



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

# **ANNEXES**

**VOLUME III**

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**17 SEPTEMBER—17 DECEMBER 1963**

**UNITED NATIONS**

*Prejatory fascicle*



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

**ANNEXES**

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**17 SEPTEMBER—17 DECEMBER 1963**

**UNITED NATIONS  
New York, 1965**



### INTRODUCTORY NOTE

The *Official Records of the General Assembly* include the records of the meetings, the annexes to those records and the supplements. The annexes are printed in fascicles, by agenda item. The present volumes (I, II and III) contain the annex fascicles of the eighteenth session.

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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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Organization of the work of the Second Committee at future sessions of the General Assembly.



**Agenda item 63: Audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency:\*\***

- (a) Earmarkings and contingency allocations from the Special Account of the Expanded Programme of Technical Assistance;
- (b) Earmarking and allotments from the Special Fund

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\* Documents A/5581 and A/5582 appear as addendum 1 and addendum 2, respectively, to agenda item 63.

\*\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fifth Committee*, 1050th, 1051st and 1060th meetings, and *ibid.*, *Plenary Meetings*, 1284th meetings.

**DOCUMENT A/5626**

**Report of the Advisory Committee on Administrative and Budgetary Questions**

[Original text: English]  
 [29 November 1963]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a note by the Secretary-General (A/5581) submitting, in accordance with paragraph 7 of General Assembly resolution 519 A (VI) of 12 January 1952, the audit reports for the year ended 31 December 1962 relating to expenditure by specialized agencies<sup>1</sup> and the International Atomic Energy Agency of technical assistance funds allocated from the Special Account of the Expanded Programme of Technical Assistance.

2. The audited financial statements of the United Nations as a participating organization in the Expanded Programme of Technical Assistance are presented in the financial report and accounts for the year ended 31 December 1962 (A/5506, statements IV, VI and VII). Also included in the same document are financial statements in respect of the Secretariat of the Technical Assistance Board as well as a statement showing the status of funds of the Special Account for the Expanded Programme of Technical Assistance as at 31 December 1962. The relevant comments of the Advisory Committee will be found in its report

(A/5434) on the financial reports and accounts for the year ended 31 December 1962.

3. The combined statement reproduced as annex 1 of the Secretary-General's note (A/5581) shows that the total funds allocated during the year under review from the Special Account to the nine organizations participating in the Expanded Programme (i.e., including the United Nations) amounted to \$51,313,286, comprising: (a) balance of earmarkings and other available funds at 31 December 1961 (\$10,093,075); less (b) unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund, miscellaneous income and exchange adjustments (net) reverted to the Special Account (\$866,170); plus (c) funds earmarked during 1962 (\$42,086,381). Obligations were incurred during the year to a total of \$48,178,811 for project costs and administrative and operational services costs. The unencumbered balance of earmarkings as at 31 December 1962 thus amounted to \$3,134,475 which, together with savings and miscellaneous income of \$1,051,854, resulted in a total balance as at 31 December 1962 of \$4,186,329 to revert to the Special Account.

4. The Advisory Committee has studied the reports submitted by the external auditors on the accounts of the several agencies and it notes that, as regards the accounts themselves, no observations or reservations have been made by the auditors.

<sup>1</sup> International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; International Civil Aviation Organization; World Health Organization; International Telecommunication Union; World Meteorological Organization.

## DOCUMENT A/5627

## Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]  
[29 November 1963]

1. The Advisory Committee on Administrative and Budgetary Questions has considered a note by the Secretary-General (A/5582) submitting to the General Assembly, in accordance with article 23.3 of the Provisional Financial Regulations of the Special Fund the audit reports for the year ended 31 December 1962 relating to expenditure by executing agencies<sup>2</sup> of funds allocated from the Special Fund.

2. The audited financial statements of the United Nations as an executing agency of the Special Fund are presented in the financial report and accounts for the year ended 31 December 1962 (A/5506, statements V, VIII, IX and X). Also included in the same document are financial statements in respect of the administrative budget of the Managing Director as well as a statement showing the status of income and allocations of the Special Fund as at 31 December 1962. The relevant comments of the Advisory Committee will be found in its report (A/5434) on the financial

<sup>2</sup> International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; International Civil Aviation Organization; International Bank for Reconstruction and Development; World Health Organization; International Telecommunication Union; World Meteorological Organization; International Atomic Energy Agency.

reports and accounts for the year ended 31 December 1962.

3. The combined statement reproduced as annex 1 of the Secretary-General's note (A/5582) shows that the balance of earmarkings and other available funds as at 31 December 1961 was \$62,962,952, while miscellaneous income and exchange adjustments (net) reverted to the central fund amounted to \$14,110 and unliquidated commitments at 31 December 1961 were \$14,756,144. The total of funds allocated during 1962 to the ten executing agencies (i.e., including the United Nations) amounted to \$66,955,784. During the same period, cash disbursements were \$23,367,652 and the unliquidated balance of commitments and obligations amounted to \$34,576,684 at 31 December 1962. Taking into account a deficit of \$37,622 recorded under the item "Miscellaneous income and exchange adjustments (net)", the balance of earmarkings and other available funds left on that date was accordingly \$86,678,812.

4. The Advisory Committee has studied the reports submitted by the external auditors on the accounts of the several agencies and it notes that, in the case of two of the agencies, the audit certificates were given subject to observations to which it wishes to draw the attention of the General Assembly.

## DOCUMENT A/5682

## Report of the Fifth Committee

[Original text: English and French]  
[16 December 1963]

1. At its 1050th and 1051st meetings, held on 2 and 3 December 1963, the Fifth Committee considered agenda item 63 on the basis of two notes by the Secretary-General (A/5581 and A/5582) transmitting the audit reports for the year ended 31 December 1962 relating to expenditure by specialized agencies and the International Atomic Energy Agency of technical assistance funds allocated from the Special Account of the Expanded Programme of Technical Assistance and expenditure by specialized agencies acting as executing agencies of funds earmarked and allotted from the Special Fund.

2. The Committee also had before it the related reports of the Advisory Committee on Administrative and Budgetary Questions (A/5626 and A/5627).

3. The representative of the Union of Soviet Socialist Republics pointed out that the total amount of cash at banks and investments amounted to \$125.8 million in the case of the Special Fund and to \$25.2 million in the case of the Expanded Programme of Technical Assistance, in all a total of \$151 million, either on deposit or invested, mainly in North America and in Europe. It was regrettable that the proceeds of government contributions should thus be blocked instead of being used directly for practical purposes, for example in industrialization, in the interests of

the developing countries. Further, the very high level of administrative expenditure connected with those programmes was a matter of great concern to his delegation. If those expenses were reduced instead of being increased continuously the beneficiary countries would receive a greater number of fellowships and experts and more equipment.

4. The representative of the Secretary-General stated that it was true that there were considerable unexpended balances which could be used for short-term investment. That was due to the fact that the allocations for programmes or projects which took several years to carry out were not immediately used *in toto*. The policy of the Secretariat was based on three main criteria: first, the Secretary-General believed that the money invested must be assured of absolute safety; secondly, that there must be an adequate margin of liquidity; and, thirdly, that the highest possible returns on investments should be sought. Following a recent discussion in the Governing Council of the Special Fund, it had been decided to use a larger proportion of the funds available for investment in development loans to the less developed countries, including a number of Latin American countries and several African and Asian countries, through the Inter-American Development Bank or the International Bank for Reconstruction and Development.



**Recommendation of the Fifth Committee**

5. The Fifth Committee decided, without objection, to recommend to the General Assembly the adoption of the following draft resolutions:

AUDIT REPORTS RELATING TO EXPENDITURE BY SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

A

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

B

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

**ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1284th plenary meeting, on 17 December 1963, the General Assembly adopted the draft resolutions submitted by the Fifth Committee (A/5682, para. 5). For the final texts, see resolutions 1980 A (XVIII) and 1980 B (XVIII) below.

**Resolutions adopted by the General Assembly**

1980 (XVIII). AUDIT REPORTS RELATING TO EXPENDITURE BY SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

in its twenty-ninth report to the General Assembly at its eighteenth session (A/5626).

1284th plenary meeting,  
17 December 1963.

B

A

*The General Assembly*

Takes note of the audit reports relating to expenditure by specialized agencies and by the International Atomic Energy Agency of technical assistance funds allocated from the Special Account, for the financial year ended 31 December 1962 (A/5581), and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as set forth

*The General Assembly*

Takes note of the audit reports relating to expenditure by specialized agencies, acting as executing agencies, of funds earmarked from the Special Fund, for the financial year ended 31 December 1962 (A/5582), and of the observations thereon of the Advisory Committee on Administrative and Budgetary Questions as set forth in its thirtieth report of the General Assembly at its eighteenth session (A/5627).

1284th plenary meeting,  
17 December 1963.

**CHECK LIST OF DOCUMENTS**

NOTE. This check list includes the documents mentioned during the consideration of agenda item 63 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/5434	Report of the Advisory Committee on Administrative and Budgetary Questions	Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 56
A/5506	Financial report and accounts for the year ended 31 December 1962 and report of the Board of Auditors: United Nations and its Trust Funds and Special Accounts; United Nations regular programme of technical assistance and its participation in the Expanded Programme of Technical Assistance, and the Technical Assistance Board; Special Fund: United Nations as executing agency, and the administrative budget of the Managing Director; United Nations Suez Canal Surcharge Operation; Special Account of the United Nations Emergency Force; <i>Ad hoc</i> account for the United Nations operations in the Congo	<i>Ibid.</i> , Eighteenth Session, Supplement No. 6
A/5581	Audit reports for the year ended 31 December 1962 relating to expenditure by specialized agencies and the International Atomic Energy Agency of technical assistance funds allocated from the Special Account	<i>Ibid.</i> , Eighteenth Session, Annexes, addendum 1 to agenda item 63
A/5582	Audit reports for the year ended 31 December 1962 relating to expenditure by executing agencies of funds allocated from the Special Fund	<i>Ibid.</i> , addendum 2 to agenda item 63
A/C.5/L.823	Draft report of the Fifth Committee	Same text as A/5682



**Agenda item 63: Audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency:**

**(a) Earmarkings and contingency allocations from the Special Account of the Expanded Programme of Technical Assistance**

**DOCUMENT A/5581**

**Audit reports for the year ended 31 December 1962 relating to expenditure by specialized agencies and the International Atomic Energy Agency of technical assistance funds allocated from the Special Account**

[Original text: English]  
[1 November 1963]

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**Letter of transmittal**

17 October 1963

Sir,

I have the honour to transmit to you the consolidated status of funds as at 31 December 1962 for the Expanded Programme of Technical Assistance, which was submitted by the Secretary-General. This document has been examined and certified by me on behalf of the Board of Auditors. Attached thereto is the combined statement showing the status of funds of the participating organizations as at the same date.

In addition to the above I have the honour to present the report of the Board with respect to the consolidated status of funds.

Accept, Sir, the assurance of my highest consideration.

(Signed) L. GÖTZEN  
Chairman of the Board of Auditors

The President of the General Assembly  
of the United Nations  
New York

## Note by the Secretary-General

1. The audited accounts showing the consolidated position of the Expanded Programme of Technical Assistance as at 31 December 1962 and the report of the Board of Auditors are submitted herewith in accordance with General Assembly resolution 519A(VI) and with article 31.3 of the Technical Assistance Board Manual of Financial Policies and Procedures.

2. Detailed supporting schedules furnished by the participating organizations are not included in the submission but are made available to the Advisory Committee on Administrative and Budgetary Questions.

3. The audit reports of the following participating organizations for the year 1962 have been approved:

International Atomic Energy Agency by its General Conference on 30 September 1963;

International Labour Organization by its General Conference on 20 June 1963;

International Telecommunication Union by its Administrative Council on 26 April 1963;

United Nations Educational, Scientific and Cultural Organization by its Executive Board on behalf of its General Conference in October 1963;

World Health Organization by the Sixteenth World Health Assembly on 14 May 1963; and

World Meteorological Organization by its Executive Committee on 2 May 1963.

The audit report of the Food and Agriculture Organization of the United Nations will be submitted to its Conference in November 1963. The audit report of the International Civil Aviation Organization will be submitted to its Assembly in June 1965.

4. The audit report of the United Nations Educational, Scientific and Cultural Organization for the year 1961 which had not been approved by its General Conference at the time of the publication of document A/5268<sup>1</sup> was approved by that body on 11 December 1962. The audit report of the Food and Agriculture Organization (FAO) for the year 1961 will be submitted to its Conference in November 1963. It was approved by its Council in October 1962.

5. The audited financial statements of the United Nations as a participating organization in the Expanded Programme of Technical Assistance are presented in the financial reports and accounts for the year ended 31 December 1962. Also included in the same document are financial statements in respect of the Secretariat of the Technical Assistance Board as well as a statement showing the status of funds of the Special Account for the Expanded Programme of Technical Assistance as at 31 December 1962.<sup>2</sup>

<sup>1</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 68, addendum 1 (separate fascicle).

<sup>2</sup> Ibid., Eighteenth Session, Supplement No. 6 (A/5506, statements IV, VI and VII).

## Consolidated status of funds as at 31 December 1962

(Expressed in United States dollars)

Balance as at 1 January 1962 .....	7,967,744
Contributions pledged for 1962 less adjustments to prior years' contributions and exchange adjustments upon collection .....	46,190,588
Contributions of Governments towards local living costs of experts .....	1,972,720
Contributions of Governments towards operating costs of TAB offices .....	1,100,296
Savings in liquidating prior years' obligations .....	878,902
Miscellaneous income and exchange adjustments ( <i>net</i> ) .....	399,575
	58,509,825

	<i>Operating costs of projects</i>	<i>Administrative and operational services costs</i>	<i>Total</i>
<i>Less:</i>			
Obligations incurred:			
United Nations .....	9,666,447	774,000	10,440,447
FAO .....	10,543,141	918,400	11,461,541
IAEA .....	1,146,166	15,388	1,161,554
ICAO .....	1,651,476	202,465	1,853,941
ILO .....	4,403,061	383,400	4,786,461
ITU .....	956,635	104,807	1,061,442
UNESCO .....	8,934,983	442,000	9,376,983
WHO .....	7,334,842	642,000	7,976,842
WMO .....	—	59,600	59,600
	44,636,751	3,542,060	48,178,811
TAB Secretariat .....		4,173,337	
<i>Less:</i> Subvention from Special Fund .....		771,200	3,402,137
Operating costs of TAB offices paid by Governments .....			1,100,296
Balance as at 31 December 1962 .....			5,828,581

**Consolidated status of funds as at 31 December 1962 (continued)**

Represented by:

Cash at banks, on hand and in transit .....	17,600,597	
Investments .....	7,612,324	
Contributions pledged but not yet received .....	6,504,247	
Contributions receivable from Governments towards local living costs of experts .....	1,020,926	
Accounts receivable and sundry debit balances .....	4,307,552	
		37,045,646

Less:

Unliquidated 1962 obligations .....	11,088,506	
Unliquidated 1961 obligations .....	2,283,101	
Working Capital and Reserve Fund .....	10,500,000	
Miscellaneous accounts payable and sundry credit balances .....	7,345,458	31,217,065
		5,828,581

CERTIFIED CORRECT

(Signed) B. R. TURNER  
Controller

APPROVED

(Signed) U THANT  
Secretary-General

**AUDIT CERTIFICATE**

The above statement showing the consolidated status of funds of the Expanded Programme of Technical Assistance as at 31 December 1962 has been examined in accordance with my directions. I have obtained all the information and explanations I have required, and I certify, as a result of the audit that, in my opinion, the above statement is correct.

On behalf of the Board of Auditors,

(Signed) L. GÖTZEN, *Netherlands*  
Chairman

17 October 1963

**Report of the Board of Auditors to the General Assembly on the consolidated status of funds as at 31 December 1962 for the Expanded Programme of Technical Assistance**

1. Pursuant to article 31.3 (as amended) of the financial regulations of the Expanded Programme of Technical Assistance, the Board of Auditors is required to perform an audit of, report on and certify the consolidated status of funds for the Expanded Programme of Technical Assistance.

2. In compliance with the amended article, the Secretary-General submitted to the Board of Auditors a consolidated status of funds as at 31 December 1962 for the Expanded Programme of Technical Assistance, to which was attached a combined statement showing the status of funds of the participating organizations as at that date.

3. As the audit reports relating to the 1962 accounts of all participating organizations were not available during the Auditors' annual 1963 session, the audit of the consolidated status of funds for the year 1962 was allocated to the Netherlands member (Chairman) of the Board, with the concurrence of the Advisory Committee on Administrative and Budgetary Questions.

4. The underlying documents for the consolidation were statement IV (status of funds of the Special Account for the Expanded Programme of Technical Assistance) and statement VII (status of funds of the Technical Assistance Board secretariat) of the Financial Report and Accounts of the United Nations for the year ended 31 December 1962 and the Report of the Board of Auditors thereon,<sup>3</sup> together with the several status of funds as certified by the external auditors of the participating organizations, including statement VI of the above mentioned United Nations Accounts, after elimination of the accounts in respect of the United Nations regular programmes of technical assistance.

5. It should be mentioned that, just as in 1962, not all items relating to the United Nations regular programmes could be eliminated from the assets and liabilities shown in statement VI. However, neither the balance of \$1,363,167 held as at 31 December 1962 by the United Nations as a participating organization, nor income and obligations incurred were affected thereby.

6. For observations by the external auditors on the various accounts, reference is made to their audit certificates and audit reports, if any.

7. The audit of the consolidation as such did not give rise to comments. Consequently, the consolidated status of funds for the Expanded Programme of Technical Assistance as at 31 December 1962 has been certified not subject to observations.

On behalf of the Board of Auditors,

(Signed) L. GÖTZEN, *Netherlands*  
Chairman

17 October 1963

<sup>3</sup> *Ibid.*, Supplement No. 6 (A/5506).

## ANNEX 1

## Combined statement showing the status of funds of the participating organizations as at 31 December 1962

(Expressed in United States dollars)

	FAO	IAEA	ICAO	ILO	ITU	UNESCO	United Nations	WHO	WMO <sup>b</sup>	Total participating organizations
Excess of earmarkings and other available funds over obligations incurred as at 31 December 1961 .....	2,341,484	387,472	213,670	1,108,367	307,570	2,142,031	2,487,758	1,104,723	—	10,093,075
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund, miscellaneous income and exchange adjustments ( <i>net</i> ) reverted to the Special Account Funds earmarked during 1962 .....	(152,324)	(29,048)	(30,313)	(158,351)	(2,273)	(147,882)	(226,377)	(119,602)	—	(866,170)
	10,507,587	843,259	1,838,809	4,123,741	846,711	7,566,351	9,215,414	7,084,909	59,600	42,086,381
	12,696,747	1,201,683	2,022,166	5,073,757	1,152,008	9,560,500	11,476,795	8,070,030	59,600	51,313,286
<i>Less:</i>										
Obligations incurred:										
Project costs .....	10,543,141	1,146,166	1,651,476	4,403,061	956,635	8,934,983	9,666,447	7,334,842	—	44,636,751
Administrative and operational services costs .....	918,400	15,388	202,465	383,400	104,807	442,000	774,000	642,000	59,600	3,542,060
	11,461,541	1,161,554	1,853,941	4,786,461	1,061,442	9,376,983	10,440,447	7,976,842	59,600	48,178,811
Unencumbered balance of earmarkings as at 31 December 1962 .....	1,235,206	40,129	168,225	287,296	90,566	183,517	1,036,348	93,188	—	3,134,475
<i>Add:</i>										
Savings on liquidation of prior years' obligations .....	135,674	89,967	14,435	130,144	15,468	198,305	246,117	34,799	—	864,909
Miscellaneous income .....	35,898	500	2,006	20,275	938	3,844	62,431	122,998	—	248,890
Exchange adjustments ( <i>net</i> ) .....	(35,528)	(4,869)	6,362	(16,679)	(960)	(26,018)	18,271	(2,524)	—	(61,945)
	136,044	85,598	22,803	133,740	15,446	176,131	326,819	155,273	—	1,051,854
Balance as at 31 December 1962, to revert to the Special Account .....	1,371,250	125,727	191,028	421,036	106,012	359,648	1,363,167	248,461	—	4,186,329
Represented by:										
Cash at banks, on hand and in transit .....	1,869,132	147,363	318,802	1,554,020	165,595	1,468,710	786,123	862,371	—	7,172,116
Undrawn earmarkings .....	663,831	609,187	121,077	526,139	289,316	2,766,063	4,660,414	1,236,152	—	10,872,179
Accounts receivable and sundry debit balances .....	1,251,700	9,081	234,726	141,235	10,011	958,209	631,663	527,812	—	3,764,437
	3,784,663	765,631	674,605	2,221,394	464,922	5,192,982	6,078,200	2,626,335	—	21,808,732
<i>Less:</i>										
Unliquidated obligations, 1962 .....	1,841,701	585,588	243,928	936,242	322,907	3,183,120	2,288,466	1,577,623	—	10,979,575
Unliquidated obligations, 1961 .....	113,077	34,268	66,630	112,504	—	1,045,271	473,992	437,359	—	2,283,101
Accounts payable and sundry credit balances .....	458,635	20,048	173,019	751,612	36,003	604,943	1,952,575	362,892	—	4,359,727
	2,413,413	639,904	483,577	1,800,358	358,910	4,833,334	4,715,033	2,377,874	—	17,622,403
	1,371,250	125,727	191,028	421,036	106,012	359,648	1,363,167	248,461	—	4,186,329

<sup>a</sup> The United Nations administers funds earmarked for WMO project costs. Funds made available from the regular United Nations budget and funds held-in-trust have been eliminated from the consolidation.

<sup>b</sup> WMO administers funds earmarked for the administrative and operational services costs of WMO projects.

## ANNEX 2

## Statement showing the status of funds of the International Labour Organisation as at 31 December 1962

(Expressed in United States dollars)

Balance as at 31 December 1961 .....			1,108,367.45
<i>Less:</i>			
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account .....			158,351.70
Balance of earmarking carried forward to 1962 .....			950,015.75
Earmarkings from contributions and other available funds in 1962:			
Regular 1962 earmarking .....	3,747,440.00		
Contingency authorisations .....	376,301.00	4,123,741.00	
			5,073,756.75
Obligations incurred during 1962:			
Project costs .....	4,403,060.44		
Administrative and operational services costs .....	383,400.00	4,786,460.44	
Excess of earmarkings and other available funds over obligations incurred .....			287,296.31
<i>Add:</i>			
Other income:			
Savings on liquidations of prior years' obligations .....	130,144.02		
Miscellaneous .....	20,274.88		
			150,418.90
Exchange adjustments ( <i>net</i> ) .....	(16,678.87)	133,740.03	
Balance as of 31 December 1962 to revert to the Special Account .....			421,036.34
Represented by:			
Cash at banks, on hand and in transit .....	1,554,020.24		
Undrawn earmarkings .....	526,138.70		
Accounts receivable, advances, deposits etc., .....	141,235.77	2,221,394.71	
<i>Less:</i>			
Unliquidated obligations, 1961 .....	112,503.76		
Unliquidated obligations, 1962 .....	936,242.20		
			\$
Accounts payable .....	28,773.88		
Other credit balances:			
Trust Funds .....	540,020.07		
Service Benefit .....	182,818.46	751,612.41	1,800,358.37
			421,036.34

(Signed) E. J. RICHES  
Treasurer and Financial Comptroller  
For the Director-General,  
International Labour Office

## AUDIT CERTIFICATE

The above accounts have been examined in accordance with my instructions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above accounts are correct.

(Signed) Uno BRUNSKOG  
External Auditor

REPORT ON THE AUDIT OF THE ACCOUNTS RELATING TO THE OPERATIONS OF THE INTERNATIONAL LABOUR ORGANISATION UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE YEAR 1962

1. My examination of the accounts relating to the operations of the International Labour Organisation under the Expanded Programme of Technical Assistance for 1962 has been carried out in the same way as my audit of the accounts for the regular budget of the Organisation.

2. The balance as at 31 December 1962 amounted to \$421,036 which amount is to revert to the Special Account for the Expanded Programme of Technical Assistance. Of that amount \$287,296 represent excess of earmarkings and other available funds over obligations incurred and \$130,144 savings on unliquidated obligations relating to 1960. These savings were made up as follows:

	<i>Unliquidated obligations at the end of 1960</i>	<i>Savings as at 31 December 1962</i>
	\$	\$
Fellowships and seminars .....	185,051	42,578
Worker trainees .....	105,604	33,057
Experts .....	165,765	53,680
Equipment .....	10,258	1,709
	<u>466,678</u>	
Exchange adjustments (loss) .....		(880)
	TOTAL SAVINGS	<u>130,144</u>

The main savings under the headings "Fellowships" and "Worker trainees" consist of cancellations amounting to \$29,649 and \$25,232 respectively. Savings in the unliquidated obligations relating to "Experts" totalled \$44,990 in respect of accumulated leave, income tax and education grants.

3. The unliquidated obligations relating to 1962 show an increase of some \$505,000 in comparison with 1961. Following the suggestion made in my report on the audit of the accounts for 1961, I think it might be useful if the calculation of the unliquidated obligations could be studied by the agencies operating this Programme in the light of the experience gained over the years.

4. Under the heading "Other credit balances" are shown Trust Funds at an amount of \$540,020 and Service Benefit amounting to \$182,818. The balances of these Trust Funds have more than doubled during 1962. They have no organic connexion with the Expanded Programme of Technical Assistance, but for practical reasons the cash and balances etc. are administered in common with those of the Expanded Programme of Technical Assistance. This is why they appear in the statement in part IV of the Accounts.

5. I record my appreciation of the assistance of the officials of the Organization.

Geneva, 11 March 1963

(Signed) UNO BRUNSKOG  
Auditor

## ANNEX 3

**Statement showing the status of funds of the Food and Agriculture Organization of the United Nations  
as at 31 December 1962**

*(Expressed in United States dollars)*

Balance as at 31 December 1961 .....		2,341,484
<i>Less:</i>		
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account .....		152,324
Balance of earmarkings carried forward to 1962 .....		2,189,160
Earmarkings from contributions and other available funds in 1962 .....		10,507,587
		<u>12,696,747</u>
Obligations incurred during 1962:		
Project costs .....	10,543,141	
Administrative and operational services costs .....	918,400	11,461,541
		<u>11,461,541</u>
Excess of earmarkings and other available funds over obligations incurred .....		1,235,206
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations .....	135,674	
Miscellaneous .....	35,898	
Exchange adjustments ( <i>net</i> ) .....	(35,528)	136,044
		<u>136,044</u>
Balance as at 31 December 1962 to revert to the Special Account .....		1,371,250
		<u><u>1,371,250</u></u>
Represented by:		
Cash at banks, on hand and in transit .....	1,869,132	
Undrawn earmarkings .....	663,831	
Accounts receivable, advances, deposits, etc. ....	1,251,700	3,784,663
		<u>3,784,663</u>
<i>Less:</i>		
Unliquidated obligations, 1962 .....	1,841,701	
Unliquidated obligations, 1961 .....	113,077	
Accounts payable and other credit balances .....	458,635	2,413,413
		<u>2,413,413</u>
		<u><u>1,371,250</u></u>

*(Signed)* W. K. MUDIE  
*Director, Division of Finance*

*(Signed)* B. R. SEN  
*Director-General*

## AUDIT CERTIFICATE

The financial statement showing the status of earmarkings made to the Food and Agriculture Organization in connexion with the Expanded Programme of Technical Assistance for economic development of underdeveloped countries, for the period 1 January to 31 December 1962 has been examined in accordance with the directions of the undersigned. All the information and explanations required have been obtained, and this is to certify, as a result of the audit, that in the opinion of the undersigned, the above statement and the related schedule of project costs are correct.

*(Signed)* E. G. COMPTON  
*(Comptroller and Auditor-General, Great Britain)*  
*External Auditor*



REPORT OF THE EXTERNAL AUDITOR ON THE STATEMENTS SHOWING THE STATUS OF FUNDS EARMARKED TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS AS AT 31 DECEMBER 1962

1. Volume III of the accounts of the Food and Agriculture Organization for the year ended 31 December 1962 consists of (a) statement I showing the status as at 31 December 1962 of the Technical Assistance Funds earmarked to the Organization, supported by the related schedule of project costs, and (b) a statement (Annex I) showing the status as at 31 December 1962 of Funds, held in trust, relating to Technical Assistance to the Government of the Republic of Venezuela, together with two final accounts for completed projects. The statements and schedule are in the form prescribed by the Technical Assistance Board.

2. My examination has been carried out in conjunction with my audit of the accounts of the regular programme of the Organization. I have also examined the reports of the Internal Auditor. In accordance with the arrangements made between the Technical Assistance Board and the Panel of Auditors of the United Nations, certified copies of the statements and schedule and copies of this report have been sent to the Board.

*Allocation for administrative and operational services costs*

3. Statement I shows that obligations incurred during 1962 included \$918,400 in respect of administrative and operational services costs. This sum, which was determined on the basis of 12 per cent of the 1959 project allocations, in accordance with ECOSOC Resolution 737 (XXVIII), dated 30 July 1959, was paid to the Organization's regular programme.

4. As stated in my report on the regular programme, interim accounts for the calendar year 1962, the amount represented a contribution of about 6 per cent of FAO's headquarters and regional office costs in 1962, whereas surveys undertaken by the Organization indicated that the proportion of time spent by professional staff at these offices on EPTA activities was 17 per cent.

*Losses and write-offs*

5. I have examined the losses and write-offs totalling \$8,147 which are listed in the financial report of the Director-General. I have no comments to make upon them.

6. I wish to record my appreciation of the willing co-operation of the officers of the Organization during my examination.

(Signed) E. G. COMPTON  
(Comptroller and Auditor-General, Great Britain)  
External Auditor

10 June 1963

## ANNEX 4

**Statement showing the status of funds of the United Nations Educational, Scientific and Cultural Organization as at 31 December 1962**

*(Expressed in United States dollars)*

Balance as at 31 December 1961 .....		2,142,031
<i>Less:</i>		
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account ....		147,882
		<u>1,994,149</u>
Balance of earmarkings carried forward to 1962 .....		7,566,351
Earmarkings from contributions and other available funds in 1962 .....		<u>9,560,500</u>
Obligations incurred during 1962:		
Project costs .....	8,934,983	
Administrative and operational services costs .....	442,000	9,376,983
		<u>183,517</u>
Excess of earmarkings and other available funds over obligations incurred ....		
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations .....	198,305	
Miscellaneous .....	3,844	
Exchange adjustments ( <i>net</i> ) .....	(26,018)	176,131
		<u>359,648</u>
Balance as at 31 December 1962 to revert to the Special Account .....		<u><u>359,648</u></u>
Represented by:		
Cash at banks, on hand and in transit .....	1,468,710	
Undrawn earmarkings .....	2,766,063	
Accounts receivable, advances, deposits, etc. ....	958,209	
		<u>5,192,982</u>
<i>Less:</i>		
Unliquidated obligations, 1961 .....	1,045,271	
Unliquidated obligations, 1962 .....	3,183,120	
Accounts payable and other credit balances .....	604,943	4,833,334
		<u><u>359,648</u></u>
 CERTIFIED CORRECT		APPROVED
( <i>Signed</i> ) R. HARPER-SMITH		( <i>Signed</i> ) René MAHEU
<i>Comptroller</i>		<i>Director-General</i>

## AUDIT CERTIFICATE

The financial statement showing the status of earmarkings made to UNESCO in connexion with the Expanded Programme of Technical Assistance for economic development of under-developed countries, for the period 1 January to 31 December 1962, has been examined in accordance with the directions of the undersigned. All the information and explanations required have been obtained, and this is to certify, as a result of the audit, that, in the opinion of the undersigned, the above statement and the related schedule of project costs are correct.

(*Signed*) E. G. COMPTON  
 (*Comptroller and Auditor-General, Great Britain*)  
*External Auditor*

REPORT OF THE EXTERNAL AUDITOR ON THE STATEMENT SHOWING THE STATUS OF FUNDS EARMARKED TO UNESCO AS AT 31 DECEMBER 1962

*General*

1. The statement and the related schedule of project costs (schedule A) are in the form prescribed by the Technical Assistance Board.

2. My examination has been carried out in conjunction with my audit of the accounts of the regular programme of the Organization. I have also examined the reports of the Internal Auditor. In accordance with the arrangements made between the Technical Assistance Board and the Panel of External Auditors of the United Nations, certified copies of the statement and schedule, and copies of this report, have been sent to the Board.

*Summary of the account*

3. Earmarkings from the Special Account for the year 1962 were \$7,566,351, compared with \$6,848,897 in 1961, and the balance brought forward from 1961 was \$1,994,149. Income therefore increased from \$8,107,688 in 1961 to \$9,560,500 in 1962, an increase of 18 per cent. The statement shows that the excess of earmarkings, etc., over obligations incurred was \$183,517 or 1.9 per cent of the total income. During the year, the earmarking for administrative and operational services was \$442,000 which was paid to the regular programme as a contribution towards the costs incurred.

*Purchases of equipment for field projects*

4. Obligations for equipment and supplies for Technical Assistance field projects in 1962 totalled \$1,881,340. Of this sum, \$1,513,963 related to 124 purchase orders, each exceeding \$1,500, for which competitive bids would normally have been obtained, as provided in the Organization's Manual of Instructions. In all but seven of these cases, however, authority was given to dispense with competition, the reasons being as follows:

	<i>No. of Orders</i>	<i>Value \$</i>
(1) Purchases in order to utilise non-convertible or "difficult" currencies .....	30	1,142,149
(2) Purchases made in accordance with the preference of experts for particular manufacturers' equipment .....	44	140,783
(3) Purchases for standardization reasons .....	9	22,615
(4) Purchases for which competition was dispensed with on grounds of urgency .....	34	165,018
	<u>117</u>	<u>1,470,565</u>

5. As regards item (2), the Organization explained that in such cases the projects are of a limited duration, and that the equipment must reach the expert rapidly for the training and demonstration work to be undertaken by him. Experts' stated requirements are reviewed by the Organization in order to ensure that the orders are to be placed with well-known, dependable firms and that the prices appear to be reasonable in comparison with those of other manufactures of similar equipment.

6. The orders mentioned in item (4) were placed in the last few weeks of 1962 in order to satisfy those field requirements made known late in 1962 which could be accommodated through changes in the programme or those already in the approved programme for which there was a late submission of equipment lists.

*Ex-gratia payment*

7. An *ex-gratia* payment of \$2,810 was made to a field expert whose post was abolished during 1962. I have examined the circumstances in which the payment was made and I have no comments to make upon it.

8. I wish to record my appreciation of the willing co-operation of the officers of the Organization during my examination.

(Signed) E. G. COMPTON  
(Comptroller and Auditor-General, Great Britain)  
External Auditor

27 June 1963

## ANNEX 5

**Statement showing the status of funds of the International Civil Aviation Organization  
as at 31 December 1962**

*(Expressed in United States dollars)*

Balance as at 31 December 1961 .....		213,670
<i>Less:</i>		
Unobligated balance of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account .....		30,313
		<hr/>
Balance of earmarkings carried forward to 1962 .....		183,357
Earmarkings from contributions and other available funds in 1962 .....		1,838,809
		<hr/>
		2,022,166
Obligations incurred during 1962:		
Project costs .....	1,651,476	
Administrative and operational services costs .....	202,465	1,853,941
		<hr/>
Excess of earmarkings and other available funds over obligations incurred .....		168,225
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations .....	14,435	
Miscellaneous .....	2,006	
Exchange adjustments ( <i>net</i> ) .....	6,362	22,803
		<hr/>
Balance as at 31 December 1962 to revert to the Special Account .....		191,028
		<hr/> <hr/>
Represented by:		
Cash at banks, on hand or in transit .....	318,802	
Undrawn earmarkings .....	121,077	
Accounts receivable, advances, deposits, etc. ....	234,726	674,605
		<hr/>
<i>Less:</i>		
Unliquidated obligations, 1961 .....	66,630	
Unliquidated obligations, 1962 .....	243,928	
Accounts payable and other credit balances .....	26,067	
Service Benefit Financing Fund .....	146,952	483,577
		<hr/>
		191,028
		<hr/> <hr/>

CERTIFIED CORRECT

(Signed) J. BERRIER  
Director, Bureau of Administration  
and Services

APPROVED

(Signed) R. M. MACDONNELL  
Secretary General

## AUDIT CERTIFICATE

The above statement showing the status of funds from earmarkings made to the International Civil Aviation Organization in connexion with its participation in the Expanded Programme of Technical Assistance for the year ended 31 December 1962, has been examined. All the information and explanations required have been obtained and I certify that, in my opinion, the above statement and the related schedule of project costs are correct.

(Signed) A. M. HENDERSON  
(Auditor-General of Canada)  
External Auditor

REPORT OF THE EXTERNAL AUDITOR TO THE ASSEMBLY ON THE AUDIT OF THE ACCOUNTS RESPECTING THE STATUS OF FUNDS OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION RELATING TO THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE YEAR ENDED 31 DECEMBER 1962

1. The Technical Assistance Board Finance Manual requires that "external audit relating to the Expanded Programme shall be reported separately from that of the regular programme activities of the Participating Organizations", and this is the report on the audit of the accounts for the year ended 31 December 1962.

2. The financial statement showing the status of funds earmarked for the International Civil Aviation Organization in connexion with the Expanded Programme of Technical Assistance as at 31 December 1962, was submitted by the Secretary General for examination, along with the supporting schedule for obligations incurred during the year then ended—both in the form required by the Technical Assistance Board Finance Manual. The financial statement and the related schedule have been examined, and they have been certified as being in accordance with the accounts maintained by the Organization and being, in my opinion, correct.

3. The accounts were examined in accordance with generally accepted auditing standards and included a general review of the accounting procedures and of the system of internal control, together with such tests of accounting records and other supporting evidence as were considered appropriate in the circumstances.

4. Earmarkings from contributions and other available funds in 1962 were \$1,838,809. This, together with an adjusted 1961 balance of \$183,357 carried forward to 1962, gave a total of \$2,022,166 available for obligation during the year under review, as shown in the financial statement.

5. The obligations incurred during the year ended 31 December 1962 amounted to \$1,853,941. The following is an analysis of the amount, compared with the corresponding figures for the two previous years:

	1960	1961	1962
	\$	\$	\$
Project costs:			
Personal services .....	1,044,783	1,063,188	1,194,200
Travel and transportation .....	121,676	160,678	149,853
Fellowships and scholarships .....	105,979	85,306	246,265
Property and equipment .....	6,951	82,535	44,943
Other costs .....	7,798	23,683	16,215
	<u>1,287,187</u>	<u>1,415,390</u>	<u>1,651,476</u>
Administrative and operational services costs	184,122	197,535	202,465
	<u>1,471,309</u>	<u>1,612,925</u>	<u>1,853,941</u>

6. It was noted that all the obligations charged in the year under review were in conformity with the following revised definition in the Technical Assistance Board Finance Manual, effective 1 April 1962:

"(a) For personal services, the cost of salaries and related expenses corresponding to services rendered within the financial year;

"(b) For fellowships, the full cost to completion of fellowships awarded prior to the end of the financial year—provided that the fellow has been nominated by the requesting Government and accepted by the Organization concerned and that a formal letter of award has been issued to the requesting Government, the actual placement of the fellow prior to 31 December in this sense not to be an essential consideration.

"(c) For operational supplies and equipment, the full cost of contracts or purchase orders entered into prior to the end of the financial year which resulted or will result in a legal liability for the payment of such operational supplies and equipment."

Of the obligations incurred in 1962, a total of \$243,928 (including the amount of \$30,549 for equipment) remained unliquidated at the close of the year, of which \$130,160 was with respect to fellowships and scholarships. This compares with a total of \$155,132 including \$25,701 for fellowships, at the close of the preceding year.

7. After adding "other income" (*net*) of \$22,803 to the \$168,225 excess of earmarkings and other funds available over obligations incurred, there was a balance of \$191,028 as at 31 December 1962, which amount, being the amount of unobligated funds at the end of the second year of the programme biennium, was to revert to the United Nations Special Account in accordance with article 14 of the Technical Assistance Board Finance Manual. The cash at banks of \$318,802 was verified by certificates received directly from the banks concerned and was reconciled to the balances in the accounts, except in the case of four accounts involving a total of \$4,098 for which certificates have not yet been received.

8. The amount of \$234,726 shown for "accounts receivable, advances, deposits, etc.", includes \$145,488 advanced on behalf of the United Nations Congo Emergency Programme, the greater part of which has been recovered in 1963.

All the information and explanations required were readily provided to my officers and the audit was facilitated by the cooperation extended by officers of the secretariat, for which I am glad to record my appreciation.

