in the Yugoslav draft resolution (A/C.1/604), he would not press his amendments (A/C.1/609).

8. An amendment by the United Kingdom (A/C.1/614) to the revised Yugoslav draft resolution (A/C.1/604/Rev.1) was submitted at the 388th meeting. The amendment provided for further modification of the content of the required public statement to make provision for mutuality in the acceptance of commitments by parties to the conflict. This amendment was accepted by the representative of Yugoslavia.

9. A draft resolution submitted by Egypt (A/C.1/613) at the 388th meeting was based on the revised Yugoslav draft resolution (A/C.1/604/Rev.1). It varied from the revised Yugoslav draft resolution notably in the phrasing of the first paragraph of the preamble and the last paragraph of the operative part.

10. A further revised text of the Yugoslav draft resolution (A/C.1/604/Rev.2) was submitted at the 389th meeting. It incorporated, with one modification, the text of the first paragraph of the preamble of the Egyptian draft resolution (A/C.1/613) and also the United Kingdom amendment to the second operative paragraph (A/C.1/614), and deleted from the last paragraph the reference to rights and obligations deriving from recommendations of competent organs of the United Nations.

11. At the 389th meeting, the representative of Egypt withdrew his draft resolution (A/C.1/613) in view of the revised text of the Yugoslav draft resolution (A/C.1/604/Rev.2).

12. The following amendments were submitted at the 387th meeting to the Syrian draft resolution (A/C.1/610) :

(a) An amendment by Sweden (A/C.1/611) which provided for the transmittal to the International Law Commission of the draft resolutions submitted by the USSR (A/C.1/608) and Yugoslavia (A/C.1/604) and the amendments thereto, together with the minutes of the discussion in the First Committee.

(b) Two amendments by Bolivia (A/C.1/612). The first provided for an addition to the preamble and the second for replacing the operative paragraph of the Syrian draft resolution by a proposal to refer the USSR draft resolution (A/C.1/608), together with the records of the First Committee on the question, to the International Law Commission. A revised text of the Bolivian amendment (A/C.1/612/Rev.1), submitted at the 388th meeting, expressly indicated that these records should be taken into consideration by the International Law Commission in formulating its conclusions.

13. The representative of Sweden withdrew his amendment (A/C.1/611) to the Syrian draft resolution at the 388th meeting.

14. A revised text of the Syrian draft resolution (A/C.1/610/Rev.1) was submitted at the 389th meeting.

15. At the same meeting, the Committee proceeded to vote on the Yugoslav draft resolution with the following results :

The draft resolution of Yugoslavia (A/C.1/604/Rev.2) was approved by 51 votes to 5, with 2 abstentions.

16. At the 390th meeting two additional draft resolutions were submitted in connexion with the remaining proposals before the Committee :

(a) A joint draft resolution by Bolivia and Syria (A/C.1/615), which replaced the revised Syrian draft resolution (A/C.1/610/Rev.1) and the amendment of Bolivia (A/C.1/612/Rev.1).

(b) A draft resolution by the United Kingdom (A/C.1/618) which proposed requesting the Interim Committee to consider whether it was practicable and desirable to formulate rules and standards for determining the existence of an act of aggression, taking into account all relevant proposals submitted to the fifth session of the General Assembly or to the Interim Committee; and to initiate such further action as the Committee might think appropriate. The representative of France submitted an amendment (A/C.1/619) to add a provision to refer points of law to the International Law Commission.

17. At the same meeting the Committee proceeded to a vote, with the following results :

A motion by the representative of Turkey to put the United Kingdom draft resolution to the vote before the joint draft resolution of Bolivia and Syria was rejected by 41 votes to 11, with 7 abstentions.

The joint draft resolution by Bolivia and Syria (A/C.1/615) was approved by 39 votes to 12, with 7 abstentions.

The Chairman ruled that a vote on the other proposals was accordingly unnecessary.

18. The First Committee therefore recommends to the General Assembly the adoption of the following two draft resolutions :

DUTIES OF STATES IN THE EVENT OF THE OUTBREAK OF HOSTILITIES

A

The General Assembly,

Reaffirming the principles embodied in the Charter, which require that the force of arms shall not be resorted to except in the common interest, and not against the territorial integrity or political independence of any State,

Desiring to create a further obstacle to the outbreak of war, even after hostilities have started, and to facilitate the cessation of the hostilities by the action of the parties themselves, and thus contribute to the peaceful settlement of disputes,

1. *Recommends*

(a) That if a State becomes engaged in armed conflict with another State or States, it take all steps practicable in the circumstances and compatible with the right of self-defence to bring the armed conflict to an end at the earliest possible moment;

(b) In particular, that such State shall immediately and in any case not later than twenty-four hours after

the outbreak of the hostilities, make a public statement wherein it will proclaim its readiness, provided that the States with which it is in conflict will do the same, to discontinue all military operations and withdraw all its military forces which have invaded the territory or territorial waters of another State or crossed a demarcation line, either on terms agreed by the parties to the conflict or under conditions to be indicated to the parties by the appropriate organs of the United Nations;

(c) That such State immediately notify the Secretary-General, for communication to the Security Council and to the Members of the United Nations, of the statement made in accordance with the preceding subparagraph and of the circumstances in which the conflict has arisen;

(d) That such State, in its notification to the Secretary-General, invite the appropriate organs of the United Nations to dispatch the Peace Observation Commission to the area in which the conflict has arisen, if the Commission is not already functioning there;

(e) That the conduct of the States concerned in relation to the matters covered by the foregoing recommendations be taken into account in any determination of responsibility for the breach of the peace or act of

aggression in the case under consideration and in all other relevant proceedings before the appropriate organs of the United Nations;

2. *Determines* that the provisions of the present resolution in no way impair the rights and obligations of States under the Charter of the United Nations nor the decisions or recommendations of the Security Council, the General Assembly or any other competent organ of the United Nations.

B

The General Assembly,

Considering that the question raised by the proposal of the Union of Soviet Socialist Republics (A/C.1/608) can better be examined in conjunction with matters under consideration by the International Law Commission, a subsidiary organ of the United Nations,

Decides to refer the proposal of the Union of Soviet Socialist Republics and all the records of the First Committee dealing with this question to the International Law Commission, so that the latter may take them into consideration in formulating its conclusions as soon as possible.

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A/1500	Report of the First Committee	6	
A/1512	Union of Soviet Socialist Republics : amendment to draft resolution B recommended by the First Committee (A/1500)		Incorporated in 308th plenary meeting, para. 22.
A/1529	Resolutions adopted by the General Assembly at its 308th plenary meeting on 17 November 1950		See resolution 378 (V).
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A/C.1/604/Rev.2	Yugoslavia : draft resolution (third revision of draft resolution in document A/1399)		Text in A/1500 (draft resolution A).
A/C.1/608	Union of Soviet Socialist Republics : draft resolution on the definition of aggression	4	
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A/C.1/610	Syria : draft resolution		Incorporated in 387th meeting, para. 42.
A/C.1/610/Rev.1	Syria : revised draft resolution (incorporating revised text of Bolivian amendments in document A/C.1/612/Rev.1)		Incorporated in 389th meeting, para. 40.

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A/C.1/611	Sweden : amendment to the Syrian draft resolution (A/C.1/610)		Incorporated in 387th meeting, para. 55.
A/C.1/612	Bolivia : amendments to the Syrian draft resolution (A/C.1/610)		Incorporated in 387th meeting, paras. 63 and 64.
A/C.1/612/Rev.1	Bolivia : revised text of amendments to the Syrian draft resolution (A/C.1/610)		Incorporated in 389th meeting, para. 11 and footnote.
A/C.1/613	Egypt : draft resolution	6	
A/C.1/614	United Kingdom : amendment to the Yugoslav draft resolution (A/C.1/604/Rev.1)		Incorporated in 388th meeting, para. 10.
A/C.1/615	Bolivia and Syria : joint draft resolution		Incorporated in 390th meeting, para. 11.
A/C.1/618	United Kingdom : draft resolution		Incorporated in 390th meeting, para. 12.
A/C.1/619	France : amendment to the United Kingdom draft resolution (A/C.1/618)		Incorporated in 390th meeting, para. 25.



Agenda item 73 : Establishment of a permanent commission of good offices

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DOCUMENT A/1401

Letter dated 26 September 1950 from the Vice-President of the Government and Minister of Foreign Affairs of the Federal People's Republic of Yugoslavia addressed to the Secretary-General

[Original text : English]
[27 September 1950]

New York, 26 September 1950

On behalf of the Government of the Federal People's Republic of Yugoslavia, I have the honour to request that the necessary steps be taken so that the following item be included in the agenda of the fifth session of the General Assembly :

“ Establishment of a permanent Commission of Good Offices ”

An explanatory memorandum is enclosed in accordance with rule 20 of the rules of procedure of the General Assembly.

(Signed) Edward KARDELJ
Vice-President of the Government and Minister of Foreign Affairs of the Federal People's Republic of Yugoslavia

YUGOSLAVIA : DRAFT RESOLUTION

Considering that it is the purpose of the United Nations to be a centre for harmonizing the actions of nations in order to maintain good-neighbour relations among them (part 2 of the Preamble and paragraph 4 of Article 1 of the Charter), this being a precondition of international peace and security,

Bearing in mind the responsibility of the General Assembly for promoting international co-operation in

the political field (paragraph 1 of Article 13 of the Charter),

Considering that the international tension prevailing in the world today makes it imperative, on the one hand, for States to make a further effort in order to ensure the peaceful settlement of the largest possible number of disputes and litigious questions, but that, on the other hand, this tension makes it more difficult to open negotiations and set about the solution of international disputes and litigious questions,

Taking into account that it is the primary duty of parties to a dispute to seek by their own efforts, and especially through negotiations, to settle their disputes (paragraph 1 of Article 33 of the Charter) and that it is the imperative duty of Members of the United Nations to find agreed solutions to litigious questions, so as to “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace” (paragraph 2 of Article 1 of the Charter),

Taking into account that there does not exist a United Nations organ designed to facilitate the opening of direct negotiations between parties for the settlement of their disputes, as well as direct negotiations between States for an agreed solution to litigious questions,

The General Assembly

A. *Recommends* to all States, whether they are Members of the United Nations or not, to exert a further effort and develop in future the greatest measure of initiative in order to employ direct negotiations and other means for the peaceful settlement of disputes, in accordance with the terms of paragraph 1 of Article 33 of the Charter, and to enter into direct conversations for the solution of litigious questions pending between them, and recommends particularly that States should, in the course of such negotiations or conversations, display, to the greatest possible extent, mutual understanding, tolerance and respect, as well as a persistent desire to seek such solutions to disputes and litigious questions as would be acceptable to both parties, or to all parties concerned, and would be in conformity with the principles of the United Nations Charter :

B. *Resolves* to establish, as its subsidiary organ, a permanent commission of good offices, for the purpose of facilitating the opening of direct negotiations or conversations, and of applying other means for the peaceful settlement of international disputes;

C. *Instructs* the permanent commission to exercise its terms of reference in the following manner :

1. The permanent commission shall consider all international disputes and litigious questions on the agenda of the General Assembly and of the Security Council with a view to applying means appropriate for achieving agreed solutions. The permanent commission shall, in each particular case, ascertain whether the dispute or the litigious question is susceptible of settlement through direct negotiations or conversations of the States concerned. Should the permanent commission find that such means are applicable, but have not yet been fully resorted to, it shall, if it deems it appropriate, advise the parties to the dispute or the States mainly concerned with the litigious question to open, or resume, direct negotiations or conversations. The permanent commission may, at the request of one or more of the parties to a dispute, or of the State mainly concerned with the litigious question, on its own initiative or on that of any Member of the United Nations, consider, in accordance with the above, international

disputes and litigious questions which are not on the agenda of the General Assembly or of the Security Council, but which the permanent commission considers to be definitely of a nature to affect adversely general international relations;

2. Should the permanent commission find that an international dispute in the technical sense of the word is susceptible of settlement, either through the mediation of the commission itself or of a State or of an individual, the commission will advise the parties to the dispute to accept such mediation and will make its services available both in the negotiations concerning the acceptance of the mediation procedure or in the course of this procedure itself. Should one of the parties to the dispute suggest some other means for the settlement of the dispute (conciliation, inquiry, arbitration or judicial settlement), the permanent commission may offer its good offices to the parties for the purpose of facilitating negotiations regarding the acceptance and application of the proposed means for the peaceful settlement of the dispute. The permanent commission will make its services available for the application of the means of peaceful settlement thus accepted, if both parties to the dispute so desire and to the extent to which both parties agree;

3. The commission shall take note of, examine and communicate to the parties concerned all suggestions relating to the peaceful settlement of the substance of the dispute or of the litigious questions on its agenda; it shall not, however, pass judgment upon such suggestions;

D. *Resolves* that the commission should be composed of the representatives of twelve Members of the United Nations. Six of the twelve States represented will be the non-permanent members of the Security Council, while the remaining six will be specially elected by the General Assembly from among Member States other than the permanent members of the Security Council. These States will be elected for a term of two years. Three seats on the commission will be renewed every year. Those members of the commission elected at the time of the establishment of the Commission, whose term will be limited to one year, will be drawn by lot;

The States thus elected which, during their term, become non-permanent members of the Security Council, will cease to be members of the commission by virtue of their election on the day when their term in the Security Council begins, and will become members of the commission by virtue of their membership in the Security Council. The seats thus left vacant will be filled by the election of other Member States for terms lasting as long as the terms of States in whose stead they have been elected;

The commission shall elect its own officers and adopt its rules of procedure. The commission shall, both in establishing its rules of procedure and in its further activities, take the necessary steps in order to avoid all unnecessary publicity. It shall, therefore, as a general rule, hold closed meetings;

The commission shall submit annual reports on its activities to the General Assembly at its regular sessions;

E. Requests the Secretary-General to make available to the commission the necessary staff and to provide it with the other facilities necessary for the carrying out of its terms of reference.

EXPLANATORY MEMORANDUM

1. Considering the present structure of the United Nations, one comes to the conclusion that, in the field of safeguarding international peace and security, practices up to the present have not made our Organization a centre for harmonizing the actions of nations in the sphere of promoting good-neighbour relations, although it is the task of our Organization to be such a centre.

2. The reason for this is that the two main organs of our Organization, which are competent in the matter of international peace and security, have in practice such divided functions that the concrete duty of promoting good-neighbour relations is neither within the competence of the Security Council nor within the competence of the General Assembly.

3. On the one hand is the competence of the Security Council. It bears the chief responsibility concerning questions of international peace and security. But, in order to set the machinery of the Security Council into motion, it is necessary that a special situation or conflict should arise menacing peace or international security. On the other hand, the General Assembly, as the supreme organ of the United Nations, deals with the general problems of the world policy of peace and security and, on account of its large membership and non-permanent character, it has not the possibility to examine the particular situations in which relations between neighbouring States are disturbed, although good-neighbour relations are a precondition for international peace.

4. Therefore, it is the task of the General Assembly of the United Nations, which is responsible for the promotion of international co-operation in the political field, to examine and lay down methods for the purpose of improving these relations and forming a permanent subsidiary organ which would enable the parties to improve the disturbed relations of neighbouring States.

5. The delegation of the Federal People's Republic of Yugoslavia has come to the conclusion that, among the causes disturbing good-neighbour relations and preventing the clearing in time of the obstacles standing in the way of a return to normal conditions, is the failure on the part of the States to carry out their obligations and solve their disputes by direct negotiations as laid down in the Charter, and also to use other means for a peaceful solution of international conflicts.

6. Although the Charter has laid down this obligation, and although the General Assembly has adopted the Revised General Act for the Pacific Settlement of International Disputes (resolution 268 A (III)), the United Nations has so far had no organ which would take upon itself the initiative to use all the means at its disposal to make adequate use of direct talks as a method for the peaceful solution of conflicts, an organ

which would mediate between the parties in conflict before the conflict assumes a character of danger for international peace and security.

7. The delegation of the Federal People's Republic of Yugoslavia considers that the creation of such an organ would contribute to the parties in conflict manifesting a spirit of compromise and to the maintenance of a peaceful atmosphere, which would in itself facilitate contact between States in conflict and would render possible fuller co-operation in this field, which is so important for world peace and security.

8. For this reason the delegation of the Federal People's Republic of Yugoslavia, in its draft resolution, proposes the establishment of a permanent commission of good offices. This commission would be a subsidiary organ of the General Assembly and would be composed of twelve Member States of the United Nations six of which would be the non-permanent members of the Security Council and none of which would be chosen from its permanent members. This would enable the States which do not possess the right of veto in the Security Council to contribute to the cause of peace and, with their mutual influence based on friendship and equality, to draw the attention of the States in conflict to their duty not to disturb general international relations. While one cannot deny the decisive role of the permanent members of the Security Council in questions of responsibility for international peace and security, the democratic character of the Organization demands that the other Member States should also make their contribution in matters pertaining to international peace and thus demonstrate the collective responsibility of all Member States for the maintenance of good-neighbour relations.

9. On the other hand, practice has shown that the great Powers are, as a rule, owing to their specific position in international relations, interested in every international conflict which may arise. Consequently, we may assume that this interest may prove to be an obstacle to the impartial carrying out of the role of mediator. Their participation in the work of the commission would not facilitate the finding of the best ways and means for an agreed solution of conflicts. However, the very non-participation of the great Powers in the commission would enable the permanent members of the Security Council to find solutions to conflicts in the Security Council, if the intervention of the latter became necessary, without prejudicing their political prestige.

10. The organ proposed by the draft resolution is new, both with regard to its composition and its competence. At the same time, this organ would not appropriate any of the prerogatives which the Charter gives to other organs. It would not make decisions about conflicts, or prevent the Security Council from considering conflicts within its competence (Chapters VI and VII of the Charter), because the rules of procedure of the Security Council do not prevent the parties from making their contributions towards the solution of problems. The proposed organ would not infringe the competence of the General Assembly,

because the former would be a subsidiary organ of the Assembly and would submit reports to it on the commission's activities. The proposed organ would not infringe the competence of the International Court of Justice because the former would not pass judgments, but would only facilitate the appearance of the parties before the Court. In the same way the commission would not infringe the mandate of the Interim Committee, because the competence of the Committee, also only a subsidiary organ of the General Assembly, would not extend to matters that the General Assembly has *expressis verbis* entrusted to another organ.

11. For these reasons, believing in the *usefulness* of the creation of such an organ, and the *urgent necessity* that this organ should begin to function immediately, and thus remove a practical vacuum for the accomplishment of those tasks which are theoretically within the competence of the General Assembly, the delegation of the Federal People's Republic of Yugoslavia requests that the accompanying draft resolution be put on the agenda of the fifth session of the General Assembly of the United Nations and sent—as a contribution towards the strengthening of international co-operation and peace—to the First Committee of the Assembly.

DOCUMENT A/C.1/616

Uruguay : draft resolution

[Original text : Spanish]
[9 November 1950]

The General Assembly,

Mindful of the provision in Article 33 of the Charter that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice,

Recalling that in resolution 295 (IV) the Interim Committee of the General Assembly is charged to consider

systematically the further implementation of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13 (paragraph 1 *a*) which deals with the promotion of international co-operation in the political field,

Decides to refer item 73 of the agenda of the present session to the Interim Committee and recommends that the Committee, in continuing its systematic study of machinery for the pacific settlement of disputes, give careful attention to the proposals introduced pursuant to item 73 and to the discussions on that item.

DOCUMENT A/C.1/617

Lebanon : draft resolution

[Original text : French]
[9 November 1950]

The General Assembly,

Considering that the Interim Committee of the General Assembly has already begun to study the question of the establishment of a permanent conciliation organ like that proposed by Yugoslavia (A/1401),

Considering that the study of that question is important and urgent,

Decides to refer to the Interim Committee of the General Assembly the draft resolution submitted by Yugoslavia proposing the establishment of a permanent commission of good offices, for study in connexion with the question of the establishment of a permanent organ of conciliation;

Requests the Interim Committee of the General Assembly to give the consideration of this question priority in its programme of work.

DOCUMENT A/1501

Report of the First Committee

[Original text : English]
[13 November 1950]

1. By a letter dated 26 September 1950 (A/1401), the Vice-President and Minister of Foreign Affairs of the Federal People's Republic of Yugoslavia requested

that the item, "Establishment of a permanent commission of good offices" should be included in the agenda of the fifth session of the General Assembly. A

draft resolution was attached, together with an explanatory memorandum. The draft resolution recommended all States to develop the greatest measure of initiative in view of direct negotiations and other means for peaceful settlement in accordance with Article 33 of the Charter, and provided for the establishment of a permanent commission of good offices for the purpose of facilitating the opening of direct negotiations and of applying other means of peaceful settlement of disputes. Provisions were included setting out the terms of reference of the Commission, which was to be composed of the six non-permanent members of the Security Council and of six Member States, other than the permanent members of the Security Council, elected by the General Assembly.

2. The General Committee decided, at its 71st meeting, to recommend the inclusion of the item in the agenda, and the recommendation was approved at the 294th meeting of the General Assembly. The item was referred to the First Committee for consideration and report, and was considered at the 390th and 391st meetings of the Committee.

3. In the course of the general debate two additional draft resolutions were submitted :

(a) A draft resolution by Uruguay (A/C.1/616), submitted at the 390th meeting, which, after calling attention to the provisions of Article 33 of the Charter and to the terms of reference of the Interim Committee, proposed to refer the item to the Interim Committee for consideration, together with the relevant proposals and records of the discussions on the item, in connexion with its systematic study of machinery for the peaceful settlement of disputes.

(b) A draft resolution by Lebanon (A/C.1/617), submitted at the same meeting, which called attention to the study by the Interim Committee on the question of the establishment of a permanent organ of conciliation; proposed to refer to the Interim Committee the Yugoslav draft resolution for study in connexion therewith; and requested the Interim Committee to give priority to the consideration of the question in its programme of work.

4. The representatives of Lebanon and Uruguay presented, at the 391st meeting, a joint draft resolution (A/C.1/621) which combined the provisions of the draft resolutions of Lebanon (A/C.1/617) and Uruguay (A/C.1/616), with the omission of the final provision of the Lebanese draft resolution by which the Interim Committee was requested to give priority to its consideration of the question.

5. The First Committee proceeded at the same meeting to a vote, with the following result :

The joint draft resolution of Lebanon and Uruguay (A/C.1/621) was approved by 46 votes to 5, with 5 abstentions.

6. The Chairman ruled that a vote on the Yugoslav draft resolution was accordingly unnecessary.

7. The First Committee recommends to the General Assembly the adoption of the following draft resolution :

ESTABLISHMENT OF A PERMANENT COMMISSION OF GOOD OFFICES

The General Assembly,

Mindful of the provision in Article 33 of the Charter that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice,

Recalling that in General Assembly resolution 295 (IV) the Interim Committee of the General Assembly is charged to consider systematically the further implementation of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security and of that part of Article 13 (paragraph 1 *a*) which deals with the promotion of international co-operation in the political field,

Considering that the Interim Committee of the General Assembly has already begun to study the question of the establishment of a permanent conciliation organ like that proposed by Yugoslavia (A/1401),

Considering that the study of this question is important and urgent,

1. *Decides* to refer to the Interim Committee item 73 of the agenda of the present session (Establishment of a permanent commission of good offices);

2. *Recommends* to the Interim Committee, in continuing its systematic examination of machinery for the pacific settlement of disputes, to study this item in connexion with the question of the establishment of a permanent organ of conciliation and taking into account the proposal introduced by Yugoslavia pursuant to item 73 and the discussions of the fifth session of the General Assembly on that item.

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A/1530	Resolution adopted by the General Assembly at its 308th plenary meeting on 17 November 1950		See resolution 379 (V).
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Agenda item 74 : Provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defence of the principles of the Charter of the United Nations

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DOCUMENT A/1421

Letter dated 2 October 1950 from the Secretary of Foreign Affairs of the Philippines to the Secretary-General

[Original text : English]
[4 October 1950]

On behalf of the Government of the Philippines, I have the honour to request that immediate steps be taken so that the following item be included in the agenda of the fifth regular session of the General Assembly :

“ Provision of a United Nations distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the principles of the Charter of the United Nations.” I am enclosing a draft resolution dealing with this matter.

(Signed) Carlos P. RÓMULO
Secretary of Foreign Affairs

PHILIPPINES : DRAFT RESOLUTION

The General Assembly,

1. *Desiring* to symbolize the valour and sacrifices of the men and women who have served on behalf of the United Nations in repelling aggression in Korea,
2. *Recalling* its resolution 92 (I) on the official seal and emblem of the United Nations, its resolution 167 (II) on the United Nations flag, and the resolution of the Security Council of 7 July 1950 authorizing the Unified Command to use the United Nations flag,

3. *Resolves* that the Secretary-General be requested to make arrangements with the Unified Command, established pursuant to the Security Council resolution of 7 July 1950, for the design and award, under such regulations as the Secretary-General shall prescribe, of a distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the principles of the Charter of the United Nations.

DOCUMENT A/C.6/334/Add.1

Letter dated 9 October 1950 from the President of the General Assembly to the Chairman of the Sixth Committee

[Original text : English]
[10 October 1950]

The General Assembly at its 294th plenary meeting held on 7 October 1950 approved, on the recommendation of the General Committee, the allocation of the following additional item to the Sixth Committee :

“ Provision of a United Nations distinguishing ribbon or other insignia for personnel participating

in Korea in the defence of the principles of the Charter of the United Nations. ”

This item is therefore to be added to the list of agenda items contained in my letter of 26 September 1950 (A/C.6/334).

(Signed) N. ENTEZAM
President of the General Assembly

DOCUMENT A/C.5/436

Financial implications of the draft resolution on agenda item 74, proposed by the Sixth Committee : note by the Secretary-General

[Original text : English]
[7 December 1950]

1. At its 247th meeting on 30 November 1950, the Sixth Committee adopted a draft resolution (A/1631) concerning a United Nations distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the principles of the Charter of the United Nations. The Secretary-General is to make arrangements with the Unified Command, established pursuant to the Security Council resolution of 7 July 1950, for the design and award of the ribbons

or other insignia, under such regulations as the Secretary-General shall prescribe.

2. It is the intention of the Secretary-General, when discussing the arrangements with the Unified Command, to take the position that it will be the responsibility of the Unified Command to make the awards of such ribbons or other insignia. If the Unified Command and the Member Governments concerned agree with this view, there would be no financial implications for the United Nations.

DOCUMENT A/1631

Report of the Sixth Committee

[Original text : French]
[6 December 1950]

1. In a letter dated 2 October 1950 (A/1421), the Secretary of Foreign Affairs of the Philippines, on behalf of his Government, requested the Secretary-General to take steps to have the following item included in the agenda of the fifth session of the General Assembly :

“ Provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defence of the principles of the Charter of the United Nations. ”

2. At its 71st meeting (A/BUR/SR.71) on 5 October 1950, the General Committee decided by 12 votes to 2, to recommend the General Assembly to include the above item in its agenda and unanimously decided to refer it to the Sixth Committee.

3. The General Assembly, at its 294th meeting on 7 October 1950 (A/PV.294), adopted the recommendation of the General Committee by 45 votes to 5, with 6 abstentions.

4. The Sixth Committee considered the question at its 247th meeting on 30 November (A/C.6/SR.247).

5. The representative of the Philippines presented his Government's proposal, the purpose of which was to express by the symbol of a distinguishing ribbon or other insignia the gratitude of the United Nations to those who were serving and making sacrifices in Korea for the collective defence of the principles of the Charter. He pointed out that the institution of such a decoration was within the competence of the United Nations in the same way as the decision it had already taken to have an official seal and a flag. The details could be left to the Secretary-General.

6. Several representatives supported the proposal of the Philippines and some expressed the view that, in addition to the military action in Korea, any persons who, in any circumstances, manifested exceptional heroism in the cause of the United Nations or rendered outstanding service to it, deserved such a decoration.

7. Other representatives opposed the Philippines proposal, on the grounds that it was illegal and beyond the competence of the General Assembly. A discussion took place on that point and the majority of the Committee agreed that the Philippines proposal could not be considered illegal and that the General Assembly was competent to adopt the Philippine draft resolution.

8. The Polish representative having invoked rule 120 of the rules of procedure, the Sixth Committee first decided the question of its competence and, by 32 votes to 5, with 3 abstentions, pronounced itself competent to adopt the proposal of the Philippines.

9. At the request of the representative of the Philippines, the Committee took a vote by roll-call on the draft resolution before it. The resolution was adopted by 32 votes to 5, with 4 abstentions.

In favour: Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Ecuador, France, Greece, Guatemala, India, Iraq, Iran, Lebanon, Mexico, Netherlands, Norway, Pakistan, Peru, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Saudi Arabia, Syria, Yemen, Yugoslavia.

10. The Sixth Committee therefore recommends to the General Assembly adoption of the following draft resolution:

PROVISION OF A UNITED NATIONS DISTINGUISHING RIBBON OR OTHER INSIGNIA FOR PERSONNEL PARTICIPATING IN KOREA IN THE DEFENCE OF THE PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS

The General Assembly,

1. *Desiring* to symbolize the valour and sacrifices of the men and women who have served on behalf of the United Nations in repelling aggression in Korea,

2. *Recalling* its resolution 92 (I) on the official seal and emblem of the United Nations, its resolution 167 (II) on the United Nations flag, and the resolution of the Security Council of 7 July 1950 authorizing the Unified Command to use the United Nations flag,

3. *Resolves* that the Secretary-General be requested to make arrangements with the Unified Command, established pursuant to the Security Council resolution of 7 July 1950, for the design and award, under such regulations as the Secretary-General shall prescribe, of a distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the principles of the Charter of the United Nations.

DOCUMENT A/1650

Financial implications of the draft resolution on agenda item 74, proposed by the Sixth Committee (A/1631): thirty-third report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has carefully considered the text of the draft resolution proposed by the Sixth Committee in document A/1631, as well as a note submitted by the Secretary-General in document A/C.5/436.

2. The Advisory Committee expresses some doubt regarding the position taken by the Secretary-General

to the effect that no financial implications will result from the proposed resolution.

3. Until, however, the Advisory Committee can be informed of the result of the arrangements between the Secretary-General and the Unified Command required under paragraph 3 of the proposed resolution, the Committee is unable to indicate the extent of the financial consequences involved.

DOCUMENT A/1664

Financial implications of the draft resolution on agenda item 74, proposed by the Sixth Committee (A/1631) : report of the Fifth Committee

[Original text : English]
[11 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter of 1 December 1950 to the Chairman of the Fifth Committee (A/C.5/426), the Fifth Committee, at its 278th meeting on 11 December 1950, considered the financial implications of the draft resolution adopted by the Sixth Committee concerning the provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defence of the principles of the Charter of the United Nations (A/1631).

2. The Committee had before it a note by the Secretary-General (A/C.5/436) and the thirty-third report, of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1650). The Secretary-General stated that it was his intention, when discussing the arrangements with the Unified Command, to take the position that it would be the responsibility of the Unified Command to make the award of such ribbons or other insignia, and that, in the event of the Unified Command and the Member Governments concerned agreeing with this view, no financial implications would be involved for the United Nations. Doubt was expressed by the Advisory Committee regarding the view of the Secretary-General that no financial implications would result from the proposed resolution. The Advisory Committee reported, however, that until it could be informed of the result of the arrangements between the Secretary-General and the Unified Command referred to in paragraph 3 of the draft resolution, it was unable to indicate the extent of the financial consequences involved.

3. In the course of discussion in the Fifth Committee, the representative of the United States of America pro-

posed that the Secretary-General should be authorized to draw on the Working Capital Fund in the event of expenditure by the United Nations being found necessary following negotiations with the authorities concerned. The representative of France suggested that a specific provision in the resolution relating to the Working Capital Fund for 1951 was unnecessary, and that the situation would be adequately met if appropriate reference to the Secretary-General's authority to use the Working Capital Fund for the purposes in question were included in the report submitted by the Fifth Committee on the budget estimates for 1951. After elucidation by the representative of the Secretary-General, the representative of the United States of America accepted the proposal of France on the understanding that any withdrawals necessary from the Working Capital Fund for the purposes of the draft resolution would be made in accordance with the provision under which the Secretary-General is authorized to incur commitments up to an agreed amount, provided they relate to the maintenance of peace and security.

4. The representative of the Union of Soviet Socialist Republics, however, stated that the creation of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea was in contradiction with the principles and purposes of the Charter and that the proposal was an attempt to help the United States aggression in Korea. He would therefore vote against the estimate of the financial implications involved, as well as the French proposal.

5. Thereupon the Fifth Committee, by a vote of 35 to 4, with 1 abstention, decided to approve the Advisory Committee's report, together with the French proposal, and to inform the General Assembly accordingly

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Agenda item 75 : Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States

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DOCUMENT A/1410

Communication dated 27 September 1950 addressed to the Secretary-General by the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China

[Original text : English]
[29 September 1950]

Peking, 27 September 1950

For transmission to Mr. Nasrollah Entezam, President of the fifth session of the General Assembly and Sir Gladwyn Jebb, President of the Security Council.

According to a report of the People's Government of northeast China, the Chinese merchant ship *Anhai 21*, belonging to the Antung Harbour Administrative Bureau, sailed on 20 September from Shin-tao on the south-

eastern tip of the Chiao-tung Peninsula of China towards Antung, carrying passengers and freight. At 22.45 Peking time on 21 September, when the ship came to a point off Chen-shan-chiao, at 38°11'30" N. latitude and 123°6' E. long., it was suddenly fired at by a United States destroyer marked D-29 from behind, in the direction of southwest, for twenty-five minutes and forced to stop. At 23.10, the Chinese ship was approached by the destroyer, spotted with searchlight, and forcibly

inspected. All the passengers were ordered to line up on the deck and interrogated. This lasted for more than twenty minutes, until the destroyer finally sailed away. There was also a United States aeroplane circling overhead while the United States destroyer fired its guns at the Chinese merchant ship.

This was one more provocative act on the part of the United States Government towards the People's Republic of China following the repeated crimes committed by the United States Government with the military aeroplanes of the United States aggression forces in Korea, of invading China's territorial air, carrying out wanton strafing and bombing, killing and wounding Chinese people and damaging Chinese properties. The United States Government, in the course of the aggressive war being waged by it against Korea, and for the purpose of extending the flames of war, has now become so reckless as to employ the navy of the United States aggression forces in Korea, to impose inspection on the merchant ship of the People's Republic of China on the high seas, and to infringe upon the right of maritime navigation of the People's Republic of China.

In the name of the Central People's Government of the People's Republic of China, I hereby raise accusation before the United Nations against this fresh aggressive atrocity committed by the United States Government

in violating the right of maritime navigation of China, and demand that the United Nations General Assembly immediately include in its agenda the case of "The Bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States aggression forces against Korea", together with the accusations of the People's Republic of China against the invasion of China's territorial air by the military aeroplanes of the United States aggression forces in Korea, and their wanton strafing and bombing, killing and wounding of Chinese people and damaging of Chinese properties. I demand also that the United Nations General Assembly immediately accept the representatives of the People's Republic of China to state the case and participate in the discussion. The United Nations General Assembly should immediately recommend the United Nations Security Council to take effective measures to condemn the aggressive crimes of the United States and bring about promptly the withdrawal of the United States aggression forces in Korea, including air and naval forces, so that peace in the Far East and throughout the world may be restored.

(Signed) CHOU En-lai,
Minister for Foreign Affairs of the
Central People's Government of the
People's Republic of China

DOCUMENT A/1415

Communication dated 24 September 1950 addressed to the Secretary-General by the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China

[Original text: English]
[30 September 1950]

Peking, 24 September 1950

For transmission to Mr. Nasrollah Entezam, President of the fifth session of the General Assembly and Sir Gladwyn Jebb, President of the Security Council.

According to a report of the People's Government of north-east China, on 22 September 1950, military aeroplanes of the United States aggression forces in Korea invaded against the territorial air of the People's Republic of China; they first made reconnoitring from the air above La-ku-shao of the K'uan-tien county in Liaotung province of China, then dropped twelve bombs on the municipal areas of the city of Antung in the same province, causing damage to Chinese municipal areas and wounding Chinese inhabitants; the case is even more serious than the strafings by the United States aeroplanes which occurred formerly.

The details of the fact are as follows: at 22.01 Peking time on 22 September, an aeroplane of the United States aggression forces in Korea invaded, to make reconnoitering, the air above La-ku-shao of the K'uan-tien county in Liaotung province of China; being warned by our garrison on the spot, it fled southward. At 20.15 Peking time the same day, a B-29 bomber of the

United States aggression forces in Korea invaded the air of Antung city from the direction of northeast and dropped twelve heavy bombs on the area southeast to Chen-an road in Antung city, wounding two persons, destroying by direct hit 28 buildings and by reverberation the roofs and windows of more than 300 buildings, and damaging more than five more of vegetable plots. After dropping the bombs, the said bomber of the United States aggression forces in Korea crossed over Antung city and fled southward at 22.19 Peking time.

This one more criminal act of the aeroplanes of the United States aggression forces in Korea proves that the provocative action of invading China's territorial air committed by the United States aggression forces in Korea is continually increasing, and exposes more clearly than ever the determination of the United States of America to extend the aggressive war against Korea, to carry out armed aggression on Taiwan, and to extend further her aggression against China.

On August 27, August 30, and September 10 of the current year, I have thrice made protest and lodged accusation before the United Nations Security Council against the crimes committed by the military aeroplanes of the United States aggression forces in Korea, of

invading China's territorial air, and by strafing, killing and wounding Chinese people and damaging Chinese properties; I have also demanded that the Central People's Government of the People's Republic of China should send its delegation to attend and join the United Nations Security Council. The majority in the Security Council, being controlled by the United States, although agreed apparently to include in the agenda the accusation raised by the People's Republic of China, actually refused to have the representative of China present in the Security Council to state the case and participate in the discussion. This action on the part of the United States shows that, on the one hand, she attempts to cover up her aggressive atrocities by making use of the majority she controls in the United Nations; on the other hand, she is afraid of the attendance of the representative of China, lest he should disclose her infamous crimes.