*(Signed)* A. M. HENDERSON  
*(Auditor-General of Canada)*  
*External Auditor*

22 March 1963

## ANNEX 6

## Statement showing the status of funds of the World Health Organization as at 31 December 1962

(Expressed in United States dollars)

Balance as at 31 December 1961 .....		1,104,723
<i>Less:</i>		
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account . . .		119,602
Balance of earmarkings carried forward to 1962 .....		985,121
Earmarkings from contributions and other available funds in 1962 .....		7,084,909
		<u>8,070,030</u>
Obligations incurred during 1962:		
Project costs .....	7,334,842	
Administrative and operational services costs .....	642,000	7,976,842
		<u>93,188</u>
Excess of earmarkings and other available funds over obligations incurred . . .		93,188
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations .....	34,799	
Miscellaneous .....	122,998	
Exchange adjustments ( <i>net</i> ) .....	(2,524)	155,273
		<u>248,461</u>
Balance as at 31 December 1962 to revert to the Special Account .....		<u>248,461</u>
Represented by:		
Cash at banks, on hand and in transit .....	862,371	
Undrawn earmarkings .....	1,236,152	
Accounts receivable, advances, deposits, etc. ....	527,812	2,626,335
		<u>2,377,874</u>
<i>Less:</i>		
Unliquidated obligations, 1962 .....	1,577,623	
Unliquidated obligations, 1961 .....	437,359	
Accounts payable and other credit balances .....	362,892	2,377,874
		<u>248,461</u>

CERTIFIED CORRECT

(Signed) Ted L. SMITH  
Chief, Finance

(Signed) Eric RENLUND  
Director, Budget and Finance

## AUDIT CERTIFICATE

The financial statements relating to earmarkings made to the World Health Organization in connexion with the Expanded Programme of Technical Assistance for economic development of under-developed countries for the year ended 31 December 1962 have been examined in accordance with the directions of the undersigned. All the information and explanations required have been obtained, and this is to certify, as a result of the audit, that, in the opinion of the undersigned, the above statement and the related schedule of project costs are correct.

(Signed) Uno BRUNSKOG  
External Auditor

REPORT ON THE AUDIT RELATING TO THE OPERATIONS OF THE WORLD HEALTH ORGANIZATION UNDER THE EXPANDED PROGRAMME OF TECHNICAL ASSISTANCE FOR THE YEAR 1962

1. My examination of the accounts relating to the operations of the World Health Organization under the Expanded Programme of Technical Assistance for 1962 has been carried out in the same way as my audit of the accounts for the regular budget of the Organization.

2. The obligations for project costs showed an increase during 1962 of \$1,738,511 compared with those of 1961, as can be seen from the table below:

	1961	1962	<i>Increase (Decrease)</i>
	\$	\$	\$
Personal services .....	3,005,031	3,979,327	974,296
Supplies and materials .....	231,838	313,280	81,442
Property and equipment .....	292,925	116,411	(176,514)
Travel and transportation .....	821,149	983,901	162,752
Fellowships .....	1,245,388	1,941,923	696,535
TOTAL	<u>5,596,331</u>	<u>7,334,842</u>	<u>1,738,511</u>

3. As at 31 December 1962 savings on prior years' unliquidated obligations amounted to \$34,799, which amount has to revert to the Special Account for the Expanded Programme of Technical Assistance. In 1962 the unliquidated obligations were \$1,577,623, mainly representing outstanding balances of fellowship awards where the fellows had not finished their studies by the end of the year. The comparable amount for 1961 was \$920,633.

4. I record my appreciation of the assistance of the officers of the Organization.

(Signed) Uno BRUNSKOG  
External Auditor

Geneva, 11 March 1963



## ANNEX 7

Statement showing the status of funds of the International Telecommunication Union  
as at 31 December 1962

(Expressed in United States dollars)

Balance as at 31 December 1961 .....		307,569.93
<i>Less:</i>		
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account .....		2,273.00
Balance of earmarkings carried forward to 1962 .....		305,296.93
Earmarkings from contributions and other available funds in 1962 .....		846,711.00
		<u>1,152,007.93</u>
Obligations incurred during 1962:		
Project costs .....	956,634.46	
Administrative and operational services costs .....	104,807.03	1,061,441.49
		<u>90,566.44</u>
Excess of earmarkings and other available funds over obligations incurred .....		90,566.44
<i>Add:</i>		
Other income:		
Saving on liquidation of prior years' obligations		
1960 .....	8,164.26	
1961 .....	7,303.96	
Miscellaneous .....	937.87	
Exchange adjustments ( <i>net</i> ) .....	(960.44)	15,445.65
		<u>106,012.09</u>
Balance as at 31 December 1962 to revert to the Special Account .....		<u>106,012.09</u>
Represented by:		
Cash at banks, on hand and in transit .....	165,594.61	
Undrawn earmarkings .....	289,315.65	
Accounts receivable, advances, deposits, etc. ....	10,011.49	464,921.75
		<u>358,909.66</u>
<i>Less:</i>		
Unliquidated obligations, 1962 .....	322,906.55	
Accounts payable and other credit balances .....	36,003.11	358,909.66
		<u>106,012.09</u>

## AUDIT CERTIFICATE

I have examined the books and accounts of the International Telecommunication Union, and I hereby certify that the above is a true extract therefrom and, to the best of my knowledge and belief, correct. It has been impossible to obtain a confirmation from the Guinean External Commerce Bank, Conakry, that a current account has been opened. Nor has it been possible to get a statement of account showing the position as at 31 December 1962, i.e. \$1,955.00.

(Signed) Ch. POCHON  
(*Chef de section au Contrôle fédéral  
des finances de la Confédération suisse*)  
External Auditor

26 February 1963

## ANNEX 8

**Statement showing the status of funds of the World Meteorological Organization as at 31 December 1962***(Expressed in United States dollars)*

Allocation for Expanded Programme of Technical Assistance in 1962 .....	59,600	Transferred to WMO Technical Assistance Fund .....	59,600
	<u>59,600</u>		<u>59,600</u>
	<u><u>59,600</u></u>		<u><u>59,600</u></u>

*(Signed)* D. A. DAVIES  
*Secretary-General*

*(Signed)* E. H. COOK  
*Chief, Finance Section*

CERTIFIED CORRECT

*(Signed)* E. G. COMPTON  
*(Comptroller and Auditor-General, Great Britain)*  
*External Auditor*

## ANNEX 9

**Statement showing the status of funds of the International Atomic Energy Agency  
as at 31 December 1962**

*(Expressed in United States dollars)*

Balance as at 31 December 1961 .....		387,472
<i>Less:</i>		
Unobligated balances of 1961 authorizations from the Working Capital and Reserve Fund and other income surrendered to the Special Account .....		29,048
Balance of earmarkings carried forward to 1962 .....		358,424
Earmarkings from contributions and other available funds in 1962 .....		843,259
		<u>1,201,683</u>
Obligations incurred during 1962:		
Project costs .....	1,146,166	
Administrative and operational services costs .....	15,388	
	<u>1,161,554</u>	
Exchange adjustment ( <i>net</i> ) .....	4,869	1,166,423
Excess of earmarkings and other available funds over obligations incurred .....		35,260
<i>Add:</i>		
Other income:		
Savings on liquidation of prior years' obligations .....	89,967	
Miscellaneous .....	500	90,467
Balance as at 31 December 1962 to revert to the Special Account .....		<u>125,727</u>
Represented by:		
Cash at banks, on hand and in transit .....	147,363	
Undrawn earmarkings .....	609,187	
Accounts receivable, advances, deposits, etc. ....	9,081	765,631
<i>Less:</i>		
Unliquidated obligations, 1961 .....	34,268	
Unliquidated obligations, 1962 .....	585,588	
Accounts payable and other credit balances .....	20,048	639,904
		<u>125,727</u>
 (Signed) Howard R. ENNOR Acting Director, Division of Budget and Finance		 (Signed) Sigvard EKLUND Director General

AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required and I certify, as a result of the audit, that, in my opinion, the statement is correct.

(Signed) Dr. Guido HERTEL  
(President of the Court of Accounts,  
Federal Republic of Germany)  
External Auditor

REPORT OF THE EXTERNAL AUDITOR OF THE INTERNATIONAL ATOMIC ENERGY AGENCY  
TO THE TECHNICAL ASSISTANCE BOARD ON THE ACCOUNTS OF THE EXPANDED  
PROGRAMME OF TECHNICAL ASSISTANCE—STATUS OF FUNDS OF IAEA AS AT 31 DE-  
CEMBER 1962

1. The Director General of the International Atomic Energy Agency submitted the following financial statements for audit certification:

Expanded Programme of Technical Assistance:

- A. Status of funds of IAEA as at 31 December 1962;
- B. Project costs for the period 1 January to 31 December 1962.

2. The above mentioned statements are certified by me as being in accordance with the books and records, two copies each are attached.

3. I have examined the transactions, accounts and inventories to the extent deemed necessary to satisfy myself as to the general state of the accounts and the accuracy of the financial statements submitted for audit certificates, and to report thereon to the Technical Assistance Board. All information required was provided and I now record my appreciation of the co-operation and assistance extended by the Secretariat of the Agency.

(Signed) Dr. Guido HERTEL  
(President of the Court of Accounts,  
Federal Republic of Germany)  
External Auditor

Vienna, 29 March 1963



**Agenda item 63: Audit reports relating to expenditure by specialized agencies and the International Atomic Energy Agency:**  
**(b) Allocations and allotments from the Special Fund**

**DOCUMENT A/5582**

**Audit reports for the year ended 31 December 1962 relating to expenditure by executing agencies of funds allocated from the Special Fund**

[Original text: English]  
[1 November 1963]

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**Letter of transmittal**

17 October 1963

Sir,

I have the honour to transmit to you the consolidated status of funds as at 31 December 1962 of the Special Fund and the consolidated status of funds as at the same date from Governments' cash counterpart contributions paid to executing agencies, which were submitted by the Secretary-General. These documents have been examined and certified by me on behalf of the Board of Auditors. Attached thereto were a combined statement showing the status of funds of the executing agencies—and a schedule: combined statement showing allocations and commitments of the executing agencies as at 31 December 1962.

In addition to the above I have the honour to present the report of the Board with respect to the consolidated status of funds mentioned above.

Accept, Sir, the assurance of my highest consideration.

(Signed) L. GÖTZEN  
Chairman of the Board of Auditors

The President of the General Assembly  
of the United Nations  
New York

#### Note by the Secretary-General

1. I submit herewith the audited accounts showing the consolidated financial position of the Special Fund as at 31 December 1962 and the report of the Board of Auditors in accordance with article 23.3 of the Provisional Financial Regulations of the Special Fund.

2. Detailed supporting schedules furnished by the executing agencies are not included in the submission but are made available to the Advisory Committee on Administrative and Budgetary Questions.

3. The audit reports of the following executing agencies for the year 1962 have been approved:

International Atomic Energy Agency by its General Conference on 30 September 1963;

International Labour Organisation by its General Conference on 20 June 1963;

International Telecommunication Union by its Administrative Council on 26 April 1963;

United Nations Educational, Scientific and Cultural Organization by its Executive Board on behalf of its General Conference in October 1963;

World Health Organization by the Sixteenth World Health Assembly on 14 May 1963; and

World Meteorological Organization by its Executive Committee on 2 May 1963.

The audit report of the Food and Agriculture Organization of the United Nations will be submitted

to its Conference in November 1963. The audit report of the International Civil Aviation Organization will be submitted to its Assembly in June 1965. The audit report of the International Bank for Reconstruction and Development requires no action by its Board of Governors.

4. The audit report of the United Nations Educational, Scientific and Cultural Organization for the year 1961 which had not been approved by its General Conference at the time of the publication of document A/5269<sup>1</sup> was approved by that body on 11 December 1962. The audit report of the Food and Agriculture Organization (FAO) for the year 1961 will be submitted to its Conference in November 1963. It was approved by FAO's Council in October 1962.

5. The audited financial statements of the United Nations as an executing agency of the Special Fund are presented in the financial reports and accounts for the year ended 31 December 1962. Also included in the same document are financial statements in respect of the Administrative Budget of the Managing Director as well as a statement showing the status of income and allocations of the Special Fund as at 31 December 1962.<sup>2</sup>

<sup>1</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 68, addendum 2.*

<sup>2</sup> *Ibid., Eighteenth Session, Supplement No. 6 (A/5506, statements V, VIII, IX and X).*

## Consolidated status of funds as at 31 December 1962

(Expressed in United States dollars)

Balance available for allocations as at 31 December 1961.....		45,883,390	
Adjustment to balance.....		41,976,441 <sup>a</sup>	
		<u>87,859,831</u>	
Contributions pledged by Governments, less exchange adjustments upon collection .....		77,219,072	
Governments' obligations for local costs in respect of projects in operation .....		5,063,587	
Governments' obligations for cash counterpart contributions in respect of projects in operation .....		4,686,943	
Donations .....		750	
Miscellaneous income and exchange adjustments ( <i>net</i> ).....		3,235,177	
Refund of prior years' expenditures and savings in liquidating prior years' obligations of the Managing Director's administrative budget.....		18,038	
		<u>178,083,398</u>	
<i>Less:</i>			
Allocations made by the Managing Director (schedule 1).....	78,152,279		
Commitments incurred against the administrative budget of the Managing Director.....	<u>1,691,881</u>	79,844,160	
		<u>98,239,238</u>	
Represented by:			
Cash at banks, on hand and in transit.....		20,533,412	
Investments .....		105,305,331	
Accrued interest .....		868,048	
Contributions pledged but not received at 31 December 1962.....		87,026,934	
Receivable from Governments for local costs in respect of projects in operation .....		8,658,793	
Receivable from Governments for cash counterpart contributions in respect of projects in operation.....		6,724,710	
Accounts receivable, deferred charges and sundry debit balances .....		4,241,820	
		<u>233,359,048</u>	
<i>Less:</i>			
Reserve for projects approved as at 31 December 1962			
Unliquidated commitments (schedule 1).....	34,576,684		
Unencumbered allocations (schedule 1).....	<u>97,975,604</u>	132,552,288	

STATEMENT I (continued)

Unliquidated obligations of the Managing Director's administrative budget .....	47,820	
Contingency fund for preparatory allocations .....	60,355	
Funds-in-trust, accounts payable and sundry credit balances .....	<u>2,459,347</u>	135,119,810
		<u>98,239,238</u>

<sup>a</sup> Note:

(To give effect to new financial policy adopted by the Governing Council at its eighth and ninth sessions)

Increase on opening balance in respect of:		
Reserve for appropriation .....		130,247,625
Reserve for earmarkings in excess of appropriations .....		<u>3,881,810</u>
		134,129,435
Less:		
Creation of a reserve for allocations made by the Managing Director as at 31 December 1961	89,172,344	
Local cost for projects not yet in operation .....	<u>2,980,650</u>	92,152,994
		<u>41,976,441</u>

CERTIFIED CORRECT  
(Signed) B. R. TURNER  
Controller

APPROVED  
(Signed) U THANT  
Secretary-General

AUDIT CERTIFICATE

The above statement showing the status of funds of the Special Fund as at 31 December 1962 has been examined in accordance with my directions. I have obtained all the information and explanations I have required and I certify, as a result of the audit that, in my opinion, the above statement is correct.

On behalf of the Board of Auditors  
(Signed) L. GÖTZEN, Netherlands  
Chairman

17 October 1963



***Schedule 1 appears overleaf.***

## Combined statement showing allocations and commitments

(Expre

<i>Executing Agency</i>	<i>Funds allocated</i>						<i>all</i>
	<i>Allocations for approved projects</i>			<i>Preparatory allocations</i>			
	<i>Prior years</i>	<i>Current year</i>	<i>Total</i>	<i>Prior years</i>	<i>Current year</i>	<i>Total</i>	
United Nations .....	19,316,722	17,841,715	37,158,437	21,300	11,100	32,400	37,
ITU .....	869,225	3,175,968	4,045,193	—	—	—	4,
WMO .....	118,100	(14,500)	103,600	—	—	—	
ILO .....	10,538,565	9,069,800	19,608,365	15,308	8,300	23,608	19,
FAO .....	30,221,254	23,595,413	53,816,667	36,850	17,050	53,900	53,
UNESCO .....	17,786,587	11,707,838	29,494,425	17,225	20,225	37,450	29,
ICAO .....	5,848,391	7,450	5,855,841	8,950	—	8,950	5,
WHO .....	525,000	324,100	849,100	—	—	—	
IBRD .....	3,948,500	1,184,325	5,132,825	7,500	6,000	13,500	5,
IAEA .....	—	1,000	1,000	—	—	—	
TOTAL	89,172,344	66,893,109	156,065,453	107,133	62,675	169,808	156,
Reserve for signed plans of operations for which allocations had not been issued to executing agencies on 31 December 1962 .....	—	11,259,170	11,259,170	—	—	—	11,
	89,172,344	78,152,279	167,324,623	107,133	62,675	169,808	167,

## ing agencies as at 31 December 1962

(States dollars)

*Commitments incurred*

<i>Liquidated by disbursement</i>			<i>Unliquidated</i>			<i>Total commitments</i>	<i>Unencumbered balance of allocations</i>
<i>rior years</i>	<i>Current year</i>	<i>Total</i>	<i>31 December 1961</i>	<i>Increase during 1962</i>	<i>31 December 1962</i>		
38,188	4,730,428	7,668,616	2,561,994	9,201,710	11,763,704	19,432,320	17,758,517
39,972	213,506	253,478	—	247,230	247,230	500,708	3,544,485
47,351	32,772	80,123	—	—	—	80,123	23,477
15,003	3,891,399	5,706,402	1,485,610	1,711,286	3,196,896	8,903,298	10,728,675
31,478	8,066,791	11,958,269	6,356,391	3,837,772	10,194,163	22,152,432	31,718,135
39,460	3,987,524	5,426,984	1,280,942	4,099,039	5,379,981	10,806,965	18,724,910
32,024	1,068,847	1,500,871	479,822	698,253	1,178,075	2,678,946	3,185,845
—	92,773	92,773	65,569	339,450	405,019	497,792	351,308
71,015	1,283,319	2,254,334	2,525,816	(314,200)	2,211,616	4,465,950	680,375
—	293	293	—	—	—	293	707
74,491	23,367,652	34,942,143	14,756,144	19,820,540	34,576,684	69,518,827	86,716,434
—	—	—	—	—	—	—	11,259,170
74,491	23,367,652	34,942,143	14,756,144	19,820,540	34,576,684	69,518,827	97,975,604

## STATEMENT II

## Consolidated status of funds from Governments' cash counterpart contributions paid to executing agencies as at 31 December 1962

*(Expressed in United States dollars)*

	<i>United Nations</i>	<i>FAO</i>	<i>UNESCO</i>	<i>Total</i>
Balance of available funds as at 31 December 1961 . . .	364,136	167,112	—	531,248
Cash counterpart contributions received . . . . .	339,677	1,183,169	100,000	1,622,846
	<u>703,813</u>	<u>1,350,281</u>	<u>100,000</u>	<u>2,154,094</u>
<i>Less:</i>				
Expenditures . . . . .	357,167	563,970	29,963	951,100
Exchange adjustments and miscellaneous income ( <i>net</i> ) . . . . .	113,783	—	—	113,783
	<u>470,950</u>	<u>563,970</u>	<u>29,963</u>	<u>1,064,883</u>
Balance of available funds as at 31 December 1962 . . .	<u>232,863</u>	<u>786,311</u>	<u>70,037</u>	<u>1,089,211</u>
Represented by:				
Accounts receivable and sundry debit balances . . . . .	232,863	868,418	70,037	1,171,318
<i>Less:</i> Accounts payable and sundry credit balances . . . . .	—	82,107	—	82,107
	<u>232,863</u>	<u>786,311</u>	<u>70,037</u>	<u>1,089,211</u>

CERTIFIED CORRECT

(Signed) B. R. TURNER  
Controller

APPROVED

(Signed) U THANT  
Secretary-General

## AUDIT CERTIFICATE

The above statement showing the status of funds from Governments' cash counterpart contributions paid to executing agencies as at 31 December 1962 has been examined in accordance with my directions. I have obtained all the information and explanations I have required and I certify, as a result of the audit that, in my opinion, the above statement is correct.

On behalf of the Board of Auditors

(Signed) L. GÖTZEN, *Netherlands*  
Chairman

17 October 1963

**Report of the Board of Auditors to the General Assembly on the consolidated status of funds of the Special Fund as at 31 December 1962**

1. Pursuant to article 23.3 (as amended) of the Provisional Financial Regulations of the Special Fund, the Board of Auditors is required to perform an audit of, report on and certify the annual accounts showing the consolidated financial position of the Special Fund.

2. In compliance with the amended article the Secretary-General submitted to the Board of Auditors the following statements:

Statement I—Consolidated status of funds as at 31 December 1962; and

Statement II—Consolidated status of funds from Governments' cash counterpart contributions paid to the executing agencies as at 31 December 1962.

Attached to Statement I were the following:

Schedule 1—Combined statement showing allocations and commitments of the executing agencies as at 31 December 1962; and

Annex I—Combined statement showing the status of funds of the executing agencies as at 31 December 1962. The Board noted that the presentation of the consolidated statements is different from that for 1961 and that, so far, the form of presentation has not yet been stabilized.

3. For the adjustment in the balance as at 31 December 1961 (see foot-note to statement I) to an amount of \$41,976,441, reference is made to the relevant remark in the Report of the Board of Auditors to the General Assembly on United Nations accounts for the year ended 31 December 1962, under D, Special Fund, paragraph 8.<sup>3</sup>

4. As a consequence of the different presentation, the figures shown for 1962 in statements I and II are not directly comparable to those reflected in the consolidated status of funds submitted for 1961. Taking the figures from statement I and II together and keeping in mind that statement II is presented on a cash basis, the following summary can be made:

	1962	1961
	\$	\$
Income .....	91,846,413	67,659,158
Commitments and obligations incurred .....	45,949,954	19,832,172
	<u>                    </u>	<u>                    </u>
Excess of income over commitments and obligations incurred	<u>45,896,459</u>	<u>47,826,986</u>

Whereas, however, the Reserve for commitments to be incurred for projects by executing agencies and the Contingency Fund for preparatory allocations together increased by an amount (*net*) of \$35,517,052, the balance available for allocations shows an increase in 1962 of \$10,379,407, giving a final balance of \$98,239,238.

5. As the audit reports relating to the 1962 accounts of all the executing agencies were not available during the Board of Auditors' annual 1963 session, the audit of the consolidated status of funds for the year 1962 was allocated to the Netherlands member (Chairman) of the Board, with concurrence of the Advisory Committee on Administrative and Budgetary Questions.

6. The underlying documents for the consolidation were:

(a) The status of income and allocations of the Special Fund;

(b) The status of funds of the Administrative Budget of the Managing Director;

(c) The status of funds as certified by the external auditors of each of the executing agencies;

(d) The status of funds from allocations to the United Nations as executing agency;

(e) The status of funds from Governments' cash counterpart contributions to the United Nations; and

(f) The status of funds from Governments' cash counterpart contributions to the Food and Agriculture Organization of the United Nations and to the United Nations Educational, Scientific and Cultural Organization as certified by the external auditors of these agencies.

For the status mentioned under (a), (b), (d) and (e) above reference is made to statements V, X, VIII and IX of the Financial Report and Accounts of the United Nations for the year ended 31 December 1962 and to the Report of the Board of Auditors thereon.<sup>4</sup>

7. Apart from Governments' cash counterpart contributions forming part of the Special Fund's gross project budgets and those directly paid to the relevant executing agencies, Governments may be obliged, according to the plans of operation, to make further funds available whose disbursement is controlled by those Governments. The latter contributions, being considered as made in kind, are not included in the consolidated statements.

<sup>3</sup> Official Records of the General Assembly, Eighteenth Session, Supplement No. 6, (A/5506), p. 12.

<sup>4</sup> *Ibid.*, section III.

8. For observations by the external auditors on the various status of funds, reference is made to their certificates and audit reports, if any.

9. The audit of the consolidations as such did not give rise to comments. Consequently, the consolidated status of funds of the Special Fund and the consolidated status of funds from Governments' cash counterpart contributions paid to the executing agencies as at 31 December 1962 have been certified not subject to observations.

On behalf of the Board of Auditors,  
(Signed) L. GÖTZEN, *Netherlands*  
Chairman

17 October 1963

## ANNEX 1

## Combined statement showing the status of funds of the executing agencies as at 31 December 1962

(Expressed in United States dollars)

	UNTAO <sup>a</sup>	ITU	WMO <sup>b</sup>	ILO	FAO	UNESCO	ICAO	WHO	IBRD	IAEA	Total executing agencies
Balance of earmarkings and other available funds as at 31 December 1961..	13,837,840	829,253	70,749	7,267,238	20,008,969	15,082,967	4,947,336	459,431	459,169	—	62,962,952
Miscellaneous income and exchange adjustments ( <i>net</i> ) reverted to the central fund .....	—	—	—	(13,978)	1,266	443	(1,841)	—	—	—	(14,110)
Unliquidated commitments at 31 December 1961 .....	2,561,994	—	—	1,485,610	6,356,391	1,280,942	479,822	65,569	2,525,816	—	14,756,144
Funds allocated during 1962 .....	17,852,815	3,175,968	(14,500)	9,078,100	23,612,463	11,728,063	7,450	324,100	1,190,325	1,000	66,955,784
	34,252,649	4,005,221	56,249	17,816,970	49,979,089	28,092,415	5,432,767	849,100	4,175,310	1,000	144,660,770
<i>Less:</i>											
Commitments:											
Liquidated by disbursements .....	4,730,428	213,506	32,772	3,891,399	8,066,791	3,987,524	1,068,847	92,773	1,283,319	293	23,367,652
Unliquidated at 31 December 1962..	11,763,704	247,230	—	3,196,896	10,194,163	5,379,981	1,178,075	405,019	2,211,616	—	34,576,684
	16,494,132	460,736	32,772	7,088,295	18,260,954	9,367,505	2,246,922	497,792	3,494,935	293	57,944,336
Unencumbered balance of allocations at 31 December 1962 (schedule 1) .....	17,758,517	3,544,485	23,477	10,728,675	31,718,135	18,724,910	3,185,845	351,308	680,375	707	86,716,434
<i>Add:</i>											
Miscellaneous income and exchange adjustments ( <i>net</i> ) .....	1,599	—	222	(3,203)	(6,110)	(1,030)	982	—	(30,082)	—	(37,622)
Balance at 31 December 1962 .....	17,760,116	3,544,485	23,699	10,725,472	31,712,025	18,723,880	3,186,827	351,308	650,293	707	86,678,812
Represented by:											
Cash at banks, on hand and in transit	—	27,448	12,639	1,219,089	738,873	530,991	314,784	—	858,221	735	3,702,780
Undrawn allotments .....	5,466,481	570,431	(8,148)	1,892,880	9,385,759	2,012,477	820,832	288,300	295,267	—	20,724,279
Unallotted allocations .....	21,849,477	3,192,662	24,290	10,849,098	32,128,408	21,784,488	3,270,736	365,800	1,733,099	—	95,198,058
Accounts receivable and sundry debit balances .....	2,440,725	2,470	19	42,120	729,024	90,950	12,787	102,227	—	—	3,420,322
	29,756,683	3,793,011	28,800	14,003,187	42,982,064	24,418,906	4,419,139	756,327	2,886,587	735	123,045,439
<i>Less:</i>											
Unliquidated commitments as at 31 December 1962 .....	11,763,704	247,230	—	3,196,896	10,194,163	5,379,981	1,178,075	405,019	2,211,616	—	34,576,684
Accounts payable and sundry credit balances .....	232,863	1,296	5,101	80,819	1,075,876	315,045	54,237	—	24,678	28	1,789,943
	11,996,567	248,526	5,101	3,277,715	11,270,039	5,695,026	1,232,312	405,019	2,236,294	28	36,366,627
	17,760,116	3,544,485	23,699	10,725,472	31,712,025	18,723,880	3,186,827	351,308	650,293	707	86,678,812

<sup>a</sup> Including WMO project costs and part of agency costs.<sup>b</sup> Part of agency costs and preliminary investigation costs. The accounts of WMO were submitted on a cash basis; they have been adjusted for purposes of this statement.

## ANNEX 2

## International Labour Organisation as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year .....		7,267,238	
<i>Deduct:</i>			
Surrendered to the Fund:			
Prior year's other income .....		13,978	
			<u>7,253,260</u>
<i>Add:</i>			
Funds earmarked during current year including adjustments .....		9,078,100	
Unliquidated commitments at end of prior year .....		1,485,610	
			<u>17,816,970</u>
	TOTAL, available for disbursements		
<i>Deduct:</i>			
Commitments:			
Liquidated by disbursements during current year .....	3,891,399		
Unliquidated at end of current year .....	3,196,896	7,088,295	
			<u>10,728,675</u>
Unencumbered balance of earmarkings at end of current year .....			10,728,675
<i>Add:</i>			
Other income:			
Miscellaneous income and exchange adjustments .....			(3,203)
			<u>10,725,472</u>
Unencumbered balance of earmarkings and other income at end of current year .			<u>10,725,472</u>
Represented by:			
Cash at banks, on hand and in transit .....	1,219,089		
Undrawn allotments .....	1,892,880		
Unallotted earmarkings .....	10,849,098		
Accounts receivable and sundry debit balances .....	42,120	14,003,187	
			<u>14,003,187</u>
<i>Less:</i>			
Unliquidated commitments .....	3,196,896		
Accounts payable and sundry credit balances .....	80,819	3,277,715	
			<u>3,277,715</u>
			<u>10,725,472</u>

(Signed) E. J. RICHES  
Treasurer and Financial Comptroller  
For the Director-General,  
International Labour Office

## AUDIT CERTIFICATE

The above accounts have been examined in accordance with my instructions. I have obtained all the information and explanations that I have required and I certify, as a result of this audit, that, in my opinion, the above accounts are correct.

(Signed) UNO BRUNSKOG  
External Auditor



REPORT ON THE AUDIT OF THE ACCOUNTS CONCERNING THE OPERATIONS OF THE INTERNATIONAL LABOUR ORGANISATION RELATING TO THE UNITED NATIONS SPECIAL FUND FOR THE YEAR 1962

1. My examination of the accounts relating to the operations of the International Labour Organisation under the United Nations Special Fund for 1962 has been carried out in the same way as my audit of the accounts for the regular budget of the Organisation.

2. During 1962 there have been 41 different projects consisting of the following:

(a) Projects for which authorization to commence operations was received ....	23
(b) Projects for which advance credits were received for project costs .....	9
(c) Projects for which advance credits were received for agency costs only ....	2
(d) Projects for which preparatory allocations were received .....	7
	41
TOTAL PROJECTS	41

3. Funds earmarked for the projects mentioned in paragraph 2, including balances of earmarking carried over from 1961, amounted to \$16,331,360. To that amount has to be added \$1,485,610, representing unliquidated commitments at the end of previous years.

Of the total earmarkings \$17,816,970, \$7,088,295 were obligated and of that amount \$3,196,896 was unliquidated obligations relating to commitments representing balances to be settled up to the end of the contracts.

4. I have no other observations to make and I record my appreciation of the assistance of the officials of the Organisation.

(Signed) Uno BRUNSKOG  
*Auditor*

Geneva, 11 March 1963

## ANNEX 3(a)

## Food and Agriculture Organization of the United Nations as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year . . . . .		20,008,969	
<i>Deduct:</i>			
Surrendered to the Fund:			
Prior year's other income . . . . .		(1,266)	
			<u>20,010,235</u>
<i>Add:</i>			
Funds earmarked during current year including adjustments . . . . .		23,612,463	
Unliquidated commitments at end of prior year . . . . .		6,356,391	
			<u>49,979,089</u>
	TOTAL, available for disbursements		
<i>Deduct:</i>			
Commitments:			
Liquidated by disbursements during current year . . . . .	8,066,791		
Unliquidated at end of current year . . . . .	10,194,163	18,260,954	
			<u>31,718,135</u>
Unencumbered balance of earmarkings at end of current year . . . . .			31,718,135
<i>Add:</i>			
Other income:			
Miscellaneous income and exchange adjustments . . . . .		(6,110)	
			<u>31,712,025</u>
Unencumbered balance of earmarkings and other income at end of current year . .			<u><u>31,712,025</u></u>
Represented by:			
Cash at banks, on hand and in transit . . . . .	738,873		
Undrawn allotments . . . . .	9,385,759		
Unallotted earmarkings . . . . .	32,128,408		
Accounts receivable and sundry debit balances . . . . .	729,024	42,982,064	
			<u>42,982,064</u>
<i>Less:</i>			
Unliquidated commitments . . . . .	10,194,163		
Accounts payable and sundry credit balances . . . . .	1,075,876	11,270,039	
			<u><u>11,270,039</u></u>
			<u><u>31,712,025</u></u>
<i>(Signed)</i> W. K. MUDIE			<i>(Signed)</i> B. R. SEN
Director, Division of Finance			Director-General

## AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above statement is correct.

*(Signed)* E. G. COMPTON  
 (Comptroller and Auditor-General, Great Britain)  
 External Auditor

## ANNEX 3(b)

**Food and Agriculture Organization as executing agency**

STATUS OF FUNDS FROM GOVERNMENTS' COUNTERPART CONTRIBUTIONS IN CASH AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of available funds at end of prior year .....	167,112
<i>Add:</i>	
Income:	
Contributions received during current year .....	1,183,169
	<u>1,350,281</u>
<i>Deduct:</i>	
Cash disbursements during current year .....	563,970
	<u>786,311</u>
Balance of available funds at end of current year .....	<u><u>786,311</u></u>
Represented by:	
Accounts receivable and sundry debit balances .....	868,418
<i>Less:</i>	
Accounts payable and sundry credit balances .....	82,107
	<u>786,311</u>

*(Signed)* W. K. MUDIE  
*Director, Division of Finance*

*(Signed)* B. R. SEN  
*Director-General*

## AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above statement is correct. I have no observations to make upon it.

*(Signed)* E. G. COMPTON  
*(Comptroller and Auditor-General, Great Britain)*  
*External Auditor*

## REPORT OF THE EXTERNAL AUDITOR ON THE STATEMENTS SHOWING AS AT 31 DECEMBER 1962:

- (1) THE STATUS OF FUNDS EARMARKED TO THE FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS BY THE UNITED NATIONS SPECIAL FUND;
- (2) THE STATUS OF FUNDS FOR GOVERNMENTS' COUNTERPART CASH CONTRIBUTIONS TO SPECIAL FUND PROJECTS

1. Volume IV of the accounts of the Food and Agriculture Organization for the year ended 31 December 1962 consists of the statement showing as at 31 December 1962 the status of funds earmarked to the Organization by the United Nations Special Fund, together with the related schedules showing: (a) the cumulative position in regard to earmarkings and other income and (b) details of earmarkings and commitments by projects; and the statement showing the status of funds as at 31 December 1962 for Governments' counterpart cash contributions paid direct to the Organization, together with the related schedules giving details under projects. The statements and schedules are in the form prescribed by the Special Fund.

2. My examination has been carried out in conjunction with my audit of the accounts of the regular programme of the Organization. I have also examined the reports of the Internal Auditor.

*Advance appointments of project managers*

3. Special Fund instructions provide that, in certain circumstances, the executing agency may appoint a project manager before the project officially becomes operational, whereupon the Special Fund issues an earmarking covering the amount of the project manager's salary for a maximum period of 12 months. In four cases (*vide* schedule B, annexes 29, 52, 55 and 63) the Organization has been unable to restrict commitments to the amount of the earmarking because it was not possible to recruit a project manager without offering an appointment for a period exceeding that provided for in the earmarking.

*Allotment for the overhead costs of the Organization as executing agency*

4. Schedule B shows that the amount allotted for the year, and treated as fully expended, in respect of the executing agency's overhead costs was \$1,274,900. As stated in my report on the regular programme interim accounts for the calendar year 1962, the amount represented a contribution of about 8 per cent of FAO headquarters and regional office costs in 1962, whereas surveys undertaken by the Organization indicated that the proportion of time spent by professional staff at these offices on Special Fund activities was 16 per cent.

*Completed projects*

5. The statements at schedule A, annex 1, and schedule B, annex 2, relating to a completed project, have been examined in accordance with my directions and are, in my opinion, correct. This project was wound up at an early stage because the country concerned had obtained technical assistance from another source for virtually the same purpose.

6. I wish to record my appreciation of the willing co-operation of the officers of the Organization during my examination.

(Signed) E. G. COMPTON  
(Comptroller and Auditor-General, Great Britain)  
External Auditor

24 June 1963

## ANNEX 4(a)

## United Nations Educational, Scientific and Cultural Organization as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year .....		15,082,967	
<i>Deduct:</i>			
Surrendered to the Fund:			
Prior year's other income .....		(443)	
			15,083,410
<i>Add:</i>			
Funds earmarked during current year including adjustments .....		11,728,063	
Unliquidated commitments at end of prior year .....		1,280,942	
			<u>28,092,415</u>
	TOTAL, available for disbursements		
<i>Deduct:</i>			
Commitments:			
Liquidated by disbursements during current year .....	3,987,524		
Unliquidated at end of current year .....	5,379,981	9,367,505	
			<u>18,724,910</u>
Unencumbered balance of earmarkings at end of current year .....			18,724,910
<i>Add:</i>			
Other income:			
Miscellaneous income and exchange adjustments .....		(1,030)	
			<u>18,723,880</u>
Unencumbered balance of earmarkings and other income at end of current year..			<u>18,723,880</u>
<i>Represented by:</i>			
Cash at banks, on hand and in transit .....	530,991		
Undrawn allotments .....	2,012,477		
Unallotted earmarkings .....	21,784,488		
Accounts receivable and sundry debit balances .....	90,950	24,418,906	
			<u>24,418,906</u>
<i>Less:</i>			
Unliquidated commitments .....	5,379,981		
Accounts payable and sundry credit balances .....	315,045	5,695,026	
			<u>5,695,026</u>
			<u>18,723,880</u>

CERTIFIED CORRECT

(Signed) R. HARPER-SMITH  
Comptroller

APPROVED

(Signed) René MAHEU  
Director-General

## AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above statement is correct, subject to the observations in my report.

(Signed) E. G. COMPTON  
(Comptroller and Auditor-General, Great Britain)  
External Auditor

## ANNEX 4(b)

## United Nations Educational, Scientific and Cultural Organization as executing agency

STATUS OF FUNDS FROM GOVERNMENTS' COUNTERPART CONTRIBUTIONS IN CASH AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Contributions received during current year .....	100,000
<i>Deduct:</i>	
Cash disbursements during current year .....	29,963
Balance of available funds at end of current year .....	<u>70,037</u>
Represented by:	
Accounts receivable and sundry debit balances .....	<u>70,037</u>

(Signed) R. HARPER-SMITH  
Comptroller

(Signed) René MAHEU  
Director-General

## AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above statement is correct, subject to the observations in my report.

(Signed) E. G. COMPTON  
(Comptroller and Auditor-General, Great Britain)  
External Auditor

REPORT OF THE EXTERNAL AUDITOR ON THE STATEMENTS SHOWING AS AT 31 DECEMBER 1962:

- (1) THE STATUS OF FUNDS EARMARKED TO THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION BY THE UNITED NATIONS SPECIAL FUND;
- (2) THE STATUS OF FUNDS FOR GOVERNMENTS' COUNTERPART CASH CONTRIBUTIONS TO SPECIAL FUND PROJECTS

1. The statements and the related schedules and annexes are in the form prescribed by the Special Fund.

2. My examination has been carried out in conjunction with my audit of the accounts of the regular programme of the Organization. I have also examined the reports of the Internal Auditor.

*Advance appointments of project managers and experts*

3. Special Fund instructions provide that, in certain circumstances, the executing agency may appoint project managers and experts before projects officially become operational, whereupon the Special Fund issues earmarkings covering the amount of the salaries concerned for a maximum period of 12 months. As indicated in footnotes to schedule B, annexes 23, 24, 29, 30, 33, and 35, in six cases the Organization has been unable to restrict commitments to the amount of the earmarking because it was not possible to recruit certain experts without offering appointments for a period exceeding that provided for in the earmarking.

4. I wish to record my appreciation of the willing co-operation of the officers of the Organization during my examination.

(Signed) E. G. COMPTON  
(Comptroller and Auditor-General, Great Britain)  
*External Auditor*

10 July 1963

## ANNEX 5

## International Civil Aviation Organization as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year .....		4,947,336
<i>Deduct:</i>		
Surrendered to the Fund:		
Prior year's other income .....		1,841
		<u>4,945,495</u>
<i>Add:</i>		
Funds earmarked during current year including adjustments .....		7,450
Unliquidated commitments at end of prior year .....		479,822
		<u>5,432,767</u>
	TOTAL, available for disbursements	
<i>Deduct:</i>		
Commitments:		
Liquidated by disbursements during current year .....	1,068,847	
Unliquidated at end of current year .....	1,178,075	2,246,922
		<u>3,185,845</u>
Unencumbered balance of earmarkings at end of current year .....		3,185,845
<i>Add:</i>		
Other income:		
Miscellaneous income and exchange adjustments .....		982
		<u>3,186,827</u>
Unencumbered balance of earmarkings and other income at end of current year ..		<u><u>3,186,827</u></u>
Represented by:		
Cash at banks, on hand and in transit .....	314,784	
Undrawn allotments .....	820,832	
Unallotted earmarkings .....	3,270,736	
Accounts receivable and sundry debit balances .....	12,787	4,419,139
		<u>4,419,139</u>
<i>Less:</i>		
Unliquidated commitments .....	1,178,075	
Accounts payable and sundry credit balances .....	45,917	
Service Benefit Financing Fund .....	8,320	1,232,312
		<u>1,232,312</u>
		<u><u>3,186,827</u></u>
CERTIFIED CORRECT		APPROVED
(Signed) J. BERRIER		(Signed) R. M. MACDONNELL
Director, Bureau of Administration		Secretary General
and Services		

## AUDIT CERTIFICATE

The above statement showing the status of funds from earmarkings made to the International Civil Aviation Organization in connexion with the United Nations Special Fund projects for the year ended 31 December 1962, has been examined. All the information and explanations required have been obtained, and I certify that, in my opinion, the above statement and the related schedule of Special Fund projects are correct.