Further, the United Nations General Assembly, owing to the illegal discussions made by the majority under the control of the United States, has hitherto been indifferent to the rightful demand of the 475 million people of China, refused the participation of the legitimate representatives of the People's Republic of China, and kept Tsiang Ting-fu, the illegal "delegate" of the corpse-like Kuomintang reactionary remnant clique in the United Nations as a running-dog of the United States. This has in effect rendered the United Nations into an instrument for covering up the American aggression against China and the American action of extending the war.

The above-mentioned fresh atrocities committed by the military aeroplanes of the United States aggression forces in Korea, of invading China's territorial air and bombing and wounding Chinese people, testify to the fact that the flames of the war being extended by the United States in the east are burning more fiercely.

Under such circumstances, if the representatives of the majority States attending the United Nations General Assembly should still be pliant to the manipulation of the United States and continue to play deaf and dumb to these aggressive crimes of the United States, they shall not escape a share in the responsibility for lighting up the war flames in the East. The peaceloving peoples all over the world definitely will not stand in face of this with folded arms.

In the name of the Central People's Government of the People's Republic of China I hereby raise once more before the United Nations the accusation against the aggressive atrocities of the United States, and demand that the United Nations General Assembly should immediately include in its agenda the accusation of the People's Republic of China against the invasion of China's territorial air by the military aeroplanes of the United States aggression forces in Korea, and their extravagant strafing and bombing which caused casualties to Chinese people and damage to Chinese properties, and that it should immediately accept the representatives of the People's Republic of China to state the case and participate in the discussion. The United Nations General Assembly should immediately recommend the Security Council to take effective measures to condemn the aggressive crimes of the United States and bring about promptly the withdrawal of the United States aggressive forces in Korea, so that peace in the Far East and the world may be restored.

(Signed) CHOU En-lai,
Minister for Foreign Affairs
of the Central People's
Government of the
People's Republic of China

DOCUMENT A/1416

Letter dated 29 September 1950 addressed to the President of the General Assembly by the head of the delegation of the Union of Soviet Socialist Republics concerning a communication dated 24 September 1950 addressed to the Secretary-General by the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China

[Original text: Russian]
[30 September 1950]

New York, 29 September 1950

I have the honour to inform you that the delegation of the Union of Soviet Socialist Republics supports the request of the Central People's Government of the People's Republic of China, contained in the telegram of 24 September 1950 (A/1415) addressed by the Minister for Foreign Affairs of the Central People's Government, Mr. Chou En-lai, to the Secretary-General of the United Nations, for the inclusion in the agenda of the General Assembly fifth session of the protest of the Central People's Government of the People's Republic of China against the violation of Chinese air space by the air

force of the United States of America and against the machine-gunning and bombing of Chinese territory by that air force.

The delegation of the U.S.S.R. requests that a meeting of the General Committee should be convened to consider the question of the inclusion in the agenda of the fifth session of the General Assembly of the above-mentioned proposal of the Central People's Government of the People's Republic of China.

(Signed) A. VYSHINSKY
Head of the delegation
of the Union of Soviet
Socialist Republics

DOCUMENT A/1419

Letter dated 1 October 1950 addressed to the Secretary-General by the head of the delegation of the Union of Soviet Socialist Republics concerning a communication dated 24 September 1950 addressed to the Secretary-General by the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China

[Original text: Russian]
[2 October 1950]

New York, 1 October 1950

In presenting my respects to the Secretary-General of the United Nations, I have the honour, in connexion with the request of the Central People's Government of the People's Republic of China, supported by the delegation of the U.S.S.R. for the inclusion in the agenda of the fifth session of the General Assembly of the item "Protest of the Central People's Government of the People's Republic of China against the violation of Chinese air space by the air force of the United States of America and against the machine-gunning and bombing of Chinese territory by that air force", to transmit an explanatory note on this item in accordance with rule 20 of the rules of procedure of the General Assembly.

(Signed) A. VYSHINSKY
Head of the delegation
of the Union of Soviet
Socialist Republics

EXPLANATORY NOTE

In accordance with rule 15 of the rules of procedure of the General Assembly, the delegation of the U.S.S.R. supports the request of the Central People's Government of the People's Republic of China for the inclusion in the agenda of the fifth session of the General Assembly of the item "Protest of the Central People's Government of the People's Republic of China against the violation of Chinese air space by the air force of the United States of America and against the machine-gunning and bombing of Chinese territory by that air force".

This question is an extremely important one and was raised by the Central People's Government of China in a telegram dated 24 September 1950 from Mr. Chou En-lai to the Secretary-General of the United Nations, for transmission to the President of the fifth session of the General Assembly, Mr. Entezam, and the President of the Security Council, Sir Gladwyn Jebb.

The telegram states that, on 22 September 1950, military aircraft of the United States again violated the air space of the People's Republic of China; first, they carried out air reconnaissance over La-ku-shao in the K'uantien county of the Liaotung province of China, and then dropped twelve bombs in the area of the town of Antung in the same province, causing damage in the municipal districts and wounding Chinese civilians. The note

points out that this incident is even more serious than the machine-gunning of Chinese territory previously carried out by American aircraft and that this new act of aggression by the United States air force is evidence that the number of cases of provocative acts in the form of violation of Chinese air space by the United States air force is constantly increasing and shows the determination of the United States to extend the scale of its aggression against China.

In informing the United Nations of the above-mentioned aggressive acts of the United States air force, Mr. Chou En-lai, on behalf of the Central People's Government of the People's Republic of China, requests the General Assembly of the United Nations immediately to include this question in its agenda and to invite representatives of the People's Republic of China to its session, in order that they may state the views of the Central People's Government of the People's Republic of China on this question and take part in the discussion of the question in the Assembly and its Committees.

The Central People's Government of the People's Republic of China appeals to the General Assembly of the United Nations to recommend immediately that the Security Council should take effective measures concerning the question mentioned in Mr. Chou En-lai's telegram.

The communication of the Central People's Government of China concerning the aggressive acts of the United States air force in regard to Chinese territory has also received confirmation on the part of the United States Government, which informed the Secretary-General of the United Nations on 26 September 1950¹, through the United States representative to the Security Council, that it was possible that the air force of the United States had violated the Chinese frontier and had dropped bombs in the area of Antung on the night of 22 September.

The above mentioned continuous hostile acts of the United States air force against China constitute a flagrant violation of such important principles of the Charter of the United Nations as the principle of territorial integrity and the principle of the political independence of States, constitute a serious threat to international peace and security, and call for action to be taken by the United Nations.

¹ See *Official Records of the Security Council, Fifth Year, Supplement for September through December 1950.*

DOCUMENT A/1774

Report of the First Committee

[Original text : English]
[9 February 1951]

1. By a letter dated 29 September 1950, addressed to the President of the General Assembly (A/1416), the delegation of the Union of Soviet Socialist Republics expressed its support for the request of the Central People's Government of the People's Republic of China, contained in a telegram of 24 September (A/1415), that the General Assembly should include in the agenda of its fifth session the protest of the Central People's Government of the People's Republic of China against the violation of Chinese air space by the air force of the United States of America and against the machine-gunning and bombing of Chinese territory by that air force. An explanatory note submitted by the U.S.S.R. delegation (A/1419) followed this request.

2. A further communication from the Central People's Government of the People's Republic of China dated 27 September (A/1410) requested that, together with this item, there should be included an additional item entitled "The bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States aggression forces against Korea".

3. At the 71st meeting of the General Committee on 5 October, the U.S.S.R. delegation agreed that it would itself propose the inclusion of an item based on the requests contained in the telegrams referred to above (A/1415 and A/1410). It was decided at that meeting to recommend the inclusion of an item in the agenda under the heading "Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States".

4. The General Assembly approved this recommendation at its 294th meeting on 7 October 1950 and included the question as item 75 on its agenda, referring it to the *Ad Hoc* Political Committee. At its 313th meeting on 1 December, the General Assembly decided to transfer the item from the *Ad Hoc* Political Committee to the First Committee.

5. At the 439th meeting of the First Committee, held on 2 February 1951, the Committee accepted a suggestion made by the Chairman that item 75 should be placed immediately next to item 70 and that discussion should proceed on both items, with the understanding that votes would be taken separately on the two items. The item was considered at the 439th, 440th and 441st meetings of the Committee.

6. The following draft resolution (A/C.1/660) was submitted by the U.S.S.R. at the 440th meeting, held on 6 February 1951 :

" *The General Assembly,*

" *Having considered* the complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States,

" *Noting* the communications of the Central People's Government of the People's Republic of China to the United Nations :

" (a) Concerning the infringement of the inviolability of Chinese air space in the region of the Korean-Manchurian frontier by the United States air force and the bombing and machine-gunning of Chinese territory by United States military aircraft, causing loss of life and material damage to the People's Republic of China,

" (b) Concerning the bombardment, detention and inspection of a Chinese merchant ship by a military vessel of the United States,

" *Having heard* the statement on these questions by the delegation of the People's Republic of China and the explanation given by the delegation of the United States of America,

" *Condemns* these illegal acts by the Government of the United States and places on the said Government full responsibility for them and for all damages caused to the People's Republic of China and for any consequences which may ensue from such acts;

" *Recommends* the Security Council to take immediately, in conformity with Article 11, paragraph 2 of the Charter, the necessary action to prevent illegal acts by the United States Government, violating the sovereignty of China and causing damage to the People's Republic of China and the peaceful population of China".

7. The U.S.S.R. draft resolution, which was the only draft resolution submitted on the item, was put to the vote at the 441st meeting on 7 February 1951 and was rejected by 50 votes to 5, with 2 abstentions. Consequently, as regards this item, the First Committee has no recommendation to submit to the General Assembly.

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Agenda item 76 : Intervention of the Central People's Government of the People's Republic of China in Korea

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DOCUMENT A/1618

Telegram, dated 4 December 1950, addressed to the Secretary-General by the heads of the delegations of Cuba, Ecuador, France, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America

[Original text: English]
[4 December 1950]

The delegations of Cuba, Ecuador, France, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America to the fifth session of the General Assembly of the United Nations present their compliments to the Secretary-General of the United Nations and have the honour to request that the following

item should be included in the present session of the Assembly as an important and urgent question: "Intervention of the Central People's Government of the People's Republic of China in Korea". An explanatory memorandum will follow.

DOCUMENT A/1621

Telegram, dated 5 December 1950, from the delegations of Cuba, Ecuador, France, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America addressed to the Secretary-General

[Original text: English]

New York, 5 December 1950

The delegations of Cuba, Ecuador, France, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the fifth session of the General Assembly of the United Nations present their compliments to the Secretary-General of the United Nations and have the honour to refer to their request of 4 December 1950 (A/1618) that there be included in the agenda of the present session of the Assembly, as an important and urgent question, an item entitled "Intervention of the Central People's Government of the People's Republic of China in Korea".

In connexion with the above-mentioned request, the following explanatory memorandum is submitted.

EXPLANATORY MEMORANDUM

Armed forces of the Central People's Government of the People's Republic of China are conducting mili-

tary operations against the United Nations forces in Korea.

During November this question was considered by the Security Council. The delegations of Cuba, Ecuador, France, Norway, the United Kingdom of Great Britain and Northern Ireland and the United States of America in the Security Council sponsored a draft resolution designed to deal with this question (S/1894). The Security Council voted on that resolution on 30 November 1950.¹ The resolution was not adopted because of the negative vote of one of the permanent members, the Union of Soviet Socialist Republics.

Under these circumstances, the delegations of Cuba, Ecuador, France, Norway, the United Kingdom and the United States of America believe that the General Assembly should now consider immediately, as an important and urgent question, the intervention of the Central

¹ See *Official Records of the Security Council, Fifth Year, No. 72*

People's Government of the People's Republic of China in Korea, with a view to making appropriate recommendations.

(Signed)

G. GUTIÉRREZ
Head of the delegation of Cuba

A. QUEVEDO
Head of the delegation of Ecuador

J. CHAUVEL
Head of the delegation of France

A. SUNDE
Head of the delegation of Norway

K. YOUNGER
Head of the delegation of the
United Kingdom of Great Britain
and Northern Ireland

W. AUSTIN
Head of the delegation of the
United States of America

DOCUMENT A/1765

Letter, dated 16 December 1950, from the representative of the Union of Soviet Socialist Republics to the United Nations addressed to the President of the General Assembly

[Original text: Russian]
[19 December 1950]

New York, 16 December 1950

I am sending you herewith a statement by Mr. Pak Hen En, Minister for Foreign Affairs of the People's Democratic Republic of Korea, delivered by him on 12 December 1950 to the heads of foreign embassies and legations, relating to the brutal slaughter of the Korean

population and the barbarous destruction of towns and villages in Korea by the American and Syngman Rhee forces.

I shall be grateful if the above-mentioned statement can be distributed as an official General Assembly document.

(Signed) J. MALIK

STATEMENT BY MR. PAK HEN EN, MINISTER FOR FOREIGN AFFAIRS OF THE PEOPLE'S DEMOCRATIC REPUBLIC OF KOREA, TO THE DIPLOMATIC CORPS IN CONNEXION WITH THE BRUTAL SLAUGHTER OF THE KOREAN POPULATION AND THE BARBAROUS DESTRUCTION OF TOWNS AND VILLAGES IN KOREA BY THE AMERICAN AND SYNGMAN RHEE FORCES

12 December 1950

1. Retreating to the south under the blows of the People's Army of Korea, the American and British interventionists and their hirelings, the mercenary clique of Syngman Rhee, are engaging in deliberate mass slaughter of the peaceful civilian population, burning and destroying towns and villages and blowing up buildings and installations.

2. The Ministry of Foreign Affairs of the People's Democratic Republic of Korea has facts at its disposal and can affirm that on the orders of his overseas masters, Shing Sin Mo, Minister for Defence of Syngman Rhee's puppet government, has ordered the retreating forces to shoot without regard to sex or age all the peaceful inhabitants who support and sympathize with the People's Democratic Government. This order is being carried out by all the Syngman Rhee and American military units. The People's Democratic Government of Korea is daily receiving information about the bestial slaughter of members of the Workers' Party, the families of men serving with the People's army and all sympathizers with the People's Democratic Government. The American and Syngman Rhee forces are carrying out this order without sparing pregnant women, children or old people.

3. Information which is far from complete shows that in the province of Kangwon alone, more than 15,000 peaceful citizens have already been shot; and in the small village of Oktonri, in the Pyonggang district of that same province, the families of thirty-two men serving in the People's Army have been shot, including pregnant women and young children. On the roads along which the American interventionists and the Syngman Rhee forces have been hastily withdrawing lie the corpses of thousands of peaceful unarmed citizens who were guilty of no offence—women, children and old people, brutally slain and tortured by a band of enraged maniacs.

The withdrawing forces of the American interventionists, which conceal their acts of brigandage in Korea beneath the banner and authority of the United Nations, are leaving behind them a desert, setting fire to towns and villages, blowing up and destroying all large houses, public buildings and installations. On 5 December 1950, the Commander of the American First Corps cynically described on the radio the activities of the special destruction squads which form part of the so-called United Nations forces, and spoke eulogistically of their "success" in the annihilation of towns and bridges and the destruction of schools, hospitals, kindergartens and theatres.

These brutal methods were used by the Hitlerite fascist monsters with their fantastic plans for the establishment of a world hegemony, when they attempted to destroy whole nations. History knows how that Hitlerite adventure ended. The bosses of Wall Street and their puppets in the White House should be reminded of that example. A nation which is defending its independence from interventionists, and is filled with the determination to carry on that struggle to the end, cannot be destroyed. The time will come when those who are guilty of these unheard of crimes against the Korean people will stand before the judgment of history and answer for their misdeeds.

I beg you to inform the governments of all countries and the world at large of these acts of monstrous vio-

lence and of barbarous slaughter committed against the peaceful population of Korea.

I am confident that world public opinion will share our indignation at the above-mentioned fascist methods of exterminating an unarmed peaceful population, whose only offence is that it wants to live in its own free and independent country. I hope your Governments will submit to the United Nations the question of the immediate cessation of such acts, which have already been condemned by all progressive humanity, as well as the question of bringing to account those who have been guilty of these capital crimes.

(Signed) PAK HEN EN
Minister for Foreign Affairs of the
People's Democratic Republic of Korea

DOCUMENT A/C.1/638

Cuba, Ecuador, France, Norway, United Kingdom of Great Britain and Northern Ireland and United States of America : joint draft resolution

[Original text : English]
[6 December 1950]

The General Assembly,

Recalling the resolution adopted by the Security Council on 25 June 1950, ² determining that the North Korean forces had committed a breach of the peace, and calling upon all Members of the United Nations to refrain from giving assistance to the North Korean authorities,

Recalling the resolution [376 (V)] adopted by the General Assembly on 7 October 1950, which sets forth the policies of the United Nations in respect to Korea,

Noting that armed forces of the Central People's Government of the People's Republic of China are conducting military operations against the United Nations forces in Korea,

Reaffirming that United Nations forces should not remain in any part of Korea otherwise than so far as necessary for achieving the objectives of stability throughout Korea and the establishment of a unified, independent and democratic government in the sovereign State of Korea, as set forth in the resolution of the General Assembly dated 7 October 1950,

² See *Official Records of the Security Council, Fifth Year, No. 15.*

Insistent that no action should be taken which might lead to the spread of the Korean conflict to other areas and thereby further endanger international peace and security,

Calls upon all States and authorities, and in particular those responsible for the action noted above, to refrain from assisting or encouraging the North Korean authorities, to prevent their nationals or individuals or units of their armed forces from giving assistance to North Korean forces and to cause the immediate withdrawal of any such nationals, individuals, or units which may presently be in Korea;

Affirms that it is the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone;

Calls attention to the grave danger which continued intervention by Chinese forces in Korea would entail for the maintenance of such a policy;

Requests the United Nations Commission for the Unification and Rehabilitation of Korea to consider urgently and to assist in the settlement of any problems relating to conditions on the Korean frontier in which States or authorities on the other side of the frontier have an interest.

DOCUMENT A/C.1/639

Telegram, dated 7 December 1950, from the United Nations Commission for the Unification and Rehabilitation of Korea to the Secretary-General transmitting a report dated 7 December 1950

[Original text : English]
[8 December 1950]

Pursuant to clause 2 (c) of General Assembly resolution of 7 October 1950, the Commission submits the following interim report to the Secretary-General for transmission

to the Members of the United Nations. This report was adopted unanimously at the 21st meeting of the Commission on 7 December 1950.

" The Commission has examined the Chinese communist intervention in Korea. As instructed by the Commission its military observers have consulted with Eighth Army commanders and have also visited units in the field. A special observation group consisting of members of Australian and Thailand delegations, Australian and El Salvador military observers and members of the Secretariat has interrogated a number of Chinese prisoners of war. The Netherlands and Turkish representatives have visited troops in the field.

" Main items of evidence considered by the Commission are as follows :

" 1. Chinese units were first identified in Korea on 25 October.

" 2. 48,000 Chinese troops are identified as having been in the Eighth Army area by 25 November. These troops belonged to the 12th, 13th, and 16th army groups of the Chinese Fourth Field Army. By 30 November the total number identified had increased to 165,000.

" 3. Thus Chinese forces definitely identified total 231,000 men drawn from eight armies and comprising twenty-six divisions.

" 4. It is probable that many more Chinese troops are present in Korea. One responsible estimate places the total number of Chinese troops in Korea as high as 400,000 men.

" 5. At present the troops fighting the forces of the United Nations consist almost entirely of Chinese. Very few North Korean troops are in action.

" 6. Prisoners' statements in the report of the special observation group show that

" (a) Details of prisoners' movements from bases in Manchuria indicate that Chinese incursion into Korea

was the result of a prepared plan which first collected large forces along the Yalu River and at the appropriate moment organized the crossing into Korea;

" (b) The prisoners concerned had no prior warning of the intention to use them in Korea. They understood they were defending the Chinese frontier against attack. On entry into Korea, some believed that they were to be used against South Korean troops in defence of North Korea, others that they were to attack Chinese Nationalist forces in Korea. No prisoner had the slightest idea that he was being sent to fight United Nations forces;

" (c) The prisoners interrogated were all members of regular army units acting under normal military discipline and were not volunteers in any possible meaning of the term.

" On the basis of existing evidence the Commission has come to the conclusion that Chinese forces in great strength are attacking the United Nations forces in North Korea and that these Chinese forces form part of the armed forces of the People's Republic of China.

" The Commission would also invite attention to a large-scale exodus now taking place from North Korea of refugees fleeing southwards. Whereas these villagers stood their ground when the United Nations forces entered their territory, the recent withdrawal of the latter has filled the road to the south with columns of refugees. The Commission's military observer reports that on 6 December signs of an exodus began about eighty miles south of the defence line of the United Nations forces and rapidly increased as he proceeded northwards. An estimate of the numbers is difficult but one estimate puts the figure already as high as 500,000 in the west-coast areas alone. The Commission believes that this number will increase as additional territory is threatened by invading forces from the north."

DOCUMENT A/C.1/642/Rev.1

**Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen :
joint draft resolution (first revision)**

[Original text : English]
[24 January 1951]

The General Assembly,

Viewing with grave concern the situation in the Far East,

Considering that the continuance of this situation is likely to endanger the maintenance of world peace and security,

Noting the reply [A/C.1/653] of the Central People's Government of the People's Republic of China to the resolution of the First Committee dated 13 January 1951,

Desiring to continue its efforts to secure a cessation of hostilities in Korea and a peaceful settlement of the

Korean and other Far Eastern problems in accordance with the principles and purposes of the United Nations,

Recommends that representatives of the Governments of France, the United Kingdom, the United States of America, the Union of Soviet Socialist Republics, Egypt and India and of the Central People's Government of the People's Republic of China meet as soon as possible for the purpose of securing all necessary elucidations and amplifications of the above-mentioned reply and of making any incidental or consequential arrangements towards a peaceful settlement of the Korean and other Far Eastern problems;

The first meeting of the above representatives will be held on a date and at a place to be fixed by the President of the General Assembly; the date and place of each subsequent meeting will be fixed by the representatives

themselves. They will hold their meetings in private and will frame their own rules of procedure. They will advise the General Assembly of the result of their consultations as early as possible.

DOCUMENT A/C.1/642/Rev.2

**Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen :
joint draft resolution (second revision)**

[Original text : English]
[29 January 1951]

[This document is identical with document A/C.1/642 Rev./1 except that at the end of the fifth paragraph, starting with the word " Recommends... ", the following sentence has been added :

" As the first step towards this end the represen-

tatives will, at their first meeting, agree upon an appropriate cease-fire arrangement in Korea and after it has been put into effect they will proceed with their further deliberations ".]

DOCUMENT A/C.1/643

Report of the Group on Cease-Fire in Korea

[Original text : English]
[2 January 1951]

1. On 14 December 1950 the General Assembly adopted the following resolution [384 (V)] which had been sponsored by thirteen Asian Powers :

" *The General Assembly,*

" *Viewing* with grave concern the situation in the Far East,

" *Anxious* that immediate steps should be taken to prevent the conflict in Korea spreading to other areas and to put an end to the fighting in Korea itself, and that further steps should then be taken for a peaceful settlement of existing issues in accordance with the Purposes and Principles of the United Nations,

" *Requests* the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged and to make recommendations to the General Assembly as soon as possible."

2. In pursuance of the resolution, the President forthwith constituted a group consisting of Mr. L. B. Pearson of Canada, Sir Benegal N. Rau of India and himself, and announced this fact to the General Assembly. The Group met almost immediately afterwards and decided to associate the Secretary-General of the United Nations with its work.

3. A copy of the resolution was sent on 15 December to General Wu, the representative of the Central People's Government of the People's Republic of China, who was then in New York.

4. On 15 December, as a first step in carrying out its task, the Group consulted the representatives of the Unified Command as to what they considered to be a satisfactory basis for a cease-fire. The suggestions which emerged from this consultation, and which in the circumstances the Group felt constituted a reasonable basis for discussion, are summarized below :

(a) All governments and authorities concerned, including the Central People's Government of the People's Republic of China and the North Korean authorities, shall order and enforce a cessation of all acts of armed force in Korea. This cease-fire shall apply to all of Korea.

(b) There shall be established a demilitarized area across Korea of approximately twenty miles in depth with the southern limit following generally the line of the 38th parallel.

(c) All ground forces shall remain in position or be withdrawn to the rear; forces, including guerrillas, within or in advance of the demilitarized area, must be moved to the rear of the demilitarized area; opposing air forces shall respect the demilitarized zone and the areas beyond the zone; opposing naval forces shall respect the waters contiguous to the land areas occupied by the opposing armed forces to the limit of three miles from shore.

(d) Supervision of the cease-fire shall be by a United Nations commission whose members and designated observers shall ensure full compliance with the terms of the cease-fire. They shall have free and unlimited access to the whole of Korea. All governments and

authorities shall co-operate with the cease-fire commission and its designated observers in the performance of their duties.

(e) All governments and authorities shall cease promptly the introduction into Korea of any reinforcing or replacement units or personnel, including volunteers, and the introduction of additional war equipment and material. Such equipment and material will not include supplies required for the maintenance of health and welfare and such other supplies as may be authorized by the cease-fire commission.

(f) Prisoners of war shall be exchanged on a one-for-one basis, pending final settlement of the Korean question.

(g) Appropriate provision shall be made in the cease-fire arrangements in regard to steps to ensure (i) the security of the forces; (ii) the movement of refugees, and (iii) the handling of other specific problems arising out of the cease-fire, including civil government and police power in the demilitarized zone.

(h) The General Assembly should be asked to confirm the cease-fire arrangements, which should continue in effect until superseded by further steps approved by the United Nations.

5. The Group then attempted to consult the Central People's Government of the People's Republic of China and, for this purpose, sent a message by hand to General Wu and repeated it by cable to the Minister for Foreign Affairs in Peking. The text of this message is reproduced below :

" 16 December 1950

" As you have already been informed by resolution 384 (V) a copy of which was sent to you yesterday, a Committee was set up by the General Assembly of the United Nations on the previous day, 14 December, consisting of myself and my two colleagues, Sir Benegal Rau of India and Mr. L. B. Pearson of Canada, charged with the duty of determining whether it is possible to arrange appropriate and satisfactory conditions for a cease-fire in Korea. The purpose of this cease-fire in Korea will be to prevent the conflict from spreading to other areas, to put an end to the fighting in Korea, and to provide an opportunity for considering what further steps should be taken for a peaceful settlement of existing issues, in accordance with the purposes and principles of the United Nations.

" The above Committee has now met representatives of the Unified Command in Korea, and has discussed with them, in an exploratory manner, possible conditions upon which a cease-fire might be established. Since the Government of the Communist People's Republic of China has expressed strong views on the future of Korea and about the present state of warfare in that country, and since Chinese are participating in that warfare, the Committee wishes also to discuss with your Government or its representatives, and with the military authorities in command of the forces operating in North Korea, possible conditions upon which a cease-fire might be established. For this purpose, we desire to see you at your earliest convenience,

and we should be grateful to know when a meeting can be arranged.

" We realize that your Government which sent you here with other objects in mind, may prefer other arrangements by which a cease-fire can be discussed with them. We wish your Government to know that, in the interest of stopping the fighting in Korea and of facilitating a just settlement of the issues there in accordance with the principles of the United Nations Charter, we are prepared to discuss cease-fire arrangements with your Government or its representatives either here or elsewhere, as would be mutually convenient. We urge only that arrangements for these discussions should be made with the least possible delay. With this in mind, we are sending the text of this communication directly to your Government by telegram.

(Signed) " Nasrollah ENTEZAM "

6. On 18 December, Mr. Pearson, on behalf of the Group, submitted a brief preliminary account of its activities to the First Committee, hoping that a fuller report would be made in the near future.

7. On 16 December, the President, acting on behalf of the Group, had availed himself of the good offices of the Swedish delegation to transmit, through the Swedish Embassy in Peking, a request to the Central People's Government that General Wu should be instructed to stay on in New York and discuss with the Group the possibility of arranging a cease-fire. The reply to the request, communicated to the President on 21 December through the same channel, was as follows :

" The Central People's Government acknowledges receipt of a message dated 18 December 1950 from Mr. Entezam, President of the General Assembly, transmitted via the Swedish Government and asks the Swedish Government to transmit the following reply to Mr. Entezam, President of the General Assembly :

" The representative of the People's Republic of China neither participated in nor agreed to the adoption of the resolution concerning the so-called three-man Committee for Cease-Fire in Korea by United Nations General Assembly. The Central People's Government has repeatedly declared that the Central People's Government would regard as illegal and null and void all major resolutions, especially those concerning Asia, which might be adopted by the United Nations without the participation and approval of the duly appointed representatives of the People's Republic of China. Therefore, the Central People's Government cannot instruct its representative General Wu to continue to remain in Lake Success for negotiations with the above-mentioned three-man illegal Committee. After the Security Council³ unreasonably voted against the complaint against the United States armed aggression against Taiwan raised by the People's Republic of China, General Wu was instructed by the Central People's Government to continue to stay at Lake Success for participation in the discussion of the com-

³ See *Official Records of the Security Council, Fifth Year, No. 72.*

plaint of United States aggression against China submitted by the U.S.S.R. representative; although he has waited for a long time and until the United Nations General Assembly was declared adjourned, he was still not given the opportunity to speak. Under such circumstances, the Central People's Government deems that there is no more necessity for General Wu and his staff to remain at Lake Success and has therefore instructed him to start their homeward journey on 19 December.

"As to the question of how the United Nations may get in touch with the Korean Democratic People's Republic, the Central People's Government is of the opinion that the United Nations should address direct inquiry to the Government of the Korean Democratic People's Republic."

8. On 19 December, acting on a recommendation from the sponsors of the twelve-Power draft resolution (A/C.1/642) introduced in the First Committee on 12 December, the Group sent another message to the Foreign Minister of the Central People's Government. This was intended to remove any possible misunderstandings which may have arisen out of the separation of the twelve-Power resolution from the thirteen-Power resolution [384 (V)] adopted by the General Assembly on 14 December. The text of the message is given below :

"Mr. Chou En-lai,

"Minister for Foreign Affairs,

"Central People's Government of the People's Republic of China

"Peking, China

"In the consideration which you are giving to our earlier message, we are anxious that there should be no misunderstanding as to the relationship between the United Nations resolution establishing a cease-fire group and the resolution proposed by twelve Asian governments recommending appointment of a committee to meet as soon as possible and make recommendations for a peaceful settlement of existing issues in Far East. It is our clear understanding and also that

of the twelve Asian sponsors, that once a cease-fire arrangement had been achieved, the negotiations visualized in the second resolution should be proceeded with at once. Indeed, the preamble to the cease-fire resolution states specifically that steps should be taken for a peaceful settlement when fighting in Korea is ended. It is also our view, as well as that of the twelve Asian governments sponsoring the second resolution, that the Government of the People's Republic of China should be included in the negotiating committee referred to in that resolution. We feel that this committee could become an effective channel for seeking peaceful solution of existing issues in the Far East between the United States, the United Kingdom, the Soviet Union and China. For that purpose, in our opinion, it should be set up with a minimum of delay, but to make that possible a "cease-fire" arrangement must be put into effect. This point of view has been communicated to your delegation which left New York today, and we express the hope that you will give full weight to it.

(Signed) "Nasrollah ENTEZAM

"President of the General Assembly

"Sir Benegal RAU

"Lester B. PEARSON "

9. On 23 December, the President of the General Assembly, in his capacity as such, received from the Foreign Minister of the Central People's Government of the People's Republic of China the text of a statement issued by the latter in Peking on 22 December explaining the attitude of the Central People's Government on the resolution constituting the Group on Cease-Fire in Korea and on the peaceful settlement of the Korean question. This document is reproduced as an Annex. It appears to be in the nature of an answer to the Group's message of 16 December.

10. In these circumstances, and in spite of its best efforts, the Group regrets that it has been unable to pursue discussion of a satisfactory cease-fire arrangement. It therefore feels that no recommendation in regard to a cease-fire can usefully be made by it at this time.

ANNEX

TELEGRAM, DATED 23 DECEMBER 1950, FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY

Peking, 23 December 1950

The attitude of the Central People's Government of the People's Republic of China on the so-called three-man committee for cease-fire in Korea and the peaceful settlement of the Korean question is to be found in my statement issued on 22 December. Besides being broadcast by the Hsiu Hua News Agency on the same date, the said statement is hereby transmitted by cable for your information.

(Signed) CHOU EN-LAI,
Minister for Foreign Affairs of the
Central People's Government of the
People's Republic of China

Statement by Mr. Chou En-lai, Minister for Foreign Affairs of the Central People's Government of the People's Republic of China on the resolution concerning the three-man committee for cease-fire in Korea illegally adopted by the United Nations General Assembly on 14 December 1950

Peking, 22 December 1950

The General Assembly of the United Nations illegally adopted a resolution submitted by thirteen nations concerning also-called cease-fire in Korea. This resolution provided for the establishment of a three-man committee, consisting of the President of the current session of the United Nations General Assembly, Mr. N. Entezam, the Indian representative, Sir Benegal N. Rau, and the Canadian representative, Mr. L. B. Pearson, both appointed by him, to conduct talks to determine whether it is possible to arrange appropriate and satisfactory conditions for a cease-fire in Korea,

and then to make recommendations to the United Nations General Assembly. With reference to this resolution, Mr. Chou En-lai, Minister for Foreign Affairs of the Central People's Government of the People's Republic of China, issues the following statement :

1. The representative of the People's Republic of China neither participated in nor agreed to the adoption of the resolution concerning the so-called three-man committee for cease-fire in Korea by the United Nations General Assembly. Prior to this, the Central People's Government of the People's Republic of China had repeatedly declared that the Central People's Government of the People's Republic of China would regard as illegal and null and void all resolutions on major problems, especially those concerning the major problems of Asia, which might be adopted by the United Nations without the participation and concurrence of the duly appointed representatives of the People's Republic of China. Therefore, the Government of the People's Republic of China and its representatives are not prepared to make any contact with the above-mentioned illegal three-man committee.

2. The Central People's Government of the People's Republic of China has always held and still holds that the hostilities in Korea should be speedily brought to an end. In order to end the hostilities in Korea, genuine peace must be restored in Korea and the Korean people must have genuine freedom to settle their own problems. The reason why the hostilities in Korea have not yet been put to an end is precisely because of the fact that the United States Government has dispatched troops to invade Korea and is continuing and extending its policies of aggression and war. As far back as the beginning of the hostilities in Korea, we here stood for the peaceful settlement and localization of the Korean problem. For this reason, the Government of the People's Republic of China and that of the U.S.S.R. have repeatedly proposed that all foreign troops should be withdrawn from Korea, and that the Korean people be left alone to settle the Korean problem themselves. However, the United States Government not only rejected such a proposal but also rejected negotiations for the peaceful settlement of the Korean problem. When the invading troops of the United States arrogantly crossed the 38th parallel, at the beginning of the month of October, the United States Government, recklessly ignoring warnings from all quarters and following the provocative crossing of the border by Syngman Rhee in June, thoroughly destroyed and hence obliterated forever, this demarcation line of political geography. In the latter part of November, when the representative of the People's Republic of China was invited to take part in the discussion by the Security Council on the charge against United States aggression in Taiwan, he again submitted the proposal that the United States and other foreign troops should all be withdrawn from Korea, and that the People of South and North Korea should be left alone to settle their domestic affairs. But the United Nations Security Council, under the domination of the United States, rejected this reasonable peace proposal from the Government of the People's Republic of China. From this it is evident that since the United States Government has, from the very beginning, refused to withdraw its troops, it has absolutely no sincerity in ending the hostilities in Korea, still less in letting the Korean people have genuine peace and freedom.

3. This being the case, why does the United States representative, Mr. Austin, now favour an immediate cease-fire in Korea, and why does President Truman also express willingness to conduct negotiations to settle the hostilities in Korea? It is not difficult to understand

that, when the American invading troops were landing at Inchon, crossing the 38th parallel or pressing towards the Yalu River, they did not favour an immediate cease-fire and were not willing to conduct negotiations. It is only today when the American invading troops have sustained defeat, that they favour an immediate cease-fire and the conducting of negotiations after the cease-fire. Very obviously, they opposed peace yesterday, so that the United States might continue to extend its aggression and they favour a cease-fire today, so that the United States may gain a breathing space and prepare to attack again, or at least hold its present aggressive position in preparation for further advance. What they care about is not the interests of the Korean people and the Asian peoples, nor those of the American people. They are only interested in how American imperialists can maintain their invading troops and aggressive activities in Korea, how they can continue to invade and occupy China's Taiwan and how they can intensify the preparation for war in the capitalist world. Therefore, the representative of MacArthur's Headquarters said bluntly that they could accept a cease-fire only on a military basis and without any political conditions. This means that all the status of aggression will remain the same after the cease-fire, so that they can fight again when they are prepared. Further, they could take this opportunity to declare the existence of a state of emergency and to prepare mobilization in the United States, in Western Europe and Japan, thus driving the peoples of the United States, Western Europe and Japan down into the abyss of war. Is this not what Messrs. Truman, Acheson, Marshall and MacArthur are doing now? With reference to the so-called proposal for cease-fire first and negotiations afterwards, irrespective of the fact that the proposal by the twelve nations had neither been adopted by the Security Council nor by the United Nations General Assembly, and irrespective of what countries are to be included in the negotiating conference, and even if all these had been agreed upon, the agenda and contents of the negotiation could still be discussed endlessly after the cease-fire. If the conference is not a conference of the legal Security Council or of the legal Five-Power conferences, or is not affiliated to them, the United States Government in the last resort can still manipulate its voting machine.