(Signed) A. M. HENDERSON  
(Auditor-General of Canada)  
External Auditor



REPORT OF THE EXTERNAL AUDITOR TO THE GENERAL ASSEMBLY ON THE AUDIT OF THE ACCOUNTS RESPECTING THE STATUS OF FUNDS OF THE INTERNATIONAL CIVIL AVIATION ORGANIZATION RELATING TO THE UNITED NATIONS SPECIAL FUND FOR THE YEAR ENDED 31 DECEMBER 1962

1. The Provisional Financial Regulations of the Special Fund require that the executing agencies shall transmit to the Managing Director of the Fund for submission to its Governing Council and to the United Nations General Assembly annual accounts showing the status of all funds either allocated to them by the Managing Director for the execution of projects or made available to them by Governments as counterpart contributions in cash in accordance with project plans of operations. Such accounts shall bear audit certificates from the executing agency's external auditors and shall be accompanied by their reports. This is the report on the examination of the accounts maintained by the International Civil Aviation Organization for the year ended 31 December 1962.

2. The statement submitted by the Secretary General showing the status of funds as at 31 December 1962, prepared in the form required by the Managing Director of the Special Fund, has been examined and has been certified as being in accordance with the accounts maintained by the Organization and being, in my opinion, correct. According to the Organization's records, no funds were made available to the Organization by Governments as counterpart contributions in cash during 1962.

3. The statement shows the total commitments liquidated by disbursements during the year ended 31 December 1962 as \$1,068,847 which comprises \$61,628 for "executing agency's costs", and \$1,007,219 for project field costs. In addition, there were unliquidated commitments of \$1,178,075, as shown on the statement.

Included in the above amount of \$61,628 is an amount of \$5,610 not actually expended and representing the difference between the total amount earmarked and allotted for the executing agency's costs for 1962 and the actual expenditure in the year. The corresponding credit was made to a "Central Administration Fund" and is included under "Accounts payable and sundry credit balances" as at 31 December 1962.

4. The unencumbered balance of earmarkings and other income available at the year-end was \$3,186,827, consisting of cash at banks and other assets, less unliquidated commitments and other liabilities. The cash at banks of \$314,784 was verified by certificates received directly from the banks concerned except in the case of two accounts involving a total of \$9,425 for which certificates have not yet been received.

All the information and explanations required were readily provided to my officers, and the audit was facilitated by the co-operation extended by officers of the Secretariat, for which I am glad to record my appreciation.

(Signed) A. M. HENDERSON  
(Auditor-General of Canada)  
External Auditor

22 March 1963

## ANNEX 6

## World Health Organization as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year . . . . .		459,431
<i>Add:</i>		
Funds earmarked during current year including adjustments . . . . .		324,100
Unliquidated commitments at end of prior year . . . . .		65,569
	TOTAL, available for disbursements	<u>849,100</u>
<i>Deduct:</i>		
Commitments:		
Liquidated by disbursements during current year . . . . .	92,773	
Unliquidated at end of current year . . . . .	405,019	497,792
		<u>351,308</u>
Unencumbered balance of earmarkings at end of current year . . . . .		<u>351,308</u>
<i>Represented by:</i>		
Undrawn allotments . . . . .	288,300	
Unallotted earmarkings . . . . .	365,800	
Accounts receivable and sundry debit balances . . . . .	102,227	756,327
		<u>756,327</u>
<i>Less:</i>		
Unliquidated commitments . . . . .		405,019
		<u>405,019</u>
		<u>351,308</u>

CERTIFIED CORRECT

(Signed) Ted L. SMITH  
Chief, Finance

APPROVED

(Signed) Eric RENLUND  
Director, Budget and Finance

## AUDIT CERTIFICATE

The above accounts have been examined in accordance with my instructions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above account is correct.

(Signed) Uno BRUNSKOG  
External Auditor

---

REPORT ON THE AUDIT RELATING TO THE OPERATIONS OF THE WORLD HEALTH ORGANIZATION UNDER THE UNITED NATIONS SPECIAL FUND

The operations of the World Health Organization under the United Nations Special Fund were limited during 1962 to two projects in India, involving disbursements in an amount of \$92,773. Unliquidated obligations at the year end amounted to \$405,019.

The explanatory notes to the Financial Report provide additional information, and I have no observations to make.

(Signed) Uno BRUNSKOG  
*External Auditor*

Geneva, 11 March 1963

## ANNEX 7

## International Bank for Reconstruction and Development as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year .....		459,168.69	
<i>Add:</i>			
Funds earmarked during current year including adjustments .....		1,190,325.00	
Unliquidated commitments at end of prior year .....		2,525,816.13	
	TOTAL, available for disbursements		4,175,309.82
<i>Deduct:</i>			
Commitments:			
Liquidated by disbursements during current year .....	1,283,319.25		
Unliquidated at end of current year .....	2,211,615.47	3,494,934.72	
Unencumbered balance of earmarkings at end of current year .....		680,375.10	
<i>Less:</i> Exchange adjustment .....		30,081.66	
Unencumbered balance of earmarkings, net of exchange adjustment, at end of current year .....		<u>650,293.44</u>	
<i>Represented by:</i>			
Cash at banks .....	858,220.91		
Undrawn allotments .....	295,267.23		
Unallotted earmarkings .....	1,733,099.00	2,886,587.14	
<i>Less:</i>			
Unliquidated commitments .....	2,211,615.47		
Accounts payable .....	24,678.23	2,236,293.70	
		<u>650,293.44</u>	

## INDEPENDENT AUDITOR'S OPINION

The above statement showing the status of funds held by the International Bank for Reconstruction and Development as executing agency of United Nations Special Fund projects as at 31 December 1962 has been examined in accordance with the directions of the undersigned. All the information and explanations required have been obtained, and this is to certify, as a result of the audit, that, subject to the observations in the report, in the opinion of the undersigned, the above statement is correct.

*(Signed)* PRICE WATERHOUSE & Co.  
By Theodore HERZ, a partner

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT AS EXECUTING AGENCY FOR CERTAIN UNITED NATIONS SPECIAL FUND PROJECTS; REPORT AND COMMENTS OF INDEPENDENT AUDITOR ON STATUS OF FUNDS AND INDEPENDENT AUDITOR'S OPINION FOR THE YEAR ENDED 31 DECEMBER 1962

The accounts and records of the International Bank for Reconstruction and Development as Executing Agency for the United Nations Special Fund are maintained, and the financial statement is presented, in terms of United States dollars.

On 2 May 1962 the par of exchange between the Canadian dollar and the United States dollar was changed to 1.08 Canadian dollars to one United States dollar. As executing agency for the Special Fund, the Bank adjusted the exchange rates used in accounting for Canadian dollars to 1.08 and recorded a loss on revaluation relating to the Canadian dollars held on 2 May 1962.

With this exception, as executing agency for the Special Fund, the Bank translates currencies other than United States dollars into United States dollars at the exchange rate used by the Special Fund when making remittances to the Bank.

The statement of the status of funds has been prepared in accordance with the format prescribed by the United Nations Special Fund. The following table summarizes briefly additional information relating to commitments liquidated or unliquidated. In the format specified for annual reporting the latter are re-included in the amount reported as the total available for disbursements.

	\$	\$
Unliquidated commitments at 1 January 1962 .....		2,525,816.13
Commitments made during 1962 .....		969,118.59
		<u>3,494,934.72</u>
Commitments liquidated during 1962 .....		1,283,319.25
		<u>1,283,319.25</u>
Unliquidated commitments at 31 December 1962 relating to:		
Commitments existing at 1 January 1962 .....	1,307,893.74	
Commitments made during 1962 .....	903,721.73	2,211,615.47
		<u>2,211,615.47</u>

The Bank reports as unliquidated commitments only those amounts for which, as Executing Agency for the Special Fund, it has entered into contracts for receipt of goods or services or for which the Government receiving assistance from the Special Fund has entered into such contracts. Also the Bank reports as unencumbered balance of earmarkings, amounts for which no such commitments have been made.

(Signed) PRICE WATERHOUSE & Co.  
By Theodore HERZ, a partner

## ANNEX 8

## International Telecommunication Union as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds at end of prior year .....		829,253.23	
<i>Add:</i>			
Funds earmarked during current year including adjustments .....		3,175,968.00	
	TOTAL, available for disbursements		<u>4,005,221.23</u>
<i>Deduct:</i>			
Commitments:			
Liquidated by disbursements during current year .....	213,506.83		
Unliquidated at end current year .....	247,229.81	460,736.64	
Unencumbered balance of earmarkings at end of current year			<u>3,544,484.59</u>
<i>Represented by:</i>			
Cash at banks, on hand and in transit .....	27,447.76		
Undrawn allotments .....	570,431.00		
Unallotted earmarkings .....	3,192,662.00		
Accounts receivable and sundry debit balances .....	2,469.97	3,793,010.73	
<i>Less:</i>			
Unliquidated commitments .....	247,229.81		
Accounts payable and sundry credit balances .....	1,296.33	248,526.14	
			<u>3,544,484.59</u>

CERTIFIED CORRECT

(Signed) R. C. CHATELAIN  
*Chef de la Division des finances*

Geneva, 25 February 1963

## AUDIT CERTIFICATE

I have examined the books and accounts of the International Telecommunication Union and I hereby certify that the above is a true extract therefrom and, to the best of my knowledge and belief, correct.

(Signed) Ch. ROCHON  
*(Chef de section au Contrôle  
fédéral des finances de la Con-  
fédération suisse)*  
External Auditor

## ANNEX 9

**World Meteorological Organization as executing agency**

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Balance of earmarkings and other available funds as at 31 December 1961 .....		70,876	
<i>Deduct:</i>			
Liquidated by disbursements during current year			
Personal services .....	27,800		
Travel and transportation .....	4,649		
Miscellaneous .....	323	32,772	
		<u>          </u>	<u>          </u>
<i>Add:</i> Miscellaneous income and exchange adjustments ( <i>net</i> ) .....			95
			<u>          </u>
			<u>38,199</u>
Represented by:			
Cash at bank, on hand and in transit .....	12,639		
Undrawn allotments and unallotted earmarkings .....	30,642		
Accounts receivable .....	19	43,300	
		<u>          </u>	
<i>Less:</i> Accounts payable .....			5,101
			<u>          </u>
			<u>38,199</u>

*(Signed)* D. A. DAVIES  
*Secretary-General*

*(Signed)* E. H. COOK  
*Chief, Finance Section*

## AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required, and I certify, as a result of the audit, that, in my opinion, the above statement is correct.

*(Signed)* E. G. COMPTON  
*(Comptroller and Auditor-General, Great Britain)*  
*External Auditor*

## ANNEX 10

## International Atomic Energy Agency as executing agency

STATUS OF FUNDS AS AT 31 DECEMBER 1962

*(Expressed in United States dollars)*

Remittances received from United Nations Special Fund .....	1,000
Cash disbursements during 1962 .....	293
	<hr/>
Balance of earmarkings as at 31 December 1962 .....	707
	<hr/>
Represented by:	
Cash at bank .....	735
Deduct:	
Sundry credit balances (due to Administrative Fund) .....	28
	<hr/>
	707
	<hr/>

(Signed) Howard R. ENNOR  
*Acting Director, Division of Budget  
and Finance*

(Signed) Sigvard EKLUND  
*Director General*

## AUDIT CERTIFICATE

The above statement has been examined in accordance with my directions. I have obtained all the information and explanations that I have required and I certify, as a result of the audit, that in my opinion the statement is correct.

(Signed) Dr. Guido HERTEL  
*(President of the Court of Accounts,  
Federal Republic of Germany)*  
*External Auditor*



REPORT OF THE EXTERNAL AUDITOR TO THE MANAGING DIRECTOR OF THE UNITED NATIONS SPECIAL FUND ON THE AUDIT OF THE ACCOUNTS OF THE INTERNATIONAL ATOMIC ENERGY AGENCY RELATING TO THE SPECIAL FUND: STATUS OF FUNDS ALLOCATED TO IAEA AS AT 31 DECEMBER 1962

1. The Director General of the International Atomic Energy Agency submitted the following financial statement for audit certification:

United Nations Special Fund:

Status of funds allocated to IAEA as at 31 December 1962.

2. The above-mentioned statement is certified by me as being in accordance with the books and records; two copies are attached.

3. I have examined the transactions, accounts and inventories to the extent deemed necessary to satisfy myself as to the general state of the accounts and the accuracy of the financial statement submitted for audit certificate, and to report thereon to the Managing Director of the United Nations Special Fund. All information required was provided and I now record my appreciation of the co-operation and assistance extended by the secretariat of the Agency.

*(Signed)* Dr. Guido HERTEL  
*(President of the Court of Accounts,  
Federal Republic of Germany)*  
*External Auditor*

Vienna, 29 March 1963



**Agenda item 64: Administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency:\***

- (a) **Report of the Advisory Committee on Administrative and Budgetary Questions;**  
(b) **Inter-organizational machinery for matters of pay and personnel administration: report of the Secretary-General**

**C O N T E N T S**

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
<b>(a) Report of the Advisory Committee on Administrative and Budgetary Questions</b>		
A/C.5/977	Information annex to the budget estimates for the financial year 1964: note by the Secretary-General .....	2
A/5599	Report of the Advisory Committee on Administrative and Budgetary Questions.....	10
<b>(b) Inter-organizational machinery for matters of pay and personnel administration: report of the Secretary-General</b>		
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fifth Committee*, 1034th, 1036th to 1038th, 1050th and 1060th meetings; and *ibid.*, *Plenary Meetings*, 1284th meeting.

**Abbreviations**

ACC	Administrative Committee on Co-ordination
CCAQ	Consultative Committee on Administrative Questions
ECA	Economic Commission for Africa
ECAFE	Economic Commission for Asia and the Far East
ECLA	Economic Commission for Latin America
EPTA	Expanded Programme of Technical Assistance
FAO	Food and Agriculture Organization of the United Nations
IAEA	International Atomic Energy Agency
ICAO	International Civil Aviation Organization
ICSAB	International Civil Service Advisory Board
ILO	International Labour Organisation
IMCO	Inter-Governmental Maritime Consultative Organization
ITU	International Telecommunication Union
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
UPU	Universal Postal Union
WHO	World Health Organization
WMO	World Meteorological Organization

## (a) Report of the Advisory Committee on Administrative and Budgetary Questions

## DOCUMENT A/C.5/977

## Information annex to the budget estimates for the financial year 1964

## Note by the Secretary-General

[Original text: English]  
[20 August 1963]

1. This information annex to the budget estimates for 1964, submitted pursuant to regulation 3.3 of the Financial Regulations, contains data on the 1964 budgets of the United Nations, the specialized agencies and the International Atomic Energy Agency, with comparative information for the years 1963 and 1962.

2. The specialized agencies for which information is included are:

- (i) The International Labour Organisation;
- (ii) The Food and Agriculture Organization of the United Nations;
- (iii) The United Nations Educational, Scientific and Cultural Organization;
- (iv) The International Civil Aviation Organization;
- (v) The Universal Postal Union;
- (vi) The World Health Organization;
- (vii) The International Telecommunication Union;
- (viii) The World Meteorological Organization; and
- (ix) The Inter-Governmental Maritime Consultative Organization.

3. The relevant data for the International Atomic Energy Agency have been transmitted for the information of the General Assembly in accordance with article XVI, paragraph 3, of the agreement governing the relationship between the Agency and the United Nations (General Assembly resolution 1145 (XII) and annex).

4. The budget appropriations or estimates are presented under the following headings:

*Table A.* Summary of 1964 and 1963 budget appropriations or estimates and 1962 expenditures.

*Table B.* Summary of budget appropriations or estimates by standard objects of expenditure, 1964 and 1963.

*Table C.* Established posts:

*Schedule 1.* Total established posts for 1964, 1963 and 1962.

*Schedule 2.* Total established posts for 1964 by location.

NOTE: When appropriate, the following rates of exchange against the US dollar have been used: Swiss francs: 4.32; Canadian dollar at par.

**TABLE A**  
**Summary of 1964 and 1963 budget appropriations or estimates, and 1962 expenditures**  
*(Amounts in US dollars)*

Organization	1964			1963			1962		
	Gross	Revenue	Net	Gross	Revenue	Net	Gross	Revenue	Net
United Nations <sup>a</sup> .....	96,611,350	14,764,200	81,847,150	93,911,050	15,247,500	78,663,550	84,452,350	14,605,837	69,846,513
International Labour Organisation.....	16,977,156	588,357	16,388,799	14,577,834	571,000	14,006,834	12,737,507	523,384	12,214,123
Food and Agriculture Organization of the United Nations .....	19,446,470 <sup>b</sup>	1,424,057	18,022,413	16,816,658 <sup>c</sup>	1,075,243	15,741,415	14,368,342	1,429,757	12,938,585
United Nations Educational, Scientific and Cultural Organization <sup>d</sup> .....	19,822,698	1,113,500	18,709,198	19,177,302	1,113,500	18,063,802	18,189,035 <sup>e</sup>	1,158,104	17,030,931
International Civil Aviation Organization <sup>f</sup> .....	5,907,926	1,202,529	4,705,397	5,827,028	1,163,794	4,663,234	5,503,010	1,105,255	4,397,755
Universal Postal Union.....	1,346,528	118,055	1,228,473	899,537 <sup>g</sup>	28,009	871,528	731,598	23,373	708,225
World Health Organization <sup>h</sup> .....	34,065,100	1,606,090	32,459,010	30,394,100	1,659,100	28,735,000	24,164,650	2,398,620	21,766,030
International Telecommunication Union.....	3,926,329	222,279	3,704,050	4,103,006 <sup>i</sup>	188,263	3,914,743	3,409,693	202,652	3,207,041
World Meteorological Organization.....	1,267,599 <sup>j</sup>	2,500	1,265,099	935,439 <sup>k</sup>	2,500	932,939	771,166	2,500	768,666
Inter-Governmental Maritime Consultative Organization .....	574,880	6,800	568,080	421,250	8,350	412,900	402,491	3,959	398,532
International Atomic Energy Agency.....	10,713,382 <sup>l</sup>	3,493,382 <sup>m</sup>	7,220,000	10,828,100	3,705,600 <sup>m</sup>	7,122,500	8,789,777	3,151,473 <sup>m</sup>	5,638,304
<b>TOTAL</b>	<b>210,659,418</b>	<b>24,541,749</b>	<b>186,117,669</b>	<b>197,891,304</b>	<b>24,762,859</b>	<b>173,128,445</b>	<b>173,519,619</b>	<b>24,604,914</b>	<b>148,914,705</b>

*United Nations:*

<sup>a</sup> The revenue figures include income from assessment on salaries and emoluments of staff (1964: \$9,300,000; 1963: \$9,101,000; 1962: \$8,601,265) credited to a Tax Equalization Fund (General Assembly resolution 973 (X)) in which Member States are given credit in proportion to the scale of assessment for the apportionment of expenses.

*Food and Agriculture Organization of the United Nations:*

<sup>b</sup> 1946 part of Director-General's proposed budget for 1964-1965.

<sup>c</sup> The 1963 figure represents the balance of the 1962-1963 biennial appropriation (and of the revenue estimates) after deduction of the 1962 actual expenditure.

*United Nations Educational, Scientific and Cultural Organization:*

<sup>d</sup> UNESCO now operating on a two-year budget, the division between 1963 and 1964 is given at an approximate level.

<sup>e</sup> Includes an advance of \$1,024,000 from the Working Capital Fund authorized by the Executive Board in relation to the construction of additional Headquarters premises, increased post adjustments and the increase in salary and allowances for professional and higher staff as a consequence of the adoption on 1 January 1962 of the new salary and allowances system of the United Nations.

*International Civil Aviation Organization:*

<sup>f</sup> 1962 expenditure figures are given in Canadian dollars which, for comparative purposes, are considered at par with the US dollar.

*Universal Postal Union:*

<sup>g</sup> Revised budget.

*World Health Organization:*

<sup>h</sup> The gross and net figures exclude undistributed reserves (1964: \$2,223,130; 1963: \$2,149,570; 1962: \$1,683,140).

*International Telecommunication Union:*

<sup>i</sup> Revised budget approved by the Administrative Council at its eighteenth session held in March-April 1963.

*World Meteorological Organization:*

<sup>j</sup> 1964 will be the first year of the fourth financial period (1964-1967) for which the total appropriations are \$5,373,581.

<sup>k</sup> By resolution 44 (EC-XIV) the Executive Committee authorized the original budget appropriation of \$814,378, but also provided for the reappropriation of the 1962 budgetary surplus to 1963 (\$25,061). A further supplementary estimate of \$96,000 was approved to cover new urgent projects.

*International Atomic Energy Agency:*

<sup>l</sup> Subject to approval by the General Conference to be held in September 1963.

<sup>m</sup> Includes voluntary contributions from Member States, EPTA funds, and income from investments and reimbursable laboratory services.

## Summary of budget appropriations or estimates

(Amounts in millions of dollars)

Objects of expenditure	United Nations		ILO		FAO		UNESCO		ICAO	
	1963 Appropriations	1964 Estimates	1963 Appropriations	1964 Appropriations	1963* Appropriations	1964* Estimates	1963 Appropriations	1964 Appropriations	1963 Appropriations	1964 Appropriations
<b>GROUP I. PERSONNEL SERVICES</b>										
<i>Salaries and wages</i>										
Established posts .....	41,246,600	43,595,300	6,998,992	7,762,861	8,977,518	9,802,800	7,915,574	8,098,089	3,590,032	3,750,000
Temporary assistance .....	1,595,700	2,057,700	346,609	411,688	347,605	359,300	85,000	175,069	87,750	87,750
Casual labour .....	—	—	129,453	137,256	—	—	—	—	—	—
Overtime and night differential .....	624,000	632,000	27,462	41,647	34,789	40,450	29,000	29,700	28,194	28,194
Commutation of annual leave .....	410,600	427,500	—	—	50,000	55,000	24,500	25,500	24,500	24,500
Consultants' fees .....	666,000 <sup>a</sup>	654,000 <sup>a</sup>	205,236	162,974	311,764 <sup>a</sup>	290,500 <sup>a</sup>	50,000	51,805	9,259	9,259
	<u>41,542,900</u>	<u>47,366,500</u>	<u>7,707,752</u>	<u>8,516,426</u>	<u>9,721,676</u>	<u>10,548,050</u>	<u>8,104,074</u>	<u>8,380,163</u>	<u>3,739,735</u>	<u>3,739,735</u>
<i>Staff allowances</i>										
Dependency allowances, education grants and related travel .....	1,425,800	2,500,800	563,630	600,340	732,750	850,720	485,729	505,555	227,426	227,426
Contributions—Joint Staff Pension Fund .....	4,594,700	4,609,000	1,276,425	1,366,533	1,224,132	1,381,670	885,920	922,080	421,166	421,166
Contributions—medical and other social insurance .....	468,200	461,000	79,029	113,953	109,450	130,260	142,186	147,989	31,550	31,550
Installation allowances, separation payments and repatriation grants .....	1,155,950	1,216,000	198,800	227,763	89,500	230,850	114,440	119,110	43,110	43,110
Reimbursement of national income taxation .....	—	—	—	—	51,700	53,100	24,500	24,500	2,777	2,777
Other .....	193,250	208,500	88,696	130,336	—	—	52,800 <sup>1</sup>	21,940 <sup>1</sup>	13,281	13,281
	<u>1,837,900</u>	<u>8,995,300</u>	<u>2,206,580</u>	<u>2,438,923</u>	<u>2,207,532</u>	<u>2,646,600</u>	<u>1,705,575</u>	<u>1,741,174</u>	<u>739,310</u>	<u>739,310</u>
<b>TOTALS, GROUP I</b>	<u><b>51,380,800</b></u>	<u><b>56,361,800</b></u>	<u><b>9,914,332</b></u>	<u><b>10,955,351</b></u>	<u><b>11,929,208</b></u>	<u><b>13,194,650</b></u>	<u><b>9,809,649</b></u>	<u><b>10,121,337</b></u>	<u><b>4,479,045</b></u>	<u><b>4,479,045</b></u>
<b>GROUP II. GENERAL SERVICES</b>										
<i>Travel and transportation</i>										
Travel on official business										
Members .....	1,172,300	1,233,500	557,498	620,305	42,742	31,000	660,810	730,756	—	—
Staff .....	1,049,000	990,200	167,497	175,735	710,469	1,047,310	300,000	346,719	197,860	197,860
Consultants .....	—	—	—	—	60,000	60,000	115,000	122,545	—	—
Travel on home leave .....	103,900	1,207,800	305,000	249,000	513,250	409,570	151,336	188,313	194,540	194,540
Travel and removal expenses of staff and dependants .....	999,700	1,018,000	187,590	130,580	207,200	643,730	167,527	208,459	57,030	57,030
Others .....	60,900	55,200	—	—	—	—	—	—	—	—
	<u>1,385,800</u>	<u>4,504,700</u>	<u>1,217,585</u>	<u>1,175,620</u>	<u>1,533,661</u>	<u>2,191,610</u>	<u>1,394,673</u>	<u>1,596,792</u>	<u>449,430</u>	<u>449,430</u>
<i>Contractual and other services</i>										
Printing .....	493,650	1,491,400	505,396	507,969	171,438	352,800	485,000	478,790	37,037	37,037
All others .....	1,892,200	6,143,200	594,688	700,297	1,044,758	1,348,830	1,369,880 <sup>m</sup>	1,443,939 <sup>m</sup>	600,685	600,685
	<u>1,385,850</u>	<u>7,634,600</u>	<u>1,100,084</u>	<u>1,208,266</u>	<u>1,216,196</u>	<u>1,701,630</u>	<u>1,854,880</u>	<u>1,922,729</u>	<u>637,722</u>	<u>637,722</u>
<i>Supplies and materials</i>										
Supplies and materials .....	1,781,300	1,811,450	118,031	112,764	142,162	322,850	400,000	407,073	35,717	35,717
<i>Property and equipment</i>										
Property and equipment .....	1,786,000	6,551,000	277,100	273,305	126,000	326,680	350,475	287,510	133,426	133,426
<b>TOTALS, GROUP II</b>	<u><b>11,338,950</b></u>	<u><b>20,501,750</b></u>	<u><b>2,712,800</b></u>	<u><b>2,769,955</b></u>	<u><b>3,018,019</b></u>	<u><b>4,542,770</b></u>	<u><b>4,000,028</b></u>	<u><b>4,214,104</b></u>	<u><b>1,256,295</b></u>	<u><b>1,256,295</b></u>
<b>GROUP III. SPECIAL PROJECTS AND ACTIVITIES</b>										
Missions .....	1,931,000	4,022,100	—	—	—	—	1,782,625	1,839,425	—	—
Grants-in-aid .....	1,400,000	6,400,000	—	—	—	—	645,000	650,300	—	—
Scholarships-fellowships .....	59,500	50,500	69,500	74,500	—	67,500	620,000	622,420	—	—
Other .....	1,886,500 <sup>b</sup>	8,310,600 <sup>b</sup>	1,293,000	1,538,000	1,557,120 <sup>b</sup>	1,030,700 <sup>b</sup>	2,320,000 <sup>a</sup>	2,375,112 <sup>a</sup>	83,448	83,448
<b>TOTALS, GROUP III</b>	<u><b>11,277,000</b></u>	<u><b>18,783,200</b></u>	<u><b>1,362,500</b></u>	<u><b>1,612,500</b></u>	<u><b>1,557,120</b></u>	<u><b>1,098,200</b></u>	<u><b>5,367,625</b></u>	<u><b>5,487,257</b></u>	<u><b>83,448</b></u>	<u><b>83,448</b></u>
<b>GROUP III (A). INTERNATIONAL COURT OF JUSTICE</b>										
INTERNATIONAL COURT OF JUSTICE .....	914,300	964,600	—	—	—	—	—	—	—	—

ard objects of expenditure, 1963 and 1964

d States dollars)

3 ites	UPU		WHO		ITU		WMO		IMCO		IAEA		TOTAL	
	1964 Estimates	1963 <sup>t</sup> Estimates	1964 <sup>t</sup> Estimates	1963 <sup>u</sup> Appropriations	1964 Estimates	1963 Appropriations	1964 Appropriations	1963 Appropriations	1964 Appropriations	1963 Appropriations	1964 Estimates	1963	1964	
18	452,315 <sup>v</sup>	12,412,129	13,195,626	2,100,635	2,146,028	430,660	609,570	171,000	249,630	3,349,000 <sup>ee</sup>	3,493,000 <sup>ee</sup>	89,560,658	93,132,435	
11	34,722	153,750	159,840	50,643	64,583	83,185	49,050	83,200 <sup>bb</sup>	63,400 <sup>bb</sup>	168,000 <sup>dd</sup>	154,000 <sup>dd</sup>	3,049,873	3,633,435	
	—	—	—	532,635	309,026	—	—	—	—	—	—	662,088	446,282	
53	463	—	—	3,935	3,472	7,000	2,850	750	1,000	30,000	30,000	785,593	814,606	
	—	—	—	—	—	—	—	—	—	25,000	25,000	534,600	557,500	
	—	464,100	558,900	6,481	5,093	—	11,000	—	—	60,000	57,000	1,772,840	1,800,531	
22	487,500	13,029,979	13,914,366	2,694,149	2,528,202	520,845	672,470	254,950	314,030	3,632,000	3,759,000	96,365,652	100,384,789	
22	26,620	817,087	1,011,745	187,290	181,642	35,700	61,000	14,350	21,800	264,000	254,000	5,775,984	6,243,329	
	—	1,302,681	1,379,140	324,859	343,377	61,955	95,774	22,850	27,500	338,000	356,000	10,452,688	10,918,141	
28	87,963	246,995	262,428	50,833	53,564	14,303	21,680	4,700	2,900	55,000	59,000	1,269,144	1,372,816	
28	14,120	1,146,599	1,205,831	8,333	10,162	500	10,000	3,700	10,400	331,000	334,000	3,108,830	3,414,736	
	—	115,253	117,142	—	—	—	—	—	—	25,000	30,000	219,230	227,519	
24	694	39,000	39,000	26,944	28,310	2,350	4,450	4,000	1,500	9,000	28,500	430,015	476,511	
12	129,397	3,667,615	4,015,286	598,259	617,055	114,808	192,904	49,600	64,100	1,022,000	1,061,500	21,255,891	22,653,052	
24	616,897	15,697,594	17,929,652	3,292,408	3,145,257	635,653	865,374	304,550	378,130	4,654,000	4,820,500	117,621,543	123,037,841	
78	16,204	287,500	291,500	39,583	43,981	—	31,250	—	—	500	1,000	2,788,711	2,999,496	
21	155,092 <sup>r</sup>	1,002,622 <sup>u</sup>	1,061,584 <sup>u</sup>	103,541	83,865	7,584	29,150	18,700	13,000	178,000	150,000	3,757,264	4,240,043	
	—	541,830	659,732	—	—	—	—	2,050	2,000	30,000	28,000	748,880 <sup>s</sup>	872,277	
35	25,463	412,959	819,611	62,592	107,962	1,845	11,500	14,400	5,000	92,000	106,000	2,862,007	3,267,789	
59	17,361	268,621	279,786	13,426	13,889	2,000	50,000	—	—	98,000	87,000	2,010,353	2,497,805	
	—	—	—	532	2,847	45,480	39,000	—	—	—	—	106,912	97,047	
13	214,120	2,513,532	3,112,213	219,674	252,544	56,909	160,900	35,150	20,000	398,500	372,000	12,274,127	13,974,457	
52	139,815 <sup>u</sup>	536,552 <sup>v</sup>	562,512 <sup>v</sup>	66,064	41,088	42,000	45,000	8,600	15,500	128,500 <sup>oo</sup>	66,800 <sup>oo</sup>	3,576,089	3,738,711	
51	196,759	1,649,631	1,756,492	59,725	33,484	29,040	45,400	12,500	18,000	1,508,500 <sup>tt</sup>	1,653,700 <sup>tt</sup>	12,841,468	13,933,287	
13	336,574	2,186,183	2,319,004	125,789	74,572	71,040	90,400	21,100	33,500	1,637,000	1,720,500	16,417,557	17,671,998	
16	27,778	451,671 <sup>w</sup>	472,767 <sup>w</sup>	96,874	97,106	44,020	37,800	15,000	15,000	70,500 <sup>ss</sup>	66,000 <sup>ss</sup>	3,170,321	3,406,918	
16	58,565	288,482 <sup>x</sup>	440,326 <sup>x</sup>	355,090	346,896	43,565	66,875	44,100	124,050	143,500	98,500	6,600,284	8,697,341	
18	637,037	5,439,868	6,344,310	797,427	771,118	215,534	355,975	115,350	192,550	2,249,500	2,257,000	38,462,289	43,750,714	
	—	—	—	—	—	—	—	—	—	70,000	70,000	5,783,625	5,931,525	
	—	1,229,280	1,441,280	—	—	500	500	—	—	2,149,000	1,925,882	10,423,780	10,417,962	
	—	1,745,358	2,036,858	—	—	—	—	—	—	906,000	633,500	3,400,358	3,485,278	
15	92,594	—	—	—	—	75,331	37,000	—	—	649,600 <sup>hh</sup>	856,500 <sup>hh</sup>	14,921,714	14,327,154	
15	92,594	2,974,638	3,478,138	—	—	75,831	37,500	—	—	3,774,600	3,485,882	34,529,477	34,161,919	
	—	—	—	—	—	—	—	—	—	—	—	914,300	964,000	

## Summary of budget appropriations or estimate

(Annex)

Objects of expenditure	United Nations		ILO		FAO		UNESCO		ICAO	
	1963 Appropriations	1964 Estimates	1963 Appropriations	1964 Appropriations	1963* Appropriations	1964 <sup>†</sup> Estimates	1963 Appropriations	1964 Appropriations	1963 Appropriations	1964 <sup>‡</sup> Estimates
<b>GROUP IV. OTHER BUDGETARY PROVISIONS</b>										
Unpaid liabilities .....	—	—	1,000	1,000	—	—	—	—	—	—
Provision for new projects, contingencies and unforeseen expenses .....	—	—	—	—	283,600	100,000	—	—	—	—
Reserve fund .....	—	—	—	25,000	—	—	—	—	—	—
Working capital fund .....	—	—	241,702	1,164,350	—	—	—	—	—	—
Undistributed reserves .....	—	—	—	—	—	450,000 <sup>4</sup>	—	—	—	—
Other .....	—	—	345,500	449,000	28,711	60,850	—	—	—	8,240
<b>TOTALS, GROUP IV</b>	<b>—</b>	<b>—</b>	<b>588,202</b>	<b>1,639,350</b>	<b>312,311</b>	<b>610,850</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>8,240</b>
<b>GRAND TOTAL, GROUPS I-IV</b>	<b>1963</b>	<b>1964</b>	<b>1963</b>	<b>1964</b>	<b>1963*</b>	<b>1964<sup>†</sup></b>	<b>1963</b>	<b>1964</b>	<b>1963</b>	<b>1964<sup>‡</sup></b>
	93,911,050	96,611,350	14,377,834	16,977,156	16,816,658	19,446,470	19,177,302	19,822,698	5,827,028	5,827,028
<b>GROUP V. REVENUE</b>										
Extra-budgetary funds* .....	1 784,700 <sup>c</sup>	1 580,800 <sup>c</sup>	444,000	453,357	1 075,800	1 107,307	797,000 <sup>e</sup>	797,000 <sup>e</sup>	220,324	220,324
Staff assessment .....	9 101,000 <sup>d</sup>	9 300,000 <sup>d</sup>	13,600	—	—	—	—	—	712,590	712,590
Estimated return for services rendered to other agencies .....	569,300	350,000	—	—	—	—	500	500	—	—
Sale of publications .....	541,000	528,800	85,000	107,500	—	33,000	15,000	15,000	106,480	106,480
Other .....	3 251,500	3 004,600	28,400	27,500	(557) <sup>b</sup>	283,750	301,000 <sup>f</sup>	301,000 <sup>f</sup>	124,400	124,400
<b>TOTALS, GROUP V</b>	<b>15 247,500</b>	<b>14 764,200</b>	<b>571,000</b>	<b>588,357</b>	<b>1 075,243</b>	<b>1 424,057</b>	<b>1 113,500</b>	<b>1 113,500</b>	<b>1 163,794</b>	<b>1 163,794</b>
<b>NET TOTALS</b>	<b>1963</b>	<b>1964</b>	<b>1963</b>	<b>1964</b>	<b>1963*</b>	<b>1964<sup>†</sup></b>	<b>1963</b>	<b>1964</b>	<b>1963</b>	<b>1964<sup>‡</sup></b>
	78,663,550	81,847,150	14,006,834	16,388,799	15,741,415	18,022,413	18,063,802	18,709,198	4,663,234	4,663,234

\* Revenue item "Extra-budgetary funds" under group V represents, unless otherwise stated, lump-sum allocation from the Special Account for the Expanded Programme of Technical Assistance towards administrative and operational services costs of technical assistance activities provided for in the respective regular budgets.

**United Nations:**

<sup>a</sup> Represents estimates including travel and subsistence costs for experts and consultants.

<sup>b</sup> Includes: special meetings and conferences—the total of section 2 of the budget—\$180,200 (1963: \$3,645,200); administrative expenses of the High Commissioner's Programme carried under the Indemnification Fund—\$121,400 (1963: \$154,000); United Nations Bond Issue—instalment due on principal and payment of interest—\$7,495,000 (1963: \$4,656,000); grant to United Nations International School—1964 provision not yet determined (1963: \$70,000); technical assistance to Burundi and Rwanda—\$100,000 (1963: not yet determined—the General Assembly authorized the Secretary-General to enter into commitments under the 1963 resolution on unforeseen and extraordinary expenses with prior concurrence of the Advisory Committee up to an amount of \$200,000); special educational programme for South West Africa—\$50,000 (1963: \$50,000); professional and Russian language training—\$337,500 (1963: \$290,000); High Commissioner's programme, public relations and information activity—\$26,500 (1963: \$27,300).

<sup>c</sup> Includes contributions from the following towards the cost of activities provided for in the regular budget: (i) the Special Account for the Expanded Programme of Technical Assistance—\$981,600 (1963: \$981,600); (ii) Voluntary Fund of the High Commissioner's Programme—\$350,000 (1963: \$600,000); (iii) United Nations Joint Staff Pension Fund—\$249,200 (1963: \$203,100).

<sup>d</sup> In accordance with General Assembly resolution 973 (X), revenue from staff assessment is credited to a Tax Equalization Fund in which Member States are given credit in proportion to the scale of assessment for the apportionment of expenses—\$9,300,000 (1963: \$9,101,000).

**FAO:**

<sup>e</sup> The 1963 figure represents the balance of the 1962-1963 biennial appropriation after deduction of the 1962 actual expenditure.

<sup>f</sup> 1964 part of Director-General's proposed biennial budget for 1964-1965.

<sup>g</sup> Includes appointment and repatriation travel.

<sup>h</sup> Includes: Freedom-from-Hunger Campaign—\$430,700 (1963: \$457,096); Special Programme of Education and Training in Africa—\$400,000 (1963: \$705,222); regular programme of technical assistance—\$200,000 (1963: \$394,802).

<sup>i</sup> Reserve to cover possible future mandatory increases, principally an upward revision of the post adjustment classification to class 2 for the Professional category and an increase in General Service salaries.

<sup>j</sup> Staff assessment plan to be introduced in 1964; however, in this table established posts are shown in a net figure of \$9,802,800 (gross salaries \$12,084,035 less staff assessment of \$2,261,235).

<sup>k</sup> Original estimate for 1962-1963 biennium was exceeded by income actually received in 1962.

**UNESCO:**

<sup>l</sup> Covers the following items: staff training and welfare—\$18,940 (1963: \$49,800); *ex gratia* payments—\$3,000 in each of the years.

<sup>m</sup> Includes \$39,500 for building conservation in each of the years.

<sup>n</sup> Covers programme services especially contracted for with national and international organizations as well as with individuals.

<sup>o</sup> Includes contribution from EPTA—\$739,000 in each of the years; and contributions from member States towards local costs for assistance provided under the Participation Programme in the preceding year—\$58,000 in each of the years.

<sup>p</sup> Excludes contribution of \$10,000 per annum from the Government of Cuba for UNESCO's Regional office in the Western Hemisphere, which amount has already been deducted from the 1963-1964 appropriations.

(continued)

and objects of expenditure, 1963 and 1964

(in States dollars)

Items	UPU		WHO		ITU		WMO		IMCO		IAEA		TOTAL	
	1964 Estimates	1963 <sup>†</sup> Estimates	1964 <sup>†</sup> Estimates	1963 <sup>†</sup> Appropriations	1964 Estimates	1963 Appropriations	1964 Appropriations	1963 Appropriations	1964 Appropriations	1963 Appropriations	1964 Estimates	1963	1964	
	—	—	—	—	—	—	—	—	—	—	—	1,000	1,000	
	—	5,242,000 <sup>‡</sup>	6,073,000 <sup>‡</sup>	—	—	8,421	8,750	—	—	—	—	5,534,021	6,181,750	
	—	—	—	—	—	—	—	—	—	150,000	150,000	150,000	175,000	
	—	—	200,000	—	—	—	—	—	—	—	—	241,702	1,364,350	
	—	—	—	—	—	—	—	—	—	—	—	—	450,000	
	—	40,000	40,000	13,171	9,954	—	—	1,350	4,200	—	—	436,972	572,244	
	—	5,282,000	6,313,000	13,171	9,954	8,421	8,750	1,350	4,200	150,000	150,000	6,363,695	8,744,344	
7	1,346,528	30,394,100	34,065,100	4,103,006	3,926,329	935,439	1,267,599	421,250	574,880	10,828,100	10,713,382	197,891,304	210,659,418	
	—	756,990	756,990	187,568	221,156	—	—	—	—	3,423,529 <sup>††</sup>	3,218,882 <sup>††</sup>	8,689,911	8,361,292	
	—	—	—	—	—	—	—	—	—	—	—	9,827,190	10,043,532	
9	9,027	—	—	—	—	—	—	—	—	—	—	577,439	359,527	
6	36,574	—	—	—	—	— <sup>aa</sup>	— <sup>aa</sup>	7,100	5,000	—	20,000	774,256	852,354	
4	72,454	902,110	849,100	695	1,123	2,500	2,500	1,250	1,800	282,071	254,500	4,894,063	4,925,044	
—	118,055	1,659,100	1,606,090	188,263	222,279	2,500	2,500	8,350	6,800	3,705,600	3,493,382	24,762,859	24,541,749	
8	1,228,473	28,735,000	32,459,010	3,914,743	3,704,050	932,939	1,265,099	412,900	568,080	7,122,500	7,220,000	173,128,445	186,117,669	

UPU:

<sup>†</sup> The increase of salaries in 1964 relates to recruitment of new staff members and cost-of-living salary increments.