Thus, to discuss the cease-fire and start negotiations not on the basis of the withdrawal of all foreign troops from Korea and the settling of Korean domestic affairs by the Korean people themselves, is to act hypocritically and would therefore suit the designs of the United States Government, and hence cannot satisfy the sincere desire of the peace-loving peoples of the world. The three-man committee, a cease-fire on the spot, peace negotiations, launching of a huge offensive : this Marshall formula is not in the least unfamiliar to the Chinese people, because in 1946, General Marshall assisted Chiang Kai-shek in this way repeatedly for a whole year, and in the end had to admit failure and leave. Will the people of China, who had learned this lesson in 1946 and later gained victory, fall into such a trap today? No, the old trick of General Marshall will not work again in the United Nations.

4. Moreover, the present issues are definitely not confined to the Korean problem. While the United States Government was engineering the hostilities in Korea, it dispatched the Seventh Fleet to invade China's Taiwan and then bombed north-east China, fired on Chinese merchant vessels and extended its aggression in East Asia. Against all this, the Central People's Government of the People's Republic of China has repeatedly lodged charges with the United Nations. But under United States domination, the majority in the United Nations has not only

upheld American aggression against Korea and supported United States invasion and occupation of Taiwan, the bombing of north-east China, but also rejected the three proposals submitted by our representative on the charge against the United States for armed aggression against Taiwan, and shelved the charge of United States aggression against China made by the representative of the Soviet Union. Our representative was kept waiting for a long time, until the First Committee of the United Nations General Assembly was indefinitely adjourned, and was not given a chance to speak.

This attitude which was taken by the majority of the United Nations under the domination of the Anglo-American bloc, obviously violates the United Nations Charter and its purposes. They are furthering rather than checking United States aggression. They are undermining rather than defending world peace.

What particularly arouses the world's indignation is that in spite of the fact that during the past several months the United Nations held innumerable discussions on China or on important questions concerning China, the representatives of the People's Republic of China, who are the only representatives of the 475 million people of China, are still being kept out of the doors of the United Nations, whereas the representatives of a handful of the Chiang Kai-shek reactionary remnants are still being allowed to usurp the seats of the Chinese delegation in the United Nations. To such an extent the Chinese people have been slighted and insulted!

Therefore, the Chinese people, who, impelled by righteous indignation, have risen to volunteer in resisting the United States and helping Korea, and thus protecting their homes and defending their country, are absolutely reasonable and justified in so doing. The Chinese people's volunteers, who have been forced to take up arms side by side with the Korean People's Army to resist the American aggressors, under the Unified Command of the Government of the Korean Democratic People's Republic, are fighting for their own existence, fighting to aid Korea and fighting for the peace of East Asia as well as the peace of the whole world.

5. It must be pointed out that the proposal for a peaceful settlement of the Korean problem submitted by the majority of the representatives of the thirteen Asian and Arab nations was originally based on their desire for peace, and this is understandable. But they have failed to see through the whole intrigue of the United States Government in sup-

porting the proposal for a cease-fire first and negotiations afterwards, and therefore they have not seriously considered the basic proposals of the Chinese Government concerning the peaceful settlement of the Korean problem.

The original thirteen-nation draft resolution was not wholly palatable to the United States Government, so it was separated into two resolutions. The first resolution, or the resolution providing for the so-called three-man committee for cease-fire in Korea, which is satisfactory to the United States, was, under pressure, given priority for discussion and was consequently adopted by the United Nations General Assembly. But the second resolution, or the resolution providing for a so-called "negotiating conference" or "negotiating commission", with which the United States was either not satisfied or not quite satisfied, was therefore shelved for the time being.

The difference between these two resolutions was remarkably demonstrated by the attitude of the Philippine representative. The Philippine representative, who always follows in the footsteps of the United States, only agreed to the first resolution but withdrew from the second resolution. This trick of close co-operation displayed by the Philippines in the role of demanding a cease-fire, and by the United States in the role supporting it, has thus been exposed.

From this fact itself, the lesson can be drawn that if the Asian and Arab nations wish to gain genuine peace, they must free themselves from United States pressure and must abandon the "three-man committee for cease-fire in Korea", and give up the idea of cease-fire first and negotiations afterwards.

6. The Central People's Government of the People's Republic of China solemnly declares that the Chinese people eagerly hope that the hostilities in Korea can be settled peacefully. We firmly insist that, as a basis for negotiating for a peaceful settlement of the Korean problem, all foreign troops must be withdrawn from Korea and Korea's domestic affairs must be settled by the Korean people themselves. The United States aggression forces must be withdrawn from Taiwan. And the representatives of the People's Republic of China must obtain a legitimate status in the United Nations. These points are not only the justified demands of the Chinese people and the Korean people; they are also the urgent desire of all progressive public opinion throughout the world. To put aside these points would make it impossible to settle peacefully the Korean problem and the important problems of Asia.

DOCUMENT A/C.1/644

Letter, dated 30 December 1950, from the representative of the Union of Soviet Socialist Republics addressed to the President of the General Assembly transmitting a communiqué from the Commission of the Central Committee of the United Democratic National Front of Korea

[Original text: Russian]
[3 January 1951]

I wish to draw your attention to "Communiqué No. 3 from the Commission of the Central Committee of the United Democratic National Front of Korea for the investigation of the atrocities of American interventionists and Syngman Rhee's troops in Korea", received by the United Nations Secretariat on 29 December and containing information regarding the brutal extermina-

tion of the population, the looting, rape, violence and barbarous destruction committed by American and Syngman Rhee troops in Pyongyang. I have the honour to request you to publish the above-mentioned *communiqué* as an official document of the General Assembly.

(Signed) J. MALIK

COMMUNIQUÉ No. 3 FROM THE COMMISSION OF THE CENTRAL COMMITTEE OF THE UNITED DEMOCRATIC NATIONAL FRONT OF KOREA FOR THE INVESTIGATION OF THE ATROCITIES OF AMERICAN INTERVENTIONISTS AND SYNGMAN RHEE'S TROOPS IN KOREA

26 December 1950

I have the honour to transmit to you, with the request that it should be circulated to all Members of the United Nations, *Communiqué No. 3* from the Commission of the Central Committee of the United Democratic National Front of Korea for the investigation of the atrocities of American interventionists and Syngman Rhee's troops in Korea.

(Signed) KIM DU BON
*Chairman of the Commission of the
 Central Committee of the United
 Democratic National Front of Korea*

COMMUNIQUÉ

1. As a result of a preliminary investigation of atrocities committed by American and Syngman Rhee's troops in Pyongyang, the Commission of the United Democratic National Front has established the following.

2. During approximately a month and a half of the occupation of Pyongyang, the American interventionists and Syngman Rhee's men committed unheard-of atrocities, brazenly flouting the elementary rules of international law and human ethics. They behaved like barbarians in the dark ages in a conquered country. They massacred the peaceful population, raped and abused women, looted private property, and destroyed industrial equipment, municipal enterprises, cultural institutions and dwellings, striving in their savage hatred of the Korean people to reduce to a heap of ruins our ancient capital, that citadel of the democratic movement in Korea—the city of Pyongyang.

1. Terror against the population, raping of women and other atrocities

3. During their temporary occupation of the city of Pyongyang, the American interventionists and the troops of Syngman Rhee's puppet government killed many innocent peaceful members of the city's population. They flung into prison, beat up, shot and hanged officials of the People's Government, members of democratic parties and public organizations, and first and foremost members of the Labour Party; they also arrested, put in jail, tortured and killed members of these people's families, women, children and old men. The number of dead resulting from these atrocities committed in Pyongyang during its occupation by American and Syngman Rhee's troops is over 15,000. American interventionists and Syngman Rhee's warriors and policemen arrested and put in jail in Pyongyang over 4,000 patriots and democrats, of whom more than 2,000 were shot in the prison yard. Their corpses filled 21 bombshelters, 3 wells and 3 water reservoirs. In addition, when detachments of the People's Army entered Pyongyang, 86 corpses which their executioners apparently did not

have time to clear away, were discovered in the prison yard. On 4 December, when they fled from Pyongyang in panic, Americans and Syngman Rhee's men shot many prisoners with machine guns through the (? walls) in the prison cells. Before abandoning Pyongyang, they tried to spread panic among the population by circulating absurd rumours to the effect that Chinese communist troops were coming who would massacre everyone, that atom bombs would be dropped on Pyongyang, etc. By means of threats and blackmail they forced the local population to move south from the river Taedong, announcing that anyone who did not leave the city would be considered a red and would be summarily dealt with. The frightened inhabitants of the city, both men and women, began to cross the river Taedong in great numbers on 3 and 4 December; some walked across the bridge, others made their way across by means of boats, barrels, and boards. As the Americans and Syngman Rhee's men retreated, they blew up the bridge while a crowd of people was crossing it; American jet planes machine-gunned another crowd on the shore of the river and persons crossing the river. On 3 and 4 December approximately 4,000 innocent inhabitants of the city were slaughtered in this way by Americans and Syngman Rhee's men. Eye-witnesses report that on 4 December the river Taedong was full of corpses and its water ran red with the blood of the victims. On the pretext that the patriots were using bomb shelters as bases for operations against United States and Syngman Rhee troops, the Americans and Syngman Rhee's men forced the population to fill up the bomb shelters with earth and shot the people found in the shelters. In eight bomb shelters of the western part of Pyongyang the bodies of 328 inhabitants of the city, killed in this fashion, were discovered. Citizens accused of communist sympathies were shot daily without investigation or trial. Among those shot were citizen Lim, living at 56 Soljsuri, Pyongyang; Te Son Gon, elementary school teacher, living at 10 Soljsuri, Pyongyang; citizen Han Ho Sem, living in Sonaenri, Pyongyang; Mun San Re, teacher at the Pyongyang Institute, and many others.

4. During the occupation of Pyongyang the Americans and Syngman Rhee's men raped many women and girls. Here are merely a few examples. On 25 October they raped Pak Chun Ok, aged 18, living in Sansuri Street, Pyongyang, having threatened her that she would be shot. In the office of the Tehan Youth Organization in Kanhyonri Street, the Americans raped two housewives and one girl, as well as the wife of citizen Pak Men Ho. The wife of Li Don Om, aged 32, living in Tonchanri, Pyongyang, was raped by five Americans. The wife of Cho Hyn Sek was raped by two Americans. The wife of Li Syn Gon, aged 54, was raped by two Americans. Citizen Cho Syn Nok, living at 4 Sanhyonri, was arrested. Three days later three Americans came to his wife and raped her. The Americans arrested many wives of patriots, kept them imprisoned at No. 2 Vonchonri, and subjected them to barbarous atrocities day and night.

5. The American imperialists and Syngman Rhee's men are committing crass violations of the Geneva conventions on the treatment of prisoners of war and wounded, killing war prisoners from the Korean People's Army and imposing intolerable living conditions upon them. Thus, for example, American troops shot some 70 prisoners of war from the Korean People's Army in Chiljulli, the eastern part of Pyongyang, and 50 men at Yulli. In the prisoner of war camp situated on the grounds of the Pyongyang textile factory, prisoners of war slept out in the open on frosty November nights; no medical aid was given to the sick and wounded, with the result that many of them lost their lives.

II. Destruction of industrial equipment, buildings and cultural institutions

6. During the retreat after the temporary occupation of Pyongyang special detachments of American and Syngman Rhee engineers blew up and set fire to industrial enterprises, buildings and installations in Pyongyang. Before withdrawing from Pyongyang the Americans and Syngman Rhee's men destroyed the entire equipment of the Pyongyang chemical factory and set fire to the factory building and the community centre of the factory. Completely destroyed were the equipment and buildings of the Pyongyang textile factory, which had survived the air bombings, as well as those of the engineering works in the eastern part of Pyongyang, the Sadon briquette factory, the electric plant of that factory, the Pyongyang towel factory, the Pyongyang sugar refinery, the Pyongyang electric bulb factory, the gramophone record factory, the hosiery factory, needle factory, Pyongyang tobacco factory, Rensan chemical plant and the Pyongyang central department store. The Americans and Syngman Rhee's men completely destroyed the Kim Il Sung University, built by the efforts of the inhabitants of the northern part of the Republic, as well as the buildings of the Russian Language Institute, the Teachers' Institute, the Technical Communications Institute, the Polytechnic Institute, the Central School of the Central Committee of the Labour Party, the 1st and 2nd secondary schools, the 2nd, 3rd, 4th, 5th and 10th junior secondary schools, the 2nd girls' secondary school, 5th junior girls' secondary school, and 14th, 19th, 38th and 39th elementary schools. Text books and furniture were soaked in petrol and burnt or used as fuel. They also broke into and burned the buildings of the Central Hospital, the National Arts Theatre, the Pyongyang Nursery School, the offices of the newspaper *Nodon Shinmun* and other cultural establishments. The Americans and the Syngman Rhee troops burned hundreds of thousands of books in the Central State Library, the library of the Kim Il Sung University, the libraries of various institutions, bookshops and private libraries. They destroyed the Pyongyang museums, looted the exhibits, destroyed many historical monuments, such as a sepulchre of the Nan Nan era and the Pu Bek Nu pavillon, one of the eight historical monuments of Korea, and stole a gold image of Buddha from the En Men Ze Temple. The American interventionists blew up and destroyed the

hydraulic installations and reservoirs, which provided drinking water for the 400,000 inhabitants of the city of Pyongyang, destroyed the electrical sub-station, which supplied the city with electricity, and completely destroyed railway and foot bridges across the river Taedong and the city tramway system. The American and Syngman Rhee troops destroyed the buildings of the Presidium of the Supreme People's Assembly of the People's Democratic Republic of Korea, the cabinet office, the Ministry of the Interior, the Ministry of Justice, the Department of the Interior of the Pyongyang Municipal People's Committee, the Pyongyang telegraph and telephone station, the Central Bank, the headquarters of the Labour Party of Korea, the headquarters of the Union of Democratic Youth of North Korea and many other large buildings in the city.

III. Pillage of personal property

7. During the occupation of Pyongyang, the Americans and the puppet troops of Syngman Rhee not only looted goods from State organizations, State enterprises, State stores and trade union stores, but also looted goods from private warehouses, private enterprises, and people's houses. The families of persons arrested by the Americans and Syngman Rhee followers were usually driven out of their houses and all their property was seized by the Americans and Syngman Rhee followers. Drunken American soldiers often broke into the houses of the inhabitants and seized the most valuable property. Thus, an American soldier broke into the house of Kim Gyn Nen in Tonchanri, in the city of Pyongyang, and snatched two gold rings from his wife's hand. Another American soldier broke into the house of Kim Dok Sam in Kamhynri and grabbed a watch. American soldiers broke into the house of Sim En Gu in Sanhynri and carried away 40 sacks of rice, a pig, a sewing machine, 3 blankets, 100 heads of lettuce and other articles. Syngman Rhee soldiers took from the apartment of Chan Gi Sen, Choi Si Min, Kim Man Tszyun, Kim Len Dek, O En Ik, and Pak Ki Sen a total of 158 sacks of rice, 6 pigs, 2 oxen and over 200 pkhen of vegetables. American soldiers broke into the house of Chen Pon Un, in the southern district of Chenpenri, beat the owner of the house and seized gold and other valuables worth half a million won. In the village of Chilvulli, American and Syngman Rhee troops seized 6 oxen, 70 pigs, and 200 chickens.

8. The crimes of the American and Syngman Rhee troops are arousing the bitter hatred of the Korean people against the invaders and their Korean accomplices, the Syngman Rhee clique.

9. In informing the Korean people and world public opinion of the above facts, the Commission of the Central Committee of the United Democratic National Front of Korea is firmly convinced that all the peace-loving peoples of the world will censure the crimes which are being committed by the foreign invaders and Korean reactionaries under the flag of the United Nations.

DOCUMENT A/C.1/645**Supplementary report of the Group on Cease-Fire in Korea**

[Original text: English]
[11 January 1951]

The objective shall be the achievement, by stages, of the programme outlined below for a cease-fire in Korea, for the establishment of a free and united Korea, and for a peaceful settlement of Far Eastern problems.

1. In order to prevent needless destruction of life and property, and while other steps are being taken to restore peace, a cease-fire should be immediately arranged. Such an arrangement should contain adequate safeguards for ensuring that it will not be used as a screen for mounting a new offensive.

2. If and when a cease-fire occurs in Korea, either as a result of a formal arrangement or, indeed, as a result of a lull in hostilities pending some such arrangement, advantage should be taken of it to pursue consideration of further steps to be taken for the restoration of peace.

3. To permit the carrying out of General Assembly resolution [376 (V)] that Korea should be a unified, independent, democratic, sovereign State with a constitution and a government based on free popular elections,

all non-Korean armed forces will be withdrawn, by appropriate stages, from Korea, and appropriate arrangements, in accordance with United Nations principles, will be made for the Korean people to express their own free will in respect of their future government.

4. Pending the completion of the steps referred to in the preceding paragraph, appropriate interim arrangements, in accordance with United Nations principles, will be made for the administration of Korea and the maintenance of peace and security there.

5. As soon as agreement has been reached on a cease-fire, the General Assembly shall set up an appropriate body which shall include representatives of the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the People's Republic of China, with a view to the achievement of a settlement, in conformity with existing international obligations and the provisions of the United Nations Charter, of Far Eastern problems, including, among others, those of Formosa (Taiwan) and of the representation of China in the United Nations.

DOCUMENT A/C.1/647**Israel : draft resolution**

[Original text: English]
[12 January 1951]

The First Committee

Approves the following principles for a cease-fire in Korea, for the establishment of a free and united Korea, and for a peaceful settlement of Far Eastern problems:

The objective shall be the achievement, by stages, of the programme outlined below for a cease-fire in Korea, for the establishment of a free and united Korea, and for a peaceful settlement of Far Eastern problems;

1. In order to prevent needless destruction of life and property, and while other steps are being taken to restore peace, a cease-fire should be immediately arranged. Such an arrangement should contain adequate safeguards for ensuring that it will not be used as a screen for mounting a new offensive;

2. If and when a cease-fire occurs in Korea, either as a result of a formal arrangement or, indeed, as a result of a lull in hostilities pending some such arrangement, advantage should be taken of it to pursue consideration of further steps to be taken for the restoration of peace;

3. To permit the carrying out of General Assembly resolution 376 (V) that Korea should be a unified, independent, democratic, sovereign State with a constitution and a government based on free popular elections, all

non-Korean armed forces will be withdrawn, by appropriate stages, from Korea, and appropriate arrangements, in accordance with United Nations principles, will be made for the Korean people to express their own free will in respect of their future government;

4. Pending the completion of the steps referred to in the preceding paragraph, appropriate interim arrangements, in accordance with United Nations principles, will be made for the administration of Korea and the maintenance of peace and security there;

5. As soon as agreement has been reached on a cease-fire, the General Assembly shall set up an appropriate body which shall include representatives of the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics and the People's Republic of China, with a view to the achievement of a settlement, in conformity with existing international obligations and the provisions of the United Nations Charter, of Far Eastern problems, including, among others, those of Formosa (Taiwan) and of the representation of China in the United Nations;

Requests the Secretary-General to transmit these principles to the Central People's Government of the People's Republic of China and invite it to send its observations as soon as possible.

DOCUMENT A/C.1/649

El Salvador : amendment to draft resolution of Israel (A/C.1/647)

[Original text : English]
[13 January 1951]

1. *Paragraph 3* : after the words " armed forces " add the following words " and all foreign volunteers ".

2. *Paragraph 3* : add, at the end, the following subparagraph :

" All armed forces of North Korea should be withdrawn to the north of the 38th parallel and all armed forces of the Republic of South Korea should be withdrawn to the south of the 38th parallel. "

3. *Paragraph 5* : add in the proper place the name of Brazil as one of the States that will participate in the negotiations referred to in the same paragraph.

4. *Paragraph 5* : after the words " in conformity with " delete the words " existing international obligations and ".

5. *Paragraph 5* : delete end of paragraph after the words " the provisions of the United Nations Charter ".

DOCUMENT A/C.1/652

Lebanon : amendment to the joint draft resolution submitted by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen (A/C.1/642)

[Original text : English]
[13 January 1951]

Amend the operative paragraph of the draft resolution to read as follows :

" *Recommends* that if and when a cease-fire occurs in Korea, either as a result of a formal arrangement or, indeed, as a result of a lull in hostilities pending some such arrangement, the representatives of the following Governments namely,....shall, upon convocation by the President of the General Assembly, as soon as possible

meet and make recommendations for the peaceful settlement of existing issues, in accordance with the purposes and principles of the United Nations. The above-mentioned representatives shall be guided by the principles contained in the supplementary report of the Group on Cease-Fire in Korea. " ⁴

⁴ See document A/C.1/645 above.

DOCUMENT A/C.1/653

Telegram, dated 17 January 1951, from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China addressed to the Acting Secretary-General for transmission to the Chairman of the First Committee of the General Assembly

[Original text : Chinese]
[17 January 1951]

Peking, 17 January 1951

I have the honour to acknowledge receipt of the cablegram dated 13 January 1951, transmitted by Mr. Owen at the request of the First Committee of the General Assembly, on the principles concerning the Korean and other Far Eastern problems. In the name of the Central People's Government of the People's Republic of China I wish to reply as follows :

1. The Central People's Government of the People's Republic of China has always maintained and still maintains that a rapid termination of the hostilities in Korea should be sought by negotiations among the various countries concerned with a view to the peaceful settle-

ment of the Korean question on the basis of the withdrawal of all foreign troops from Korea and the settlement of Korean domestic affairs by the Koreans themselves; that United States armed forces must be withdrawn from Taiwan (Formosa); and that the representatives of the People's Republic of China must assume their rightful place in the United Nations. These principles were also mentioned in my statement of 22 December 1950; transmitted by cable to Mr. Entezam, President of the General Assembly, on the same day, and are now well known to the whole world.

2. On 13 January 1951, the First Committee of the United Nations General Assembly adopted, without the participation of the representative of the People's Repu-

blic of China, various principles concerning the Korean and other Far Eastern problems, the basic points of which are still the arrangement of a cease-fire in Korea first, and the conducting of negotiations among the various countries concerned, afterwards. The purpose of arranging a cease-fire first is merely to give the United States troops a breathing space. Therefore, regardless of what the agenda and subject-matter of the negotiations may be, if a cease-fire comes into effect without first conducting negotiations to fix the conditions therefor, negotiations after the cease-fire may entail endless discussions without solving any problems. Besides this fundamental point, the other principles are also not clearly defined. It is not clearly stated whether the so-called existing international obligations refer to the Cairo and Potsdam Declarations, and this may easily be utilized to defend the position of aggression maintained by the United States in Korea, Taiwan and other parts of the Far East. We understand that many countries in the First Committee agreed to the principles adopted on 13 January 1951 because of their desire for peace. It must be pointed out, however, that the principle of a cease-fire first and negotiations afterwards would only help the United States to maintain and extend its aggression, and could never lead to genuine peace. Therefore, the Central People's Government of the People's Republic of China cannot agree to this principle.

3. With a view to a genuine and peaceful solution of the Korean problem and other important Asian problems, I hereby submit, in the name of the Central People's Government of the People's Republic of China, the following proposals to the United Nations :

(a) Negotiations should be held among the countries concerned on the basis of agreement to the withdrawal of all foreign troops from Korea and the settlement of Korean domestic affairs by the Korean people themselves, in order to put an end to the hostilities in Korea at an early date.

(b) The subject-matter of the negotiations must include the withdrawal of United States armed forces from Taiwan and the Taiwan Straits and Far Eastern related problems;

(c) The countries to participate in the negotiations should be the following seven countries : the People's Republic of China, the Soviet Union, the United Kingdom, the United States of America, France, India and Egypt, and the rightful place of the Central People's Government of the People's Republic of China in the United Nations should be established as from the beginning of the seven-nation conference;

(d) The seven-nation conference should be held in China, at a place to be selected.

4. If the above-mentioned proposals are agreed to by the countries concerned and by the United Nations, we believe that it will be conducive to the prompt termination of the hostilities in Korea and to the peaceful settlement of Asian problems to hold negotiations as soon as possible.

(Signed) CHOU En-lai,
Minister for Foreign Affairs of the
Central People's Government of the
People's Republic of China

DOCUMENT A/C.1/654

United States of America : draft resolution

[Original text : English]
[20 January 1951]

The General Assembly,

Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese communist intervention in Korea,

Noting that the Central People's Government of the People's Republic of China has rejected all United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

Calls upon the Central People's Government of the People's Republic of China to cause its forces and natio-

nals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;

Calls upon all States and authorities to continue to lend every assistance to the United Nations actions in Korea;

Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;

Requests a committee composed of the members of the Collective Measures Committee, as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly;

Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

DOCUMENT A/C.1/663

Letter, dated 16 May 1951, from the President of the General Assembly to the Chairman of the First Committee

[Original text : English]
[16 May 1951]

Transmitted to you herewith is a report of the Additional Measures Committee (A/1799) submitted by the Committee in accordance with General Assembly resolution 498 (V) of 1 February 1951.

You are requested to bring this document to the attention of the First Committee for discussion and report under item 76 of the agenda of the fifth session, " Inter-

vention of the Central People's Government of the People's Republic of China in Korea ", which the General Assembly, at its 319th plenary meeting held on 6 December 1950, decided to refer to the First Committee.

(Signed) Nasrollah ENTEZAM
President of the General Assembly

DOCUMENT A/1379/Add.1

Letter, dated 31 January 1951, from the Secretary-General to the President of the General Assembly

[Original text : English]

Lake Success, 31 January 1951

In accordance with the provisions of Article 12, paragraph 2, of the Charter of the United Nations, I have the honour to inform you of the following resolution, adopted by the Security Council at its 531st meeting held on 31 January 1951 :

" The Security Council,

" Resolves to remove the item ' Complaint of aggression against the Republic of Korea ' from the list of matters of which the Council is seized. "

(Signed) Trygve LIE
Secretary-General

DOCUMENT A/1717

Interim report of the First Committee

Rapporteur : Mr. Thor THORS (Iceland)

[Original text : English]
[13 December 1950]

1. By a telegram dated 4 December 1950 (A/1618), addressed to the Secretary-General, the delegations of Cuba, Ecuador, France, Norway, the United Kingdom and the United States of America requested that the item " Intervention of the Central People's Government of the People's Republic of China in Korea " should be included in the agenda of the fifth session of the General Assembly. An explanatory memorandum (A/1621) was submitted on 5 December 1950.

2. The General Assembly, at its 319th plenary meeting on 6 December 1950, decided, on the recommendation of the General Committee, to include this item in its agenda to refer it to the First Committee for consideration and report. The First Committee, at its 409th meeting on 7 December, by 42 votes to 5, with 4 abstentions, adopted a French motion that priority should be given to the consideration of the item.

3. The Committee has so far considered the question at its 409th to 417th meetings.

4. At the first of these meetings, the Committee, by 48 votes to 5, with 4 abstentions, adopted a motion presented by the United States that the representative of the Republic of Korea should be invited to participate in the discussions.

5. The following draft resolutions have so far been submitted :

(a) A joint draft resolution, submitted at the 409th meeting, by Cuba, Ecuador, France, Norway, the United Kingdom and the United States of America (A/C.1/638) which, after recalling the Security Council resolution of 25 June 1950 and the General Assembly resolution of 7 October 1950, and noting that armed forces of the Central People's Government of the People's

Republic of China are conducting military operations against the United Nations forces in Korea, calls upon all States and authorities, *inter alia*, to prevent their nationals or individuals or units of their armed forces from giving assistance to the North Korean forces and to cause immediate withdrawal of such nationals or units; affirms that it is the policy of the United Nations to hold the Chinese frontier with Korea inviolate and fully to protect legitimate Chinese and Korean interests in the frontier zone; and requests the United Nations Commission for the Unification and Rehabilitation of Korea to assist in the settlement of any problems relating to conditions on the Korean frontier.

(b) A draft resolution (A/C.1/640) submitted by the Union of Soviet Socialist Republics at the 412th meeting, which recommends that all foreign troops should be withdrawn immediately from Korea and that the decision on the Korean question should be entrusted to the Korean people themselves.

(c) A joint draft resolution (A/C.1/641), submitted at the 415th meeting by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Philippines, Saudi Arabia, Syria and Yemen requesting the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged and to make recommendations to the General Assembly as soon as possible.

(d) A joint draft resolution (A/C.1/642), submitted at the 415th meeting by the same countries with the exception of the Philippines, which, considering that the situation in the Far East is likely to endanger the maintenance of world peace and security, recommends the establishment of a committee to meet as soon as possible and

make recommendations for the peaceful settlement of existing issues.

6. At the 415th meeting, the Committee, by 48 votes to 5, with 4 abstentions, adopted an Indian motion that priority should be given to the thirteen-Power draft resolution (A/C.1/641).

7. The thirteen-Power draft resolution was put to the vote at the 417th meeting and was adopted by 51 votes to 5, with 1 abstention.

8. The Committee will submit its final report when it has concluded the consideration of the other draft resolutions. At the present stage, however, the Committee recommends that the General Assembly should adopt the following resolution:

INTERVENTION OF THE CENTRAL PEOPLE'S GOVERNMENT
OF THE PEOPLE'S REPUBLIC OF CHINA IN KOREA

The General Assembly,

Viewing with grave concern the situation in the Far East,

Anxious that immediate steps should be taken to prevent the conflict in Korea from spreading to other areas and to put an end to the fighting in Korea itself, and that further steps should then be taken for a peaceful settlement of existing issues in accordance with the Purposes and Principles of the United Nations,

Requests the President of the General Assembly to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged and to make recommendations to the General Assembly as soon as possible.

DOCUMENT A/1770

Report of the First Committee

Rapporteur: Mr. Thor THORS (Iceland)

[Original text: English]
[31 January 1951]

1. At the 419th meeting of the First Committee on 3 January 1951, the representative of India presented the report of the Group on Cease-Fire in Korea (A/C.1/643) appointed by the General Assembly on 14 December 1950 [resolution 384 (V)], regretting that the Group, in spite of its best efforts, had been unable to pursue discussion of a satisfactory cease-fire arrangement so that no recommendation could usefully be made by it at that time.

2. At the 422nd meeting on 11 January, the representative of Canada, on behalf of the Group on Cease-Fire in Korea, presented a supplementary report (A/C.1/645) containing five principles concerning a cease-fire in Korea, the establishment of a free and united Korea, and a peaceful settlement of Far Eastern problems.

3. The First Committee considered the reports of the Group on Cease-Fire in Korea from its 419th to 425th meetings, at the last of which the question of the approval of the supplementary report was put to the vote.

4. The Committee upheld, by 42 votes to 4, with 9 abstentions, a ruling by the Chairman that the five principles contained in the supplementary report should be put to the vote as a whole.

5. The Committee then approved, by 50 votes to 7, with one abstention, the five principles in the supplementary report of the Group on Cease-Fire in Korea.

6. At the 423rd meeting, Israel submitted a draft resolution (A/C.1/647) which requested the Secretary-

General to transmit the principles to the Central People's Government of the People's Republic of China and invite that Government to send its observations as soon as possible.

7. Amendments to the draft resolution proposed by Israel were submitted at the 424th meeting by China (A/C.1/648) and El Salvador (A/C.1/649). However, at the 425th meeting, Israel withdrew its draft resolution in favour of a draft resolution submitted by Norway (A/C.1/650) at the same meeting. This draft resolution, with oral amendments suggested by Lebanon and accepted by Norway, invited the Chairman of the First Committee, through the Secretary-General, to transmit the approved principles to the Central People's Government of the People's Republic of China, and invite that Government to inform him as soon as possible whether it accepted these principles as a basis for the peaceful settlement of the Korean problem and other Far Eastern problems.

8. The Norwegian draft resolution, including the Lebanese amendments (A/C.1/651) was put to the vote at the 425th meeting on 13 January, and was adopted by 45 votes to 5, with 8 abstentions.

9. At its 426th meeting on 18 January, the Committee began consideration of the reply dated 17 January 1951 (A/C.1/653) received from the Central People's Government of the People's Republic of China. At the 429th meeting, the representative of India read the text of a communication which the Indian Ambassador in Peiping had received from the Ministry of Foreign Affairs of the People's Republic of China in reply to a request for clarification of certain points contained in its reply of 17 January to the United Nations.

10. The following two draft resolutions were submitted during the consideration of the reply from the People's Republic of China :

(a) A draft resolution (A/C.1/654) submitted by the United States of America at the 428th meeting which, *inter alia*, provided that the General Assembly should

(1) Find that the People's Republic of China has engaged in aggression in Korea;

(2) Call upon the People's Republic of China to cause its forces and nationals in Korea to withdraw from Korea;

(3) Affirm the determination of the United Nations to continue its action in Korea;

(4) Call upon all States and authorities to continue to lend every assistance to this action;

(5) Call upon all States and authorities to refrain from giving any assistance to the aggressors;

(6) Request a committee composed of the members of the Collective Measures Committee to consider additional measures to meet the aggression and to report thereon to the General Assembly; and

(7) Affirm that it continues to be the policy of the United Nations to bring about a cessation of hostilities and the achievement of its objectives in Korea by peaceful means, and request the President of the

General Assembly to designate two persons who would meet with him to use their good offices to this end.

(b) A joint revised draft resolution submitted at the 430th meeting by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen (A/C.1/642/Rev.1) providing, *inter alia*, that representatives of France, the United Kingdom, the United States of America, the Union of Soviet Socialist Republics, Egypt and India and of the Central People's Government of the People's Republic of China should meet as soon as possible for the purpose of securing all necessary elucidations and amplifications of the reply of the People's Republic of China and for the purpose of making any incidental or consequential arrangements towards a peaceful settlement of the Korean and other Far Eastern problems. The first meeting of the above representatives would be held on a date and at a place to be fixed by the President of the General Assembly.

11. The following amendments were submitted to the above two draft resolutions :

(a) An amendment submitted by Lebanon at the 434th meeting (A/C.1/656) to the United States draft resolution (A/C.1/654), proposing a modification to the effect that the Peking Government had " not accepted " instead of had " rejected all " United Nations proposals, and adding a paragraph to the effect that the *ad hoc* committee on collective measures contemplated in the draft resolution should be authorized to defer its report if the good offices committee reported satisfactory progress. The Lebanese amendments were accepted by the United States.

(b) Amendments submitted by the U.S.S.R. at the 431st meeting (A/C.1/655) to the revised twelve-Power draft resolution (A/C.1/642/Rev.1) proposing (1) deletion of the heading " Intervention of the Central People's Government of the People's Republic of China in Korea " and (2) that the President of the General Assembly should call the proposed meeting " in agreement with the participants in the meeting ".

12. A second revision of the joint twelve-Power draft resolution was submitted at the 434th meeting (A/C.1/642/Rev.2) which added to the penultimate paragraph a phrase to the effect that the seven Powers participating in the proposed conference should, at the first meeting, agree upon an appropriate cease-fire arrangement and that they would proceed with their further deliberations only after this had been put into effect.

13. An amendment to this second revision of the joint twelve-Power draft resolution was submitted by the U.S.S.R. at the 437th meeting (A/C.1/657) according to which the representatives of the seven countries, after the cease-fire arrangement had been put into effect, would proceed to the consideration (1) of appropriate arrangements for the withdrawal of all foreign forces from Korea; (2) of ways and means to be recommended to the Korean people for the free settlement of Korean affairs by the Korean people themselves; (3) of the question of withdrawal of United States forces from Taiwan and the Taiwan Straits, and (4) of questions relating to the Far East.

14. At the same meeting the Committee, by 36 votes to 17, with 5 abstentions, adopted a motion proposed by Turkey for the closure of the debate.

15. The U.S.S.R. representative stated that he would not insist on a vote on the U.S.S.R. draft resolution (A/C.1/640)⁵ at the present stage.

16. The joint six-Power draft resolution (A/C.1/638)⁶ was withdrawn.

17. The Committee then proceeded to vote on the second revision of the twelve-Power draft resolution (A/C.1/642/Rev.2) with the following results :

The U.S.S.R. amendment (A/C.1/657) was rejected by 38 votes to 5, with 6 abstentions.

A U.S.S.R. amendment, submitted orally, to insert the word "provisional" in the fifth paragraph, after the word "appropriate" and before the words "cease-fire arrangement", was rejected by 33 votes to 5, with 8 abstentions.

The U.S.S.R. amendment (A/C.1/655), first part, was rejected by 42 votes to 5, with 12 abstentions.

The U.S.S.R. amendment, second part, was rejected by 35 votes to 5, with 18 abstentions.

The first part of the fifth paragraph of the draft resolution was rejected by 27 votes to 18, with 14 abstentions.

The last sentence of the same paragraph was rejected by 32 votes to 14, with 14 abstentions.

The first four paragraphs of the draft resolution were rejected by 28 votes to 17, with 13 abstentions.

The twelve-Power draft resolution as a whole was not put to the vote since no part of it had been approved.

18. The United States draft resolution (A/C.1/654), with the Lebanese amendments (A/C.1/656), was then put to the vote with the following results :

The first to the seventh paragraphs inclusive, were approved by 44 votes to 7, with 7 abstentions.

The Lebanese amendment to the eighth paragraph was adopted by 42 votes to 7, with 9 abstentions.

The eighth paragraph, as amended, was approved by 42 votes to 7, with 10 abstentions.

The ninth paragraph (first half) was approved by 46 votes to 5, with 7 abstentions.

The ninth paragraph (second half) was approved by 43 votes to 5, with 11 abstentions.

The United States draft resolution (A/C.1/654), as a whole and as amended, was then, at the request of the representative of Bolivia, put to the vote by roll-call and was approved by 44 votes to 7, with 8 abstentions. The voting was as follows :

In favour : Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, Union of South Africa, United King-

dom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against : Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, India, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstentions : Afghanistan, Egypt, Indonesia, Pakistan, Sweden, Syria, Yemen, Yugoslavia.

19. The First Committee therefore recommends to the General Assembly the adoption of the following resolution :

" The General Assembly,

" Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese communist intervention in Korea,

" Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

" Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

" Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

" Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;

" Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;

" Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;

" Requests a committee composed of the members of the Collective Measures Committee, as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly; it being understood that the Committee is authorized to defer its report if the good offices committee, referred to in the following paragraph, reports satisfactory progress in its efforts;

" Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

⁵ See A/1717, para. 5, sub-paragraph (b).