<sup>‡</sup> The increase in the 1964 figure is mainly due to the estimated cost in regard to the meeting of the International Postal Congress to be held in Vienna from 29 May to mid-July 1964 (relates to travel of staff, transportation of equipment, printing costs and various conference services).

<sup>§</sup> The increase reflected in 1964 is largely due to printing of documents of the Consultative Commission on Postal Studies.

WHO:

<sup>†</sup> Excluding undistributed reserves—\$2,223,130 (1963: \$2,149,570).

<sup>‡</sup> The figures include travel of staff at Headquarters.

<sup>§</sup> Includes: Health Assembly—\$96,250 (1963: \$105,150); Executive Board and its committees—\$26,700 in each of the years; printing of publications—\$361,700 (1963: \$332,300); printing of reports of expert committees—\$37,400 (1963: \$35,200); Secretariat printing—\$40,462 (1963: \$37,202).

<sup>¶</sup> Includes information supplies and services—\$105,591 (1963: \$100,591).

<sup>\*\*</sup> Includes library books—\$37,267 (1963: \$35,587).

<sup>††</sup> Includes: staff and research training—\$210,000 (1963: \$160,000); Malaria Eradication Special Account—\$5,363,000 (1963: \$4,000,000); Headquarters Building Fund—\$500,000 in each of the years; African Regional Office Building Fund—\$100,000 in 1963; and African Regional Office—staff housing—\$482,000 in 1963.

ITU:

<sup>†</sup> Budget for 1963 includes additional credits of \$249,188 approved by the Administrative Council at its eighteenth session in March-April 1963, raising the gross budget from \$3,853,818 to \$4,103,006.

WMO:

<sup>aa</sup> The revenue from sales of publications is credited to a Publications Fund to partially finance the publications programme.

IMCO:

<sup>bb</sup> Includes interpreters and other staff servicing meetings.

IAEA:

<sup>cc</sup> Includes salaries charged to the General Conference and the Board of Governors—\$300,000 (1963: \$328,000); and \$52,000 charged to the distribution of information programme in 1964.

<sup>dd</sup> Includes temporary assistance charged to the General Conference and the Board of Governors—\$98,000 (1963: \$103,000).

<sup>ee</sup> Includes printing charged to the General Conference and the Board of Governors—\$20,000 (1963: \$22,000).

<sup>ff</sup> Includes scientific and technical services and laboratory charges—\$1,203,500 (1963: \$1,110,000); also includes common services charged to the General Conference and the Board of Governors—\$69,000 in each of the years.

<sup>gg</sup> Includes supplies and materials charged to the General Conference and the Board of Governors—\$5,000 (1963: \$6,500).

<sup>hh</sup> Comprises external audit (charged to the General Conference)—\$7,000 (1963: \$6,000); panels and committees—\$170,000 in each year; seminars, symposia and conferences—\$120,000 (1963: \$188,000); Agency laboratories facilities—\$229,500 (1963: \$205,600); mobile radioisotope laboratories \$40,000 and Monaco project—\$40,000 each in 1963 and 1964; and \$250,000 for a centre of theoretical physics to be established in Trieste, Italy, in 1964.

<sup>ii</sup> Includes voluntary and special voluntary contributions from Member States—\$2,290,000 (1963: \$2,040,000); EPTA funds—\$751,382 (1963: \$1,116,000); income from reimbursable laboratory services—\$27,500 (1963: \$45,000). It also includes withdrawals from the General Fund of \$72,529 in 1963 plus the remaining balance in the General Fund of \$150,000 in 1963 and 1964.





TABLE C (continued)

SCHEDULE 2. TOTAL ESTABLISHED POSTS FOR 1964 BY LOCATION (continued)

	United Nations	ILO	FAO	UNESCO	ICAO	UPU	WHO	ITU	WMO	IMCO	IAEA	Total
Asia (continued)												
Kabul .....	4	—	—	2	—	—	—	—	—	—	—	6
Karachi .....	10	1	—	—	—	—	—	—	—	—	—	11
Katmandu .....	3	—	—	—	—	—	—	—	—	—	—	3
New Delhi .....	14	21	29	10	—	—	323	—	—	—	—	397
Rangoon .....	5	—	—	—	—	—	—	—	—	—	—	5
Taipei .....	—	1	—	—	—	—	—	—	—	—	—	1
Teheran .....	3	—	—	—	—	—	—	—	—	—	—	3
Tokyo .....	8	11	—	—	—	—	—	—	—	—	—	19
Europe												
Athens .....	20	—	—	—	—	—	—	—	—	—	—	20
Belgrade .....	4	—	—	—	—	—	—	—	—	—	—	4
Berne .....	—	—	—	—	—	59*	—	—	—	—	—	59
Bonn .....	25	8	—	—	—	—	—	—	—	—	—	33
Brussels .....	9	1	—	—	—	—	—	—	—	—	—	10
Copenhagen .....	7	—	—	—	—	—	148	—	—	—	—	155
Geneva .....	949	1,022 <sup>b</sup>	18	—	—	—	748*	358*	129*	—	—	3,224
Istanbul .....	—	14	—	—	—	—	—	—	—	—	—	14
Lisbon .....	—	1	—	—	—	—	—	—	—	—	—	1
London .....	16	9	—	—	—	—	—	—	—	48*	—	73
Moscow .....	7	8	—	—	—	—	—	—	—	—	—	15
Paris .....	20	10	—	1,157* <sup>e</sup>	29	—	—	—	—	—	—	1,216
Prague .....	4	—	—	—	—	—	—	—	—	—	—	4
Rome .....	22	6	1,597*	—	—	—	—	—	—	—	—	1,625
The Hague .....	33	—	—	—	—	—	—	—	—	—	—	33
Vienna .....	16	—	—	—	—	—	—	—	—	—	718*	734
Central America												
Havana .....	—	—	—	6	—	—	—	—	—	—	—	6
Mexico City .....	79	10	25	—	10	—	—	—	—	—	—	124
Patzcuaro .....	—	—	—	25	—	—	—	—	—	—	—	25
Port of Spain .....	4	—	—	—	—	—	—	—	—	—	—	4
San Salvador .....	4	—	—	—	—	—	—	—	—	—	—	4
North America												
Montreal .....	2	—	—	—	431*	—	—	—	—	—	—	433
New York .....	3,055*	10	11	14	—	—	12	—	—	—	4	3,106
Ottawa .....	—	5	—	—	—	—	—	—	—	—	—	5
Washington .....	11	11	38	—	—	—	146	—	—	—	—	206
Oceania												
Port Moresby .....	5	—	—	—	—	—	—	—	—	—	—	5
Manila .....	6	—	—	—	—	—	183	—	—	—	—	189
Sydney .....	7	—	—	—	—	—	—	—	—	—	—	7
South America												
Asunción .....	3	—	—	—	—	—	—	—	—	—	—	3
Bogotá .....	10	—	—	—	—	—	—	—	—	—	—	10
Buenos Aires .....	7	4	—	—	—	—	—	—	—	—	—	11
La Paz .....	3	—	—	—	—	—	—	—	—	—	—	3
Lima .....	5	13	—	1	13	—	—	—	—	—	—	32
Montevideo .....	—	—	—	7	—	—	—	—	—	—	—	7
Rio de Janeiro .....	7	5	18	—	—	—	—	—	—	—	—	30
Santiago .....	202	2	49	6	—	—	—	—	—	—	—	259
Not distributed .....	208 <sup>a</sup>	—	7	—	—	—	29	—	2 <sup>d</sup>	—	—	246
TOTAL	5,469	1,215	1,994	1,300	525	59	2,139	358	131	48	722	13,960

\* Headquarters.

UNESCO:

<sup>e</sup> Includes twenty-six posts (2 per cent of established posts authorized) to provide a margin for meeting programme requirements in accordance with the appropriation resolution for 1963-1964.

WMO:

<sup>d</sup> Regional office for Africa, location not yet finally decided.

United Nations:

<sup>a</sup> Represents field service posts.

ILO:

<sup>b</sup> Includes twenty reserve posts for field programme appointments and four reserve posts for officials seconded to other organizations.

## DOCUMENT A/5599\*

## Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]  
[14 November 1963]

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\* Incorporating document A/5599/Corr.1.

## I. INTRODUCTION

1. In accordance with its terms of reference, the Advisory Committee on Administrative and Budgetary Questions has examined the administrative budgets or budget estimates for 1964 of the following specialized agencies, whose agreements with the United Nations provide for transmittal of their budgets for review by the General Assembly:<sup>1</sup> International Labour Organisation (ILO); Food and Agriculture Organization of the United Nations (FAO); United Nations Educational, Scientific and Cultural Organization (UNESCO); International Civil Aviation Organization (ICAO); Universal Postal Union (UPU); World Health Organization (WHO); International Telecommunication Union (ITU); World Meteorological Organization (WMO); Inter-Governmental Maritime Consultative Organization (IMCO).

2. The Advisory Committee has also examined the administrative budget of the International Atomic Energy Agency (IAEA) for 1964, which has been transmitted in accordance with article XVI, paragraph 3, of the relationship agreement between the Agency and the United Nations.

3. The Advisory Committee offers, in part II of this report, comments on certain problems of administrative co-ordination among the agencies.

<sup>1</sup> Under the relevant agreements with the United Nations, the International Bank for Reconstruction and Development and the International Monetary Fund are not required to transmit their budgets for examination by the United Nations.

4. Part III contains comparative tables showing: (a) the levels of the budgets of the various agencies for 1964 and the corresponding figures for the five previous years; (b) the number of established posts for 1962, 1963 and 1964; and (c) the budgetary provisions for special projects and activities for the same three years. A second set of tables relating to the financing of the regular budgets shows: (a) the 1964 scales of assessments for the United Nations and the ten agencies; (b) the collection of contributions at 30 June and September 1962 and 1963; and (c) the working capital funds for 1964.

5. Part IV of the present report is comprised of ten sections containing summary analysis of the 1964 budgets of the individual agencies and comments by the Advisory Committee on specific points which arose during the consideration of those budgets.

6. In its consideration of these various matters, the Advisory Committee had the advantage, in the case of certain of the agencies, of the personal participation of their executive heads in its meetings. For other agencies, the Committee had an opportunity to discuss these questions with representatives of the executive heads. As regards two of the smaller agencies, the Committee's review has been based on an adequate submission of documentation.

7. The General Assembly presumably will wish, as in prior years, to refer to the organizations concerned the observations of the Advisory Committee on their administrative budgets, as well as the records of the discussion thereon in the Assembly. It may also wish

to request the Secretary-General to refer to the executive heads, through the consultative machinery of the Administrative Committee on Co-ordination (ACC), any matters arising in the present report and related discussion which call for attention by ACC.

## II. INTER-ORGANIZATION ADMINISTRATIVE CO-ORDINATION

### A. General budgetary trends

8. For the year 1964, Governments of Member States will be required to contribute approximately \$207 million<sup>2</sup> for the regular activities of the United Nations family of organizations. In addition, voluntary programmes (the Expanded Programme of Technical Assistance (EPTA), the United Nations Special Fund, the United Nations Children's Fund (UNICEF), the United Nations High Commissioner for Refugees, the United Nations Relief and Works Agency for Palestine Refugees in the Near East) to which Member Governments are urged to contribute, are likely to amount to some \$200 million for that year.

9. As regards the combined budgets for regular activities, the total figure for 1964 is 6.71 per cent higher than the comparable figures for 1963. This over-all percentage figure does not, however, accurately reflect the 1964 situation as far as individual organizations or groups of organizations are concerned, partly because some of them operate on a biennial budget and partly because averaging results in a distortion of two clearly defined trends, one of stabilization, the other of expansion.

10. Whereas for the United Nations, ICAO and IAEA, 1964 is to be a year of containment, most of the larger specialized agencies are continuing their expansion to the extent of something like 15 per cent and contemplate maintaining a similar or even greater rate of growth in 1965. While expansion in some of the agencies is attributed in considerable measure to the strengthening of activities to meet the needs of the developing countries in their quest for accelerated economic and social progress, the Advisory Committee doubts whether these widely differing trends could be explained on the basis of relative priorities for international action. In this connexion, the Committee calls attention to the importance the General Assembly attaches to resolution 1797 (XVII) on an integrated programme and budget policy and to Economic and Social Council resolution 984 (XXXVI) which re-emphasizes the need for collective and mutually complementary efforts on the part of the United Nations family of organizations towards achieving the objectives of the United Nations Development Decade.

### B. The increased emphasis on operational activities

11. The growth potential of the organizations is dependent not only upon the readiness of Member Governments to approve new or enlarged programmes and to provide the necessary funds, but also upon the availability of manpower for the execution of these programmes. Initially, the work of most of the international organizations was essentially of a clearing-house character—conducting research, setting standards, and providing services—and the organization, type and size of their staff were determined by these functions. The change to operational activities and the increased emphasis now being placed on them has created new

needs both in terms of organization and in terms of the type of staff required. These activities demand, both at Headquarters and in the field, highly qualified technicians for the preparation, supervision and evaluation of the projects and few, if any, of the organizations at present possess such staff in sufficient numbers for their headquarters needs alone. Most organizations informed the Advisory Committee that the recruitment of persons possessing the required technical competence remains difficult and in some cases is becoming increasingly so, *inter alia*, because they are in short supply, or because they cannot be spared by their present employer, or because of more attractive conditions offered by other employers, or because they are not prepared to interrupt a career by short-term service in the United Nations organizations. In the view of the Advisory Committee this makes it all the more important that the best possible use of available personnel and that any expansion of activities in individual organizations be kept within clearly defined boundaries in order to avoid unnecessary competition for staff. It is also important that decision-making bodies keep uppermost in their minds the manpower problem when considering the future expansion of programmes within the United Nations family of organizations.

12. One important result of the expansion of operational activities has been the shift of emphasis from headquarters to the field. Thus, several of the specialized agencies are laying increasing stress on regional offices and area or country chiefs of mission. Likewise, the United Nations regional economic commissions are steadily growing in importance as focal centres for the discussion and promotion of economic development.

13. At the same time, this expansion of operational activities has resulted in an increasing portion of the resources which Member Governments have been asked to provide for regular programme activities being substantially utilized for the provision of policy guidance, and for the co-ordination and servicing of field programmes. This is a matter of considerable concern to many organizations and some have stated that the quality and effectiveness of the regular programme are seriously impaired by the diversion of staff time to field operations.

14. The Advisory Committee undertakes that this question is under careful study in individual organizations, the Governing Council of the Special Fund and the Technical Assistance Committee, and it will have the benefit of these studies in carrying out the task entrusted to it under paragraph 7 (b) of resolution 900 A (XXXIV)<sup>3</sup> adopted by the Economic and Social Council upon the recommendation of the *Ad Hoc* Committee on Co-ordination of Technical Assistance Activities.

15. In its report to the Council,<sup>4</sup> dated 18 April 1963, the *Ad Hoc* Committee noted that the partici-

<sup>3</sup> Paragraph 7 (b) is worded as follows: "Invites the General Assembly to authorize the Advisory Committee on Administrative and Budgetary Questions to bring up to date the studies which it made in response to General Assembly resolution 722 (VIII) of 23 October 1953, in the light of the developments which have occurred since the earlier studies were made, giving particular attention to the question of financial procedures and overhead costs of the programmes of technical co-operation..."

<sup>4</sup> *Official Records of the Economic and Social Council, Thirty-sixth Session, Annexes, agenda item 14, document E/3750.*

<sup>2</sup> A breakdown of this figure by organization is to be found in the table following paragraph 75 of this report.

pating agencies of ACC had expressed their readiness to co-operate fully with the Advisory Committee; their assistance will be sought early in 1964.

16. Increased emphasis on the operational role of the United Nations family of organizations has led to a greater degree of decentralization, this in turn placing added responsibility upon regional commissions and resident representatives in the planning, co-ordination and execution of the over-all programmes.

17. As regards the regional economic commissions, the Advisory Committee will, as requested by the General Assembly in resolution 1823 (XVII), submit a separate report to the General Assembly at its eighteenth session regarding further steps that may be necessary to carry out the Assembly's decisions on decentralization and the strengthening of the regional commissions.

18. As far as resident representatives are concerned, the Advisory Committee notes that, in the opinion of ACC, the ten principles for field co-ordination between resident representatives and the specialized agencies, which were approved by ACC in October 1961, have, despite the short period during which they have been in effect, led to better understanding and more effective co-ordination in the field.

19. The ten principles, which were approved in response to paragraph 4 of Economic and Social Council resolution 856 (XXXII) as interpreted in the report of the Technical Assistance Committee to the Council,<sup>5</sup> are:

(a) All EPTA programming discussions between officials of the participating organizations and officials of the Government concerned should be held with the advance knowledge of the resident representatives and, as appropriate, with their participation;

(b) No request for a change in the approved EPTA programme for a given country should be forwarded by a participating organization to the headquarters of the Technical Assistance Board without prior consultation with the resident representative and, through him, with the co-ordinating unit of the Government concerned;

(c) All agency chiefs of mission or country representatives should be briefed by their headquarters on the new co-ordinating role of the resident representative, and be told to work closely with him, keeping

<sup>5</sup> *Ibid.*, Thirty-second Session, Annexes, agenda item 11, document E/3547. Paragraph 156 of this report reads as follows:

"156. The sponsors explained that paragraph 4 of the draft resolution covered 'technical co-operation' activities carried out under the Expanded Programme, the Special Fund and the regular programmes of the organizations, as well as the United Nations Children's Fund. It was not intended to include the activities of the International Bank and the International Monetary Fund, except for technical assistance projects. As regards the recommendations in paragraph 4 that the resident representatives 'may, for purposes of co-ordination, be kept informed about and, as appropriate, associated with inquiries and negotiations concerning programmes of technical co-operation', the sponsors asked that the report of the Committee make it clear that it was not intended to interfere with negotiations of a technical nature which only professionally qualified staff members of the organizations should carry out. The use of the words 'as appropriate' indicated that the governments and the organizations could associate resident representatives in the negotiations when the latter were in a position to help, and did not constitute an obligation imposed on them, nor a service of which they had to make use."

him fully informed of any major proposals or developments in so far as EPTA programming is concerned;

(d) Resident representatives should be directed by the Executive Chairman of the Technical Assistance Board to keep each agency fully informed of matters of interest to that agency and, in particular, of all discussions of such matters which they may have with governmental authorities;

(e) Resident representatives and agency chiefs of mission should act in closest co-operation with each other, and the latter should serve as technical advisers to the resident representatives in their respective fields, appropriate governmental authorities being informed of this arrangement;

(f) The Executive Chairman of the Technical Assistance Board and resident representatives concerned should be informed promptly of the appointment of agency chiefs of mission. Newly appointed chiefs of mission in countries where there is a resident representative should be instructed to call on him at the outset. Appropriate use should also be made of his help in establishing contact with the central government;

(g) Resident representatives should be fully informed, beginning with the request stage, of all comparable programmes of technical assistance carried out by a participating organization, and their co-operation sought in ensuring full co-ordination between these programmes and programmes under EPTA;

(h) Resident representatives and all agency chiefs of mission should hold periodic meetings under the chairmanship of the resident representative, to increase mutual understanding and co-ordination at the country level;

(i) Participating organizations should keep resident representatives fully informed as regional projects in which their countries might participate are being developed and carried out;

(j) Resident representatives should be given advance notice of all visits of headquarters officials of the participating organizations concerned with technical assistance, and kept fully informed of the purposes and results of discussions at the country level.

20. At the same time as it adopted the foregoing principles, ACC decided that further efforts were required to ensure consultations and co-operation between the regional economic commissions and the resident representatives, and agreed that the existing *ad hoc* arrangements for periodic meetings of resident representatives at the headquarters of the regional commissions should be systematized and the provision should be made for increasing agency participation in such meetings. The Advisory Committee notes that meetings were held, for the second consecutive year, in 1963, in the four regions, at Bangkok, Addis Ababa, Mexico and Nicosia (Cyprus), and that a thorough exchange of information and views on the various programmes of technical co-operation led to a strengthening of the relationship between the resident representatives and the regional secretariats.

21. The Advisory Committee welcomes these initiatives of ACC and looks forward to further progress along the lines so far followed.

### C. The central machinery for co-ordination

22. With such diversified, all-embracing and, sometimes, overlapping programmes, it is essential that there may be close co-ordination if the total resources

of the organizations are to be put to their most effective use. At the present time, such co-ordination takes place in ACC at the Secretariat level and in the Economic and Social Council on the governmental level.

23. The Advisory Committee has taken cognizance of ACC's comprehensive report on inter-organization co-ordination,<sup>6</sup> submitted to the thirty-sixth session of the Council, and, in particular, of ACC's suggestions for improving co-ordination. The Committee notes that in the view of ACC, the various joint working groups and *ad hoc* consultative arrangements have proved effective and should be encouraged. It would seem, however, that such consultations are, more often than not, set in motion only once a programme has received legislative approval. Since the initiative in the formulation of programme rests, in certain cases, with the executive heads of agencies, and these programmes frequently involve the competence of more than one organization, it would seem to be essential that any proposals for new activities be discussed in detail with all interested organizations well before they are submitted for legislative action. Only if the ACC machinery operates at the planning stage while there is still room for flexibility, will co-ordination be effective.

24. As regards the Economic and Social Council, the number and complexity of the problems with which it has to deal every year undoubtedly make it somewhat difficult for the Council to do full justice to its co-ordinating functions. This means, however, that considerable responsibility is placed upon all Member Governments to ensure adequate co-ordination within their own administrations, if they are to speak with the same voice in the various organizations and not, for example, support expansion in one and stabilization in another, when the programmes of both are closely interrelated.

25. Another cause of difficulty for the Council in the exercise of its co-ordination responsibility is without doubt the volume of documentation it receives from the organizations, ACC, the Council's functional commissions and numerous other sources, much of it at a very late date. This question was touched upon by the Advisory Committee in its fifth report to the General Assembly at its eighteenth session (A/5507, para. 69), in which it stated:

"Apart from the capacity of the Secretariat to produce the necessary documentation, it is evident that unless such documentation is made available to Member Governments well in advance of the meeting, their representatives are unable to have the necessary consultations and prepare their position before proceeding to the meeting. The Advisory Committee was informed that the documentation for the thirty-sixth session of the Economic and Social Council amounted to some 8,000 pages, less than one-half of which had been distributed within the time limit laid down by the Council."

26. While ACC and the Council will each continue to consider ways and means of solving its own problems in the field of co-ordination, it has been evident to the Advisory Committee for some time that these two elements of the machinery were pursuing parallel courses and that contact between them was inadequate. It believes that there would be considerable advantage

in establishing a closer working relationship between them, and it welcomes the decision taken by the Council at its thirty-sixth session (resolution 992 (XXXVI)) on initial steps in this direction. The Council is to discuss the matter further at its 1964 session.

27. The Advisory Committee was informed that a close working relationship exists between ACC and the Special Committee on Co-ordination, established under resolution 920 (XXXIV) by the Council with particular emphasis on the United Nations Development Decade. There is indeed little doubt that the Decade has placed increased emphasis on the need for co-ordination and concerted action if its objectives are to be achieved in an orderly manner and without overlapping. Expressed in broad terms, the main activities of the United Nations and the agencies are all related to basic factors of economic growth without any detailed indication as to the division of responsibilities. Most of these organizations are to play a role in the development of human and natural resources, industry and international trade, and it is therefore essential that they pay particular attention to the avoidance of duplication. The programme of phased proposals for the Decade was a significant co-operative effort and the Advisory Committee trusts that a similar degree of effective co-operation will be maintained during its implementation.

#### *D. Administrative and financial implications on the agencies of decisions taken by United Nations bodies*

28. Again this year, the Advisory Committee inquired into the impact upon the agencies of decisions taken by United Nations bodies, which impinge upon the established programme of work of one or other of the agencies or which call upon them to participate in certain activities for which they have no budgetary provision. The ILO, WHO, FAO and UNESCO all mentioned instances of such decisions having been taken without prior consultation with them.

29. By way of example, the ILO mentioned General Assembly resolution 1824 (XVII) which called for a comprehensive report on the training of technical personnel, one of the main fields of ILO activity and to which the ILO was consequently required to make a major contribution. In order to do so, it was necessary to employ additional temporary staff and the Director-General was obliged to ask the Governing Body for supplementary credits amounting to \$25,300 for 1963 and \$11,000 for 1964. While the Governing Body approved these credits, dissatisfaction was expressed at the circumstances which had led to the additional expenditure without an opportunity for prior consideration by the Governing Body.

30. As another example, WHO cited General Assembly resolution 1283 (XIII) of 5 December 1958 on an International Health and Medical Research Year and resolution 1398 (XIV) of 20 November 1959 on awards for outstanding research work in the cause and control of cancerous diseases, both of which had been adopted without prior consultation with WHO.

31. Many of the agencies referred to their own rules of procedure which make such consultations mandatory, and once again expressed their disappointment that the General Assembly has not yet made provision for prior consultation before decisions are taken

<sup>6</sup> Official Records of the Economic and Social Council, Thirty-sixth Session, Annexes, agenda items 4 and 6, document E/3765.



on new activities in fields which are of direct concern to them.

32. The Advisory Committee considers it most important that, when an agency is to be called upon to undertake some new task at the request of the General Assembly, there should be prior consultation on the nature and scope of the task, and on its financing, and, if the activity is to be a joint one, on the manner in which the various responsibilities are to be shared.

33. The ILO and WHO informed the Advisory Committee of the considerable inconvenience caused to them as a result of the dates finally fixed for the United Nations Conference on Trade and Development at Geneva. This matter is dealt with in paragraph 69 below.

#### E. The common system

##### (i) General

34. In accordance with Articles 57 and 63 of the Charter, agreements have been made between the United Nations and the specialized agencies wherein the parties "recognise that the eventual development of a single unified international civil service is desirable from the standpoint of effective administrative co-ordination, and, with this end in view, agree 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 interchange of personnel in order to obtain the maximum benefit from their services".

35. The implementation of these agreements has resulted in the development, over the years, of what has become known as the "common system of salaries, allowances and related benefits". It is evident that, as the participating organizations have grown and their fields of activity have expanded, the common system has undergone substantial modification to reflect the changing situation. Thus the process of consultation and co-ordination, through the machinery of the Consultative Committee on Administrative Questions (CCAQ) and ACC, has been, and will no doubt remain, a continuing one.

36. The Advisory Committee believes that the maintenance of common standards of employment is necessary, in the interests of economy and efficiency of administration, within a family of organizations which is pursuing a common purpose. Further, it believes that common standards can have no meaning if one or other of the organizations fail to apply them or deviate from them unnecessarily. This does not mean that it would insist on uniformity merely for the sake of uniformity. The Committee realizes that local problems may arise from time to time and that these must be met in a practical way, but, as a general rule and in the absence of very exceptional circumstances, it would expect the common standards to be applied.

37. In the course of its examination of the 1964 budgets of the specialized agencies, it became apparent to the Advisory Committee that there were a number of matters in which a greater degree of uniformity was desirable. Some of them are discussed in paragraphs 41 to 70 below. The Committee also observed that some of them had been the subject of consultation through CCAQ and ACC for a number of years.

38. The Advisory Committee has followed closely the measures which have been taken by ACC to implement its declared objective of reconstituting the International Civil Service Advisory Board (ICSAB) as a body having "such independence and weight of authority that it enjoyed the confidence of legislative bodies, executive heads and staff, and that the various organizations would consequently be prepared to give effect to its recommendations."<sup>7</sup>

39. The Advisory Committee believes that ICSAB, reconstituted and with revised terms of reference as presented for endorsement by the General Assembly in appendix 2 of document A/C.5/976, will be in a better position to meet the needs of the United Nations family of organizations for independent and authoritative judgements on the various aspects of the common system of salaries, allowances and other conditions of service in which close co-ordination is desirable.

40. However, as the Advisory Committee has stated in its ninth report to the General Assembly at its eighteenth session (A/5556, para. 8), "it is of the opinion... that real co-ordination in the application of the common system can be achieved only if the executive heads and legislative bodies are prepared to stand by the recommendations of ICSAB. If this were not the case, the main purpose of the proposed changes would be defeated and major obstacles in the field of co-ordination, to which ACC has referred,<sup>8</sup> would remain". The Advisory Committee realizes that what is proposed both by ACC and by the Committee itself may raise certain problems, but it trusts that respect for the collective judgement of the reconstituted ICSAB will be such that problems will not, in practice, arise.

##### (ii) Travel standards

41. The Advisory Committee would recall that in its 1962 review of inter-organizational administrative co-ordination,<sup>9</sup> it drew attention to continuing difficulties encountered by the various organizations in developing uniform travel standards, and expressed the opinion that revised rules adopted by WHO in May 1962 provided a possible basis for such standards. At the same time, in its report on the United Nations 1963 budget estimates, the Committee recommended adoption by the United Nations of the WHO travel rules.<sup>10</sup> The principal change involved was the extension up to the D-1 level of economy class for air travel regardless of the duration of the flight.

42. Following this recommendation, ACC decided that a study should be made of the travel practices of national administrations and ICAO agreed to undertake such a study. It was completed in February 1963 and was considered by CCAQ and ACC in March and April 1963.

43. The Advisory Committee notes with regret that these renewed efforts of ACC to achieve uniformity failed to produce the desired results. In paragraph 50 of document A/C.5/979, the Secretary-General has stated:

<sup>7</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 69, document A/C.5/934, para. 6 (a).

<sup>8</sup> *Ibid.*, para. 5.

<sup>9</sup> *Ibid.*, agenda item 69, document A/5332, para. 11.

<sup>10</sup> *Ibid.*, *Seventeenth Session, Supplement No. 7 (A/5207)*, para. 64.

"The data . . . left room for legitimate differences of opinion as to where the organizations should draw the line between first class and tourist or economy class in air travel, though, broadly speaking, it appeared to be at about the P-5 level. Complete agreement among the organizations in the common system has therefore not yet proved possible, but progress has been made in that they have agreed that, in establishing travel accommodation standards for international officials, regard should be had to the standards prevailing for national officials of comparable rank and responsibilities. More specifically:

"(a) There is general agreement that, at least as regards travel by air on official business, first class should apply in the Director and Principal Officer category and above;

"(b) A majority of organizations agree that, subject to easements for flights of long duration, tourist or economy class should apply at P-4 or below."

44. Notwithstanding the absence of agreement on uniform standards in CCAQ and ACC, the Advisory Committee has noted with satisfaction that the Secretary-General of the United Nations promulgated revised travel standards, effective 5 January 1963, on lines similar to those adopted by WHO, with one small point of difference,<sup>11</sup> and that UNESCO, FAO, WHO and IAEA have done likewise.<sup>12</sup> The Advisory Committee inquired of the executive heads (or their representatives) of those organizations which have adopted the revised standards about their experience with them during 1963. They were unanimous in declaring that the arrangements were working satisfactorily and noted that no major problems had been encountered.

45. The Committee noted that the ILO, ICAO and ITU are applying the standards in force in most organizations<sup>13</sup> prior to the changes introduced by WHO, but that the matter is under continuing review.

46. The Committee hopes that uniformity of practice will be achieved by all organizations in the near future.

### (iii) Classification of posts

47. The Advisory Committee inquired into the practices of the various organizations regarding the classification of posts. It ascertained that there was a considerable degree of uniformity on the principles of classification but that the formulation of common standards in application of these principles was proving somewhat difficult. This latter question has been entrusted to a Standing Committee of CCAQ since 1960.

48. As regards the principles of classification, the Committee concluded that there is general agreement among the organizations that:

(a) The grade of a post should be determined solely by the level of the duties and responsibilities assigned to it;

(b) The grade of a post may be changed only if the level of duties and responsibilities are changed;

(c) The grade of an incumbent can be increased only if the duties and responsibilities of the post he occupies are increased<sup>14</sup> or if he is transferred to another post carrying duties and responsibilities of a higher level.

49. From the evidence it received, the Committee was satisfied that the foregoing principles, with which it agrees, are being generally applied. It did, however, discover a number of practices which, in its view, are inconsistent with the agreed principles and about which it has serious doubts.

50. It was informed, for instance, that in FAO there have been cases of recognition of the particular merit of an individual by the upward classification of his post. The Advisory Committee recognizes that cases may occasionally arise in which the personal capacities, energy and initiative of an incumbent develop a post, with advantage to his organization, beyond what had been originally required. It believes, however, that such a situation can be met in one of two ways only: either by upgrading the post in recognition of an increase in the level of duties and responsibilities assigned to it, or by the transfer of the individual to some other responsibilities assigned to it, or by the transfer of the individual to some other post, the level of duties and responsibilities of which is commensurate with his capacities. It is evident that this question involves not only classification principles but also promotion policy, and that the adoption of "personal promotions" by one organization in the United Nations family may have repercussions on the others. The Committee consequently shares the misgivings of the FAO Council, as reflected in the report of its fortieth session. In the interests of the common system, it would suggest that the whole matter be remitted to ICSAB for consideration when it undertakes the study of promotion and career prospects, as recommended in the fifth report of the Advisory Committee to the General Assembly at its eighteenth session (A/5507, para. 131).

51. Another practice which constitutes an apparent divergence from the agreed principles of classification has also been commented upon in that report (*Ibid.*, paras. 124-127). The practice involves a budgetary provision for the reclassification of a number of posts, not specifically identified, to provide promotion opportunities for existing staff and to permit, in certain particular cases, appointments at levels other than the normal entrance levels. The Committee believes that any reclassification of posts designed primarily for promotion purposes is open to serious question.

52. As regards common classification standards, the Advisory Committee recalls that, in 1960, ICSAB formulated a number of basic elements<sup>15</sup> which should be taken into consideration in formulating such standards. ICSAB also concurred in the view of the participating organizations that, while each organization must take responsibility for the determination of grades, a common system could be achieved only if some joint ad-

<sup>11</sup> The United Nations standards provide, in the case of travel on official business only, for economy class at level P-5 and below rather than D-1 and below.

<sup>12</sup> ITU has also done likewise as regards technical assistance personnel.

<sup>13</sup> First class flights—P-5 and above, economy or tourist class—P-4 and below; first class regardless of grade for flights exceeding nine hours, other than transatlantic flights. However, ICAO recently decided that all levels below D-1 shall travel economy/tourist class for all types of air travel, but that the so-called nine hours' rule shall remain in effect.

<sup>14</sup> This does not preclude the correction of an erroneous classification.

<sup>15</sup> Document ICSAB/IX/5, para. 13.



visory body elaborated the standards by which the level of duties and responsibilities could be measured. Accordingly ICSAB supported the establishment of a standing committee of CCAQ to make inter-organization comparisons of grade and to advise on the application of any standards developed by ICSAB.

53. The Standing Committee's work to date has, understandably, been largely exploratory, but it has nevertheless drawn up a list of basic elements for determining grades in the professional category which are to be used as guide-lines in the preparation of more detailed descriptions for clearly identifiable classes of posts. The Advisory Committee hopes that standards acceptable to all organizations will eventually emerge. In its view, the adoption of common grading standards is an essential element of the over-all common system.

54. Even when this has been achieved, there may still remain problems in the application of the agreed standards, seeing that some executive heads (WHO, UNESCO, FAO) have authority to adjust gradings within the limits fixed by budgetary provisions, whereas others (the United Nations and the ILO) do not have such authority.

(iv) *The establishment of General Service salaries*

55. In May 1963, ACC approved proposals made by CCAQ concerning methods of establishing General Service rates of pay and related allowances. There is no change in the fundamental principle that General Service salaries should be based on the best prevailing conditions in the locality, and the few inter-organization agreements concerned mainly with methodology, many aspects of which had previously been the subject of differences of opinion.

56. Since one of the specific functions of the reconstituted ICSAB is to review and make recommendations on "the methods of and the criteria for establishing the conditions of service of staff in the General Service category and the manner in which the criteria are applied in the headquarters areas" (A/C.5/976, appendix 2, para. 7 (2) (c)), the Advisory Committee would suggest that ICSAB review the inter-organization agreement before it is finalized.

(v) *Relationship between termination for health reasons and the award of a disability benefit*

57. At its seventeenth session, the General Assembly, upon the recommendation of the Joint Staff Pension Board, decided (resolution 1799 (XVII)) to amend article V (Disability benefits) of the Pension Fund Regulations in such a way as to harmonize its terms with those of the Staff Regulations providing for termination for reasons of health.<sup>16</sup> The purpose of the amendment was to ensure that the same criteria were used for termination and for the award of a disability benefit, or conversely to avoid the application of one standard

for termination and a different one for the award of a disability benefit.

58. In its report to the General Assembly on this question,<sup>17</sup> the Advisory Committee stated that "the Committee understands that there have been cases in the past where participants were terminated by member organizations for health reasons but failed to qualify for a disability benefit" and it urged a standardization of procedure by all member organizations in this regard. The Fifth Committee endorsed this recommendation.

59. The Advisory Committee was informed that the matter has been considered by CCAQ and ACC, but that no agreement has yet been reached to apply the same medical criteria for termination on health grounds under regulation 9.1 (a) of the United Nations Staff Regulations (and the corresponding provision in other organizations) and for the award of a disability benefit under article V of the Joint Staff Pension Fund Regulations. Some organizations seem to consider that, in certain cases, termination for health reasons can be justified on the basis of different circumstances or a lesser degree of incapacity than is required for the payment of a disability benefit, and one of them (ICAO) does in fact have provision in its Service Code for termination in such circumstances. None of the other organizations have such a provision and since the criteria, in their case, for termination for health reasons and for the award of a disability benefit would appear to be virtually the same, the Advisory Committee fails to see how they can lead to conflicting decisions, the legal validity of which is open to question.

60. The Advisory Committee noted that in WHO a staff member is not terminated on health grounds before his eligibility for a disability benefit has been determined, and the same medical evidence is used for both purposes. Such a procedure would appear to establish the necessary link between the two sets of circumstances and the Committee recommends that the other organizations give serious consideration to the adoption of similar arrangements.

(vi) *Staff assessment*

61. The Advisory Committee ascertained that, whereas a staff assessment plan continues to be applied by the United Nations and ICAO only, other organizations have taken steps towards the introduction of such a plan. The FAO, ILO, WHO and IAEA are to adopt staff assessment as of 1 January 1964, and UNESCO on 1 January 1965, the dates corresponding to the beginning of the next budgetary period. The WMO, ITU, UPU and IMCO have not signified their intention of doing likewise.

62. The Advisory Committee would recall that, in 1960, the Pension Review Group stated that "until all organizations apply a realistic staff assessment plan, there can be no fully satisfactory solution to the pension problems. We feel bound to express our regret that so many organizations have not, until the pension problem arose, seen any virtue in a gross salary system".<sup>18</sup> Further, in recommending adoption by the General Assembly of the Group's proposals, endorsed with one or two minor amendments by the Joint Staff Pension Board, the Secretary-General stated that "the executive

<sup>16</sup> United Nations Staff Regulation 9.1 (a) provides that a permanent appointment may be terminated if the staff member "is, for reasons of health, incapacitated for further service". Other organizations have a regulation or rule which is substantially similar. The amended article V of the Joint Staff Pension Fund Regulations provides for the payment of a disability benefit to a participant who becomes incapacitated for further service owing to serious physical or mental impairment of a long-term character.

<sup>17</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 71, document A/5252.*

<sup>18</sup> *Ibid., Fifteenth Session, Annexes, agenda item 63, document A/4427, para. 92.*

<sup>19</sup> *Ibid., document A/4468, para. 8.*

heads agree with the Expert Group that, in principle, full gross pay is the appropriate basis for pensionable remuneration, but they appreciate the reasons why the Expert Group was unable to recommend its full implementation at the present time. The establishment of an effective gross salary system in all the participating organizations of the Pension Fund is, however, a matter which is already under consideration by the ACC...<sup>19</sup> In 1961, agreement was reached in ACC on revised rates of staff assessment and they were approved by the General Assembly at its sixteenth session (resolution 1658 (XVI)).

63. In the light of the foregoing, the Advisory Committee would hope that those organizations which have not so far taken the necessary steps for the introduction of gross salary scales will do so at the earliest opportunity.

(vii) *Co-ordination of conference and meetings schedules*

64. The increasing number of meetings being convened in Geneva is giving rise to serious problems. The Palais des Nations is the only building which can accommodate a major conference at which all Member States are represented, albeit with limited facilities.

65. One obvious solution to the problem is to ensure that the number of meetings convened in Geneva at no time exceeds the available facilities. Recommendations to this effect were made both by the Secretary-General and by the Advisory Committee to the Economic and Social Council at its thirty-sixth session and some positive results have been achieved as far as the number of meetings to be held in 1964 is concerned.

66. A reduction in the over-all number of meetings is not, however, a complete solution; the total schedule must be rationalized and closely co-ordinated if the essential needs of all organizations are to be met in a satisfactory manner.