⁶ *Ibid.*, sub-paragraph (a).

DOCUMENT A/1799

Report of the Additional Measures Committee

Rapporteur : Mr. K. C. O. SHANN (Australia)

[Original text : English]
[14 May 1951]

1. The Additional Measures Committee, established by General Assembly resolution 498 (V) of 1 February 1951, has been requested to consider additional measures to be employed to meet aggression in Korea and to report thereon to the General Assembly.

2. The General Assembly decided that the Additional Measures Committee would be composed of the members of the Collective Measures Committee,⁷ viz. Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, United Kingdom, United States of America, Venezuela and Yugoslavia. At its first meeting held on 16 February 1951, the Additional Measures Committee was informed that Burma and Yugoslavia would be unable to participate in its work. The Committee expressed the wish that at some future date they might find it possible to join in its work.

3. The Bureau of the Committee was constituted at the first meeting by the election of Mr. Sarper (Turkey) as Chairman, Mr. Nisot (Belgium) as Vice-Chairman, and Mr. Shann (Australia) as Rapporteur. At the same meeting, following an exchange of views among the members of the Committee, the Bureau was requested to draft proposals for a programme of work.

4. The Bureau drew up a list of possible questions for consideration by the Committee and suggested the appointment of a sub-committee of five members, which would consider practical measures and study priorities.

5. The recommendation of the Bureau was considered and approved by the Committee at its second meeting, held on 8 March 1951. The proposed sub-committee was composed as follows : Australia, France, United Kingdom, United States of America and Venezuela.

6. On 19 April 1951, following numerous consultations and exchanges of views on the general approach which the Additional Measures Committee might use in its studies, the Sub-Committee unanimously recommended that when the Committee pursued the examination of additional measures against the Central People's Government of the People's Republic of China it should give priority to the study of economic measures.

7. The proposal of the Sub-Committee was adopted at the third meeting of the Committee held on 3 May 1951. At the fourth meeting, on 7 May, the United States delegation submitted a draft resolution which was discussed, amended, and on 14 May finally approved for submission to the General Assembly as follows :

" *The General Assembly,*

" *Noting* the report of the Additional Measures Committee dated 14 May 1951,

" *Recalling* its resolution 498 (V) of 1 February 1951,

" *Noting* that

" (a) The Additional Measures Committee established by that resolution has considered additional measures to be employed to meet the aggression in Korea,

" (b) The Additional Measures Committee has reported that a number of States have already taken measures designed to deny contributions to the military strength of the forces opposing the United Nations in Korea,

" (c) The Additional Measures Committee has also reported that certain economic measures designed further to deny such contributions would support and supplement the military action of the United Nations in Korea and would assist in putting an end to the aggression,

" 1. *Recommends* that every State :

" (a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, and items useful in the production of arms, ammunition and implements of war;

" (b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;

" (c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;

" (d) Co-operate with other States in carrying out the purposes of this embargo;

" (e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution;

" 2. *Requests* the Additional Measures Committee :

" (a) To report to the General Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it;

" (b) To continue its consideration of additional measures to be employed to meet the aggression in

⁷ See section D of resolution 377 A (V).

Korea, and to report thereon further to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee reports satisfactory progress in its efforts;

" 3. *Reaffirms* that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea, and the achievement of United Nations objectives in Korea by peaceful means, and requests the Good Offices Committee to continue its good offices.

* * *

The following comments aim at clarifying recommendations (c), (d) and (e) of operative paragraph 1 of the draft resolution :

Recommendation (c) : Circumvention of controls may take place mainly through trans-shipment or re-export.

As regards trans-shipment, the practical difficulties of instituting trans-shipment licensing in each State over all items controlled by every other State in pursuance of this resolution are recognized, and it is therefore agreed that the primary responsibility for guarding against such circumvention must lie with the States in which the goods originate, and that this responsibility could best be discharged by obtaining assurances about end-use prior to shipment. Other States will be expected to

give every assistance to the country of origin in obtaining and checking such assurances. The Additional Measures Committee should, in the exercise of its review function, recognize that the extent to which the movement of goods can be controlled once they have left the country of origin depends in present circumstances on the statutory powers possessed and exercised by the Governments of the States through which they pass, and that such powers differ.

Similarly in the case of re-exports it is recognized that the institution of export licensing in each State to cover items embargoed by every other State in pursuance of this resolution may not be practicable, and it is agreed, therefore, that the primary responsibility for taking preventive measures must likewise rest with the country of origin.

Recommendation (d) : In addition to the measures described under recommendation (c) above, the co-operation required of each State by recommendation (d) would include the avoidance of any such expansion of its trade with China and North Korea in items embargoed by other States in pursuance of this resolution as would nullify or impair the effect of the controls applied by the latter to those items.

Recommendation (e) : Measures to be reported will include measures already applied as well as those which will be taken after the adoption of the resolution by the General Assembly.

DOCUMENT A/1802

Report of the First Committee ⁸

Rapporteur : Mr. Thor THORS (Iceland)

[Original text : English]
[17 May 1951]

1. The President of the General Assembly on 16 May 1951 transmitted to the Chairman of the First Committee the report of the Additional Measures Committee (A/1799) established by General Assembly resolution 498 (V) of 1 February 1951.

2. In accordance with the request of the President, the report was considered by the First Committee at its 443rd and 444th meetings on 17 May 1951, under item 76 of the agenda of the fifth session of the Assembly.

3. The recommendations of the Additional Measures Committee were embodied in the report in the form of a draft resolution recommending the application by " every State " of an embargo on shipments of arms, ammunition and implements of war, atomic energy materials, petroleum, and items useful in the production of arms, ammunition, and implements of war to areas under

the control of the Central People's Government of the People's Republic of China and of the North Korean authorities.

4. At the outset of the debate, the representatives of the Union of Soviet Socialist Republics, Poland, the Byelorussian S.S.R. the Ukrainian S.S.R. and Czechoslovakia stated that the question of applying an embargo was exclusively within the competence of the Security Council and outside the competence of the First Committee or the General Assembly; and that in view of that they would not participate in the discussion of the report.

5. After the debate the Committee approved, by a vote of 43 to none, with 11 abstentions, the preamble of the draft resolution submitted by the Additional Measures Committee.

6. An amendment (A/C.1/662/Rev.1), submitted jointly by Australia, France, the United Kingdom, the United States of America and Venezuela, to add " transportation materials of strategic value " to the proposed list of embargoed categories was adopted by a vote of 45 to none, with 9 abstentions.

⁸ For previous reports of the First Committee on this item, see A/1717 and A/1770.

7. The draft resolution as a whole was then approved by a roll-call vote of 45 to none, with 9 abstentions, as follows :

In favour : Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia.

Against : None.

Abstentions : Afghanistan, Burma, Ecuador, Egypt, India, Indonesia, Pakistan, Sweden, Syria.

8. The representatives of the Byelorussian S.S.R., Czechoslovakia, Poland, the Ukrainian S.S.R. and the Union of Soviet Socialist Republics did not participate in the vote.

9. The First Committee, therefore, recommends the following resolution for consideration by the General Assembly :

" The General Assembly,

" Noting the report of the Additional Measures Committee dated 14 May 1951,

" Recalling its resolution 498 (V) of 1 February 1951,

" Noting that

" (a) The Additional Measures Committee established by that resolution has considered additional measures to be employed to meet the aggression in Korea,

" (b) The Additional Measures Committee has reported that a number of States have already taken measures designed to deny contributions to the military strength of the forces opposing the United Nations in Korea,

" (c) The Additional Measures Committee has also reported that certain economic measures designed further to deny such contributions would support and

supplement the military action of the United Nations in Korea and would assist in putting an end to the aggression,

" 1. Recommends that every State :

" (a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition and implements of war;

" (b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;

" (c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;

" (d) Co-operate with other States in carrying out the purposes of this embargo;

" (e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution;

" 2. Requests the Additional Measures Committee :

" (a) To report to the General Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it;

" (b) To continue its consideration of additional measures to be employed to meet the aggression in Korea, and to report thereon further to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee reports satisfactory progress in its efforts;

" 3. Reaffirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea, and the achievement of United Nations objectives in Korea by peaceful means, and requests the Good Offices Committee to continue its good offices.

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Question of the representation of China in the United Nations

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DOCUMENT A/1364

Exchange of telegrams between the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China and the Secretary-General

*[Original text : English]
[14 September 1950]*

A. TELEGRAM DATED 26 AUGUST 1950 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO THE SECRETARY-GENERAL

Peking, 26 August 1950

The Central People's Government of the People's Republic of China is the sole legal government representing the Chinese people. The so-called "delegates" of the Chinese Kuomintang reactionary remnant clique have no qualification whatsoever for participating in any of the meetings and organs of the United Nations, and must therefore be driven out from all the meetings and organs of the United Nations. Accordingly, on 15 November 1949, I sent on behalf of the Central People's Government of the People's Republic of China a note to you and to Mr. Carlos P. Romulo, President of the fourth session of the United Nations General Assembly, that the so-called "delegation of the Chinese National Government" headed by Tsiang Ting-fu had absolutely no right to represent China. On 8 January, 19 January, 2 February and 30 May 1950, I have repeatedly sent further notes to you and to Mr. Romulo, demanding that the United Nations immediately expel the illegitimate delegates of the Chinese Kuomintang reactionary remnant clique from the United Nations and its Security

Council, Economic and Social Council and Trusteeship Council, and notifying that the Central People's Government of the People's Republic of China has appointed Chang Wen-tien chief representative of the People's Republic of China to attend the meetings of the United Nations, including those of the Security Council, Chi Chao-ting representative on the Economic and Social Council, and Meng Yung-chien representative on the Trusteeship Council. Yet until this day the illegitimate delegates of the Chinese Kuomintang reactionary remnant clique are still tolerated by the United Nations in its various organs, but not expelled therefrom immediately. I consider this not only a violation of the United Nations Charter but also a disregard of the rightful claim of the 475 million people of the People's Republic of China. Now that the fifth session of the United Nations General Assembly is due to meet on 19 September, I hereby inform you formally on behalf of the Central People's Government of the People's Republic of China, that the Central People's Government of the People's Republic of China has appointed Chang Wen-tien the chairman of the delegation, and Li Yi-mang, Chou Shih-ti, Chi Chao-ting and Meng Yung-chien the representatives of the People's Republic of China to attend the fifth session of the United Nations General Assembly. Please communicate the same to the parties concerned and make the arrangements necessary for the

delegation of the People's Republic of China to attend the fifth session of the United Nations General Assembly. Please reply promptly by cable.

(Signed) CHOU en-lai
 Minister for Foreign Affairs of the
 Central People's Government of the
 People's Republic of China

B. TELEGRAM DATED 5 SEPTEMBER 1950 FROM THE SECRETARY-GENERAL TO THE MINISTER FOR FOREIGN AFFAIRS OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Lake Success, 5 September 1950

I have the honour to refer to your telegram 26 August designating a delegation of the Central People's Government of the People's Republic of China to attend the fifth session of the General Assembly and requesting

me to make the necessary arrangements for the delegation.

Under Headquarters agreement between United Nations and United States approved by the General Assembly on 31 October 1947, transit through the United States to United Nations Headquarters is provided for representatives of Members of United Nations and persons invited to Headquarters by the United Nations. Upon acceptance by the General Assembly of your delegation as representative of the Republic of China or upon the invitation of the General Assembly to your delegation to attend the session, I shall promptly request the entry of your delegation to the United States and shall make arrangements for its reception at Headquarters.

I have circulated your telegram to the Members of the United Nations and shall place it before the General Assembly. I will promptly communicate to you any decisions in this matter made by the General Assembly.

(Signed) Trygve LIE

DOCUMENT A/1364/Add.1

Further exchange of telegrams between the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China and the Secretary-General

[Original text: English]
 [18 September 1950]

A. TELEGRAM DATED 18 SEPTEMBER 1950 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA TO THE SECRETARY-GENERAL

Peking, 18 September 1950

During the ten months since 15 November 1949, I have stated many times to the various organizations of the United Nations that the Central People's Government of the People's Republic of China is the sole legal government representing the Chinese people, that the Chinese Kuomintang reactionary remnant clique has forfeited all legal and factual basis for representing the Chinese people, and that the United Nations must drive out the illegal "delegates" of the Chinese Kuomintang reactionary remnant clique from all the meetings and organs of the United Nations, and accept the legal delegates of the Central People's Government of the People's Republic of China. Yet at the present time, the illegal "delegates" of the Chinese Kuomintang reactionary remnant clique still remain in all the organs of the United Nations except the Universal Postal Union; this is completely unjustified and constitutes a gross violation of the United Nations Charter.

Now that the fifth session of the United Nations General Assembly is due to meet soon, the so-called "delegation of the Chinese National Government" of the Chinese Kuomintang reactionary remnant clique is going again to New York to participate in the United Nations General Assembly, and to submit to the United

Nations General Assembly the item of the so-called "Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, and from Soviet violations of the Charter of the United Nations". This is an illegal act of assuming the name of the delegates of the Chinese people, usurping the rights of the Chinese people and insulting the United Nations, an illegal act which the Chinese people firmly oppose and cannot tolerate.

On behalf of the Central People's Government of the People's Republic of China, I hereby solemnly inform you that the so-called "delegation of the Chinese National Government" of the Chinese Kuomintang reactionary remnant clique absolutely cannot represent the Chinese people; they have no qualifications whatsoever for participating in this session of the United Nations General Assembly, let alone any right to make proposals to the United Nations General Assembly. Should the United Nations General Assembly accept the illegal "delegation" of the Chinese Kuomintang reactionary remnant clique, or accept and consider the above-mentioned item or any other items proposed by it, the Chinese People's Government of the People's Republic of China would consider this a most unfriendly action towards the Chinese people on the part of the United Nations, and that, as a result of such action, the United Nations General Assembly would degenerate into an instrument in the service of a handful of fugitive elements, the

Chinese Kuomintang reactionary remnant clique, for slandering and provoking the 475 million people of China. Apart from resolutely opposing, on behalf of the Chinese people, such action, the Central People's Government of the People's Republic of China reserves the right to take action on this question.

I hereby inform you once more that the fifth session of the United Nations General Assembly must immediately drive out the illegal "delegates" of the Chinese reactionary remnant clique. At the same time, please make immediately all the arrangements necessary for the delegation of the People's Republic of China to attend this session of the United Nations General Assembly. Should the fifth session of the United Nations General Assembly be held without the participation of the delegation of the People's Republic of China, or, worse still, with the illegal "delegates" of the Chinese Kuomintang reactionary remnant clique tolerated therein, all the

resolutions adopted by it concerning China would be illegal and, consequently, null and void.

(Signed) CHOU En-lai
Minister for Foreign Affairs of
the Central People's Government
of the People's Republic of China

B. TELEGRAM DATED 18 SEPTEMBER 1950 FROM THE SECRETARY-GENERAL TO THE MINISTER FOR FOREIGN AFFAIRS OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA

Lake Success, 18 September 1950

I have the honour to acknowledge receipt of your telegram of the 18th September and to advise you that it will be circulated to the Members of the United Nations and placed before the General Assembly.

(Signed) Trygve LIE

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A/1371	Australia : amendment to the draft resolution submitted by Canada (A/1368)		Incorporated in the 277th plenary meeting, paragraph 182.
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Question of the representation of China in the United Nations (continued)¹

DOCUMENT A/1923

Report of the Special Committee on the representation of China

[Original text: English]
[18 October 1951]

The Special Committee on the representation of China, established by General Assembly resolution 490 (V), of 19 September 1950, met on 15 December 1950 and elected Sir Benegal Rau, the permanent representative of India, as Chairman. It decided at that time to leave it to the Chairman's discretion as to when to call a further meeting in the light of the discussions which were then in progress relating to a cease-fire in Korea.

¹ This question was discussed at the final meeting of the General Assembly, held in Paris on 5 November 1951. The present document is therefore issued as a supplement to the fascicule containing earlier documents relevant to that question.

The Special Committee met again on 16 October 1951 in order to prepare its report to the fifth session of the General Assembly. It rejected, by 5 votes to 2, a Polish draft resolution calling upon the fifth session of the General Assembly to exclude the representatives of the National Government of China and to invite the representatives of the Central People's Government of the People's Republic of China. The Special Committee then authorized the Chairman, by 5 votes to 1, with 1 abstention, to inform the General Assembly that, in the present circumstances, it had been unable to make any recommendation on the question of the representation of China.



Place of meeting of the sixth session of the General Assembly

C O N T E N T S

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DOCUMENT A/C.5/433

Estimated cost of holding the sixth session of the General Assembly in Europe : report of the Secretary-General

*[Original text : English]
[6 December 1950]*

1. On 2 December 1950, the General Assembly considered a draft resolution submitted by the delegations of Bolivia, Colombia and Peru (A/1593), proposing that the sixth session of the General Assembly should be held in Europe, and instructing the President of the Assembly and the Secretary-General to select the city most suitable. In view of its financial implications, this resolution was referred to the Fifth Committee for its consideration of comparative costs as against a session in New York.

2. In the brief time available, it has not been possible to prepare detailed cost figures, particularly since the site is not yet known, but general estimates of costs have been prepared on the following assumptions :

(a) That the 1948 experience in Paris is, in the main, a useful basis for formulating estimates in this connexion, but that account must be taken of a number of new factors;

(b) That the host government will provide, without charge to the United Nations, a General Assembly hall, conference and office space, buildings, maintenance services, utilities, telephonic and telecommunications installations, external and internal security services, ushers and telephone operators, and office furniture and furnishings, and that maximum co-operation will be offered in connexion with necessary procurement of supplies and services;

(c) That the duration of the 1951 General Assembly session will be ten weeks, regardless of its location;

(d) That certain extra costs not encountered in 1948, which arise mainly from the adoption of Spanish as a working language, from the fact that considerably fewer members of the staff will be entitled to home leave in 1951 than in 1948, with a resulting reduction in savings on General Assembly travel costs, and from general

price increases of commodities and services which have taken place since 1948, can be partially absorbed because of greater experience in the holding of conferences abroad and the changes which have occurred in official exchange rates;

(e) That the General Assembly building at Flushing Meadow will be retained until the end of June 1951.

This will permit use of the building in the event of an extension of the fifth session.

3. The following table shows the actual costs to the United Nations of holding the third session of the General Assembly in Paris, the 1951 budget estimates for a General Assembly session in New York, and estimated costs of holding the sixth session in Europe.