67. In section II of resolution 909 (XXXIV), the Council requested ACC:

“(a) To take such steps as may be necessary to facilitate the co-ordination of conferences and meetings of the organizations for 1963-1964, and

“(b) To suggest to the Council, at its thirty-sixth session, means whereby the schedules of conferences and meetings of the United Nations and its related agencies may be simplified and systematically co-ordinated on a continuing basis.”

68. In its report to the Council,<sup>20</sup> ACC indicated that it had taken steps to limit and rationalize the schedule of its own subsidiary bodies; it was keeping the possibilities of further streamlining in this regard under constant review, and would exert its influence in the same direction with the Committees and other inter-governmental bodies concerned. ACC concluded that, in the last analysis, the matter was in the hands of the inter-governmental bodies. It is they who take the decisions to convene meetings and they must, in so doing, ensure the largest possible measure of co-ordination. This is particularly important when meetings are to be added to a pre-arranged agreed schedule.

69. The Advisory Committee was informed that the decision to hold the United Nations Conference on Trade and Development from 23 March until 15 June 1964 had seriously interfered with the established pattern of meetings of the International Labour Conference and the World Health Assembly in 1964. Traditionally, the former has been convened in the first week of June, and the latter in May of each year. As a result of the above-mentioned decision, the International Labour Conference must be postponed by two weeks and the World Health Assembly advanced by two months. For both organizations the change in dates has resulted in some disruption in the programme cycle, and in inconvenience to representatives who time other activities in which they participate in relation to the traditional dates for the Geneva meetings. The change in dates may also result in additional costs to the organizations concerned in respect of contractual arrangements already made with interpreters, translators, etc. The Committee was informed that the whole mechanism of these annual meetings of legislative bodies is so intricate and delicately balanced that they can function efficiently only on the basis of stable arrangements. Both organizations have stressed the importance of avoiding any repetition of the kind of decision referred to above.

70. In the Advisory Committee's opinion, the best safeguard against such difficulties is long-term planning.

### III. ADMINISTRATIVE BUDGETS OF THE AGENCIES

#### A. *Levels of the regular budgets*

##### (i) *Amount of estimates or approved budgets*

71. The gross totals of the 1964 budgets or budget estimates of the several agencies and the United Nations are shown in the following table, together with the appropriation figures for 1963 and the actual expenditure figures for each of the years 1959, 1960, 1961 and 1962.

72. The 1964 appropriations or estimates of the nine specialized agencies and of IAEA amount in the aggregate to \$111 million (including generally the administrative and operational services costs of technical assistance), an increase of approximately \$10 million, or about 10.30 per cent, over the corresponding 1963 appropriations.

73. In respect of each agency, an indication of the main factors contributing to the increase (or decrease) in the 1964 budget, by comparison with 1963, is given under the respective agency headings in paragraphs 81 to 205 of the present report.

74. In its report on the 1964 budget estimates of the United Nations, the Advisory Committee has already commented on the cumulative effect which these budgets and the regular budget of the United Nations will have upon the amounts which member States of the organizations will be called upon to pay in 1964 (A/5507, paras. 4 and 5). The level of total regular budget amounts has already passed the \$207 million mark.

75. The table below shows that the total increase for the United Nations and the agencies between 1963 appropriations and 1964 appropriations or estimates is of the order of 6.71 per cent. A similar comparison with the last year for which actual expenses are known (1962) would show an increase of approximately 21.14 per cent.

<sup>20</sup> *Official Records of the Economic and Social Council, Thirty-sixth Session, Annexes, agenda items 4 and 6, document E/3765, paras. 185-192.*

	1959 Actual expenses	1960 Actual expenses	1961 Actual expenses	1962 Actual expenses	1963 Appropriations	1964 Appropriations or estimates	1964 Increase by comparison with 1962	1964 Percentage increase by comparison with 1962	1964 Increase (or decrease) by comparison with 1963	1964 Percentage increase (or decrease) by comparison with 1963
	(US dollars)				(US dollars)					
ILO .....	9,069,049	9,583,933	10,646,592 <sup>a</sup>	12,737,507 <sup>j</sup>	14,577,834	16,977,156	4,239,649	33.28	2,399,322	16.46
FAO .....	10,530,182	10,591,953	11,105,665	14,368,342	16,816,658 <sup>b</sup>	19,446,470 <sup>b</sup>	5,078,128	35.34	2,629,812	15.64
UNESCO .....	12,590,916	13,507,868	15,834,525 <sup>c</sup>	18,189,035 <sup>c</sup>	19,177,302	19,822,698	1,633,663	8.98	645,396	3.37
ICAO .....	4,497,238	4,620,290	4,793,187	5,503,010	5,827,028	5,907,926	404,916	7.36	80,898	1.39
UPU .....	619,154	646,552	708,657	731,598	899,537	1,346,528	614,930	84.05	446,991	49.69
WHO .....	15,378,981	17,121,583 <sup>d</sup>	19,201,885 <sup>d</sup>	24,164,650 <sup>d</sup>	30,394,100 <sup>d</sup>	34,065,100 <sup>d</sup>	9,900,450 <sup>l</sup>	40.97 <sup>l</sup>	3,671,000 <sup>l</sup>	12.08 <sup>l</sup>
ITU .....	2,695,818	2,313,270	2,789,050	3,409,714	4,103,032 <sup>e</sup>	3,926,354	516,640	15.15	(176,678)	(4.31)
WMO .....	502,432	621,525	643,278	771,166	935,439 <sup>f</sup>	1,267,599 <sup>g</sup>	496,433	64.37	332,160	35.51
IMCO .....	163,611	284,307	270,979	471,100	421,250	630,870	159,770	33.91	209,620	49.76
IAEA .....	4,494,610	5,158,145	6,030,557	6,446,139	7,337,500	7,444,500	998,361	15.49	107,000	1.46
SUB-TOTAL (specialized agencies and IAEA) .....	60,568,991	64,449,426	72,024,375	86,792,261	100,489,680	110,835,201	24,042,940	27.70	10,345,521	10.30
United Nations .....	61,946,442	65,772,849	71,096,378	84,452,350	93,911,050	96,611,350	12,159,000	14.40	2,700,300	2.88
GRAND TOTAL	122,515,433	130,222,275	143,120,753	171,244,611	194,400,730	207,446,551	36,201,940	21.14	13,045,821	6.71

NOTE: The following rates of exchange have been used in the above table: Canadian dollar at par; Swiss francs—4.34 = \$US1.00 in 1959; 4.30 = \$US1.00 in 1960-1961; 4.32 = \$US1.00 in 1962-1964.

<sup>a</sup> Including \$232,314 made by withdrawal from the Working Capital Fund, subject to reimbursement through the 1963 budget, in accordance with supplementary credits authorized by the Governing Body.

<sup>b</sup> 1964 part of the budget for 1964-1965.

<sup>c</sup> Including an advance (1961: \$421,000; 1962: \$806,000) from the Working Capital Fund authorized by the Executive Board in relation to the construction of additional Headquarters premises and increases in staff salaries and allowances.

<sup>d</sup> Excluding undistributed reserves—1960: \$1,195,060; 1961: \$1,333,900; 1962: \$1,683,140; 1963: \$2,149,570; 1964: \$2,223,130.

<sup>e</sup> Budget for 1963 includes additional credits of \$249,190 approved by the Administrative Council at its eighteenth session in March-April 1963, raising the gross budget from \$3,853,842 to \$4,103,032.

<sup>f</sup> By resolution 44 (EC-XIV) the Executive Committee authorized the original budget appropriation of \$814,378, but also provided for the reappropriation of the 1962 budgetary

surplus to 1963 (\$25,061). A further supplementary estimate of \$96,000 was approved by members by correspondence to cover new urgent projects.

<sup>g</sup> First year of the fourth financial period (1964-1967) for which the total appropriations are \$5,373,581.

<sup>h</sup> Balance of 1962-1963 biennial budget after deduction of 1962 expenditure.

<sup>l</sup> Pursuant to the Fourteenth World Health Assembly resolution (WHA 14.15), the costs of the malaria eradication field programme have been incorporated in the regular budget in stages, ending in 1964. The increase in the 1962 appropriations over 1961 includes \$2,000,000 for malaria eradication; the increase in the 1963 appropriations over those for 1962 includes an additional \$2,000,000; and the increase in the 1964 appropriations over those for 1963 includes a further amount of \$1,363,000. If these increases for the malaria eradication programme, which reflect a change in the method of financing that programme (previously financed from voluntary contributions in the Malaria Eradication Special Account), are excluded, the 1964 increase by comparison with 1962 is \$6,537,450 or 27.05 per cent and by comparison with 1963, \$2,308,000 or 7.59 per cent.

<sup>j</sup> Including \$1,118,669 made by withdrawal from the Working Capital Fund, subject to reimbursement through the 1964 budget, in accordance with supplementary credits authorized by the Governing Body.

(ii) *Established posts*

76. The number of established posts authorized or requested under the regular budgets for the three years 1962, 1963 and 1964 is given below :

Organization	1962	1963	1964	Increase (or decrease) 1962-1964		Increase 1963-1964	
				Number	Per cent	Number	Per cent
ILO <sup>a</sup> .....	1,096	1,181	1,215	119	10.86	34	2.88
FAO .....	1,695	1,695	1,994	299	17.64	299	17.64
UNESCO .....	1,133	1,289 <sup>b</sup>	1,300 <sup>b</sup>	167	14.74	11	0.85
ICAO .....	482	520	525	43	8.92	5	0.96
UPU .....	43	50	59	16	37.21	9	18.00
WHO .....	1,724	1,819	2,139 <sup>c</sup>	415	24.07	320	17.59
ITU .....	352	350	358	6	1.70	8	2.29
WMO .....	79	79	111	32	40.51	32	40.51
IMCO .....	40	43	56	16	40.00	13	30.23
IAEA <sup>d</sup> .....	730	707	722	(8)	(1.10)	15	2.12
Sub-total, agencies ...	7,374	7,733	8,479	1,105	14.98	746	9.65
United Nations <sup>e</sup> .....	5,167	5,465	5,469	302	5.84	4	0.07

<sup>a</sup> Includes posts at branch offices, posts of full-time national correspondents and posts of full-time maintenance staff; excludes posts under extra-budgetary funds.

<sup>b</sup> Includes twenty-six posts (2 per cent of number of established posts authorized) to provide a margin for meeting programme requirements in accordance with the appropriation resolution for 1963-1964.

<sup>c</sup> Includes 267 posts relating to the malaria eradication field programme incorporated in the regular budget pursuant to the Fourteenth World Health Assembly resolution (WHA 14.15).

<sup>d</sup> Includes staff in the maintenance and operatives services (1964: 94, 1963: 91; 1962: 106).

<sup>e</sup> Includes staff of the Office of the United Nations High Commissioner for Refugees (1964: 232; 1963: 252; 1962: 252); Registry of the International Court of Justice, The Hague (thirty in each of the years); and the local staff at information centres and the regional economic commissions—ECA, ECAFE and ECLA (1964: 708; 1963: 684; 1962: 607).

(iii) *Special projects and activities*

77. The provisions in the several budgets or budget estimates for special projects and activities are as follows :

	1962	1963 (US dollars)	1964
ILO .....	845,000	1,362,500	1,612,500
FAO .....	585,880	1,557,120	1,098,200
UNESCO .....	4,758,198	5,367,625	5,487,257
ICAO .....	1	83,448	86,648
UPU .....	77,430	56,715	92,594
WHO .....	2,628,172	2,974,638	3,478,138
ITU .....	—	—	—
WMO .....	19,500	75,831	37,500 <sup>a</sup>
IMCO .....	—	—	—
IAEA .....	1,555,500	1,783,000	1,786,000

<sup>a</sup> Excluding special projects to be financed by the new WMO Development Fund (see para. 166).

## B. Financing of regular budgets

## (i) Scales of assessments

78. The following table shows the scales of assessments for the United Nations and the ten agencies for 1964:

Members <sup>a</sup>	United Nations <sup>b</sup> (per cent)	ILO (per cent)	FAO <sup>c</sup> (per cent)	UNESCO (per cent)	ICAO (per cent)	UPU (per cent)	WHO (per cent)	Unit class	ITU <sup>d</sup> (per cent)	WMO (per cent)	IMCO <sup>e</sup> (per cent)	IAEA (per cent)
Afghanistan	0.05	0.12	0.07	0.05	0.13	0.32	0.05	½	0.09	0.09	—	0.05
Albania	0.04	0.12	—	0.04	—	0.32	0.04	½	0.09	0.09	—	0.04
Algeria	0.10	—	—	—	—	1.57	0.04	3	0.54	0.09	—	—
Argentina	1.01	1.38	1.35	0.96	1.21	2.62	0.92	15	2.72	1.31	1.05	0.93
Australia	1.66	1.84	2.22	1.58	2.39	2.62	1.50	20	3.63	1.75	0.66	1.53
Austria	0.45	0.35	0.60	0.43	0.46	0.52	0.41	1	0.18	0.52	—	0.41
Belgium	1.20	1.36	1.61	1.14	1.58	1.57	1.09	4	0.72	1.23	0.76	1.11
Bolivia	0.04	0.12	0.04	0.04	0.13	0.32	0.04	3	0.54	0.26	—	0.04
Brazil	1.03	1.34	1.38	0.98	1.63	2.62	0.93	25	4.53	1.31	1.02	0.95
Bulgaria	0.20	0.19	—	0.19	—	0.52	0.18	1	0.18	0.35	1.33	0.18
Burma	0.07	0.14	0.09	0.06	0.13	0.32	0.06	3	0.54	0.26	0.33	0.06
Burundi	0.04	0.12	—	0.04	—	0.11	0.04	½	0.09	0.09	—	—
Byelorussian SSR	0.52	0.45	—	0.50	—	0.52	0.47	1	0.18	0.52	—	0.48
Cambodia	0.04	—	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	0.33	0.04
Cameroon	0.04	0.12	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	0.33	—
Canada	3.12	3.37	4.18	2.98	4.52	2.62	2.83	18	3.26	2.63	1.64	2.88
Central African Republic	0.04	0.12	0.04	0.04	0.13	—	0.04	½	0.09	0.09	—	—
Ceylon	0.09	0.12	0.12	0.08	0.13	0.52	0.08	1	0.18	0.26	—	0.08
Chad	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Chile	0.26	0.33	0.35	0.25	0.36	0.52	0.24	3	0.54	0.44	—	0.24
China	4.57	2.04	—	2.50	0.67	2.62	4.14	15	2.72	3.77	0.96	4.22
Colombia	0.26	0.37	0.35	0.25	0.47	0.52	0.24	3	0.54	0.35	—	0.24
Congo (Brazzaville)	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Congo (Leopoldville)	0.07	0.12	0.09	0.06	0.13	0.32	0.06	1	0.18	0.35	—	0.06
Costa Rica	0.04	0.12	0.04	0.04	0.13	0.32	0.04	3	0.54	0.09	—	—
Cuba	0.22	0.29	0.29	0.21	0.33	0.32	0.20	1	0.18	0.26	—	0.20
Cyprus	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Czechoslovakia	1.04	0.92	—	1.12	1.00	1.57	1.06	5	0.91	0.96	0.33	1.08
Dahomey	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Denmark	0.58	0.71	0.78	0.55	0.82	0.95	0.53	5	0.91	0.70	1.70	0.53
Dominican Republic	0.05	0.12	0.07	0.05	0.13	0.32	0.05	3	0.54	0.09	0.33	0.05
Ecuador	0.06	0.12	0.08	0.06	0.13	0.32	0.05	1	0.18	0.09	0.33	0.06
El Salvador	0.04	0.12	0.04	0.04	0.13	0.32	0.04	3	0.54	0.09	—	0.04
Ethiopia	0.05	0.12	0.07	0.05	0.13	0.32	0.05	1	0.18	0.17	—	0.05
Germany (Federal Republic of)	—	4.34	7.63	5.44	5.77	2.62	5.17	20	3.63	4.64	3.46	5.26
Federation of Rhodesia and Nyasaland	—	—	—	—	—	—	0.02	1	0.18	0.44	—	—

Finland .....	0.37	0.30	0.50	0.35	0.42	0.95	0.33	3	0.54	0.52	0.83	0.34
France .....	5.94	6.08	7.95	5.67	7.03	2.62	5.39	30	5.43	4.55	3.60	5.48
French Overseas Territories.....	—	—	—	—	—	0.32 <sup>e</sup>	—	5	0.91	—	—	—
French Polynesia .....	—	—	—	—	—	—	—	—	—	0.09	—	—
French Somaliland .....	—	—	—	—	—	—	—	—	—	0.09	—	—
Gabon .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Ghana .....	0.09	0.12	0.12	0.08	0.13	0.32	0.08	1	0.18	0.17	0.33	0.08
Greece .....	0.23	0.21	0.31	0.22	0.32	0.52	0.21	1	0.18	0.26	4.05	0.21
Guatemala .....	0.05	0.12	0.07	0.05	0.13	0.32	0.05	1	0.18	0.09	—	0.05
Guinea .....	0.04	0.12	0.04	0.04	0.13	0.32	0.04	1	0.18	0.09	—	—
Haiti .....	0.04	0.12	0.04	0.04	0.13	0.32	0.04	1	0.18	0.09	0.33	0.04
Holy See .....	—	—	—	—	—	0.11	—	½	0.09	—	—	0.04
Honduras .....	0.04	0.12	0.04	0.04	0.13	0.32	0.04	2	0.36	0.09	0.40	0.04
Hong Kong .....	—	—	—	—	—	—	—	—	—	0.09	—	—
Hungary .....	0.51	0.42	—	0.53	—	0.95	0.51	1	0.18	0.52	—	0.52
Iceland .....	0.04	0.12	0.04	—	0.13	0.11	0.04	½	0.09	0.09	0.40	0.04
India .....	2.03	2.96	2.72	1.94	2.27	2.62	1.84	20	3.63	2.28	1.24	1.87
Indonesia .....	0.45	0.43	0.60	0.43	0.44	1.57	0.41	5	0.91	0.70	0.52	0.41
Iran .....	0.20	0.27	0.27	0.19	0.22	0.52	0.18	1	0.18	0.26	0.33	0.18
Iraq .....	0.09	0.12	0.12	0.08	0.13	0.11	0.08	1	0.18	0.09	—	0.08
Ireland .....	0.14	0.23	0.19	0.13	0.28	0.95	0.13	3	0.54	0.26	0.43	—
Israel .....	0.15	0.12	0.20	0.14	0.31	0.32	0.14	1	0.18	0.26	0.54	0.14
Italy .....	2.24	2.36	3.00	2.14	2.57	2.62	2.03	8	1.45	2.28	3.74	2.07
Ivory Coast .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	0.33	—
Jamaica .....	0.05	0.12	—	0.05	0.13	0.11	0.04	1	0.18	0.09	—	—
Japan .....	2.27	2.00	3.04	2.17	2.34	2.62	2.06	25	4.53	2.28	5.70	2.09
Jordan .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Kenya .....	—	—	—	—	—	—	0.02	½	0.09	0.09 <sup>r</sup>	—	—
Korea (Republic of).....	—	—	0.25	0.18	0.18	0.95	0.17	1	0.18	0.17	0.33	0.17
Kuwait .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	0.33	—
Laos .....	0.04	—	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Lebanon .....	0.05	1.12	0.07	0.05	0.23	0.11	0.05	½	0.09	0.09	—	0.05
Liberia .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	3	0.54	—	6.34	0.04
Libya .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Liechtenstein .....	—	—	—	—	—	0.11	—	½	0.09	—	—	—
Luxembourg .....	0.05	0.12	0.07	0.05	0.13	0.32	0.05	½	0.09	0.09	—	0.05
Madagascar .....	0.04	0.12	0.04	0.04	0.13	0.32	0.04	1	0.18	0.09	0.33	—
Malaysia .....	0.13	0.20	0.17	0.12	0.13	0.32	0.12	3	0.54	0.17	—	—
Mali .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	—	0.04
Mauritania .....	0.04	0.12	0.04	0.04	0.13	—	0.04	½	0.09	0.09	0.33	—
Mauritius .....	—	—	—	—	—	—	0.02	—	—	0.09	—	—
Mexico .....	0.74	0.76	0.99	0.71	0.95	1.57	0.67	8	1.45	0.87	0.45	0.68
Monaco .....	—	—	—	0.04	—	0.11	0.04	½	0.09	—	—	0.04
Mongolia .....	0.04	—	—	0.04	—	0.11*	0.04	—	—	0.09	—	—

B. Financing of regular budgets (continued)

Members <sup>a</sup>	United Nations <sup>b</sup> (per cent)	ILO (per cent)	FAO <sup>c</sup> (per cent)	UNESCO (per cent)	ICAO (per cent)	UPU (per cent)	WHO (per cent)	Unit class	ITU <sup>d</sup> (per cent)	WMO (per cent)	IMCO <sup>1</sup> (per cent)	IABA (per cent)
Morocco	0.14	0.14	0.19	0.13	0.20	0.95	0.13	1	0.18	0.17	0.33	0.13
Nepal	0.04	—	0.04	0.04	0.13	0.32	0.04	½	0.09	—	—	—
Netherlands	1.01	1.14	1.35	0.96	2.34	1.57	0.92	10	1.81	1.05	3.27	0.93
Netherlands Antilles	—	—	—	—	—	0.32*	—	—	—	0.09	—	—
New Caledonia	—	—	—	—	—	—	—	—	—	0.09	—	—
New Zealand	0.41	0.47	0.55	0.39	0.48	2.62	0.37	5	0.91	0.52	0.47	0.38
Nicaragua	0.04	0.12	0.04	0.04	0.13	0.32	0.04	1	0.18	0.09	—	0.04
Niger	0.04	0.12	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	—	—
Nigeria	0.21	0.21	0.28	0.20	0.24	0.52	0.19	2	0.36	0.26	0.33	—
Norway	0.45	0.51	0.60	0.43	0.71	0.95	0.41	5	0.91	0.61	7.44	0.41
Pakistan	0.42	0.60	0.56	0.40	0.50	2.62	0.38	15	2.72	0.52	0.51	0.39
Panama	0.04	0.12	0.04	0.04	0.13	0.32	0.04	3	0.54	—	2.52	—
Paraguay	0.04	0.12	0.04	0.04	0.13	0.32	0.04	1	0.18	0.09	—	0.04
Peru	0.10	0.18	0.13	0.09	0.13	0.52	0.09	2	0.36	0.35	—	0.09
Philippines	0.40	0.37	0.54	0.38	0.39	0.11	0.36	1	0.18	0.52	—	0.37
Poland	1.28	1.24	1.71	1.22	1.18	1.57	1.16	3	0.54	1.23	0.83	1.18
Portugal	0.16	0.27	0.21	—	0.24	0.95	0.14	8	1.45	0.44	—	0.15
Portuguese East Africa	—	—	—	—	—	0.95 <sup>b</sup>	—	—	—	0.17	—	—
Portuguese Overseas Provinces	—	—	—	—	—	—	—	8	1.45	—	—	—
Portuguese West Africa	—	—	—	—	—	0.95	—	—	—	0.09	—	—
Romania	0.32	0.44	0.43	0.30	—	1.57	0.29	1	0.18	0.44	—	0.29
Rwanda	0.04	0.12	—	0.04	—	0.11	0.04	½	0.09	0.09	—	—
San Marino	—	—	—	—	—	0.11	—	—	—	—	—	—
Sarawak—North Borneo	—	—	—	—	—	—	—	—	—	—	0.33	—
Saudi Arabia	0.07	—	0.09	0.06	0.13	0.11	0.06	1	0.18	0.09	—	0.06
Senegal	0.05	0.12	0.07	0.05	0.13	0.32	0.05	1	0.18	0.09	0.33	0.05
Sierra Leone	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—
Singapore—British Borneo Group	—	—	—	—	—	—	—	½	0.09	0.26	—	—
Somalia	0.04	0.12	0.04	0.04	—	0.11	0.04	1	0.18	—	—	—
South Africa	0.53	0.77	0.71	—	0.64	2.62	0.48	8	1.45	0.87	—	0.49
Spain	0.86	1.05	1.15	0.82	0.98	2.62	0.78	3	0.54	0.96	1.47	0.79
Spanish Guiana	—	—	—	—	—	—	—	—	—	0.09	—	—
Spanish Provinces in Africa	—	—	—	—	—	0.11	—	1	0.18	—	—	—
Sudan	0.07	0.12	0.09	0.06	0.13	0.11	0.06	1	0.18	0.17	—	0.06
Surinam	—	—	—	—	—	½	—	—	—	0.09	—	—
Sweden	1.30	1.59	1.74	1.24	1.63	1.57	1.18	10	1.81	1.40	2.70	1.20
Switzerland	—	1.26	1.27	0.91	1.43	1.57	0.86	10	1.81	1.14	0.44	0.88
Syria	0.05	0.12	0.07	0.05	0.13	0.11	0.05	1	0.18	0.17	0.33	0.05
Tanganyika	0.04	0.12	0.04	0.04	0.13	0.11	0.04	½	0.09	0.09	—	—

Thailand .....	0.16	0.20	0.21	0.15	0.18	0.32	0.14	3	0.54	0.35	—	0.15
Togo .....	0.04	0.12	0.04	0.04	—	0.11	0.04	½	0.09	0.09	—	—
Trinidad and Tobago.....	0.04	0.12	—	0.04	0.13	0.11	0.04	—	—	0.09	—	—
Tunisia .....	0.05	0.12	0.07	0.05	0.13	0.52	0.05	1	0.18	0.09	0.33	0.05
Turkey .....	0.40	0.69	0.54	0.38	0.38	1.57	0.36	5	0.91	0.52	0.75	0.37
Uganda .....	0.04	0.12	—	0.04	—	0.11*	0.04	½	0.09	0.09	—	—
Ukrainian SSR .....	1.98	1.00	—	1.89	—	1.57	1.80	3	0.54	1.66	—	1.83
Union of Soviet Socialist Republics.....	14.97	10.00	—	14.29	—	2.62	13.58	30	5.43	10.68	4.33	13.82
United Arab Republic.....	0.25	0.37	0.33	0.24	0.29	1.57	0.22	5	0.91	0.52	0.47	0.23
United Kingdom of Great Britain and Northern Ireland .....	7.58	9.22	10.15	7.23	9.84	2.62	6.88	30	5.43	5.96	12.80	7.00
UK Overseas Territories.....	—	—	—	—	—	1.57	—	1	0.09	—	—	—
United States of America.....	32.02	25.00	32.02	30.56	31.80	2.62	31.29	30	5.43	23.99	14.71	31.93
US Overseas Territories.....	—	—	—	—	—	1.57 <sup>k</sup>	—	25	4.53	—	—	—
Upper Volta .....	0.04	0.12	0.04	0.04	0.13	0.11	0.04	1	0.18	0.09	—	—
Uruguay .....	0.11	0.17	0.15	0.10	0.13	0.32	0.10	1	0.18	0.35	—	0.10
Venezuela .....	0.52	0.50	0.70	0.50	0.65	0.32	0.47	5	0.91	0.52	—	0.48
Viet-Nam (Republic of).....	—	0.21	0.21	0.15	0.13	0.32	0.14	1	0.18	0.26	—	0.15
West Indies .....	—	—	—	—	—	—	—	—	—	0.17	—	—
West Irian .....	—	—	—	—	—	—	—	—	—	0.09	—	—
Western Samoa .....	—	—	—	—	—	—	0.04	—	—	—	—	—
Yemen .....	0.04	—	0.04	0.04	—	0.11	0.04	1	0.18	—	—	—
Yugoslavia .....	0.38	0.40	0.51	0.36	0.37	1.57	0.34	1	0.18	0.52	0.87	0.35
									552½	100.00		

\* Provisional.

<sup>a</sup> A dash (—) against a State indicates that it is not a member of the organization in question, or that its assessment has not been determined.

<sup>b</sup> Recommended by the Committee on Contributions, *Official Records of the General Assembly, Eighteenth Session, Supplement No. 10 (A/5510)*, para. 30.

<sup>c</sup> FAO scale will be revised to reflect assessments of new member nations whose application for membership are to be considered by the Conference in November 1963.

<sup>d</sup> Contributions are based on unit classes which are chosen by each member and associate member. The unit for 1964 is \$US6,574. Subsequent to the adoption of the

budget for 1964, Algeria and Liechtenstein have become members, raising the total of unit shares from 549 to 552½.

<sup>e</sup> All territories represented by the *Office français des postes et télécommunications d'outre-mer*.

<sup>f</sup> Including Zanzibar and the Seychelles.

<sup>g</sup> Including Surinam.

<sup>h</sup> Including Portuguese provinces in Asia and Oceania.

<sup>j</sup> Included under Netherlands Antilles.

<sup>k</sup> Including Pacific Islands under United States trusteeship.

<sup>l</sup> Provisional assessments. Final assessments will be calculated at the end of 1964.



(ii) *Collection of contributions*

79. The following table shows, in respect of 1962 and 1963, the percentage of the current year's contributions to the regular budget collected at 30 June and 30 September, together with the total of contributions outstanding at the later date:

	Percentage of current year's contributions collected at				Total of all contributions outstanding at 30 September (regardless of year of account)	
	30 June		30 September		1962	1963
	1962	1963	1962	1963		
	(US dollars)					
ILO .....	39.69	39.84	68.95	65.63	3,979,907 <sup>a</sup>	5,427,190 <sup>a</sup>
FAO .....	56.64	53.84	82.20	91.13	4,281,486 <sup>b</sup>	3,238,606 <sup>b</sup>
UNESCO .....	61.74	15.25 <sup>c</sup>	84.94	29.93 <sup>c</sup>	4,711,325	27,930,387 <sup>c</sup>
ICAO .....	71.69	63.78	92.32	89.13	653,687 <sup>d</sup>	833,929 <sup>e</sup>
UPU .....	68.84	55.94	79.75	71.26	168,230	274,576
WHO <sup>f</sup> .....	28.03	33.95	79.49	76.90	5,061,043	7,423,525
ITU .....	84.12	88.55	86.38	88.26 <sup>g</sup>	1,206,053	1,210,688
WMO .....	64.93	67.17	79.59	82.76	184,581	185,564
IMCO .....	75.70	80.79	83.27	85.88	101,655	103,877
IAEA .....	39.60	36.10	73.50 <sup>h</sup>	74.10	2,224,832 <sup>i</sup>	2,425,021 <sup>b</sup>
United Nations .....	32.87	34.33	72.27	61.77	25,349,596	41,074,055

<sup>a</sup> Contributions outstanding from 1947 onwards, this being the year in which the ILO became responsible for the collection of its own contributions.

<sup>b</sup> Including contributions outstanding from former members. Excluding such arrears, the amounts would be: \$2,974,762 and \$1,931,882 respectively.

<sup>c</sup> It should be noted that, in respect of UNESCO's regular budget, 1963 was the first year of the two-year financial period 1963-1964.

<sup>d</sup> Including \$289,255 in respect of States which have concluded agreements to liquidate their arrears in annual instalments.

<sup>e</sup> Figures shown relate to assessments on active members; they exclude assessments on inactive members and China.

<sup>f</sup> Not including supplementary appropriation for 1962.

<sup>g</sup> Including \$222,565 in respect of States which have concluded agreements to liquidate their arrears in annual instalments.

<sup>h</sup> Includes supplementary appropriation for 1962.

<sup>i</sup> The reduction in percentage of contributions collected is due to the African Broadcasting Conference 1963, bills for which were sent in August 1963 but remained partially unpaid.

(iii) *Working capital funds*

80. The amounts approved or proposed for the working capital funds in respect of 1964 are shown in the following table:

	1964 gross budget	Working Capital Fund	Percentage of 1964 gross budget
	(US dollars)		
ILO .....	16,977,156	2,750,000	16.20
FAO .....	19,446,470	2,500,000	12.86
UNESCO .....	19,822,698	3,000,000	15.13
ICAO .....	5,907,926	800,000	13.54
UPU .....	1,346,528	*	—
WHO .....	34,065,100	4,054,850	11.90
ITU .....	3,926,354	*	—
WMO .....	1,267,599	268,135 <sup>b</sup>	21.15
IMCO .....	630,870	100,000	15.85
IAEA .....	7,444,500	2,000,000	26.87
United Nations .....	96,611,350	4,000,000 <sup>c</sup>	41.40

\* In the case of UPU, the working expenses of the International Bureau are advanced by the Swiss Government. Such advances must be repaid at the earliest possible date and any sums outstanding on 31 December of the year of account carry interest as from that date at 5 per cent per annum. A similar procedure applies also to ITU where, however, the annual contributions for the budget are payable in advance and any sums outstanding on 1 January of the year of account carry interest as from that date at 3 per cent for the first six months and 6 per cent thereafter.

<sup>b</sup> This figure of the principal of the Working Capital Fund of WMO is limited to an amount not greater than 5 per cent of the maximum expenditures authorized for the four-year financial period 1964-1967 (see paras. 165 and 166).

<sup>c</sup> Level approved for 1963. Under the terms of General Assembly resolution 1863 B (XVII), the General Assembly is to reconsider at its eighteenth session the level at which the Working Capital Fund should be maintained.

## IV. DETAILED COMMENTS ON THE 1964 BUDGETS OF THE AGENCIES

A. *International Labour Organisation*

	1963 Appropriations	1964 Appropriations
	(US dollars)	
Personnel services .....	9,914,332	10,955,351
General services .....	2,712,800	2,769,955
Special projects and activities .....	1,362,500	1,612,500
Other budgetary provisions .....	588,202	1,639,350
<b>TOTAL (gross)</b> .....	<b>14,577,834</b>	<b>16,977,156</b>
<b>Less: Casual revenue</b> .....	<b>571,000</b>	<b>588,357</b>
<b>TOTAL (net)</b> .....	<b>14,006,834</b>	<b>16,388,799</b>

81. The Advisory Committee had an opportunity to discuss the 1964 budget of the ILO and related matters with the Director-General of the International Labour Office and his representatives.

82. On a gross basis, the expenditure budget for 1964 exceeds the 1963 appropriations by \$2,399,322 or 16.46 per cent. However, compared with the 1963 total appropriations, including supplementary credits approved by the Governing Body up to June 1963 (\$624,843), the percentage increase is 5.3 per cent.

*Summary analysis of the 1964 budget*

83. The Director-General's original estimate for 1964 amounted to \$16,976,067. In the light of the views expressed in the Financial and Administrative Committee, the Director-General reviewed his original estimates for 1964 and reduced them by \$306,214. On the recommendation of the Governing Body, the Interna-

tional Labour Conference at its 47th session (June 1963) approved the inclusion of additional amounts totalling \$307,303 under the appropriate items of the draft 1964 budget as follows:

(a) \$254,489 for adjustments in the common salary scales applicable to staff in the General Service category in Geneva, based on the official Swiss index of salaries for October 1962, and an extrapolation of the index figures up to and including March 1963. On this basis the salary scales were increased by 4.6 per cent as from 1 March 1963, and by a similar percentage on 1 September 1963;

(b) \$41,814 to cover the net additional costs of a number of reclassifications of General Service posts, together with a new post for a permanent classification officer, as a result of a general review of the classification of General Service category posts in Geneva;

(c) \$11,000 for the ILO's participation in the preparation of a report on the role of the United Nations in training national technical personnel for accelerated industrialization of the developing countries.

84. Thus the approved budget for 1964 was arrived at as follows:

	<i>(US dollars)</i>
Director-General's original estimate.....	16,976,067
Director-General's subsequent adjustments.....	-306,214
Governing Body's recommendations for additions .....	+307,303

Gross expenditure budget recommended by the Governing Body to the Conference..... 16,977,156

85. The total increase of \$2,399,322 over the 1963 budget can be broken down into the following major categories:

(a) \$922,648 for increased reimbursements to the Working Capital Fund for withdrawals authorized by the Governing Body to meet supplementary credits approved in 1962, and for restoring to the Working Capital Fund amounts advanced to meet the deficit resulting from the fact that the total 1962 budgetary income fell short of total budgetary expenditure;

(b) \$917,229 for additional staff costs. These result mainly from the revision of salary scales in the General Service category, the regrading of posts in this category, the reclassification of Geneva to class 2 of the post adjustment system (not yet reflected in the 1963 appropriations), the provision of a limited number of new posts (a net total of 17 new permanent posts in the Professional and 11 in the General Service category), and the consequential increases in common staff costs, contributions to the Pension Fund etc.;

(c) \$128,500 for increased contributions to extra-budgetary programmes, including United Nations Special Fund agency costs, the International Occupational Safety and Health Information Centre, the International Vocational Training Information and Research Centre and the Inter-American Vocational Training Research and Documentation Centre;

(d) \$120,000 for increases in operational activities, i.e., technical assistance programmes;

(e) \$101,803 for increased general office expenses;

(f) \$85,000 for additional special programmes and projects which the regular staff is unable to undertake because the special qualifications required are not available on a permanent basis within the Office;

(g) \$82,018 for additional expenditures arising in connexion with sessions of the General Conference,

the Governing Body, and other conferences, committees and meetings;

(h) \$62,498 for additional costs of ILO branch offices and national correspondents;

(i) The above increases are partially offset by a decrease of \$20,374, representing the net balance of a number of minor increases or decreases in various other items.

*Rearrangement of the budget*

86. The Advisory Committee inquired into a number of important changes introduced in the presentation of the 1964 budget. It may be recalled that, as a result of the considerable growth in the activities of the ILO, and the greater variety of expenditures chargeable to the budget, a number of additional items and sub-items have found their way into the budget in recent years. These successive additions have gradually had the effect of making the budget less accessible, rendering it more and more difficult to assess the total volume of credits covering expenditure of the same nature such as, for instance, staff costs.

87. To remedy this situation, the Director-General decided to undertake a major rearrangement of the budget, with effect from 1964. This rearrangement is designed to achieve two main aims, namely: (a) to simplify the preparation and administration of the budget; (b) to facilitate consideration of the budget by the Financial and Administrative Committee, the Governing Body and the Conference.

88. On the premise that the nature and complexity of the ILO's activities imply keeping a budgetary structure based largely on the "type (object) of expenditure" rather than on the "project cost" principle, efforts have been made to achieve the above aims by grouping together in a logical order credits in respect of expenditure of the same nature. Furthermore, in order to give a better picture of the total estimates for expenditure of the same nature, the summary of expenditure estimates has been broken down into chapters.

89. Among the main regroupings, mention may be made of the following:

(a) The estimates shown in the 1963 budget under items 12-A (Factual survey relating to freedom of association), 12-B (Action as regards discrimination), and 24 (Facilities in additional languages) are now incorporated in the appropriate items and sub-items of the ordinary budget and therefore do not appear as separate items in the 1964 budget;

(b) All the estimates for staff and related costs, such as social security charges, are grouped in a single chapter, with the exception of estimates concerning cleaning and removal staff, which have been kept as a separate sub-item of general office expenses, and those relating to the staff of branch offices and national correspondents, where the retention of separate items is justified.

90. Thus the 1964 budget is presented in only two parts, as compared with the four parts that were customary up to and including 1963. These parts are as follows:

	<i>Up to 1963</i>	<i>1964</i>
I. Ordinary budget .....		same
II. Staff pensions fund and related provisions .....		now in part I
III. Working Capital Fund.....		now part II
IV. Facilities in additional languages.....		now in part I

*Management survey*

91. The Director-General informed the Advisory Committee that the management survey<sup>21</sup> had been completed and that the report would be submitted to the Governing Body early in 1964. The recommendations of the survey group would, if adopted, result in a number of organizational changes.

*Staff assessment plan*

92. Effective 1 January 1964 there will be a staff assessment scheme at the same rates as are applied by the United Nations. However, the effect of this scale of assessment, when applied to the gross salary scales that are common to the United Nations and other organizations following this system, is to leave unchanged the ILO net salary scales. For budgetary purposes, the net figure only is shown as a charge against the budget credit.

*Headquarters accommodation*

93. For the past two years the ILO has had to rent office space in Geneva outside its headquarters building to accommodate staff. The increasing needs for space are the result in part of rises in the number of posts approved in recent years by the Governing Body and the Conference to meet new programme requirements financed under the regular budget, and in part of the substantial expansion in ILO operational activities financed through the Special Fund and the Expanded Programme of Technical Assistance. As there was every reason to expect that these increased needs would be permanent, a preliminary study for an extension of the headquarters building was undertaken in 1961. This study is based on a programme designed to cover the accommodation requirements of the Office over a period of some 15 years in the future, including requirements for meetings other than the annual International Labour Conference, and for related facilities.

94. The architect commissioned for the purpose is at present finalizing a first general plan of the proposed extension, including the accommodation needed for the International Institution for Labour Studies. When the architect's proposals have been discussed and agreed upon with the local authorities concerned, the Director-General will submit them, possibly early in 1964, to the Governing Body together with cost estimates. These plans will be co-ordinated with those of other organizations in Geneva, particularly as regards the possible use of the additional meeting facilities that the extension will provide. There have already been exchanges of views and information on these matters between the services concerned in the various organizations.

95. The Advisory Committee was informed that the ILO had been able to work out jointly with WHO, and with the help of the Canton of Geneva, arrangements to cover the immediate space requirements of the two organizations. These arrangements provide for the construction by the Canton of Geneva of some 230 prefabricated offices, which will be made available to the two organizations on a rental basis for a period of approximately six years, WHO occupying a substantial part of the premises until 1966 when its own new headquarters building is to be completed. The building of

these temporary offices is now well under way and should be completed early next year. The ILO has also been able to work out joint arrangements with ITU, on a more modest scale, to meet needs during the interim period until the new prefabricated buildings are completed.

*B. Food and Agriculture Organization of the United Nations*

	1963 Appropriations <sup>a</sup>	1964 Estimates <sup>b</sup>
	(US dollars)	
Personnel services .....	11,929,208	13,194,650
General services .....	3,018,019	4,542,770
Special projects and activities...	1,557,120	1,098,200
Other budgetary provisions.....	312,311	610,850
<b>TOTAL (gross)</b>	<b>16,816,658</b>	<b>19,446,470</b>
Less: Casual revenue.....	1,075,243 <sup>c</sup>	1,424,057 <sup>c</sup>
<b>TOTAL (net)</b>	<b>15,741,415</b>	<b>18,022,413</b>

<sup>a</sup> The budget has been voted for a two-year period, 1962-1963; the appropriations shown here represent the balance after deduction of the 1962 expenditure.

<sup>b</sup> Represents the 1964 part of the Director-General's proposed 1964-1965 budget.

<sup>c</sup> Includes the lump-sum allocation from the EPTA Special Account in an amount of \$1,075,800 for 1963 and \$1,107,307 for 1964. The 1963 figure was raised, after the Conference, to \$1,107,307 and the additional \$31,507 treated as miscellaneous income.

96. The Advisory Committee had an opportunity to discuss the 1964 budget of FAO with the Deputy Director-General of that organization.

97. Although the table shows figures for 1964 for purposes of comparison, it is possible to explain the budget only in biennial terms since it has been drawn up for the full two-year period 1964-1965.

*Summary analysis of the 1964-1965 budget*

98. The estimates for 1964-1965 total \$38,973,500, which represents an increase of \$7,788,500 or 24.9 per cent over the approved 1962-1963 budget. This increase includes the following main elements:

	(US dollars)
(a) <i>Mandatory increases</i> .....	2,175,000
Mainly salary increments, post adjustments in Rome (two) and in the regions, increases in common staff costs and in general operating expenses.	
(b) <i>Specific programme expansions</i> .....	3,348,500
In the four following major fields of work:	
(i) Planning and programming;	
(ii) Improving human resources, institutional framework and essential government services;	
(iii) Improving the quality of the diet, with particular attention to raising the consumption of high-protein foods and increasing the production of protein-rich foods of all types and other foods of high nutritional value with consequential changes in emphasis in the work on processing, marketing and consumption;	
(iv) Increasing food supplies by reducing the enormous, wasteful and avoidable losses which occur in storage, processing and marketing.	
(c) <i>General strengthening in technical and economic departments</i> .....	560,000
(d) <i>Other consequential increases</i> .....	1,655,000
(e) <i>Contingencies</i> .....	50,000

<sup>21</sup> See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 69, document A/5332, paras. 68 and 69.

99. The FAO Finance Committee reviewed the proposed programme of work and budget for 1964-1965 at its ninth session (22 April to 2 May 1963) and recommended reductions in a total amount of \$460,000, related to travel standards (\$130,000), the contingency provision (\$50,000) and the reserve for possible mandatory increases (\$36,000), while, on the other hand, increasing the percentage factor applied as turnover deduction to the salaries provision (\$244,000).

100. The Director-General's budget for 1964-1965, together with the relevant recommendations of the Finance Committee, will be considered by the FAO Conference at its twelfth session to be convened in Rome on 16 November 1963.

#### *Staff assessment plan*

101. In accordance with a decision of the last session of the Conference, the Director-General proposes to introduce the Staff Assessment Plan as of 1 January 1964; the 1964-1965 budget estimates therefore show all salaries items, both gross and net, on a chapter-by-chapter basis.

#### *Special programmes*

102. The Director-General's 1964-1965 budget estimates allow for the continuation of three special programmes introduced in 1962-1963 at the same level (apart from mandatory increases) as in the current biennium, i.e., regular programme of technical assistance (\$400,000), special programme of education and training in Africa (\$800,000), and Freedom-from-Hunger Campaign (\$852,500).

103. As regards the Freedom-from-Hunger Campaign, the 1962-1963 biennial budget included a provision of \$843,000 as FAO's contribution to the central campaign costs, with the expectation that voluntary contributions would provide another \$700,000 during the biennium. As at 30 June 1963, total contributions received in the preceding eighteen months plus unobligated funds carried forward from 1960-1961 totalled \$385,442. The 1964-1965 Programme of Work and Budget contains an appropriation of \$852,500 for the Campaign. An additional expenditure plan of up to \$700,000 for the biennium has again been drawn up, since it is hoped that the momentum gathered by the Campaign will be reflected in voluntary contributions for the Central Campaign Trust Fund.

#### *Impact of field programmes on the regular programme*

104. This is a subject on which the Advisory Committee already presented general comments in the first part of the present report (paras. 11-21), but which, in its opinion, deserves special consideration in the case of FAO. Indeed, attention should be called to the fact that the question of the impact of field programmes on the regular programme in terms of budgetary implications, the direct effect on the time and energies of the staff, and the interrelated repercussions on the quality and effectiveness of both the regular and field programmes of the organization, continues to be a matter of growing concern in FAO.

105. A survey conducted in line with the FAO Council's request that the Director-General "maintain a continuing study and appraisal of the situation, as a means of facilitating future consideration of the legislative, technical, administrative, management and budgetary factors involved..." showed that the trend continues whereby an increasing portion of the resources which member Governments have been asked

to provide for regular programme activities are in fact being substantially utilized for the central management and servicing of the field programmes.

106. At its fortieth session in June 1963, the FAO Council stressed again the relatively great discrepancy between the financial contribution received from extra-budgetary resources and the time and effort expended by Headquarters and regional office staff. The Council noted with satisfaction the benefits accruing to the organization from participation in these programmes, but expressed the view that, in requesting FAO to conduct major portions of their operational programmes, the sponsoring bodies should recognize that they should bear a more adequate share of the corresponding management costs. It fully endorsed the findings of the FAO Programme and Finance Committees that the Director-General should continue his efforts to achieve a more realistic costing base for computing the subvention from EPTA to the regular programme budget.

107. The FAO Council also expressed concern over what it regarded as lack of progress in arriving at an equitable reimbursement formula under the United Nations Special Fund operations. Moreover, as stated in paragraph 142 of the report on its fortieth session, it "fully endorsed the recommendations of the Finance and Programme Committees that the Director-General should continue his efforts with the Special Fund for a more realistic formula to be developed which would provide adequate over-all support and urgently rectify the undercharge resulting from the present insufficient amount received by the organization in agency costs. In this regard, it particularly emphasized its recommendation that member nations should co-ordinate the views of their representatives when participating in the shaping of policies of the United Nations Special Fund and of the executing agencies".

#### *Organizational developments*

108. At its fortieth session, the FAO Council endorsed a proposal of the Programme Committee to undertake a thorough evaluation of the effectiveness of regional services within the existing organizational structure and responsibilities. At present, two of the regional representatives have been elevated to assistant director-general rank. Other recent organizational developments include, *inter alia*, the establishment of various divisions and offices within the Department of Administration and Finance and the Programme and Budgetary Service.

#### *Cost-of-living developments*

109. After a period of relative stability in the Rome cost of living, it was necessary, on the basis of the special quarterly index covering cost-of-living developments for international civil servants in Rome, to place Rome in class 1 as of 1 January 1962 and in class 2 as of 1 February 1963 for post adjustment purposes. In approving the February action, the FAO Council noted that, if the present trend in the cost of living in Rome continued, another change in post adjustment classification would soon be necessary.

110. A comparable adjustment was also approved for the salaries of the General Service staff. Efforts are being made to ascertain the feasibility of applying a wage index formula for interim between-survey adjustments in the salary scale for General Service staff in Rome on the same basis as applies in the

case of General Service staff in Geneva, Paris and other areas.

#### Headquarters accommodation

111. Further delays in the construction of the new wing at headquarters have occurred and it is foreseen that only by the end of 1963 will the building be nearing completion. In the light of this situation, it was necessary to lease additional outside space. The costs of renting and servicing all outside space are being met in the current biennium (1962-1963), in part from savings accruing through non-occupancy of the new wing, in part from contingencies and in part from contributions from the operating expense items of the budgets of other programmes.

#### Working capital fund

112. At its thirty-ninth session (October 1962), the Council endorsed a recommendation of the Finance Committee to increase the working capital fund to \$2,500,000, and to apply to the increase the cash surplus of the 1958-1959 and 1960-1961 budgetary periods (\$56,925 and \$461,558 respectively). The Council's recommendation will be submitted to the twelfth session of the Conference for approval.

#### C. United Nations Educational, Scientific and Cultural Organization

	1963 Appropriations (US dollars)	1964 Appropriations (US dollars)
Personnel services .....	9,819,649	10,121,337
General services .....	4,010,028	4,214,104
Special projects and activities...	5,317,625	5,487,257
Other budgetary provisions .....	—	—
TOTAL (gross)	19,117,302	19,822,698
Less: Casual revenue.....	1,113,500	1,113,500
TOTAL (net)	18,013,802	18,709,198

113. The Advisory Committee had an opportunity to discuss the 1963-1964 budget of UNESCO and related matters with representatives of the Director-General of that organization.

114. Although, for purposes of comparison, the table above shows figures separately for 1963 and 1964, it is possible to consider the budget only in biennial terms since it has been drawn up for the full two-year period 1963-1964.

115. In its 1962 report on the agency budgets<sup>22</sup> the Advisory Committee gave a summary analysis of the budget estimates totalling \$41,884,000, which had been submitted by the Director-General for the 1963-1964 biennium, adding that these estimates were to be considered by the General Conference of UNESCO at its twelfth session which was to meet in Paris from 9 November to 12 December 1962.

116. At that session, the General Conference, after taking stock of the work performed by UNESCO in previous years, voted a budget of \$39,000,000 for 1963-1964, or \$1,884,000 less than the figure proposed by the Director-General. The following tabulation gives the comparison between various parts of the budget:

Part of budget	1963-1964	1962-1962 (US dollars)	Increase (or decrease) Per cent
I. General policy ...	1,552,745	1,329,539	223,206 16.79
II. Programme operations .....	29,518,504	23,704,029	5,814,475 24.53
III. General administration .....	4,264,412	3,503,000	761,412 21.74
IV. Common services .....	3,664,339	3,967,660*	(312,321) (7.85)
TOTAL	39,000,000	32,513,228	6,486,772 19.95

\* Includes \$915,600 for additional headquarters premises.

#### Management survey

117. A management study was decided upon by the General Conference primarily to consider ways in which the secretariat could more adequately cope with the rapidly increasing operational programmes. The Executive Board limited the mandate of the study to the three main management problems facing UNESCO: (a) the organization of the departments of education; (b) the organization of the departments of natural sciences; and (c) the field structure of UNESCO and its relationship to headquarters. With regard to the last mentioned study, the Committee was informed that one of the problems to be considered was the system of chiefs of mission; this system has been introduced as an experiment in 1962 and the appointment of additional chiefs of mission for the next budgetary period would depend in part on the findings of the management study. The survey team was made up of three experts under the direction of a Director of Study and their report was expected to be ready by mid-March 1964.

#### Staff assessment plan

118. The Advisory Committee was informed that the Director-General intends to introduce a staff assessment scheme in UNESCO as of 1 January 1965.

#### Housing loans

119. The Advisory Committee inquired into the granting of housing loans approved by the General Conference. It was given to understand that the housing situation in the Paris area, characterized by a lack of accommodation at prices within the reach of international civil servants, had tended to deteriorate in recent years. Rental charges in de-controlled housing were said to be prohibitive, while loans for the purchase of houses or co-operative apartments were subject to very high interest rates. The plan agreed upon by the General Conference, with its ceiling of \$1.2 million for outstanding loans financed from the Working Capital Fund, was in the Director-General's opinion, a helpful but limited step.

120. Such loans are granted only to staff members having five or more years of service and who are likely to remain in the employ of UNESCO for a reasonably long period. They are individual loans, repayable in a maximum of ten years and carry an interest rate of 3 per cent per annum, and secured by: (a) all payments which would be due to the staff member concerned on termination, excluding of course payments from the Joint Staff Pension Fund; (b) a first mortgage on the property. The maximum of each loan is based on the amount of the termination payments referred to in (a) above and would not normally exceed \$10,000 for senior staff after long service.

<sup>22</sup> *Ibid.*, paras. 75-79.



*Headquarters accommodation*

121. Construction began on 15 June 1963 of an underground building to provide additional office accommodation for the growing staff of UNESCO. The location below ground is necessitated by French urban zoning laws. The building will have three levels, with a garage for 368 cars at the bottom level; at the other two levels, there will be space for shops and archives, for offices and two conference rooms. The conference rooms are expected to be ready by 15 September 1964, in time for the thirteenth session of the General Conference of UNESCO, and the offices by 1 February 1965.

122. The General Conference, at its twelfth session in the autumn of 1962, allocated \$5,615,000 for construction of the building, which will be financed partly through the organization's own resources and partly by bank loans guaranteed by the French Government. A sum of \$222,450 has been allocated for the construction of two temporary buildings on the headquarters grounds to meet the immediate needs of the secretariat. Part of these premises were ready by July 1963 and, according to a resolution adopted by the Headquarters Committee, they will be dismantled within three months of the completion of the permanent additional premises.

123. The Advisory Committee was informed that the need for additional accommodation had become acute as the present headquarters, completed in 1958, contains only 9,000 square metres of office space. Plans for the new buildings were approved in 1954, when the secretariat totalled 700 persons and the organization had a membership of seventy States. Today its membership is 113 and the present staff at headquarters of approximately 1,200 persons is expected to increase to about 1,350 by 1965.

*Preliminary draft programme and budget for 1965-1966*

124. At its recent session which opened in Paris on 25 September 1963, the Executive Board of UNESCO considered the Director-General's preliminary draft programme and budget for 1965-1966, proposing in particular a substantial increase in the organization's science activities during the next biennium. In the introduction to his preliminary programme and budget, the Director-General states, in justification of this proposal, that, in his opinion, "it would be difficult to continue systematically to expand [UNESCO's] activities in the field of education for any length of time without providing for a similar expansion in the other fields where the very essence of the life of the mind is to be found... Education is, in fact, but the gateway to such fields, foremost among which is science".

125. With regard to the scientific activities to be developed, the Director-General proposes the promotion of research in basic sciences with emphasis on hydrology, including the promotion of international exchanges and research during the International Hydrological Decade to begin in 1965, as well as increased activities in the fields of oceanography, seismology and geological sciences. Accordingly, UNESCO's Natural Science Department budget should be increased by 57 per cent over the previous two years—or from 17 per cent of the total budget to 22 per cent. Education, which will continue to be a prime con-

cern of the organization, should still take 33.7 per cent, while cultural activities would be allotted 15 per cent.

126. On 10 October 1963, the Executive Board decided to recommend to the next General Conference, which is to meet in 1964, a budget ceiling of \$46,800,000 for the two years, 1965 and 1966. This figure, which corresponds to that proposed by the Director-General, represents a 20 per cent increase over the 1963-1964 budget. After allowing for costs of maintenance, construction of additional headquarters buildings, salary and allowance increases, and price increases in various services and supplies, the increase available for new programme activities would be 11.5 per cent.

127. However, the Advisory Committee would call attention to the fact that the amount provided under the regular budget is but a fraction of the actual level of planned expenditures. It is the Director-General's view that, on the basis of the discussions at the United Nations Conference on the Application of Science and Technology for the Benefit of the Less Developed Areas, held in Geneva in February 1963, UNESCO's work with regard to the application of science to economic development should be intensified. The proposed rise in the regular budget would bring the science appropriation to \$7,497,405, to which should be added about \$4,445,000 in United Nations technical assistance funds and approximately \$21 million from the United Nations Special Fund, or \$33 million in all. Similarly, education would be allotted over \$11 million, plus more than \$7 million in technical assistance funds and \$7,488,000 from the Special Fund—or a total close to \$26 million.

128. The Advisory Committee noted the concern expressed by the Director-General who, considering that these extra-budgetary funds in 1965-1966 would almost equal the regular budget, gave warning that the activities financed by such funds might be so considerable as to disrupt the balance of the over-all action of UNESCO.

*D. International Civil Aviation Organization*

	1963 Appropriations (US dollars)	1964 Appropriations
Personnel services .....	4,479,045	4,648,893
General services .....	1,256,295	1,164,145
Special projects and activities...	83,448	86,648
Other budgetary provisions.....	8,240	8,240
	<hr/>	<hr/>
<b>TOTAL (gross)</b>	5,827,028	5,907,926
<i>Less: Casual revenue.....</i>	1,163,794	1,202,529
	<hr/>	<hr/>
<b>TOTAL (net)</b>	4,663,234	4,705,397

129. The Advisory Committee had an opportunity to discuss the 1964 budget of ICAO and related matters with the Secretary-General of that organization.

130. At its fourteenth session (Rome, August 1962), the Assembly of ICAO voted a budget for the year 1964 in the amount of \$5,907,926, to be provided as follows: (a) by miscellaneous income, \$1,202,529; (b) by assessments on Contracting States (General Fund), \$4,705,397. The gross appropriation of \$5,907,926 for 1964 represents an increase of \$80,898 or 1.39 per cent over 1963; after deduction of miscellaneous income, the net amount assessable on Contracting States in 1964 shows an increase of \$42,163 or 0.90 per cent over 1963.

131. In addition, the ICAO Council was authorized to make, if required, supplementary appropriations up to a maximum of \$146,000 for the financial year 1964, for the specific purpose of financing contingent expenditures to place Montreal in a higher category of the post adjustment classification scale (\$55,600); for additional contributions resulting from a revision of the pensionable remuneration (\$7,000); and to adjust the salaries of General Service category personnel at headquarters and related pension fund contributions (\$83,400).

132. On 1 January 1963, the ICAO establishment comprised 520 posts, 199 of which were in the Professional and higher categories and 321 in the General Service category. The fourteenth session of the Assembly authorized an increase of the establishment by 5 posts in 1964 (2 in the Professional category and 3 in the General Service category), bringing the total number of posts to 525 (201 in the Professional category and 324 in the General Service category).

#### Summary analysis of the 1964 budget

133. The following are the main changes in the 1964 gross budget:

(a) *Personnel services*: The increase of approximately \$169,000 in this part of the budget arises in the main from normal salary increments for established posts (\$80,000); the addition of the above-mentioned five new posts (\$38,000); the full staffing of the new regional office in Africa, only half of which had been budgeted for the entire year in 1963 (\$28,000); and an increase in temporary assistance and overtime relating to meetings (\$22,000);

(b) *General Services*: There is a total decrease of \$92,000 in this part of the budget, as compared to 1963, which results mainly from the following factors: travel on official business, particularly in respect of meetings (\$10,000); travel on home leave (\$57,000); travel and removal expenses of staff and dependants (\$8,000); property and equipment (\$10,000); and insurance, rental of additional premises for meetings and other items relating to meetings (\$7,000);

(c) *Special projects and activities*: This heading, which shows an increase of \$3,200 over 1963, includes a provision for two two-man regional teams during the period 1963-1965, designed to assist States in overcoming implementation problems and bring about an improvement in the operation of facilities and services now provided; the other item under this heading relates to the records management programme;

(d) *Other budgetary provisions*: This heading, the level of which is unchanged as compared with 1963, includes the trainee programme and *ex gratia* payments.

134. The foregoing result in a net increase in the 1964 gross budget of \$80,898.

#### Technical assistance

135. As in previous years, provision has been included for staff members connected with all technical assistance activities carried out by the organization at Headquarters. Except for the cost of staff members at Headquarters connected with ICAO's participation in the United Nations Operation in the Congo—which amounts to some \$35,600 and which is met, by decision of the Assembly, from an appropriation of funds for this purpose—the net cost of all other technical assistance activities at Headquarters is reimbursable by the

United Nations and included under miscellaneous income.

#### Special Fund

136. Authority to commence operations has been received for Special Fund projects in seven countries for which ICAO acts as executing agency. The total cost of these projects is estimated at \$22,855,248, comprising a Special Fund allocation of \$8,132,591 and counterpart costs of \$14,722,657.

#### Personnel questions

137. Although ICAO follows much of the common system, the Advisory Committee was informed of a number of departures. It would seem *inter alia* that the conditions for the education grant and the assignment allowance are somewhat more restrictive, and that annual leave for General Service staff at Montreal is granted at the rate of one month instead of six weeks per year of service.

#### E. Universal Postal Union

	1963 Revised budget	1964 Estimates
	(US dollars)*	
Personnel services .....	524,304	616,897
General services .....	318,518	637,037
Special projects and activities ...	56,715	92,594
Other budgetary provisions .....	—	—
TOTAL (gross)	899,537	1,346,528
Less: Casual revenue .....	28,009	118,055
TOTAL (net)	871,528	1,228,473

\* Converted at the rate of \$US1.00 = Swiss francs 4.32.

138. The following observations are based on a study of official documentation supporting the 1964 budget estimates of UPU.

139. The budget estimates for 1964, amounting to Sw. frs. 5,817,000 (\$1,346,528), represent an increase of Sw. frs. 1,931,000 (\$446,991), or 49.69 per cent, over the revised budget for 1963.

140. This increase is attributable in large measure to the costs connected with the arrangements for the next Universal Postal Congress which is to meet at Vienna, Austria, from 29 May to mid-July 1964. The main components of this increase are the following:

*Group I—Personnel services*: Increase of Sw. frs. 400,000 (\$92,593), comprising:

(a) Salaries, wages and fees: Sw. frs. 302,000 (\$69,907) (Recruitment of 9 new staff members, raising the regular establishment of the International Bureau from 50 in 1963 to 59 in 1964; several promotions in 1964 and regular salary increments);

(b) Staff allowances: Sw. frs. 98,000 (\$22,686);

*Group II—General services*: Increase of Sw. frs. 1,376,000 (\$318,519), comprising:

(a) Travel and transportation expenses: Sw. frs. 626,000 (\$144,908) (Staff travel and transportation of equipment for the next Congress);

(b) Contractual and other services: Sw. frs. 669,000 (\$154,861) (Printing costs of proposals, deliberations and Acts of the Congress and costs for simultaneous interpretation);

(c) Office supplies and equipment; premises, furniture and technical equipment: Sw. frs. 81,000 (\$18,750);

Group III—*Special projects and activities*: Increase of Sw. frs. 155,000 (\$35,880) over 1963 largely due to the printing of the documents of the Consultative Commission on Postal Studies.

#### Staff assessment plan

141. The Advisory Committee notes that no arrangements are envisaged for the adoption by UPU of a staff assessment plan.

#### F. World Health Organization

	1963 Appropriations	1964 Appropriations
	(US dollars)	
Personnel services .....	16,697,594	17,929,652
General services .....	5,439,868	6,344,310
Special projects and activities....	2,974,638	3,478,138
Other budgetary provisions.....	5,282,000	6,313,000
	-----	-----
TOTAL (gross)	30,394,100 <sup>a</sup>	34,065,100
Less: Casual revenue.....	1,659,100	1,606,090
	-----	-----
TOTAL (net)	28,735,000	32,459,010

<sup>a</sup> Including supplementary budget estimates in the amount of \$438,100 as approved by the Sixteenth World Health Assembly.

142. The Advisory Committee had an opportunity to discuss the 1964 budget of WHO and related matters with representatives of the Director-General of that organization.

143. The Sixteenth World Health Assembly established the effective working budget for 1964 in the amount of \$34,065,100, an increase of \$3,671,000 or 12.08 per cent over the corresponding approved level for 1963. Including an undistributed reserve of \$2,223,130 (equalling the assessments on inactive Members and China), the total amount appropriated by the Sixteenth World Health Assembly for the financial year 1964 is \$36,288,230, to be financed by contributions from Members after deduction of \$756,990 available by reimbursement from the Special Account for the Expanded Programme of Technical Assistance; \$98,860 representing assessments on new Members for previous years; \$454,733 representing miscellaneous income available for the purpose and \$295,507 available by transfer from the cash portion of the Assembly Suspense Account.

#### Summary analysis of the 1964 budget

144. Of the total increase (\$3,671,000) in the amount of the effective working budget for 1964 over the approved level for 1963, \$2,455,902, or over two-thirds is for the Operating Programme (part II of the budget) as follows:

(a) *Programme activities*: Increase of \$1,521,353 comprising: (i) \$650,291 for headquarters (contractual technical services in the field of medical research, in-grade salary increases, 17 new posts, common services, research training, printing of publications, short-term consultants and temporary staff, and various other minor requirements); (ii) \$871,062 for field activities including \$730,483 for projects and \$140,579 for regional advisers and similar personnel;

(b) *Regional Offices*: Increase of \$122,517 for salary costs including 6 new posts, temporary staff and custodial staff, and for common services;

(c) *Expert committees*: Increase of \$6,200;

(d) *Other statutory staff costs*: Increase of \$805,832 relating to all statutory staff costs other than the salaries and wages of the personnel provided for under part II.

145. The balance (\$1,215,098) of the total increase in the level of the effective working budget appears under parts I, III and IV of the budget as follows: part I—Organizational meetings, \$7,210; part III—Administrative services, \$226,888; part IV—Other purposes, \$981,000. The latter results mainly from the incorporation in the regular budget for 1964 of full provision for the costs of the malaria eradication field programme amounting to \$5,363,000 compared with a contribution to the Malaria Eradication Special Account of \$4,000,000 in 1963—an increase of \$1,363,000, partly offset by a net decrease of \$382,000 in provisions for non-recurrent items.

#### Established posts

146. The 1964 budget provides for an increase of 320 posts over the 1963 establishment: twenty-four for headquarters activities, six for regional offices, and 290 for the field (including 267 posts in the malaria eradication field programme now incorporated in the regular budget). The following table indicates the distribution of posts between headquarters, the regional offices and field activities for the years 1960-1964:

	1960	1961	1962	1963	1964
Headquarters .....	648	675	699	736	760
Regional offices .....	406	425	437	444	450
Field activities .....	489	546	588	639	929
	-----	-----	-----	-----	-----
TOTAL	1,543	1,646	1,724	1,819	2,139

#### Voluntary accounts

147. Noting that, as of 1964, the financing of the Malaria Eradication Programme is to be included in full in the regular budget of WHO, the Advisory Committee inquired into the current and prospective status of other voluntary funds. It was informed that the Thirteenth World Health Assembly established a Voluntary Fund for Health Promotion into which it placed the then existing voluntary accounts. The Fund now includes the following accounts:

- (a) General account for undesignated contributions;
- (b) Special account for smallpox eradication;
- (c) Special account for medical research;
- (d) Special account for community water supply;
- (e) Special account for assistance to the Republic of the Congo (Leopoldville);
- (f) Special account for accelerated assistance to newly independent and emerging countries;
- (g) Special account for miscellaneous designated contributions.

148. The Advisory Committee was informed that the Director-General intended to recommend to the Executive Board when it next meets the placement in the Voluntary Fund for Health Promotion of a new special account for leprosy. These accounts are known as "convenience accounts", established so that WHO may accept contributions by individuals or organizations for particular purposes. In the case of the proposed leprosy



account, WHO was recently left a small inheritance to be used to fight leprosy.

149. The Advisory Committee was given to understand that there is a movement of programmes from voluntary funds to the regular budget. For example, medical research programmes originally financed from voluntary funds are being gradually transferred to the regular budget, by decision of the World Health Assembly. The same thing is expected to happen with respect to community water supply programmes. It is possible that, if Governments so request, smallpox eradication programmes could be financed from the regular budget.

150. The Committee noted that WHO has, for many years, included in its budget presentation complete information concerning projects financed from all funds available to the organization. The budget document also shows, in the columns headed "Other extra-budgetary funds", the amounts which UNICEF is expected to contribute to health projects also assisted by WHO, identifying those which have been allocated by the UNICEF Executive Board. The Committee hopes that this practice will be continued.

#### Staff assessment plan

151. The World Health Organization will introduce a staff assessment scheme as of 1 January 1964. The rates will be the same as those applied by the United Nations, but the implementation procedure will be simplified.

#### Headquarters accommodation

152. The Sixteenth World Health Assembly, in its resolution WHA-16.22, raised the maximum cost for the construction of the headquarters building from the level of 40 million Swiss francs approved by the Thirteenth Assembly in 1960 to 60 million Swiss francs. In this respect, the Advisory Committee was informed that, despite the most drastic reductions in the building programme, the costs of construction in Geneva had been increasing at such a rate that completion of the building would require 60 million Swiss francs on the basis of early 1963 estimates.

153. As regards the target date for the completion of the new headquarters, it would appear that, following a number of delays in construction which have already occurred, it might become increasingly difficult to respect the tentative target of December 1965, should there be any more interruptions or delays.

#### G. International Telecommunication Union

	1963 revised appropriations (US dollars)*	1964 Appropriations
Personnel services .....	3,292,431	3,145,278
General services .....	797,430	771,123
Special projects and activities...	—	—
Other budgetary provisions.....	13,171	9,953
TOTAL (gross)	4,103,032	3,926,354
Less: Casual revenue.....	188,263	222,280
TOTAL (net)	3,914,769	3,704,074

\* Converted at the rate of \$US1.00= Swiss francs 4.32.

154. The Advisory Committee had an opportunity to discuss the 1964 budget of ITU and related matters with the Secretary-General of that organization.

155. At its eighteenth session held at Geneva in March-April 1963, the Administrative Council of ITU approved in respect of 1964, an expenditure budget of \$3,926,354 comprising \$3,705,196 for the Union's ordinary expenses and \$221,158 for Technical Co-operation management expenses. In addition, the Administrative Council approved a supplementary publications budget of \$367,812 and an expenditure estimate of \$246,065 for the African Broadcasting Conference to be held in Madrid in 1964.

#### Summary analysis of the 1964 budget

156. The 1964 appropriations show a decrease of \$176,678 or 4.31 per cent as compared with the 1963 revised appropriations.

157. The largest part of this reduction is attributable to a decrease of \$147,153 under the item "Personnel services", resulting from a cut of \$223,611 in the provision for short-term staff, partly offset by increased requirements for permanent and temporary posts due *inter alia* to a strengthening of the manning table approved by the Administrative Council. The Council decided that there should be 336 permanent posts as against 333 in 1963 for the ordinary budget, and 22 such posts as against 17 in 1963 for Technical Co-operation.

158. It should be noted that the introduction of new salary scales for General Service staff, together with a change in the post adjustment and an increase in the cost-of-living allowance paid to staff retired under the 1927, 1949, and 1958 systems, has caused an appreciable rise in staff costs, although this was already apparent in 1963. In this connexion, the Council authorized the inclusion of additional credits amounting to \$97,222 in the budget for 1963.

159. The balance of the decrease in the 1964 budget occurs under the items "General services" (\$26,307) and "Other budgetary provisions" (\$3,218).

#### Prospects

160. In view of the fact that the Administrative Council of the Union had to approve a supplementary appropriation in 1963, as indicated in paragraph 158 above, the Advisory Committee inquired into the 1964 prospects in this connexion. It was given to understand that no basic revisions of the 1964 budget were currently foreseen; however, from 1965 onwards, if developments in space communications kept up at an ever-increasing pace, as seemed likely, there would be a very large expansion in world-wide communications, hence a corresponding increase in the responsibilities of ITU to make sure that chaos was avoided in the field of telecommunications.

161. In this regard, it may be recalled that ITU is basically a regulatory agency. However, it has recently been called upon to play an operational role in several spheres. The Plenipotentiary Conference which will meet in Switzerland in 1965 on the occasion of the hundredth anniversary of the Union, may amend the Convention so as to include operational activities in the work of the agency. At present, the only operational part played by ITU is through its participation in the Expanded Programme of Technical Assistance and through Special Fund projects. This work is carried out by the Technical Co-operation Department of the General Secretariat of the Union and its costs are paid by the respective programmes.

*Publications programme*

162. The Advisory Committee noted with interest the healthy financial results of the ITU publications programme. It was informed that this programme was operated strictly as a commercial venture. The Union fixes the prices of its publications at a level sufficiently high to cover all costs and does not issue documents at a loss.

*Staff assessment plan*

163. The Committee was informed that ITU had made no arrangements for the adoption of a staff assessment plan.

H. *World Meteorological Organization*

	1963 <i>Appropriations</i>	1964 <i>Appropriations</i>
	<i>(US dollars)</i>	
Personnel services .....	635,653	865,374
General services .....	215,534	355,975
Special projects and activities....	75,831	37,500
Other budgetary provisions.....	8,421	8,750
	<hr/>	<hr/>
TOTAL (gross)	935,439 <sup>a</sup>	1,267,599
Less: Casual revenue.....	2,500	2,500
	<hr/>	<hr/>
TOTAL (net)	932,939	1,265,099

<sup>a</sup> Includes reappropriation of 1962 budgetary surplus (\$25,061) and supplementary appropriation (\$96,000) for new urgent projects.

164. The Advisory Committee had an opportunity to discuss the 1964 budget of WMO and related matters with the Secretary-General of that organization.

165. The budgetary system of WMO is based on the approval by the World Meteorological Congress of a maximum level of expenditures for the financial period of four years following each session of the Congress. The budget for each financial year, 1 January-31 December, is adopted by the Executive Committee of the organization at its annual session preceding the year in question.

166. The fourth World Meteorological Congress, held in Geneva in April 1963, approved a maximum expenditure of \$5,373,581 for the fourth financial period of the organization, 1 January 1964 to 31 December 1967, and authorized the Executive Committee to incur additional expenditure to meet increases in staff salaries and allowances consequent on comparable changes in United Nations salaries and allowances. In a separate resolution, the Congress also authorized the Executive Committee to incur additional expenditure up to \$1,500,000: (a) for the implementation of an international meteorological plan to meet expected needs in the light of rapid technical development subject to its prior approval by Member States; and (b) for recommended regional and inter-regional projects and assistance to developing countries.

167. The budget for 1964, the first financial year of the fourth financial period, was adopted by the Executive Committee at its fifteenth session (Geneva, 29 April-2 May 1963), in a total of \$1,267,599 which compares with a revised appropriation of \$935,439 for 1963, or an increase of \$332,160 (35.51 per cent).

*Summary analysis of the 1964 budget*

168. In view of the fact that, as already stated, 1964 is the first year of a new financial period, the Advisory Committee inquired into the principles and assumptions on the basis of which the new four-year budget had been prepared and approved.

169. As regards meetings, the Fourth Congress decided to retain the present policy, whereby each session of a constituent body, with the exception of the Congress and the Executive Committee, is held at the invitation of the government of a member country which acts as host to the session and bears the expenditure connected with the material arrangements, linguistic facilities and secretarial help required for the session. However, provision was made for some assistance from the organization for interpretation services in cases where host-countries experienced difficulty in obtaining such personnel and equipment locally. The relevant appropriation is therefore based on the same considerations as for previous budgets and covers meetings of the Executive Committee, the Advisory Committee, the Regional Association for Africa, two technical commissions and several working groups thereof. The 1964 programme of meetings is not directly comparable with 1963 because a large proportion of the 1963 appropriation was to provide for the Fourth Congress.

170. With respect to the internal organization and strength of the secretariat, the Advisory Committee was informed that the establishment for the fourth financial period was reviewed by the Fourth Congress in the light of its decisions regarding the organization's policy and programme of activities. This review resulted in:

(a) A number of changes including: (i) the creation of new offices of the Assistant Secretary-General, the Planning Unit and the Regional Representative for Africa; (ii) the merging of the services for administration, conferences, publications and finance in one division, responsible to the Deputy Secretary-General; and (iii) the reorganization and enlargement of the Technical Division into sections responsible for applied meteorology, hydrology, telecommunications and networks, research and training;

(b) A general strengthening of the secretariat manning table to be achieved by phasing the recruitment of the new staff, commencing in 1964 and reaching the maximum number of established posts (131) in 1967. The increase in the staff from 79 established posts in 1963 to 111 in 1964 accounts to a large extent for the increase in the appropriation for this part of the budget.

*Publications Fund*

171. The Fourth Congress reviewed the administration of the Publications Fund during the third financial period (1960-1963). In view of the acknowledged success of this form of financing the publications programme, it was decided to continue the same method in the fourth financial period. Accordingly, annual subventions will be made as before from the regular budget and revenue from the sale of publications will also be credited to the Fund. The cash receipts for the period 1 January 1960 to 30 June 1963 amounted to \$92,546, which exceeds the proportion of the revenue estimated by the third Congress for the whole period (\$100,000) by over \$5,000.

*Publication of the International Geophysical Year (IGY) and International Geophysical Co-operation (IGC) meteorological data*

172. The Fourth Congress decided that the surplus standing to the credit of the IGY/IGC account at 31 December 1963 should be transferred to a new special account entitled the WMO-IQSY<sup>23</sup> Fund, to be used exclusively for assistance to WMO activities in relation to the international years of the quiet sun. The stock of microcards of IGY/IGC data will be merged at that date with the stock of WMO publications, and any income derived from the sale thereof will thenceforth be credited to the Publications Fund.

*Special Fund programme*

173. WMO is participating, as executing agency, in the United Nations Special Fund programme. By an internal arrangement between WMO and the United Nations Bureau of Technical Assistance Operations, the latter deals with the administrative aspects of the Special Fund projects for which WMO is the executing agency. The full responsibility for all technical aspects of those projects and their over-all execution remains with WMO.

174. In the plan of operation of each project, a lump-sum amount is provided by the Special Fund for the administrative and operational services costs of WMO for the full period of the project, a portion of which is paid by WMO to the United Nations for handling the administrative aspects of the project. Seven Special Fund projects have been assigned for execution by WMO, the duration of which varies 3 to 4½ years. The net project budget for the seven projects provided by the Special Fund, excluding the governments' counterpart contributions, is \$3,824,200. WMO, as the executing agency, has the responsibility for the control and operation of these funds.

*Expanded Programme of Technical Assistance*

175. The participation of WMO in the Expanded Programme has increased in terms of allocated funds from \$327,900 in 1960 to \$1,119,000 in the biennium 1961-1962 and \$1,803,790 in the biennium 1963-1964.

*Personnel questions*

176. The Fourth Congress reviewed the WMO Staff Regulations in the light of the experience gained during the third financial period, and *inter alia* instructed the Executive Committee to make such amendments to the salary scales for the professional grades and above as were required in the light of amendments to the United Nations scales, so as to keep the salary scales for WMO staff in those categories at the same level as the corresponding United Nations scales during the fourth financial period. It further decided that the WMO Staff Regulations should not apply to staff employed in field projects of the various technical assistance activities of the organization not financed by the organization itself.

177. After discussing a report on the status and salaries of the WMO secretariat staff, submitted by the Executive Committee, the Fourth Congress decided to base WMO policy in regard to staff recruitment during the fourth financial period on the principles summarized below.

178. The secretariat staff of the organization is divided into four categories:

(a) *Scientific staff*: scientifically qualified persons, preferably with experience in national meteorological services;

(b) *Technical staff*: persons with technical experience in national meteorological services but not necessarily possessing the qualifications of the scientific staff as defined above;

(c) *Administrative and linguistic staff*: persons in senior posts in the administrative, finance, personnel, translation and similar sections;

(d) *Supporting staff*: secretaries, typists, mimeograph operators, etc.

179. Appointments to posts in these four categories would be subject to the following rules:

(a) *Scientific staff*: All appointments of persons not already in the secretariat, to the senior posts on the scientific staff (P-5 and above) would be on a fixed-term basis, on the understanding that the appointments could be renewed if necessary. For grades P-3 and P-4, there would be both permanent and fixed-term appointments. Because of the small number of posts involved, no particular percentage for fixed-term appointments has been laid down. The Secretary-General would decide the number of fixed-term appointments in the light of circumstances. All appointments, however, should be based, in the first instance, on a two-year fixed-term contract;

(b) *Technical staff*: Appointments should be on a permanent basis so as to encourage staff in that category to make a career as technical assistants in the secretariat. Nevertheless, the Secretary-General should be free to make fixed-term appointments if he saw fit;

(c) *Administrative and linguistic staff*; and

(d) *Supporting staff*: In principle all posts should be on a permanent basis but, to permit of some flexibility, the Secretary-General should be authorized to keep a small number of such posts on a fixed-term basis.

180. The Fourth Congress considered that the duration of a fixed-term contract should be decided by the Secretary-General, taking into account all relevant considerations, but should not exceed four years. Such contracts, however, should be renewable. No distinction is made in regard to base salaries between career and fixed-term appointments.

*Staff assessment plan*

181. The Advisory Committee was informed that WMO had made no arrangements for the adoption of a staff assessment plan.

*I. Inter-Governmental Maritime Consultative Organization*

	1963 Appropriations	1964 Estimates
	(US dollars)	
Personnel services . . . . .	304,550	432,320
General services . . . . .	115,350	197,050
Special projects and activities . . . . .	—	—
Other budgetary provisions . . . . .	1,350	1,500
TOTAL (gross)	421,250	630,870
Less: Casual revenue . . . . .	8,350	6,800
TOTAL (net)	412,900	624,070

<sup>23</sup> International Quiet Sun Years.

182. IMCO, which came into being in 1959, operates on the basis of financial periods, each of two calendar years. As at 1 October 1963, the organization had fifty-six members.<sup>24</sup>

183. At its eighth session (21-24 May 1963), the Council of IMCO examined the budgetary estimates for the third financial period 1964-1965, prepared by the Secretary-General in accordance with article 35 of the IMCO Convention and article III of the Financial Regulations.

184. The Council has asked the Secretary-General to arrange for an organization and method study to be made of the secretariat. As a result of this study, the Secretary-General has made certain amendments to his budgetary proposals. The Council, at its ninth session in September 1963, recommended the revised budget proposals to the Assembly, which accepted the budgetary estimates as shown below.

185. For the third financial period 1964-1965, the estimates total \$1,459,370, comprising \$630,870 for 1964 and \$828,500 for 1965. It may be recalled that the IMCO Assembly at its second session (London, 1961) authorized a maximum expenditure of \$892,350 for the second financial period (1962-1963) and appropriated \$471,100 for 1962 and \$421,250 for 1963. However, actual expenditure totalled \$401,299 for 1962 and is estimated at \$477,000 for 1963.