	<i>Europe 1948 (Actual cost)</i>	<i>New York 1951 (Estimated cost)^a In US dollars</i>	<i>Europe 1951 (Estimated cost)</i>
Travel of representatives	127,613	160,000	150,000
Local transportation	29,233	55,000	40,000
Temporary assistance	308,475	180,000	500,000
Travel and subsistence of staff	1,158,206	12,800	1,250,000
Overtime and night differential	20,035	42,000	25,000
Rental and maintenance of office and other equipment	40,481	16,500	40,000
Radio services	110,000	10,600	130,000
Telephone services	31,399	10,500	35,000
Postal services	13,069	—	15,000
Telegraph and cable services	51,453	—	52,000
Freight, cartage and express	53,765	—	55,000
Contractual services for maintenance of premises	333	14,400	—
Supplies for maintenance of premises	—	6,950	—
Utilities	16,291	30,000	10,000
Supplies for internal reproduction	85,545	—	40,000
Simultaneous interpretation equipment	32,652	—	35,000
Loss on cafeteria operations	—	10,000	—
Miscellaneous supplies and contractual services	45,171	1,650	45,000
TOTALS	2,123,721	550,400	2,422,000

^a As revised by the Fifth Committee during the first reading of the 1951 budget.

4. The following information is submitted on certain of the items :

(a) Under "Travel of representatives", the increase over the 1948 figure is to provide for the travel of five representatives from each of the Member States admitted to the United Nations since 1948;

(b) Under "Local transportation", the comparative increase over the 1948 figure is due to the anticipated higher prices prevailing in 1951 and the necessity for providing the delegations of new Members with cars.

(c) Under "Temporary assistance", the estimate has been increased by approximately \$190,000 over the 1948 cost because of additional local staff requirements resulting from the adoption of Spanish as a working language, and the possibility of using more local staff rather than taking personnel from Headquarters and Geneva.

(d) Under "Travel and subsistence of staff", the increase is due to the fact that fewer staff members will be travelling to Europe on home leave in 1951 than was the case in 1948. The assumption is that daily subsistence allowances paid to staff in 1951 will be the same as in 1948.

(e) Under "Radio services", the amount expended in 1948 has been increased by \$20,000 in order to provide

for contractual services in connexion with television, which was not a factor in 1948.

(f) The increases shown in all other items, except for supplies for internal reproduction, are due mainly to general price increases.

5. With respect to contractual printing, it should also be noted that certain savings will be achieved under the heading of section 25 (Official Records) if the General Assembly is held in Europe. These savings stem from the fact that the summary records of the sixth session will be printed in fascicule form during the session, and therefore will be printed on the spot. Provision was made in the budget estimates for 1951 to cover such printing on the basis that it would be done in Canada and New York. However, should the session be held in Europe, the cost could be reduced by 25 to 40 per cent depending on the locality chosen. Therefore, an estimated saving of \$50,000 should be forthcoming if the session is held in Europe.

6. To sum up, it will be seen from the above table that the total estimated cost for holding the 1951 session in Europe is \$2,422,000, or \$1,871,600 more than the estimate approved by the Fifth Committee for the 1951 General Assembly session (section 1, chapter I). The saving of \$50,000 under contractual printing will reduce the net additional cost to \$1,821,600.

DOCUMENT A/1644

Financial implications of the draft resolution submitted by Bolivia, Colombia and Peru (A/1593) : thirtieth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions

[Original text : English]
[9 December 1950]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a report by the Secretary-General (A/C.5/433) on the financial implications of the draft resolution (A/1593) concerning the place of meeting of the sixth session of the General Assembly.

2. The estimated cost of holding the session in Europe is based on several assumptions set forth in document A/C.5/433. Precise or detailed figures cannot obviously be presented at this stage, and the Advisory Committee has therefore confined itself to an examination of a general character.

3. The actual cost of the first part of the third session (held) in Paris in 1948 exceeded the amount estimated for the holding of that session at Headquarters by \$1,413,000, and, having regard to the various new factors of cost to which the Secretary-General has drawn attention, the Advisory Committee believes that a figure in the neighbourhood of \$1,750,000 would, in the circumstances, represent a reasonably accurate estimate for the year 1951. This figure is, however, dependent upon the place of meeting and the facilities offered. The probable saving through holding the session in Geneva rather than elsewhere in Europe was estimated in 1948 at \$146,000, and it appears to the Committee that this difference would at least be maintained in 1951.

4. The draft resolution (A/1593) contains a consideration to the effect that "there may arise [at Headquarters during 1951] technical difficulties liable to impede the normal functioning of the General Assembly and the convenience of its deliberations". The Advisory Committee believes, on the information available to it, that such difficulties would not be insurmountable.

5. For the purpose of the general estimate of costs, the Secretary-General has assumed, among other things, that the General Assembly building at Flushing Meadow will be retained only until the end of June 1951. In the opinion of the Advisory Committee, however, it may be necessary in any case to retain that building until the completion of the General Assembly hall at Headquarters.

6. It would, in the view of the Advisory Committee, be advantageous, if Europe is decided upon, to provide that the selection of a locality shall not be automatic, but rather be subject to conditions deemed necessary for the purposes of the session.

7. Therefore, the Advisory Committee's view is that the cost of holding the sixth session of the General Assembly in Europe, at a locality other than Geneva, would amount to approximately \$1,750,000, and if it were held in Geneva, the figure would be about \$1,600,000

DOCUMENT A/C.5/L.102

Australia : draft resolution

[Original text : English]
[11 December 1950]

Whereas the budget estimates for 1951 have already shown an increase of about \$1,400,000 over the original net estimate of \$39,443,000 submitted by the Secretary-General,

Whereas the Advisory Committee on Administrative and Budgetary Questions has estimated (A/1644) that the holding of the sixth session of the General Assembly in Europe would entail an additional expenditure of \$1,600,000 if held in Geneva, or \$1,750,000 if held elsewhere in Europe,

Whereas this additional expenditure will be substantially increased and possibly doubled if the United Nations itself has to provide the following facilities in Europe : conference and office space, buildings, maintenance services, utilities, telephonic and telecommunications

installations, external and internal security services, ushers and telephone operators, and office furniture and furnishings,

Whereas approximately 700 staff members would have to travel from New York to Europe if the sixth session were held there,

Whereas the Secretary-General has stated in his foreword to the budget estimates for 1950 (A/903) that the Secretariat cannot be held responsible for economy and administrative efficiency if the General Assembly appropriates moneys for rotating meeting places in the face of its own recommendations,

Whereas attention has been drawn on occasions in the past by the Advisory Committee on Administrative and Budgetary Questions to the serious consequences, both

budgetary and administrative, arising from the holding of sessions of United Nations bodies away from Headquarters,

Whereas facilities will exist for the holding of the sixth session of the General Assembly at Headquarters no less adequate than those available for the holding of the fifth session, and

Whereas heavy demands are being made upon govern-

ments for relief and for the maintenance of peace and security,

The Fifth Committee

Urges the General Assembly to consider most carefully the costs and administrative disturbances to the United Nations involved in deciding whether a departure from the general principle embodied in rule 3 of its rules of procedure should be made.

DOCUMENT A/1714

Report of the Fifth Committee

[Original text : English]
[13 December 1950]

1. In accordance with rule 152 of the rules of procedure of the General Assembly and with the request of the President in his letter of 4 December 1950 to the Chairman of the Fifth Committee (A/C.5/429), the Committee, at its 278th and 279th meetings, held on 11 December 1950, considered the effect which the adoption of the draft resolution submitted by the delegations of Bolivia, Colombia and Peru regarding the place of meeting of the sixth session of the General Assembly (A/1593) would have on the budget estimates of the United Nations for 1951.

2. The Committee had before it a report of the Secretary-General (A/C.5/433), together with the thirtieth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions (A/1644).

3. It was estimated by the Secretary-General that the total cost of holding the 1951 session in Europe would amount to \$2,422,000, or \$1,871,600 more than the estimate which the Fifth Committee had approved under chapter I of section 1 of the budget for 1951 on the assumption that the session would take place in New York. An estimated saving of \$50,000 with respect to contractual printing would, however, reduce the net additional cost of the proposed European session to \$1,821,600. The Secretary-General in his report drew attention to the assumptions on which his estimates had been prepared, including, in particular, the assumption that the host government would provide, without charge to the United Nations, a General Assembly hall, conference and office space, buildings, maintenance services, utilities, telephonic and telecommunications installations, external and internal security services, ushers and telephone operators, and office furniture and furnishings, and that maximum co-operation would be offered in connexion with the necessary procurement of supplies and services. The Committee was informed in the course of its discussion of the Secretary-General's estimates that, in the event of the above facilities not being furnished by the host government, it would cost the United Nations approximately a further \$3 million. The Secretary-General indicated, furthermore, that his estimates were necessarily of a very provisional character,

and had been largely based on 1948 expenditures in Paris, with appropriate adjustments for a number of new factors, including the general increase in the cost of commodities and services which had since occurred, and the fact that considerably fewer staff members would be entitled to home leave in 1951 than in 1948.

4. The Advisory Committee considered that, having regard to the actual cost of the first part of the third session held in Paris, and to the other factors to which the Secretary-General had drawn attention, an estimate of approximately \$1,750,000 would be reasonably accurate. This figure, however, was dependent upon the place of meeting and the facilities offered. The Advisory Committee was also of the opinion that the probable saving through holding the session in Geneva rather than elsewhere in Europe, which had been estimated at \$146,000 in 1948, would at least be maintained in 1951. On the information available to it, the Advisory Committee did not consider that technical difficulties which might arise at Headquarters during 1951 would prove insurmountable. It also held the view that, regardless of the decision taken as to the place of the sixth session, it might be necessary to retain the General Assembly building at Flushing Meadows until the completion of the General Assembly hall at Headquarters. It was suggested that, if Europe were decided upon, the selection of a locality should not be automatic but should be subject to conditions deemed necessary for the purposes of the session. Several delegations, basing their opinions on the President's letter, considered that the Fifth Committee had been asked by the General Assembly merely to state the financial implications of a decision to hold the next session of the General Assembly away from Headquarters and was, therefore, not called upon to discuss the substance of the proposal, which was based on political considerations. Other delegations felt that it was fully within the Committee's competence to consider all relevant administrative and financial aspects of the matter.

5. At the suggestion of the United Kingdom representative, the Committee decided, by 25 votes to 4, with 15 abstentions, to close the discussion on the general

aspects of the question and to continue with the consideration of the purely budgetary and administrative implications.

6. The representative of the United States of America explained that his delegation, representing the host country, would abstain from voting on all proposals in regard to this matter, both in the Fifth Committee and in the plenary session.

7. After a full discussion, the Fifth Committee, at its 279th meeting, concurred in the estimates and views contained in the Advisory Committee's report by a vote of 40 to none, with 2 abstentions.

8. In view of this decision, a draft resolution (A/C.5/L.102), which the representative of Australia had introduced at the previous meeting, was modified to read as follows :

" *Whereas* the budget estimates for 1951 have already shown an increase of about \$1,400,000 over the original net estimate of \$39,433,000 submitted by the Secretary-General,

" *Whereas* approximately 600 staff members would have to travel from New York to Europe if the sixth session were held there, of whom about 200 would be substantive staff,

" *Whereas* the Secretary-General has stated in his foreword to the budget estimates for 1950 (A/903)¹ that the Secretariat cannot be held responsible for economy and administrative efficiency if the General Assembly appropriates moneys for rotating meeting places in the face of its own recommendations,

" *Whereas* attention has been drawn on occasions in the past by the Advisory Committee on Adminis-

trative and Budgetary Questions to the serious consequences, both budgetary and administrative, arising from the holding of sessions of United Nations bodies away from Headquarters,

" *Whereas* facilities will exist for the holding of the sixth session of the General Assembly at Headquarters no less adequate than those available for the holding of the fifth session, and

" *Whereas* heavy demands are being made upon governments for relief and for the maintenance of peace and security,

" *The Fifth Committee*

" *Draws* the attention of the General Assembly to the administrative and financial consequences of a departure from the general principle embodied in rule 3 of its rules of procedure."

9. On being put to the vote, the preamble of the Australian draft resolution was rejected by 17 votes to 17, with 8 abstentions. The operative paragraph was also rejected by 22 votes to 16, with 5 abstentions. Certain delegations stated that, while not necessarily disagreeing with the preamble, which was based on factual information, nevertheless they could not support the operative part since it contained a recommendation which they believed the Fifth Committee was not competent to make to the General Assembly.

10. Bearing in mind the views of the Advisory Committee contained in paragraph 4 above, the Fifth Committee decided to inform the General Assembly that, on the basis of the various assumptions referred to, adoption of the draft resolution proposed by Bolivia, Colombia and Peru would require additional budgetary provision for 1951 amounting to approximately \$1,600,000 should Geneva be selected, and to approximately \$1,750,000 should the locality be other than Geneva.

¹ See *Official Records of the General Assembly, Fourth Session, Supplement No. 5*.

DOCUMENT A/1778

Report of the Secretary-General

[Original text : English]
[9 February 1951]

1. At its 324th meeting held on 14 December 1950, the General Assembly decided to convene its sixth regular session in Europe. The President of the General Assembly and the Secretary-General were instructed to select the most suitable city for this purpose and to make the necessary arrangements.

2. After consultation with the President of the General Assembly, the Secretary-General, accompanied by the Assistant Secretary-General in charge of the Department of Administrative and Financial Services, the Assistant Secretary-General in charge of the Department of Conference and General Services, his Executive

Assistant and the Director of the Bureau of Documents, personally conducted a survey of facilities in Geneva, Paris and London and engaged in detailed consultations with the Swiss, French and United Kingdom Governments. In addition, members of the Secretary-General's party proceeded to Blackpool and inspected the facilities offered there by the Mayor of that city. An invitation having been received from the Mayor of Cannes, information was collected concerning facilities in that city and given careful consideration. At the close of the fourth session, the United Kingdom Government had informed the Secretary-General of its wish that consideration should be given to Edinburgh if it were decided to hold

the sixth session outside New York. Before the opening of the fifth session, therefore, the Secretary-General had sent the Principal Director of the Department of Conference and General Services to Edinburgh to obtain information regarding the facilities that might be available there should the Assembly decide to convene its sixth session in Europe.

3. The Secretary-General has studied the situation with regard to each of the above-mentioned cities and his conclusions are set forth below.

Geneva

A detailed survey on the spot shows that Geneva, at the present time, can be considered only as a conference service centre and not as a possible site for a session of the General Assembly. The Assembly hall and conference rooms are small and could not be easily adapted to the requirements of the United Nations General Assembly. Office space in the *Palais des Nations* and the existing furniture and equipment are limited to the requirements of conferences and are below the requirements for a session of the Assembly. To expand these facilities and to install additional telecommunications, reproduction, radio and recording equipment would necessitate the expenditure of amounts considerably greater than previously foreseen. Furthermore, it would be necessary to lodge many members of delegations and Secretariat in towns as far as 38 miles distant from Geneva. The inconvenience and the additional costs involved in attempting to hold a session of the Assembly in the *Palais des Nations* makes Geneva unsuitable as a site for the sixth session.

Paris

Recalling the eminently satisfactory experience during the first part of the third session held in Paris, special consideration was given to that city as a possible site for the sixth session and the Secretary-General engaged in detailed consultations with the French Government to this end. However, on 25 January 1951, he received a letter from the Permanent Representative of France

to the United Nations which informed him of " the decision taken by the French Government to decline the offer which might be made to it to hold the next session of the General Assembly in Paris ".

London, Edinburgh and Blackpool

Consultations were held with the United Kingdom Government regarding London as a possible site and, with the assistance of the Foreign Office, a detailed survey was made of the facilities available at Blackpool. While it was concluded that it might be possible to hold the session in Blackpool, certain difficulties would have to be overcome, principally with regard to adequate hotel accommodation. Further consideration of these possible sites was suspended, however, when the Secretary-General was informed on 3 February 1951 through the United Kingdom delegation to the United Nations " that after careful consideration [the United Kingdom Government] have reluctantly come to the conclusion that it is not possible to offer London or any other town in the United Kingdom for the 1951 session of the General Assembly... ".

Other cities

Invitations were received directly by the Secretary-General from Cannes, Aix-les-Bains and other European cities and towns, but no detailed studies of the facilities were attempted in view of the fact that formal proposals by the governments concerned were not made. However, information received regarding these places shows that their facilities are inadequate and they cannot be recommended as possible sites for a session of the Assembly.

4. In view of the above conclusions, the President of the General Assembly and the Secretary-General recommend that the General Assembly should reconsider the decision which was made at its 324th plenary meeting and should decide to hold its sixth session at the Headquarters of the United Nations, as provided in rule 3 of the rules of procedure of the General Assembly.

DOCUMENT A/1788/Rev.1

Note by the Secretary-General

[Original text : English-French]
[17 March 1951]

The Secretary-General has the honour to communicate to the members of the General Assembly the text of the following letter which he has received from the acting representative of France to the United Nations :

" New York, 17 March 1951

" The French Government has just instructed me

to inform you that, being desirous of responding to the wish that has been expressed to it on several occasions, it has decided to welcome the General Assembly of the United Nations to Paris for the duration of its sixth session.

" Nevertheless, for reasons that I have already had the honour of communicating to you on its behalf,

the French Government will be unable to receive the Assembly before Tuesday, 6 November. It expects, however, that if the Assembly has not completed its work before the end of 1951 the session will be continued in Paris until its termination in January or in February, if necessary.

“ Finally, the French Government feels constrained, owing to other exceptionally heavy financial obligations imposed upon it at the present time, to count upon the co-operation and understanding of the Organization in order that the obligations to be

borne by it may be lightened substantially when agreements concerning the place of meeting are drawn up.

“ (Signed) Francis LACOSTE
Minister Plenipotentiary,
Acting representative of France
to the United Nations ”

The President of the General Assembly has, therefore, requested the Secretary-General to convene a plenary meeting of the Assembly for Tuesday, 20 March 1951, at 3 p. m., in Conference Room No. 2, at Lake Success.

Check list of documents

<i>Document No.</i>	<i>Title</i>	<i>Page</i>	<i>Observations and references to other sources</i>
A/1593	Bolivia, Colombia and Peru : draft resolution		The text is the same as that of A/1743.
A/1644	Financial implications of the draft resolution submitted by Bolivia, Colombia and Peru (A/1593) : thirtieth report of 1950 of the Advisory Committee on Administrative and Budgetary Questions	3	
A/1714	Report of the Fifth Committee	4	
A/1743	Resolution adopted by the General Assembly at its 324th plenary meeting on 14 December 1950		<i>Official Records of the General Assembly, Fifth Session, Resolutions, N° 497 (V).</i>
A/1778	Report of the Secretary-General	5	
A/1788/Rev.1	Note by the Secretary-General [transmitting the text of a letter, dated 17 March 1951, from the French Government] .	6	
A/1790	Draft resolution submitted by the President of the General Assembly		Incorporated in the 329th plenary meeting, par. 252.
A/1792	Resolution adopted by the General Assembly at its 329th plenary meeting on 20 March 1951		Resolution 499 (V), published in an addendum to the <i>Official Records of the General Assembly, Fifth Session, Resolutions.</i>
A/C.5/429	Letter dated 4 December 1950 from the President of the General Assembly addressed to the Chairman of the Fifth Committee		Mimeographed document only.
A/C.5/433	Estimated cost of holding the sixth session of the General Assembly in Europe : report of the Secretary-General . . .	1	
A/C.5/L.102	Australia : draft resolution	3	