186. Expenditures for meetings are lower in 1964, since no major conferences will be held in that year. The higher amount in 1965 is attributable to the next session of the Assembly and to a diplomatic conference on the facilitation of travel and transport to be held in 1965.

187. Staff costs will increase because of a proposed strengthening in the manning table from 43 posts in 1963 (15 Professional and above, plus 28 General Service) to 56 in 1964 (18 Professional and above, plus 38 General Service). This manning table reflects minimum requirements and does not include short-term staff provided for under temporary assistance.

188. The rise in the provision for General Services is due for the most part to considerably higher estimates for office equipment and machines, communications and freight, and especially for rental of premises, insurance and utilities. The amount shown for printing and publication is nearly doubled.

*Staff assessment plan*

189. The Advisory Committee notes that no arrangements have been made by IMCO for the adoption of a staff assessment plan.

*J. International Atomic Energy Agency*

	1963 Regular budget	1964 Regular budget
	(US dollars)	
Personnel services .....	4,874,000	4,971,500
General services .....	680,500	687,000
Special projects and activities...	1,783,000	1,786,000
Other budgetary provisions.....	—	—
	-----	-----
TOTAL (gross)	7,337,500	7,444,500
Less: Casual revenue.....	215,000	224,500
	-----	-----
TOTAL (net)	7,122,500	7,220,000

<sup>24</sup> Argentina, Australia, Belgium, Brazil, Bulgaria, Burma, Cambodia, Cameroon, Canada, China, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Finland, France, Federal Re-

190. The Advisory Committee had an opportunity to discuss the 1964 budget of the IAEA and related matters with a representative of the Director-General of the Agency.

191. At its recent session (24 September-1 October 1963), the General Conference approved the budget estimates submitted to it by the Board of Governors. These estimates were initially prepared by the Director-General, revised by the Board's Administrative and Budgetary Committee in May 1963 and finally adopted by the Board of Governors in June 1963.

192. The figures shown above relate to the "regular budget", which is financed from assessments on member States and provides funds for activities defined as "administrative" by the Agency's Statute. It covers the costs of the Agency's two governing bodies, the secretariat and functional programme activities such as: panels and committees of experts; special missions to member States; seminars, symposia and conferences; distribution of information; research contracts in connexion with health and safety matters and safeguards methods; the implementation of safeguards, the handling and storage of fissionable materials other than materials furnished by member States; power reactor studies, the application of radioisotopes in agriculture, hydrology and medicine; and such operating costs of the laboratory facilities as are attributable to any of these activities.

193. In addition to the regular budget, IAEA has an "operational budget" which is not appropriated, but is set in the form of a target for voluntary contributions to carry out various activities which, under the Agency's Statute, cannot be funded by the regular budget. These include the provision of technical assistance to member States in the form of experts, equipment, fellowships, training courses and training facilities, research assistance, and expenses incurred in connexion with materials, facilities, plant and equipment acquired or established by the Agency in carrying out its functions. It also covers the operating costs of such facilities as the Agency's laboratory to the extent they are engaged in activities not covered by the regular budget. Some income for the operational budget is derived from the supply of goods and services by the Agency to member States, special contributions for specific activities and miscellaneous income.

194. The following table above shows the level of the operational budget for 1962, 1963 and 1964:

	(US dollars)
1962 .....	1,638,862
1963 .....	2,224,600
1964 .....	2,367,500

The comparatively low amount in 1962 reflects the actual shortfall in voluntary contributions, whereas 1963 and 1964 reflect the target amounts. In accordance with article XIV.F of the Statute, the General Fund is the depository of voluntary contributions of money from member States or from other authorized sources.

public of Germany, Ghana, Greece, Haiti, Honduras, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Kuwait, Liberia, Madagascar, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Panama, Poland, Republic of Korea, Senegal, Spain, Sweden, Switzerland, Syria, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia.

It provides, by transfers to Operating Funds I and II, moneys for the operational activities of the Agency. Operating Fund I covers the Agency's laboratory, the Monaco project (oceanographic laboratory) and the Trieste Theoretical Physics Centre (see para. 199 below). Operating Fund II covers three main items: exchange and training, technical assistance and research contracts.

#### *Summary analysis of the 1964 budget*

##### *The regular budget*

195. The budget for 1964 provides basically for a programme which continues that of 1963 and previous years. The Advisory Committee was told that this represented a period of consolidation and an attempt to minimize budgetary increases in order to allow another year in which the organization and programme of the Agency might be reviewed to assure maximum utilization of available manpower and financial resources.

196. Expenditures under the regular budget, totalling \$7,444,500, show an increase of \$107,000 or 1.46 per cent over 1963. However, if account is taken of the relatively higher figure for casual revenue, the assessable amount is only \$97,500 or 1.37 per cent over the corresponding 1963 figure.

197. The main components of this increase in expenditures are the following:

(a) Decrease of \$44,000 in respect of the General Conference and Board of Governors, due to a change in the pattern of work which shows a declining trend for translation and documentation services, resulting in a corresponding reduction of staff costs for such work, in particular for the Board of Governors;

(b) Net increase of \$3,000 for functional programmes activities resulting from a rise of \$93,500 in the provision for scientific and technical services and laboratory charges almost completely offset by reductions in the appropriation for seminars, symposia and conferences, and by anticipated savings on printing costs included under section 6, distribution of information;

(c) Net increase of \$111,500 under the heading "Secretariat", attributable to an increase of \$139,500 in staff costs (\$95,000 of which is due to the introduction of a class 1 post adjustment at Vienna effective 1 April 1963) with an offsetting decrease of \$28,000 in the estimates for duty travel of staff to reflect savings which will be achieved by more extensive use of tourist and economy class travel;

(d) Increase of \$36,500 for common services, supplies and equipment mainly due to rental of additional data-processing equipment to improve methods of retrieving and disseminating scientific information.

##### *The operational budget*

198. The target for voluntary contributions to finance the operational programme for 1964 has been retained at the \$2 million level. Special contributions of \$290,000, miscellaneous income of \$50,000 and income of \$27,500 from reimbursable services by the laboratory are expected to bring the operational budget to an estimated total of \$2,367,500 in 1964 compared with \$2,224,600 in 1963.

199. The 1964 programme introduces a new activity under Operating Fund I (see para. 194 above): a Centre of Theoretical Physics which will be established in Trieste, Italy. The host Government will provide

all necessary buildings, installations and facilities in addition to an annual cash contribution of \$250,000. Contributions from the Agency include \$20,000 for a summer school from the regular budget and \$35,000 for fellowships in theoretical physics from the operational budget. A nominal amount of \$10,000 has been included in the estimates for contributions which other member States may make. It is estimated that \$315,000 will be adequate to cover the operating costs of the Centre for the first year. Operating Fund I also provides for an increase of \$23,900 in the expenditures for the laboratory in 1964; operational funds for the Monaco oceanographic laboratory contract in 1964 remain at the 1963 level of \$40,000.

200. Because of declining income from miscellaneous sources and because there are no further funds within General Fund balances carried forward from prior years, the estimated funds available for technical assistance projects and related Operating Fund II activities<sup>25</sup> in 1964 will be only \$1,848,000 compared with \$1,979,000 shown in the 1963 budget. Both of these figures are much higher than actual resources are apt to be because of the usual shortfall in voluntary contributions. In 1962 the target of \$2,000,000 resulted in only \$1,248,000 being available for Operating Fund II programmes, although the budget would have provided \$1,743,000 for this purpose if the full target had been received.

201. The Advisory Committee would recall that the fifth General Conference adopted resolution GC (V)/RES/100 inviting economically developed member States to make voluntary contributions to the operational budget "in amounts that are at least the same percentage of the target for each year as their assessed contributions to the regular budget" and that other countries should make at least a token contribution.<sup>26</sup> The Committee was informed, however, that the percentage of the target which will be attained may well decline. In 1962, voluntary contributions of \$1,340,000 (plus a special \$40,000 from Monaco) were pledged, including twenty-two member States which equalled or exceeded their assessment ratio. In 1963, as of 7 October, only twenty-one member States have equalled their assessment ratio and pledges are about \$40,000 less than in 1962. The pledging committee at the seventh General Conference, which was concluded in the first week of October 1963, received pledges which are over \$100,000 below the level recorded at a comparable time in 1962.

##### *Established posts*

202. The 1964 budget provides for a net increase of fifteen posts over the 1963 establishment as shown in the following table:

<i>Authorized posts</i>	<i>1963</i>	<i>1964</i>
Professional .....	282	278
General Service .....	320	336
Maintenance and Operatives.....	105	108
TOTAL	707	722

203. While the secretariat will be reduced by eight Professional and seven General Service posts, the

<sup>25</sup> As indicated in paragraph 194 above, these include fellowships and training activities, experts and equipment and research contracts to be placed in less developed countries.

<sup>26</sup> See also *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 69, document A/5332, para. 121.



change from external to internal reproduction of publications will result in an increase in the over-all manning table by twenty-one General Service and three Maintenance and Operatives posts, the costs of all of which are, however, absorbed in the reduced provision for printing costs (see para. 197 (b) above). Moreover, the staff of the functional laboratory facilities will be increased by four Professional and two General Service posts.

#### *Staff assessment plan*

204. In September 1963, the Board of Governors of the Agency approved the introduction of a staff assessment plan as of 1 January 1964. This plan, which provides for the same assessment rates as the United Nations scheme, will be identical in all particulars with the system which will become effective in the ILO on the same date.

#### *Long-term programme*

205. During the past year, a long-term programme has been developed in order to expedite effectively the Agency's activities. This programme, covering the years 1965-1970, has now been approved by the Board of Governors and the General Conference. In connexion with this programme, the General Conference in early October 1963 passed a resolution requesting the Director-General to formulate, within the framework of the long-term programme, specific projects and activities, especially of a regional character, with special regard to the priorities set for the United Nations Development Decade, and fields of work which would foster economic development. The resolution mentioned that nuclear power, desalting of water, use of radioisotopes to improve crops, disinfect food grains, eradicate insect pests and measure underground water, are peaceful uses of nuclear energy which are of special interest to the developing countries.

### **(b) Inter-organizational machinery for matters of pay and personnel administration: report of the Secretary-General**

#### **DOCUMENT A/C.5/976\***

#### **Report of the Secretary-General**

[Original text: English]  
[23 July 1963]

1. In resolution 1869 (XVII) the General Assembly noted with approval the intention of the Administrative Committee on Co-ordination (ACC) to consult the International Civil Service Advisory Board (ICSAB) with respect to the possibility of extending the functions of the Board to serve as a strongly constituted, independent, inter-organizational body to deal with pay and personnel problems which arise in the administration of the United Nations common system. The intention of ACC has since been endorsed by the World Health Assembly at its sixteenth session in May 1963. It has also been noted by the Governing Body of the International Labour Office at its 155th session in May-June 1963.

2. In May 1963 ACC placed before ICSAB tentative proposals for enlarging the Board's responsibilities. The report of the Board, which is annexed, has been accepted by ACC.

3. The attention of the General Assembly is particularly drawn to the following points:

(1) The membership of the Board will be enlarged from nine to eleven; appointments will be for a period of three years, with terms of office expiring in rotation, but with possibility of reappointment. The Board will in certain circumstances be authorized to act through panels of three or more members.

(2) Appointments will, as now, be made by the Secretary-General with the advice and consent of ACC. Since, however, the enlarged responsibilities of ICSAB will impinge more frequently on conditions of service with budgetary implications, future appointments will be the subject of consultations as appropriate by the executive heads within their respective organizations.

(3) The Board will report to ACC, which will transmit the reports, together with ACC's comments, to the appropriate authorities in each organization.

(4) The Board will retain its existing advisory functions in respect of recruitment and certain aspects of personnel administration. In addition it will, as regards the organizations in the United Nations common system,<sup>27</sup> review and make recommendations on:

(a) The system of classification of posts and its application;

(b) Salaries and allowances of staff in the Professional and higher categories;

(c) The methods of and the criteria for establishing the conditions of service of staff in the General Service category and the manner in which the criteria are applied in the headquarters areas;

(d) Divergencies in the application of the common system, the extent to which they should be eliminated, and the manner in which such elimination might be accomplished;

(e) Any other matter which may be referred to it by ACC (acting either at the request of an executive head or of a legislative or executive authority of an organization in the common system) including:

(i) The determination of the specific conditions of service of the General Service category in a particular headquarters area;

<sup>27</sup> The International Bank for Reconstruction and Development and the International Monetary Fund are not members of the United Nations common system of salaries and allowances. Hence the new functions are not applicable to these agencies.

\* Incorporating document A/C.5/976/Corr.1.

(ii) Questions of application and administration of conditions of service in the common system and proposals for changes in the conditions on which the separate organizations concerned have been unable to agree;

(iii) Matters of particular importance to an individual organization, within the general field of personnel administration.

(5) The Board will have authority to take an initiative in reviewing a particular matter. Equally, governing or similar bodies will be entitled to refer matters to the Board for review.

(6) The Secretary-General, as Chairman of ACC, will, after consultation with ICSAB, appoint a full-time Secretary to the Board. The Secretary will, in carrying out his duties, be subject only to the instructions of the Board, and will be removable only with the Board's agreement. The executive heads will make available such auxiliary staff and facilities as are needed to enable ICSAB to carry out its task.

4. Based on the existing terms of reference of the Board, the costs for 1964, covering one session of the Board, are estimated at \$15,000, relating to travel and other expenses of members (\$13,500) and travel and subsistence of staff (\$1,500). These total costs will be shared among all participating organizations in accordance with the agreed inter-agency formula for financing joint activities. The United Nations will continue to administer these expenses, funds for which will be provided in part (\$5,000) from the United Nations budget and in part (\$10,000) from reimbursements to be made by the organizations concerned.

5. The revised terms of reference of the Board, which provide for an increase in membership and the employment of a full-time Secretary, would increase these estimated costs by \$37,500, as follows:

	(US dollars)
Travel and other expenses of additional members	3,000
Travel and subsistence of staff.....	500
Salaries and common staff costs (Secretary of the Board and general service support).....	34,000
	37,500

The total estimated costs for the Board in 1964 would thus amount to \$52,500.

6. The Secretary-General commends to the General Assembly the revised terms of reference of the International Civil Service Advisory Board. He believes that the reconstituted Board, with its widened authority and independent secretariat, will significantly improve the machinery of administrative co-ordination within the United Nations common system. He would hope, as did the Board itself, that the renewed effort at achieving a high degree of uniformity of practice among the United Nations and the related agencies would be facilitated by measures taken at the national level in accordance with the recommendations of the General Assembly, contained in its resolutions 125 (II) and 210 (III).

7. The Secretary-General accordingly suggests that the General Assembly may wish to endorse the action proposed by the Administrative Committee on Co-ordination in implementation of the report of the International Civil Service Advisory Board.

## ANNEX

## International Civil Service Advisory Board

*Report on inter-organizational machinery for matters of pay and personnel administration*

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## LETTER OF TRANSMITTAL

29 May 1963

PE 113/2

Dear Mr. Secretary-General,

I have the honour to submit herewith the report (ICSAB/XI/3) of the International Civil Service Advisory Board on inter-organizational machinery for matters of pay and personnel administration.

The report was adopted by the Board at its eleventh session held in New York from 20 to 29 May 1963.

The report sets out the Board's views and recommendations on the proposals put before it by the Administrative Committee on Co-ordination in its statement (ICSAB/XI/1) dated 25 April 1963. In considering these proposals, the Board had the benefit of supplementary statements made in the course of its deliberations by representatives of the United Nations and related agencies.

I wish to place on record the Board's appreciation of the valuable assistance it has received from Mr. Albert Lethbridge, who served as its Special Assistant, and Mr. David Miron, its Secretary.

Yours sincerely,

(Signed) A. Ramaswami MUDALIAR

Chairman,

International Civil Service Advisory Board

The Secretary-General  
United Nations  
New York.

REPORT OF THE INTERNATIONAL CIVIL SERVICE ADVISORY BOARD  
INTER-ORGANIZATIONAL MACHINERY FOR MATTERS OF PAY AND  
PERSONNEL ADMINISTRATION

*Introduction*

1. The International Civil Service Advisory Board was asked by the Administrative Committee on Co-ordination to review and comment upon proposals by which the Board's terms of reference would be enlarged in such a way that it would become, in effect, a central body for considering and making recommendations on major problems of inter-organizational co-ordination of conditions of service in the United Nations common system. It was informed that ACC had already advised the General Assembly of the United Nations, at the seventeenth session, of its view that the functions of the Board should be extended, and that that view had been welcomed in the Assembly and endorsed by it in resolution 1869 (XVII). Since the end of the seventeenth session a number of other legislative or governing bodies of organizations have been informed of

and have endorsed the general concept of such a revision of the Board's role.

2. The suggestion that some such central machinery, outside the secretariats, is needed has been made in several organizations in recent years. In particular, the United Nations Advisory Committee on Administrative and Budgetary Questions, in paragraph 71 of its report on the United Nations budget estimates for 1963,<sup>a</sup> said that "perhaps the time has come to give consideration, *inter alia*, to the recommendations contained in paragraphs 295-303 of the report of the Salary Review Committee of 1956<sup>b</sup> concerning the need for a strongly constituted independent body to make judgements when problems arise in the administration of the common system".

3. The views of the Salary Review Committee, which had noted the many problems concerning conditions of service on which co-ordinated action by the various organizations is desirable, are quoted in appendix 1. This Committee made certain suggestions for amendment of the Board's terms of reference. These were not pursued at the time, although ACC took the initiative in following up certain aspects of the proposals. Difficulties have continued to arise in securing co-ordinated action by the organizations in the common system, stemming chiefly from three causes:

(a) The executive heads may not agree as to what are the relevant facts, or may disagree as to the conclusions to be drawn from them;

(b) On particular issues, it may be difficult for a single organization to take an entirely detached and over-all view;

(c) The legislative bodies of the various organizations may reach different conclusions on the facts presented to them.

4. In considering how best these difficulties could be solved, ACC reached the conclusion that the method suggested by the Salary Review Committee was the most suitable. The tentative proposals which ACC placed before the Board at its session in May 1963 followed closely the proposals of that Committee, with one exception which it may be convenient to dispose of at once.

5. The Salary Review Committee proposed, in paragraph 303 of its report, that the Board should be entrusted with, *inter alia*,

"The establishment or variation of post adjustment rates at any duty station, and related questions of statistical methodology, the interpretation of the statistics, and the elements of judgement to be applied to the statistics;"

It clearly contemplated, however, that this particular task would be undertaken in the first instance by a subsidiary expert panel acting under the Board's general jurisdiction. The task is at present being performed by the Expert Committee on Post Adjustments. That Committee was established by ACC in 1958, and ACC suggested to the Board that, at least for the time being, the arrangement should not be disturbed, although the exclusion would be later reviewed in the light of experience of the Board under its new terms of reference. The Board is in agreement with this suggestion.

#### *Existing and proposed additional functions of the Board*

6. The existing functions of the Board, as laid down in the terms of reference approved in 1952 at the tenth session of ACC, are essentially "to contribute to the improvement of recruitment and related phases of personnel administration in all of the international organizations". Broadly speaking, it can be said that before 1958 the Board's activities were concerned with personnel questions other than conditions of service. As a result however of the recommendations of the Salary Review Committee, it was in 1959 invited by ACC to study the question of common grading, and in 1961 to examine the pay scales for the Professional category.

7. ACC stressed that the existing functions of the Board with respect to personnel questions would remain unaffected

and would retain their importance. It suggested however that the Board should in addition, as regards the organizations which follow the United Nations common system of salaries and allowances, be empowered:

"to review and make recommendations, through ACC, for consideration by the appropriate authority of each organization, on the following matters of pay and personnel administration:

"(i) the system of classification of posts and its application;

"(ii) salaries and allowances of staff in the Professional and higher categories, and of staff in the General Service category at headquarters areas;

"(iii) divergencies in the application of the common system, the reasons for their existence, the extent to which they should be eliminated, and the manner in which such elimination might be accomplished;

"(iv) such matters as might be referred to it by ACC (acting either at the request of an executive head or of a legislative or executive authority of an organization in the common system) including any matter of particular importance to an individual organization on questions of application and administration of conditions of service in the common system, and proposals for changes in conditions on which the separate organizations concerned have been unable to agree."

8. Subject to what is said below as regards the means of carrying these responsibilities, the Board feels that, with one modification, these additional functions could be undertaken.

9. The modification concerns the extent to which the Board need necessarily have referred to it the question of actual rates of pay for the General Service category in headquarters areas. There must clearly be, in all these areas, a consistent and generally agreed criterion for the interpretation of the approved principle of "best prevailing local conditions". Provided this criterion is satisfied, however, it should be sufficient if, in a headquarters area where proposals for changes in General Service conditions give rise to no problems of inter-organization co-ordination, the appropriate authorities take action without necessarily asking the Board's advice, but on the understanding that the Board might examine *ex post facto* what has been done.

10. The Board agrees with the view expressed by ACC that the additional scope of the Board's activities will not absolve the organizations from the responsibility of themselves making every effort to reach agreement on their common problems, through the existing inter-secretariat machinery, within the framework of accepted principles. If however a question is likely to come before the Board for recommendation, it will be a matter of serious embarrassment to all concerned if, pending any such reference, a definite position has been taken or a commitment entered into by a particular organization.

11. The Board also agrees with ACC that it would be undesirable, at least pending further experience, to broaden the terms of reference beyond what is suggested above. It would see no advantage, for instance, in including the determination of General Service salary rates at field offices, which have only small financial implications and which have proved capable of settlement by existing machinery. Similarly, ACC would not expect to refer to the Board administrative details of the common system, such as minor changes in conditions regarding allowances, on which the organizations were agreed.

12. ACC stated that the Board itself would be free to take the initiative in examining a particular matter within its field of competence. The Board believes such a provision to be necessary, even though it would not expect to have to invoke it except on rare occasions. Similarly, it would always be open to a governing body or similar body to seek the views of the Board on any matter which had not been examined by the Board.

#### *Working arrangements*

13. Both the General Assembly and the Economic and Social Council have at times expressed concern because a Gov-

<sup>a</sup> Official Records of the General Assembly, Seventeenth Session, Supplement No. 7 (A/5207).

<sup>b</sup> *Ibid.*, Eleventh Session, Annexes, agenda item 51, separate fascicle, document A/3209.



ernment may take different positions when a question is discussed in the various organizations. It is to be hoped that such situations will not arise in the future. The Salary Review Committee suggested that, as regards pay and personnel questions, the long-term solution might be to establish an inter-organizational inter-governmental body, but judged that at the time such a proposal was impracticable. The Board has no reason to believe that the practical difficulties are any less today than they were seven years ago. As things are, final decisions must rest with the separate organizations. The objective of the Board will be to achieve the maximum possible degree of uniformity and co-ordination. In considering working arrangements under a new system, therefore, its chief concern has been to ensure that its recommendations will be such as to command confidence and to facilitate the task of ACC and of Member States in reaching a common conclusion on any given problem. The Board would require an assurance that it would be able to obtain all the facts, if necessary independently of the interested parties. It would also need to be able to deal with urgent problems without delay.

14. The suggestions made by ACC to meet these requirements seem to be soundly conceived, and the Board summarizes its views in the paragraphs which follow.

#### *Composition*

15. The Board should continue to be, in the words of its existing terms of reference, composed of persons "appointed in their personal capacity as individuals who have earned wide public trust for judgement and whose high qualifications would ensure respect for the Board's advice. They should be representative of different regions and cultures and bring to the Board diverse experience appropriate to its work".

16. The members of the Board, in other words, act according to their own best judgement. As is provided in the existing terms of reference, no member should serve concurrently as a member of a secretariat of any of the organizations concerned, nor should he be regarded as a representative of any of the parties concerned. Moreover, while it is to be hoped that Governments will support the recommendations of the Board, they may take a different view, and in the Board's opinion it is undesirable that a member should be called upon to participate in the legislations of a legislative or similar body on a report of the Board unless he is requested to do so as a representative of the Board.

17. ACC proposed that appointments to the Board should continue to be made by the Chairman of ACC. Since, however, the enlarged responsibilities of the Board would impinge more frequently on conditions of service with budgetary implications, ACC said that future appointments would be the subject of consultation as appropriate by the executive heads within their respective organizations, to ensure that the Board enjoyed the confidence of all the parties who might be affected by its recommendations. Moreover, to avoid any sharp breaks in continuity, ACC suggested that members should be appointed for a term of three years, with the possibility of reappointment, but also with an arrangement by which the terms of office would expire in rotation. The Board agrees with these suggestions. ACC would no doubt ensure, in initiating and continuing the system of rotation, that an appropriate balance was maintained in the representation of different regions and cultures.

18. Since central machinery of the nature contemplated would have to be available for use at any time (because the problems to be dealt with might be such that their solution could not wait for the next regular session of the Board), ACC suggested that the Board should be authorized to operate through panels to be chosen at the discretion of the Chairman. To make it easier to convene a panel at what might be short notice, ACC proposed that the membership of the Board should be increased from nine to eleven. With these proposals also the Board agrees; it would be neither feasible nor economical to call together the full Board for every problem that might arise. The composition of a particular panel should depend on the circumstances, but it should not be less than three in number.

19. The need for possible unforeseen meetings of the Board or its panels raises budgetary and financial questions of a nature frequently experienced with other United Nations bodies. The Board understands that provision for its expenses would be included in the United Nations budget, and costs would be shared by the organizations in a manner to be agreed among them. The normal budgetary provision would presumably relate only to the foreseeable expenses. If therefore the Board is to be able to carry out its tasks to the satisfaction of all organizations, it would be essential that arrangements be made in all organizations to enable unforeseen meetings of the Board or its panels to be held without delay.

20. The Board agrees with ACC that it should have power to make its own rules of procedure if it feels these to be necessary. In practice hitherto it has generally been found that informality is preferable to formal rules of procedure. Equally, the Board should be able to determine from whom it would receive evidence. It would, obviously, always accept evidence from executive heads or staff organizations directly concerned.

21. It would clearly be essential to ensure that the Board could obtain all the facts on the problems before it, and additional expert assistance if it felt that to be necessary. ACC proposed that the Board should have a full-time Secretary who would, in carrying out his duties, be subject only to the instructions of the Board, and be removable only with the Board's agreement. The Secretary would, as suggested by the Salary Review Committee, be appointed by the Secretary-General, as Chairman of ACC, after consultation with the Board. The Board agrees with these proposals. It would add that it is important that the Secretary should be a person with an extensive knowledge of the common system and its problems. It is equally important that he should be of sufficient rank and authority. The Board understands that the executive heads would make available the facilities needed to enable ICSAB and its Secretary to discharge their responsibilities.

#### *Reports of the Board*

22. The reports of the Board would, as now, take the form of recommendations to ACC, and would be transmitted, with any comment which ACC wished to make, to the appropriate authorities in each organization.

#### *Revised terms of reference*

23. The Board annexes, in appendix 2, as a convenient way of summarizing its views, draft terms of reference which would give effect to the suggestions of ACC, as modified by the observations in this report.

#### APPENDIX I

##### *Extract from the report of the Salary Review Committee*

"296. Inter-organization machinery for dealing with such problems exists at secretariat level through the Administrative Committee on Co-ordination and its committees, and over the last ten years that machinery has achieved a great deal of administrative co-ordination. The Salary Review Committee noted, however, that in certain fields this co-ordination had not been wholly adequate—such as that of grading mentioned in chapter VI—and it was struck by the fact that there appeared to be no inter-organization machinery outside the secretariats which was in a position to review differences of this kind between organizations. Nor did there seem to be any such machinery, free from the pressure of day-to-day administration, which could offer detached and uniform advice to the various governing or legislative bodies on their common administrative problems.

"299. The long-term solution might be to establish an inter-organizational inter-governmental body, but at this stage such a proposal is clearly impracticable. In considering possible alternatives, the Salary Review Committee felt that it would be wise to try to adapt existing machinery

rather than consider the creation of new, particularly as there is a need for the machinery to start functioning as soon as possible. The matters requiring to be dealt with are of continuing character in most cases, and it will always be possible to reconsider, in the light of experience, the solution which is suggested below.

"300. The body which in many countries would undertake the kind of task which the Committee has in mind would be the Civil Service Commission, and the body which in the United Nations structure seems most readily capable of adaptation to meet the need is, in the Committee's view, the International Civil Service Advisory Board. The Board is already in a sense an independent inter-organizational body, and its members have the experience, judgement and weight of authority which seems needed. The Committee has not been able to discuss the matter with the Chairman or members of the Board, whose views should be sought, but believes that the suggestions made below contain nothing which is inherently impractical. It notes, moreover, that the terms of reference of the Board already stated that:

'Experience might show the desirability at a later date of amending the Board's terms of reference to include the possibility of delegation by organizations of certain specific operating responsibilities.'

"301. ICSAB has made a number of extremely useful reports on specific matters referred to it by ACC, but its field of action is limited by its terms of reference... which, moreover, give it no specific authority to take an initiative. The Salary Review Committee recognizes that the members of ICSAB could probably not themselves find time to undertake a detailed examination of inter-organization problems on pay and personnel matters of the nature discussed above. To undertake such a role, the Salary Review Committee believes that the Board would need a small secretariat and would need to be able to draw upon outside expertise when that seemed necessary. The Board would, moreover, need the power to undertake on the basis of available information, or to propose, after consultation with ACC, studies in relevant fields.

"302. The Salary Review Committee recommends therefore that:

"(a) The Administrative Committee on Co-ordination should be invited to amend the terms of reference of ICSAB on the lines indicated below; and, if that is done,

"(b) The Secretary-General should, after consultation with ICSAB, appoint a full-time secretary to the Board. The secretary should be of senior rank—say at the Director level—and should be entitled to attend meetings of the Consultative Committee on Administrative Questions when matters of interest to ICSAB were under discussion. The Secretary-General would provide such other staff as might prove to be necessary.

"(c) Recommendations or reports made by the existing inter-agency machinery on matters within the new terms of reference of ICSAB would be considered by ICSAB which would report thereon through ACC to all the legislative or governing bodies of its constituent organizations. ACC would, of course, be free to make its own observations on the ICSAB reports.

"(d) To the extent that it thought necessary, and within budgetary limitations, ICSAB should be able to draw on outside experts to assist it in its work. Where such assistance was required for a particular purpose, the expert or experts should be appointed by the Secretary-General, in consultation with ICSAB and ACC. In appropriate cases, once fundamental principles had been approved by the Board, ICSAB might authorize its secretary to transmit the reports of an expert group, working either with some of the members of ICSAB or, if ICSAB agreed, separately, direct to ACC, though a copy of such reports would be referred to ICSAB at its next session. The organizations would provide such groups or ICSAB with the information they required."

## APPENDIX 2

*Draft terms of reference**A. Composition*

1. The International Civil Service Advisory Board shall be composed of a Chairman and ten other members appointed by the Secretary-General of the United Nations, with the advice and consent of the Administrative Committee on Co-ordination.

2. The Board shall be a continuing body. Its members shall normally be appointed for a period of three years. Their terms of office shall expire in rotation, the terms of three members expiring at the end of the first year, those of four members at the end of the second, and again those of four members at the end of the third year. They shall be eligible for reappointment.

3. Where on a particular matter, the Chairman of the Board is satisfied that action is necessary before the next regular session, the Board shall have authority to act through a panel of three or more of its members, at the discretion of the Chairman.

4. The members of the Board shall be appointed in their personnel capacity as individuals who have earned wide public trust for judgement, and whose high qualifications will ensure respect for the Board's advice. They shall be representative of different regions and cultures and bring to the Board diverse experience appropriate to its work. They shall not be chosen or regarded as representatives of organizations. No Board member shall serve concurrently as a member of the Secretariat of the United Nations or any related agency.

5. Members shall be given allowances adequate to meet their expenses in connexion with Board sessions, including compensation for loss of salary if incurred.

6. The Board shall have a Secretary, appointed by the Secretary-General, with the advice and consent of the Administrative Committee on Co-ordination, after consultation with the Board. The Secretary shall be removable only with the agreement of the Board. In carrying out his duties, he shall be subject only to the instructions of the Board.

*B. Functions*

7. The functions of the Board shall be:

(1) To advise the Administrative Committee on Co-ordination on:

(a) Methods of recruitment and the means by which appropriate standards of recruitment may be ensured in the United Nations and the specialized agencies;

(b) Aspects of personnel administration related to the recruitment, training and conduct of staff;

(c) Such other matters of personnel policy as the Administrative Committee on Co-ordination may refer to it.

(2) To foster the development of co-ordination in conditions of service in the organizations following the United Nations common system, and in particular, to review and make recommendations through the Administrative Committee on Co-ordination on:

(a) The system of classification of posts and its application;

(b) Salaries and allowances of staff in the Professional and higher categories;

(c) The methods of and the criteria for establishing the conditions of service of staff in the General Service category and the manner in which the criteria are applied in the headquarters areas;

(d) Divergencies in the application of the common system, the extent to which they should be eliminated, and the manner in which such elimination might be accomplished;

(e) Any other matter which may be referred to it by the Administrative Committee on Co-ordination (acting either at the request of an executive head or of a legislative or executive authority of an organization in the common system) including:

(i) The determination of the specific conditions of service of the General Service category in a particular headquarters area;

(ii) Questions of application and administration of conditions of service in the common system and proposals for changes in the conditions on which the separate organizations concerned have been unable to agree;

(iii) Matters of particular importance to an individual organization, within the general field of personnel administration.

#### C. Working arrangements

8. The Board may determine its own procedures. It may request, and to the extent possible shall be given, such information as it requires for the consideration of any matter under examination by it. It shall decide from whom it will receive evidence.

9. The Secretary-General, or other executive head as may be appropriate, shall make available for such periods as may be necessary, such experts, auxiliary staff and facilities as the Board requires for the discharge of its responsibilities.

10. The Board shall normally have one regular session each year. The Chairman may convene supplementary sessions of the full Board, or of a panel of the Board, if he deems that a matter submitted to the Board must be dealt with before the next regular session.

11. The reports of the Board shall be transmitted to the appropriate authorities of each organization through the Administrative Committee on Co-ordination.

#### D. Budgetary and financial arrangements

12. Provisions for the expenses of the Board and its secretariat shall be included in the budget estimates of the United Nations. In the event that it becomes necessary to hold sessions of the Board, or of a panel of the Board, for which no budgetary provision has been made, the provision of the necessary funds shall be a matter for arrangement between the Chairman and the executive head or heads concerned.

13. The costs of the Board shall be borne by the organizations in a manner to be agreed among them.

## DOCUMENT A/5556

### Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]  
[25 September 1963]

1. The present report is submitted in response to resolution 1869 (XVII) in which the General Assembly, having noted with approval the line of action taken by the Administrative Committee on Co-ordination (ACC) regarding a review of the terms of reference, composition and working arrangements of the International Civil Service Advisory Board (ICSAB),<sup>28</sup> requested the Secretary-General to report to it on developments in this regard and the Advisory Committee on Administrative and Budgetary Questions to submit its observations thereon for consideration by the General Assembly at its eighteenth session.

2. The Advisory Committee had before it the report of the Secretary-General on inter-organizational machinery for matters of pay and personnel administration (A/C.5/976) in which the Secretary-General has included the original recommendation of the Salary Review Committee (1956) concerning a revision of the terms of reference of ICSAB, a report of ICSAB setting forth the Board's views on the proposals put before it by ACC, together with draft terms of reference which would give effect to these proposals, and a summary of the action proposed by ACC, endorsement of which by the General Assembly is requested.

3. The principle revisions which the General Assembly is asked to endorse concern an enlargement of the membership of ICSAB and a reinforcement of its authority.

4. Specifically it is proposed that:

(a) The membership of ICSAB should be increased from nine to eleven;

(b) Future appointments to ICSAB should be the subject of consultations by executive heads with their governing or legislative bodies;

(c) Reports of ICSAB should be transmitted by ACC to the appropriate authorities in each organization;

(d) Matters may be referred to ICSAB not only by ACC but also by a governing or legislative body;

(e) ICSAB should have the services of a full-time Secretary who would be removable only with the Board's agreement.

5. The proposals which the Secretary-General is now placing before the General Assembly correspond by and large to what the Advisory Committee had in mind when, in its report on the 1963 budget estimates, it observed that "perhaps the time has come to give consideration, *inter alia*, to the recommendations contained in paragraphs 295-303 of the report of the Salary Review Committee of 1956<sup>29</sup> concerning the need for a strongly constituted independent body to make judgements when problems arise in the administration of the common system".<sup>30</sup> Such a problem had been brought to the attention of the Advisory Committee in 1962 when, in considering the level of General Service salaries in Geneva, a matter upon which there was serious disagreement among the employing organizations, it had reason to question once again the adequacy of existing machinery to provide necessary co-ordination and to reach agreements which would be observed by all organizations.

6. The present proposals also conform in essence to the statement of policy which ACC prepared in October 1962 and which was made available to the Fifth Committee.<sup>31</sup> The declared objective of ACC was to reconstitute ICSAB as a body having "such independence and weight of authority that it enjoyed the confidence of legislative bodies, executive heads and staff, and that the various organizations would consequently be prepared to give effect to its recommendations".<sup>32</sup>

<sup>28</sup> *Ibid.*, *Eleventh Session, Annexes*, agenda item 51, separate fascicle, document A/3209.

<sup>30</sup> *Ibid.*, *Seventeenth Session, Supplement No. 7 (A/5207)*, para. 71.

<sup>31</sup> *Ibid.*, *Seventeenth Session, Annexes*, agenda item 69, document A/C.5/934.

<sup>32</sup> *Ibid.*, para. 6 (a).

<sup>28</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 69, document A/C.5/934.

7. The Advisory Committee believes that ICSAB, reconstituted and with revised terms of reference as set forth in appendix 2 of document A/C.5/976, will be in a better position to meet the needs of the United Nations family of organizations for independent and authoritative judgements on the various aspects of the common system of salaries, allowances and other conditions of service in which close co-ordination is desirable.

8. It is of the opinion, however, that real co-ordination in the application of the common system can be achieved only if the executive heads and legislative bodies are prepared to stand by the recommendations of ICSAB. If this were not the case, the main purpose of the proposed changes would be defeated and major obstacles in the field of co-ordination, to which ACC has referred,<sup>33</sup> would remain.

9. The Advisory Committee believes that, as long as the members of ICSAB are appointed in their personal capacity, as individuals who have earned wide public trust for their competence, efficiency and integrity, and are representative of diverse regions and cultures, their collective judgement should be accorded the utmost respect. Bearing in mind the increased responsibility of ICSAB, the Advisory Committee would see some advantage in increasing the membership to eleven. The Committee feels, however, that the authority of ICSAB and respect for its judgement would be enhanced if, as a general rule, it were to meet as a body, and if limited panels were resorted to only in very exceptional circumstances. The Committee would also suggest that the assistance which ICSAB may call upon, as necessary, should include not only members of the secretariats but also outside experts chosen for their knowledge of a particular problem. The Committee understands that this is the intent of paragraph 9 of the draft terms of reference.

10. With regard to the Chairman of ICSAB, the Advisory Committee would prefer that he be elected

by the members of the Board itself. As for the Secretary, the Committee agrees that whereas he should be appointed by the Secretary-General after consultation with ACC and ICSAB, he should, in the discharge of his functions, be responsible to the Board alone and be removable only with the agreement of the Board.

11. The Advisory Committee takes note of the proposed functions of ICSAB and the provisions whereby matters involving administrative co-ordination within the common system may be referred to the Board not only by ACC or an executive head, but also by governing or legislative bodies. The Committee also notes paragraph 12 of the Board's report (A/C.5/976, annex) wherein it is said that "ACC stated that the Board itself would be free to take the initiative in examining a particular matter within its field of competence. The Board believes such a provision to be necessary, even though it would not expect to have to invoke it except on rare occasions". Further, as regards paragraph 11 of the draft terms of reference, which states that "the reports of the Board shall be transmitted to the appropriate authorities of each organization through the Administrative Committee on Co-ordination", the Committee understands that by "appropriate authorities" is meant "executive or legislative authorities".

12. The Secretary-General estimates that adoption of the revised composition and terms of reference of ICSAB will increase the total costs for 1964 from \$15,000 to \$52,500. As, however, the costs are shared among the participating organizations in accordance with an agreed formula, the actual charge to the United Nations would amount to some \$14,000, the remainder being reimbursed by the other participating organizations. The Advisory Committee understands that the Secretary-General will make every effort to meet this expenditure from the total amount already requested under section 1 of the 1964 budget estimates.

<sup>33</sup> *Ibid.*, para. 5.

## DOCUMENT A/5683

### Report of the Fifth Committee

[Original text: English and French]  
[16 December 1963]

1. The Fifth Committee examined item 64 in two parts. Sub-item (a) was considered at the 1050th meeting on 2 December 1963, while sub-item (b) was taken up at the 1034th, 1036th, 1037th and 1038th meetings, held on 6, 8, 11 and 12 November 1963.

#### (a) REPORT OF THE ADVISORY COMMITTEE ON ADMINISTRATIVE AND BUDGETARY QUESTIONS

2. For its consideration of sub-item 64 (a), the Committee had before it a report of the Advisory Committee on Administrative and Budgetary Questions (A/5599), as well as a note by the Secretariat (A/C.5/L.812) setting forth the composition and functions of representative bodies dealing with the co-ordination of programmes and other activities.

3. The Netherlands delegation pointed out that administrative and budgetary co-ordination between the various United Nations organizations and within each individual organization was a matter of increasing interest to the General Assembly and to the governing bodies of the agencies. Without adequate co-ordination divergencies of policy were bound to occur, whether in administrative and financial matters or in matters of substance and programming. In the economic and social fields and in the field of human rights the Administrative Committee on Co-ordination (ACC) had gradually developed into an effective inter-organizational body; in future years it might well become a still more important instrument for standardizing and co-ordinating the work and the methods of the constitutionally independent organizations within the United Nations system. In discharging the specific responsibility which the Charter

laid upon the General Assembly in Article 17, paragraph 3, the Advisory Committee had submitted an excellent report, which was more searching, more analytical, and more helpful than any of the reports submitted to the General Assembly on the subject in previous years. Support should therefore be given to the suggestion made by the Advisory Committee in paragraph 7 of its report (A/5599) that the General Assembly might request the Secretary-General to refer to the executive heads, through the consultative machinery of the Administrative Committee on Co-ordination, any matters arising in that report and in the related discussion in the Fifth Committee which called for attention by ACC. It was to be hoped that the Committee would give increasing attention to the problems of co-operation and co-ordination, not only from the budgetary point of view, but also with the duties and tasks of all the organizations of the United Nations family in mind.

4. On particular issues of co-ordination, the Netherlands representative referred to paragraph 10 of the Advisory Committee's report, in which the Committee contrasted the policy of containment which some organizations would pursue in 1964 with the appreciable expansion of work programmes which other organizations had authorized. It was indeed doubtful, as the Advisory Committee had observed, whether such widely differing trends could be explained in terms of relative priorities for international action. It would therefore be useful if the Secretary-General, in reporting on the Fifth Committee's discussion of the item, would draw the attention of ACC, the specialized agencies and the Economic and Social Council once again to General Assembly resolution 1797 (XVII) on an integrated programme and budget policy and to the necessity of gradually establishing a balanced system of priorities in relation to fields of activity. Progress in that respect could, of course, be made only in so far as the member States themselves co-ordinated their national policies. As regards the difficulties connected with the recruitment of specialized technical and professional staff (A/5599, para. 11), it would be advantageous to organize a system of personnel interchange between organizations active in technically adjacent fields, which would apply both to headquarters staff and to experts serving the development programmes in the field. On the point referred to in paragraph 13 of the Advisory Committee's report, namely the impact of operational activities on the regular budgets and the partial reimbursement from extra-budgetary funds of costs incurred by the specialized agencies in servicing field programmes, it was to be hoped that any new arrangement that might result from the study currently being undertaken would fully recognize the basic responsibilities of the parties concerned—the several organizations and the voluntary programmes—and that it would be characterized by uniformity and continuity, for the effectiveness of field programmes must never be impaired by administrative friction. In connexion with paragraph 23 of the Advisory Committee's report, it was the view of the Netherlands delegation that the Committee had rightly emphasized that co-ordination could be effective only if the ACC machinery was enlisted at the planning stage while there was still room for flexibility. It was incumbent upon the United Nations to bear that point in mind in view of the impact on the specialized agencies which its decisions, if taken without prior consultation, might have. At the same time, better co-ordination did not

depend solely on bodies like ACC; the primary responsibility for ensuring that inconvenience was not caused to those through a lack of co-ordination rested with the member States which took the initiative in proposing new action and with the Secretariat officials who carried out their decisions.

5. In the opinion of the Netherlands delegation, issues such as the uniform classification of posts and a uniform promotion policy were of the highest importance, for there was a real danger that lack of uniformity might lead to competition among the various organizations. The Advisory Committee had rightly stated in paragraph 53 of its report that the adoption of common grading standards was an essential element of the common system. It was desirable that the Standing Committee of the Consultative Committee on Administrative Questions, and thereafter the International Civil Service Advisory Board (ICSAB) itself, should study such matters as promotion policy and the danger of substituting an arbitrary reclassification of posts for a promotion system. As regards the co-ordination of conference and meeting schedules, the Netherlands representative commended the observations of the Advisory Committee in paragraphs 64 to 70 of its report. He suggested that the several inter-governmental bodies might perhaps be willing, at the sacrifice of a small measure of their independence, to consult an inter-agency unit conversant with the relevant plans of the Geneva-based organizations before fixing their conference and meeting programmes. Possibly a small permanent unit might be set up for that purpose within the ACC secretariat.

6. The Netherlands representative also referred to the question of a consolidated budget for all organizations within the United Nations system. That question had been examined in the first years of the United Nations, and in 1951 the Advisory Committee had reached the conclusion that while further study of the subject might be desirable in some ways, the time was not yet ripe for action. More recently, in 1959 and 1960, his own delegation had expressed the hope that ACC and the Advisory Committee would revert to the question in the not too distant future. However, co-ordination in matters of administration and programming had so far improved that it might be appropriate to lay aside, for the time being, the ultimate objective of a consolidated budget and to concentrate instead on the more limited goals which there was reasonable prospect of attaining.

7. The representative of the Union of Soviet Socialist Republics agreed that the report of the Advisory Committee set forth the relevant issues in a remarkably comprehensive manner. It served to illustrate the magnitude of the burden which the financing of the organizations within the United Nations system imposed. For 1964, the member States would be asked to contribute (in addition to some \$200 million for the voluntary programmes) a total of \$207.4 million for the regular activities of the organizations, representing, in comparison with 1962, an increase of \$36.2 million, and in comparison with 1957, an increase of \$110.5 million, or roughly 125 per cent. It was not surprising that administrative expenditure accounted for the larger part of those increases, for the number of established posts in the specialized agencies and IAEA had risen by 1,105 between 1962 and 1964. The Soviet Union representative offered the following



as estimates of the proportion of total expenditure absorbed by administrative costs:

	Total budget (millions of dollars)	Administrative costs	
		(Millions of dollars)	(Per cent)
ILO .....	16.9	13.7	78
FAO .....	19.4	17.7	91
WHO .....	30.3	22.1	73

It was clear that in view of those abnormally high proportions, steps must be taken to rationalize the administrative apparatus of the various organizations and reduce costs.

8. The representative of the International Labour Organisation said that the ILO was particularly glad that the Committee had approved ACC's proposals to strengthen and enlarge the terms of reference of ICSAB. The Committee's action, coupled with the approval given by the interested agencies, could be seen as a reaffirmation of the very concept of an international civil service, to which the ILO remained fully attached. The ILO also noted with satisfaction that the Advisory Committee, in paragraph 32 of its report (A/5599), approved of the principle that there should be prior consultation with the specialized agencies when they were called upon to undertake some new task at the request of the General Assembly. That principle, which the ILO had embodied in its regulations at the request of the Economic and Social Council, had twice been the subject of Council recommendations to the General Assembly, and the ILO hoped that the Assembly would before long give favourable consideration to those recommendations. The representative of the ILO added that his organization wished to associate itself with the tributes which the General Assembly had paid to Mr. Aghnides for the eminent services he had rendered as Chairman of the Advisory Committee and of ICSAB. In the former capacity, Mr. Aghnides had always shown a true understanding of the problems facing the specialized agencies, while as Chairman of ICSAB, he had from the outset been at pains closely to associate the agency representatives with the work of the Board, and he had thus laid a firm basis for the development of the common system. The ILO deeply regretted Mr. Aghnides' decision not to accept a further term of office.

9. The Committee decided without objection to recommend to the General Assembly the adoption of draft resolution A set forth in paragraph 28 below.

(b) INTER-ORGANIZATIONAL MACHINERY FOR MATTERS OF PAY AND PERSONNEL ADMINISTRATION: REPORT OF THE SECRETARY-GENERAL

10. The Committee considered sub-item (b), concerning the enlargement of the functions of ICSAB, on the basis of the reports of the Secretary-General (A/C.5/976) and of the Advisory Committee on Administrative and Budgetary Questions (A/5556). The Committee also had before it a note by the Secretariat (A/C.5/L.804) describing the composition and functions of co-ordinating bodies in the field of personnel administration. The sub-item had its origin in paragraphs 3 and 4 of resolution 1869 (XVII) of 20 December 1962, in which the General Assembly, after noting with approval the line of action taken by ACC regarding a review of the terms of reference, composition and working arrangements of ICSAB, requested the Secretary-General to report to it, at the current (eighteenth) session, on developments in that regard.

The Advisory Committee was likewise requested to submit observations on the Secretary-General's report.

11. In his report the Secretary-General summarized the action which ACC recommended for endorsement by the General Assembly, and appended a report in which ICSAB set forth its views on the proposals presented to it by ACC, together with revised terms of reference designed to give effect to those proposals.

12. The principal revisions which the General Assembly was asked to endorse concerned the extension of the functions of ICSAB, a strengthening of its authority, and an enlargement of its membership. Specifically, it was proposed that:

(a) ICSAB should exercise the additional functions enumerated in paragraph 7 (2) of the revised terms of reference (A/C.5/976, appendix 2);

(b) The membership of ICSAB should be increased from nine to eleven; the Board would in certain circumstances be authorized to act through panels of three or more members;

(c) Future appointments to ICSAB should be the subject of consultation between executive heads and their governing or legislative bodies;

(d) Reports of ICSAB should be transmitted by ACC to the appropriate authorities in each organization;

(e) Matters might be referred to ICSAB not only by ACC, but also by a governing or legislative body;

(f) ICSAB should have the services of a full-time Secretary, who would be removable only with the Board's consent.

13. In commending the revised terms of reference to the General Assembly, the Secretary-General expressed the view that the reconstituted Board, with its widened authority and independent secretariat, would "significantly improve the machinery of administrative co-ordination within the United Nations common system". He also hoped, as did the Board itself, that "the renewed effort at achieving a high degree of uniformity of practice among the United Nations and the related agencies would be facilitated by measures taken at the national level in accordance with the recommendations of the General Assembly, contained in its resolutions 125 (II) and 210 (III)".

14. The Advisory Committee, while generally endorsing the Secretary-General's proposals, favoured a procedure whereby the Chairman of ICSAB would be elected by the members of the Board rather than be appointed by the Secretary-General. The Committee suggested that ICSAB's authority would be enhanced if, as a general rule, it met as an integral body, the use of limited panels being reserved for exceptional circumstances. It further suggested that the assistance which ICSAB might call upon, as necessary, should not be restricted to members of the secretariats, but include outside experts chosen for their knowledge of particular problems.

15. Most delegations welcomed the Secretary-General's proposals and the related comments and recommendations of the Advisory Committee. It was gratifying that the need to strengthen ICSAB had at last been recognized, after a lapse of seven years since the Salary Review Committee's recommendation to that effect. The extension of the Board's functions was by no means a routine administrative matter, but rather a significant step towards closer co-ordination. Although it might, in the view of some, have been preferable to

strengthen the authority of the Board still further, action had been taken in the right direction, and the Advisory Committee's suggestions served to improve the proposed terms of reference. No difficulty need be anticipated, provided that the revised terms were applied conscientiously by all organizations participating in the common system, and the executive heads and legislative bodies were prepared—save where compelling circumstances warranted a different course—to stand by the recommendations of ICSAB. Equally, it was of importance that ICSAB should not hesitate to take the initiative in reviewing any particular matter within its field of competence.

16. Some representatives saw in the enlargement of ICSAB the promise of a better regional composition. The spread of nationalities in the present Board showed that five of the nine members came from Western European and North American countries, two from African-Asian countries, and only one each from Latin American and Eastern European countries. For the most part, however, the Committee laid stress on the paramount need for quality. The Board should be composed—as the existing terms of reference stipulated—of persons “appointed in their personal capacity as individuals who have earned wide public trust for judgement, and whose high qualifications would ensure respect for the Board's advice”.

17. The view was expressed that while some expansion of the Board's terms of reference might be justified, salary rates should not form the main topic of consideration, particularly since they did not have to be reviewed annually and were, in any case, the subjects of study by other bodies, including the Advisory Committee on Administrative and Budgetary Questions, the Expert Committee on Post Adjustments and the Staff Council. ICSAB's principal tasks should be to promote co-ordination, improve the structure of the United Nations Secretariat, and seek, through its recommendations, to obviate duplication of activities among the organizations; admittedly, however, it might be premature to enlarge the Board's terms of reference to that extent. Furthermore, since the Board would normally meet only once a year, the establishment of a full-time secretary did not appear to be warranted at present. Some delegations objected to the creation of a precedent through the establishment of a post the holder of which, once appointed by the Secretary-General, could be removed only with the consent of the Board.

18. A few delegations objected to the enlarged terms of reference that had been proposed. They feared that the draft resolution (A/C.5/L.802 and Add.1) was intended to set new machinery in authority over the organs normally responsible for matters of pay and personnel administration. Any such proposal would be incompatible with Article 101, paragraph 1, of the Charter, which provides that the staff should be appointed by the Secretary-General under regulations established by the General Assembly. It followed that all questions of recruitment and administration came within the sole competence of the General Assembly, whatever form the measures of co-ordination provided for in Article 54 of the Charter might take. Nevertheless the last sentence in paragraph 13 of the ICSAB report (A/C.5/976, annex X) indicated that ICSAB would be able to take decisions on urgent problems, while paragraph 2 suggested that it should be made a strongly

constituted, independent body able to make judgements regarding the administration of the common system. The new body, over which the General Assembly would have no control, would thus usurp the prerogatives of the Secretary-General and the Assembly. Moreover, document A/C.5/976 contradicted itself, for paragraph 4 of the draft terms of reference referred to the “advice” to be given by the Board; it did not mention decisions. The Committee would be wise to consult the Sixth Committee on the question whether, from the legal point of view, the establishment of a body independent of the Secretariat to take decisions on personnel matters was not incompatible with the Charter of the United Nations and with the constitutions of the various specialized agencies.

19. At the 1036th meeting of the Committee, Australia, Israel, New Zealand, Nigeria, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted jointly a draft resolution (A/C.5/L.802 and Add.1), which read as follows:

*“The General Assembly,*

*“Recalling the terms of resolution 1869 (XVII) of 20 December 1962 with respect to the possibility of extending the functions of the International Civil Service Advisory Board (ICSAB) to serve as a strongly constituted, independent, inter-organizational body to deal with pay and personnel problems which arise in the administration of the United Nations common system,*

*“Having considered the reports submitted by the Secretary-General (A/C.5/976) and the Advisory Committee on Administrative and Budgetary Questions (A/5556),*

*“1. Endorses the proposals for implementation of the report of the International Civil Service Advisory Board as accepted by the Administrative Committee on Co-ordination;*

*“2. Requests the Secretary-General to bring the comments of the Advisory Committee (A/5556) to the attention of the Administrative Committee on Co-ordination for its consideration;*

*“3. Requests the Secretary-General to report to the General Assembly at its nineteenth session on the measures taken in implementation of this resolution.”*

20. At the 1037th meeting, the United States representative introduced, on behalf of the joint sponsors, a revised draft resolution (A/C.5/L.802/Rev.1) containing a new operative paragraph 1, as follows:

*“1. Endorses the proposed revised terms of reference of the International Civil Service Advisory Board set forth in appendix 2 of document A/C.5/976, under which the Board would give advice and make recommendations concerning pay and personnel problems to the Administrative Committee on Co-ordination and, through it, to the appropriate authorities in each organization of the common system.”*

21. The United States representative explained that since criticism, of a somewhat surprising nature, had been levelled against the initial six-Powers proposal (A/C.5/L.802 and Add.1), the co-sponsors were anxious to remove any possible misunderstanding. The new text made it clear, first, that the Committee was

endorsing only the draft terms of reference (A/C.5/976, appendix 2), without necessarily supporting all the comments made in all the reports before it, and, secondly, that under the new terms of reference the Board would remain advisory and recommendatory in character.

22. The representative of Poland submitted amendments (A/C.5/L.803) to the revised six-Power draft resolution (A/C.5/L.802/Rev.1), proposing that operative paragraphs 1 to 3 be replaced by the following new operative paragraphs 1 to 4:<sup>34</sup>

"1. *Takes note* of the draft terms of reference of the International Civil Service Advisory Board (ICSAB) set forth in appendix 2 of document A/C.5/976, under which the Board would give advice and make recommendations concerning pay and personnel problems to the Administrative Committee on Co-ordination and through it to the appropriate authorities in each organization of the common system;

"2. *Requests* the International Civil Service Advisory Board and the Administrative Committee on Co-ordination to review these proposed terms of reference in the light of the discussion in the Fifth Committee during the eighteenth session of the General Assembly;

"3. *Requests* the Secretary-General to report to the General Assembly at its nineteenth session on the desirability of establishing an independent, inter-organizational, advisory body on international civil service matters with expanded terms of reference;

"4. *Requests* the Secretary-General to report to the General Assembly at its nineteenth session on developments in implementation of this resolution."

23. The Polish representative explained that reservations and doubts had been expressed regarding the proposed composition and functions of ICSAB. The draft terms of reference provided only for the members of the Board to be representative of "different regions and cultures", while his delegation considered that the principle of equitable geographical distribution should be applied. It was not clear whether the new Board would be independent of ACC, as operative paragraph 1 of the revised six-Power draft resolution (A/C.5/L.802/Rev.1) indicated, or subsidiary to it, as paragraph 11 of the draft terms of reference (A/C.5/976, appendix 2) implied; nor was it clear whether, in cases where the Board acted through a panel, the panel's recommendations would be automatically endorsed by the Board or be subject to review. It was doubtful, in view of the existence of ACC, the Advisory Committee, and the Expert Committee on Post Adjustments, whether any further body was needed for the main purpose of considering salary questions; and since matters of pay did not call for annual review, the appointment of a full-time secretary could not be justified. The whole question should be studied further by ACC and by ICSAB itself. Subsequently, the Polish representative pointed out that paragraph 3 in the amendments he had submitted (A/C.5/L.803) should be deleted; it had inadvertently been included by the

Secretariat. The last paragraph should be renumbered accordingly.

24. The representative of the Secretary-General emphasized that, under the revised terms of reference, ICSAB would remain a purely advisory body. It would not have executive authority or encroach in any way on the prerogatives of deliberative organs of the United Nations or the specialized agencies. There was no question of an automatic application of ICSAB's recommendations. The proposals to increase its membership and enlarge its functions were simply intended to strengthen its authority, so that it would be better able to perform its duties and improve co-ordination within the family of organizations.

25. As regards the relationship of the Board to inter-governmental bodies within the United Nations system, to which reference had been made in the course of the discussion, the Secretary-General's representative pointed out that ICSAB was fully conscious of the constitutional limitations inherent in the present relationship between the United Nations, the specialized agencies and the International Atomic Energy Agency. The Board recognized that even under its increased authority different decisions might be reached by the various legislative organs. The revised terms of reference did not overcome that difficulty. They were intended to provide a high-level body of experts who would give competent advice to all the organizations in the system. Because ICSAB would remain an advisory body, the final decisions must rest with the separate organizations.

#### *Financial implications*

26. The Committee was informed that the adoption of the Secretary-General's proposals would entail additional expenditure estimated at \$37,500, of which about one third, or \$12,500 would be borne by the United Nations. That sum, which the Secretary-General had undertaken to absorb within the 1964 appropriations, would be distributed as follows: section 1, \$1,000; section 3, \$11,300; section 5, \$200. The estimates already approved on first reading included \$5,000 (\$4,500 under section 1, and \$500 under section 5) in respect of the United Nations share of ICSAB costs in 1964.

27. At its 1038th meeting, the Committee voted on the revised draft resolution (A/C.5/L.802/Rev.1) and on the amendments proposed thereto by Poland (A/C.5/L.803). The draft resolution was adopted by the Committee (see para. 28 below, draft resolution B). The result of the voting was as follows:

Amendments submitted by Poland (A/C.5/L.803):

	<i>In favour</i>	<i>Against</i>	<i>Abstentions</i>
Operative paragraph 1.....	11	34	24
Operative paragraph 2.....	10	35	26
Operative paragraph 3.....	11	31	28
Six-Power draft resolution (A/C.5/L.802/Rev.1) .....	52	10	5

#### *Recommendations of the Fifth Committee*

28. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolutions:

<sup>34</sup> At the 1038th meeting of the Committee, the Chairman announced that paragraph 3 in the amendments should be deleted and that the last paragraph should be renumbered accordingly (see also the last sentence of para. 23 of this document).



## DRAFT RESOLUTION A

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

## DRAFT RESOLUTION B

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

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**ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1284th plenary meeting, on 17 December 1963, the General Assembly adopted draft resolutions A and B submitted by the Fifth Committee (A/5683, para. 28). For the final texts see resolutions 1981 A and B (XVIII) below.

**Resolutions adopted by the General Assembly**

1981 (XVIII). ADMINISTRATIVE AND BUDGETARY CO-ORDINATION OF THE UNITED NATIONS WITH THE SPECIALIZED AGENCIES AND THE INTERNATIONAL ATOMIC ENERGY AGENCY

## A

*The General Assembly,*

1. *Takes note* of the report of the Advisory Committee on Administrative and Budgetary Questions on the administrative budgets for 1964 of the specialized agencies and the International Atomic Energy Agency (A/5599);

2. *Requests* the Secretary-General to refer to the executive heads of the specialized agencies and the International Atomic Energy Agency, through the consultative machinery of the Administrative Committee on Co-ordination, any matters arising in part II of that report which call for its attention, as well as the records of the related discussion in the Fifth Committee;

3. *Further requests* the Secretary-General to refer to the executive heads of the specialized agencies and the International Atomic Energy Agency the observations of the Advisory Committee in parts III and IV of its report on their administrative budgets for 1964.

*1284th plenary meeting,  
17 December 1963.*

## B

*The General Assembly,*

*Recalling* the terms of resolution 1869 (XVII) of 20 December 1962 with respect to the possibility of extending the functions of the International Civil Service Advisory Board to serve as a strongly constituted, independent, inter-organizational body to deal with pay and personnel problems which arise in the administration of the United Nations common system,

*Having considered* the report of the Secretary-General (A/C.5/976) and of the Advisory Committee on Administrative and Budgetary Questions (A/5556),

1. *Endorses* the proposed revised terms of reference of the International Civil Service Advisory Board set forth in appendix 2 of the report submitted by the Secretary-General, under which the Board would give advice and make recommendations concerning pay and personnel problems to the Administrative Committee on Co-ordination and, through it, to the appropriate authorities in each organization of the common system;

2. *Requests* the Secretary-General to bring the comments of the Advisory Committee on Administrative and Budgetary Questions to the attention of the Administrative Committee on Co-ordination for its consideration;

3. *Requests* the Secretary-General to report to the General Assembly at its nineteenth session on the measures taken in implementation of the present resolution.

*1284th plenary meeting,  
17 December 1963.*

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**CHECK LIST OF DOCUMENTS**

NOTE. This check list includes the documents mentioned during the consideration of agenda item 64 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5507	Fifth report of the Advisory Committee on Administrative and Budgetary Questions	<i>Official Records of the General Assembly, Eighteenth Session, Supplement No. 7</i>
A/C.5/979	Report of the Secretary-General	<i>Ibid., Eighteenth Session, Annexes, agenda item 66</i>
A/C.5/L.801	Draft resolution submitted by the Chairman of the Fifth Committee	Same text as A/C.5/L.802 and Add.1
A/C.5/L.802 and Add.1	Australia, Israel, New Zealand, Nigeria, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution	See A/5683, para. 19
A/C.5/L.802/Rev.1	Australia, Israel, New Zealand, Nigeria, United Kingdom of Great Britain and Northern Ireland and United States of America, revised draft resolution	Adopted without change. See A/5683, para. 28
A/C.5/L.803	Poland: amendments to document A/C.5/L.802/Rev.1	See A/5683, para. 22
A/C.5/L.804	Co-ordinating bodies in the field of personnel administration: Note by the Secretariat	Mimeographed
A/C.5/L.812	Co-ordinating bodies: programmes and other activities—Note by the Secretariat	Ditto
A/C.5/L.822	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1060th meeting, see A/5683



Agenda item 65: Administrative and budgetary procedures of the United Nations:\*

- (a) Report of the Secretary-General on administrative and financial procedures to be followed by the General Assembly at the time peace-keeping operations are authorized;
- (b) Report of the Secretary-General on his consultations concerning the desirability and feasibility of establishing a peace fund

**C O N T E N T S**

Document No.	Title	Page
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A/5684	Report of the Fifth Committee .....	12
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fifth Committee*, 1050th and 1060th meetings, and *ibid.*, *Plenary meetings*, 1284th meeting.

**DOCUMENTS A/5490 AND ADD.1-4**

**Report of the Secretary-General on his consultations concerning the desirability and feasibility of establishing a peace fund**

**DOCUMENT A/5490**

[Original text: English]  
[17 September 1963]

1. At its fourth special session, the General Assembly adopted, on 27 June 1963, resolution 1879 (S-IV) on the question of the establishment of a peace fund. The resolution reads as follows:

"The General Assembly,

"Bearing in mind the purposes of the United Nations as set out in Article 1 of the Charter of the United Nations,

"Realizing the need for prompt and effective action to prevent any threats to or breaches of international peace and security,

"Believing that inadequate financial resources can seriously delay or jeopardize the success of such action,

"Desiring to make sufficient funds readily available to the Secretary-General, thus enabling him to discharge, without undue delay, his responsibilities under the Charter in cases of breaches of the peace,

"Convinced that the establishment of a peace fund through voluntary contributions from Member States as well as organizations and individuals is worthy of study as a means of furthering this objective,

"1. Requests the Secretary-General to consult all Member States and interested organizations on the desirability and feasibility of establishing such a peace fund;

"2. Further requests the Secretary-General to report to the General Assembly at its eighteenth session."

2. In pursuance of operative paragraph 1 of the above-quoted resolution, the Secretary-General, by a *note verbale* dated 17 July 1963, requested the Governments of Member States to transmit to him by 15 August 1963 their observations on the desirability and feasibility of establishing such a peace fund, as well as their suggestions as to the "interested organizations" which could be consulted.

3. By 16 September 1963, the Governments of Argentina, Canada, Ceylon, Chile, China, Colombia, Cyprus, Denmark, the Dominican Republic, India, Italy, Jamaica, Japan, Kuwait, Liberia, Netherlands, Norway, Rwanda, Sudan, Sweden, Togo, Turkey, Uganda, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and Venezuela had communicated their observations and these are reproduced in the annex to the present report. Any comments received after the publication of this report will be circulated as addenda.

4. While it would seem that the consultations with the Member Governments and interested organizations may not be completed in time for the General Assembly to pursue the matter at its eighteenth session, the General Assembly may wish to consider at that session a point of procedure which has been raised by the Governments of Canada, Italy and Sweden in their communications, i.e., that the study of the scope and purpose of a peace fund could most appropriately be

conducted by the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, more particularly as such a study would come within the terms of reference of the Working Group as established by the General Assembly in resolution 1880 (S-IV). If the General Assembly agrees to such a procedure being observed, the Secretary-General will arrange for the supply of the relevant documents to the Working Group.

### Comments received from Governments

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#### ARGENTINA

[*Original text: Spanish*]

The Argentine Government believes that the establishment of a "peace fund" would be both possible and advantageous. The Argentine delegation to the General Assembly has on various occasions expressed its support for this idea as one means of solving the problem of the heavy expenditure arising out of the operations undertaken by the United Nations for the maintenance of international peace and security. Argentina, which wishes, in fulfilment of its international obligations, to contribute to the peace-keeping activities of the United Nations, has found that the contributions asked for in such cases involve an extremely heavy burden for countries which as a prime necessity have to solve the problem of their economic and social development and for that purpose have need of all their resources and even the co-operation of international organizations. Accordingly, formulae which, while safeguarding the basic concept of collective responsibility, encourage the financing of peace-keeping operations through voluntary

contributions, are highly satisfactory for Member States of small or moderate economic means, including the Argentine Republic.

The note under reply also asks for suggestions as to the "interested organizations" which could be consulted.

The Argentine Government believes that it is perfectly feasible to appeal to individual organizations or foundations which have resources enabling them to make substantial contributions to a fund such as that proposed; but since there are in Argentina no such bodies large enough for that purpose, it is not felt that any concrete proposals can properly be made. It is considered that such suggestions could more logically be put forward by those Member States in which such institutions exist.

#### CANADA

[*Original text: English*]

The idea of establishing a peace fund was raised informally during the fifteenth regular session of the General Assembly. At that time, some Member States considered that such a fund would not constitute a reliable method of financing United Nations peace-keeping operations. Further, many States, including Canada, thought that the concept underlying a peace fund as envisaged at the time ran counter to their belief that the maintenance of peace and security is a collective responsibility which should not be placed on an optional or voluntary basis.

In its resolution 1879 (S-IV) asking the Secretary-General to consult all Member States and other interested organizations on the desirability and feasibility of establishing a peace fund, the General Assembly stated its desire to make sufficient funds available to the Secretary-General to enable him to discharge, without undue delay, his responsibilities under the Charter in cases of breaches of the peace. In this regard, it should be pointed out that the annual resolution which provides for unforeseen and extraordinary expenses for the following fiscal year contains certain provisions enabling the Secretary-General to draw funds without delay to discharge the responsibilities which the Charter places on him. For instance, at its seventeenth session, the General Assembly adopted resolution 1862 (XVII) which:

(a) Authorizes the Secretary-General to enter into commitments not exceeding a total of \$US2 million, and without the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions. For the maintenance of peace and security, and

(b) "Decides that if, as a result of a decision of the Security Council, commitments relating to the maintenance of peace and security should arise in an estimated total exceeding \$10 million before the eighteenth session of the General Assembly, a special session of the Assembly shall be convened by the Secretary-General to consider the matter."

It would seem, therefore, that the establishment of a peace fund for the purpose described above would be superfluous. Nevertheless, having regard to the support which resolution 1879 (S-IV) commanded at the recent special session of the Assembly, Canada is prepared, in co-operation with other Member States, to pursue its examination of the scope and purpose of a peace fund. This examination could most appropriately be

conducted by the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations. It seems that such a study would come within the terms of reference of the Working Group as established by the General Assembly.

#### CEYLON

[*Original text: English*]

The Government of Ceylon approves the establishment of a "peace fund" based on voluntary contributions as a supplementary source for financing peace keeping operations. However, the Government of Ceylon wishes to make a reservation that these subscriptions should be collected in such a way so as to avoid a situation in which it would appear that peace keeping operations are being financed by private companies with vested interests. Such a situation will detract from the impartiality of these operations. The Government of Ceylon therefore favours an arrangement by which contributions from private sources could be made to Member States concerned, who in turn will channel them to the peace fund.

#### CHILE

[*Original text: Spanish*]

The Government of Chile is convinced that the establishment of a fund designed for the maintenance of peace, through voluntary contributions from Member States as well as organizations and individuals, should be studied very carefully so that the objective of resolution 1879 (S-IV) may shortly be attained.

#### CHINA

[*Original text: English*]

The Government of China is agreeable to the establishment of such a peace fund entirely from voluntary contributions and deems it desirable, if the establishment of the fund is generally agreed upon among the Member States, to formulate appropriate measures or regulations to govern the administration of the fund and to define the relationship between the fund and the contributors.

#### COLOMBIA

[*Original text: Spanish*]

The Government of Colombia fully shares the considerations set forth and is in agreement regarding the desirability of establishing such a fund as an effective measure for the prevention of any threats to international peace and security, but regrets that the present economic situation of the country does not allow it to offer its contribution to the fund in question; it hopes to be able to do so at a future date, as soon as economic conditions in the country allow of it.

#### CYPRUS

[*Original text: English*]

The Government of Cyprus, who has been following with keen interest the operations of the United Nations in the Congo and in the Middle East has become, for sometime now, increasingly aware of the difficulties encountered by the Organization in meeting the ex-

penditures of the two operations and of the implications of these financial difficulties to the efficacy of the United Nations in its primary responsibility for the maintenance of international peace and security. It is apparent that the Organization has to be rid, once and for all, of these difficulties if it is desired to maintain its efficacy unhampered. It is the opinion of the Government of Cyprus that the most effective way to bring about this situation would be to provide for additional financial sources, supplementary to the present source established under paragraph 2 of Article 17 of the Charter, which can be readily drawn upon for the purposes of peace-keeping operations and other peace functions of the United Nations. The necessity of the establishment of such supplementary resources has gained greater validity in the light of deliberations of the fourth special session of the General Assembly. The Government of Cyprus, therefore, warmly supports the idea of the establishment of a United Nations peace fund and considers such a peace fund to be desirable.

As regards the connotation of the term "interested organizations", it is the view of the Government of Cyprus that this comprises major foundations and other private and philanthropic institutions that may exist in different Member States around the world.

#### DENMARK

[*Original text: English*]

1. The Government of Denmark is of the opinion that the United Nations peace-keeping operations have to be financed by the Member States in accordance with their collective responsibility for the expenses of the organization and that as a general rule the ordinary scale for contribution has to be the norm for the apportionment of the expenses. In the opinion of the Government of Denmark a peace fund established through voluntary contributions as well as from Member States as from other sources may be of value since it will enable the Secretary-General to pay the expenses for the introductory steps when peace-keeping operations might be initiated in an acute situation.

2. It must be a condition for acceptance of any contributions to such a fund from governmental as from private sources that they are contributed without clauses of any kind. The fund has to have a universal nature and be dedicated to one of the main purposes of the United Nations.

3. Voluntary contributions should be accepted as well from private organizations as from individuals. Some Member States might possibly even prefer a voluntary contribution to such a general fund instead of contributions to specific operations.

4. The above-mentioned does in no way imply the position of the Danish Government as to Danish voluntary contributions. However, it may be pointed out that Denmark has made and still is making voluntary contributions in several areas for the support of the peace-keeping operations of the United Nations.

#### DOMINICAN REPUBLIC

[*Original text: Spanish*]

The Government of the Dominican Republic considers advisable the establishment of a peace fund in accordance with the terms of resolution 1879 (S-IV). To that end it will give its moral and financial support

within the scope of its possibilities, it being understood that in the current year it will not be able to make monetary contributions, as the funds provided under the appropriate head in the national budget are exhausted.

## INDIA

[Original text: English]

The Government of India subscribe to the idea of the establishment of a *voluntary* peace-keeping fund. It was with this in view that the delegation of India had co-sponsored the seven-Power memorandum<sup>1</sup> which had been submitted to the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations. India also voted in favour of the draft resolution moved by Cyprus, Ghana, Ivory Coast, Nigeria and Pakistan in the fourth special session; which was subsequently adopted as resolution 1879 (S-IV) on 27 June 1963.

The Government of India believe that the peace-keeping fund should be strictly voluntary, and that it should not in any way derogate from the principle of collective responsibility of all Member States to pay for peace-keeping operations. They also feel that as the permanent members of the Security Council have, under the Charter, the primary responsibility with respect to the maintenance of international peace and security, and in view also of the fact that developed Member States are more capable, economically and financially, of meeting the expenses of peace-keeping operations involving heavy expenditures, they should bear a greater responsibility for peace-keeping expenditures, and as such, they should be requested to contribute generously towards the peace-keeping fund.

The Government of India would support in this behalf any proposal which does not go against the basic principles laid down in the seven-Power memorandum which had been submitted to the Working Group.

## ITALY

[Original text: French]

At its fourth special session, the General Assembly had no opportunity to take up, even on a preliminary basis, the various problems which would arise from the possible establishment of a peace fund, to which General Assembly resolution 1879 (S-IV) refers. The establishment of such a body raises many questions of a very complex technical nature, including that of the procedure to be followed in authorizing the use of the resources available to the fund, the extent to which they could be used, the manner in which recourse might be had to the fund without derogating from the principle of collective responsibility. Apart from these questions of principle, some realistic consideration must be given to the actual possibilities of collecting the voluntary contributions necessary for the financing, even partially, of peace-keeping operations.

It seems to the Italian Government that it would be useful if the Assembly, before embarking on the consideration of these problems, were to entrust them to a small technical group for study. It might, for instance, be a good idea to request the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations to study the ques-

tion, which, it would appear, ought logically to be considered within the more general framework of the examination of the general principles of the financing of peace-keeping operations. The General Assembly and its Fifth Committee could then take the question up later, when they would have all the necessary technical data at their disposal.

## JAMAICA

[Original text: English]

The Government of Jamaica considers the establishment of such a fund to be both feasible and desirable.

Jamaica is of the view, however, that it would be essential to ensure that the creation of the fund would not be regarded by Member States as a substitute for peace-keeping assessments which have proven to be such a problem in the United Nations finances up to the present time. For this reason the fund should be supplied from purely voluntary contributions. These contributions could be sought from Governments, whether members of the United Nations or not, and also from private organizations within Member States. Possible private organizations are labour unions, public trusts and charitable foundations, mutual and provident funds and friendly societies and associations. International banking houses might also be asked to make voluntary contributions.

The Government of Jamaica recommends that the peace fund should be under the control of the Secretary-General and it would be necessary to identify the organ of the United Nations under whose authority payments would be made out of the fund. Such payments should be made on the authority of the General Assembly, not the Security Council.

Further, it would be equally important to define with precision the purposes for which the fund may be used, so as to avoid having it dissipated in a multiplicity of minor activities or in organizations in the cause of peace. Preferably, non-controversial purposes in the field of peace-keeping should be chosen; e.g., it might be provided that the funds should be used only to meet the cost of efforts at mediation by the United Nations and the cost of fact-finding and observation missions undertaken with a view to eliminating threats to international peace and security, or the restoration of peace.

Finally, the Government suggests that contributions to the peace fund should be accepted in any national currency whether such currency is freely convertible or otherwise.

## JAPAN

[Original text: English]

1. The Japanese Government regards the establishment of a peace fund as an interesting idea which merits careful study.

2. Inasmuch as the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations has been requested under General Assembly resolution 1880 (S-IV), to make a comprehensive study on the matters relating to the financing of future peace-keeping operations and to report to the General Assembly not later than at its nineteenth session, the Japanese Government is of the opinion that the above idea of establishing a peace fund would

<sup>1</sup> Official Records of the General Assembly, Fourth Special Session, Annexes, agenda item 7, document A/AC.113/18.

most appropriately be examined upon the presentation of the report by the Working Group.

## KUWAIT

[*Original text: English*]

The establishment of the peace fund will be the subject of a statement to be made by the Chief of the Kuwait delegation to the eighteenth session of the United Nations General Assembly, at its meeting in New York next month.

## LIBERIA

[*Original text: English*]

The Government of Liberia supported resolution 1879 (S-IV) for the establishment of a peace fund and is of the view that such a peace fund would be of assistance in making funds readily available to the Secretary-General in enabling him to meet his responsibilities in matters affecting international peace.

The Liberian Government is of the view that among the interested organizations which could be consulted in this connexion is the World Federation of United Nations Associations which will be meeting at the Headquarters of the United Nations on Monday, 9 September 1963.

## NETHERLANDS

[*Original text: English*]

Generally speaking, the Netherlands Government continues to hold the view that the financing of United Nations peace-keeping operations is the collective responsibility of Member States. On the more specific matter of the desirability and feasibility of establishing a peace fund, the Netherlands Government is unable to take a definite position until a preliminary question has been decided. This question is whether the fund is envisaged to be a fund out of which the financing of peace-keeping operations can be fully covered, or whether the idea is rather to raise a working capital, to be replenished by afterwards apportioning the costs of each operation among the Member States.

The elucidation by the delegate of Ghana who introduced the draft of resolution 1879 (S-IV) in the fourth special session of the General Assembly, is not entirely clear in this respect. According to the summary record<sup>2</sup> he said: "The fund would in no way conflict with the principle of the collective responsibility of Member States, which would have to meet their financial obligations by complying with any equitable scale of contributions that might be devised in the future." During the same meeting the Swedish delegate added to this the interpretation that "the peace fund would constitute an extension of the Working Capital Fund". As this interpretation went undisputed it is believed that the suggested peace fund tends to adopt the character of a working capital. In any case, the Netherlands Government would welcome an answer to this preliminary question to enable it to clarify its own views on this matter.

In anticipation of the position the Netherlands will finally hold, the Permanent Representative thinks it

might be useful to recall a statement on principle made by the Netherlands delegate to the fourth special session of the General Assembly<sup>3</sup> who said "... in general we believe it to be wrong that for the fulfilment of one of its primary tasks the United Nations should—at least partly—depend upon the willingness of Member States to pay voluntary contributions".

## NORWAY

[*Original text: English*]

The Norwegian Government is favourably disposed to the idea of a peace fund at the disposal of the Secretary-General. Such a fund might contribute to an easing of the financial difficulties which may arise during the implementation of peace-keeping tasks. It might also serve a useful purpose through affording an opportunity to private organizations and individuals to contribute directly to the peace-keeping efforts. It is the view of the Norwegian Government, however, that the United Nations peace-keeping actions primarily should be financed in accordance with the principle of the collective responsibility of the Member States for the expenses of the Organization, as established by the decisions of the fourth special session of the General Assembly.

The Norwegian Government is unable at the present time to discuss its attitude to the question of a possible Norwegian official contribution. It has at the moment no suggestions as to "interested organizations" which might be contacted.

## RWANDA

[*Original text: French*]

The Government of the Republic of Rwanda considers that it would be possible and advisable to set up a peace fund.

## SUDAN

[*Original text: English*]

While the Sudan Government is pleased to support the plan for establishing a peace fund to serve the purposes envisaged in General Assembly resolution 1879 (S-IV), it would venture to hope that the establishment of the fund will in no way affect the size of the special or voluntary contributions by the developed countries for the financing of specific peace-keeping operations. The objective of the fund should be to alleviate the financial burden on the developing countries, in the case of future threats to or breaches of international peace and security.

The Sudan Government wishes further to suggest that the Resident Representatives of the United Nations in Member States be instructed to co-operate with Governments of these States in the launching of campaigns to raise money for the fund from organizations and individuals.

## SWEDEN

[*Original text: English*]

Basically the Swedish Government is of the opinion that costs incurred for peace-keeping operations should be carried by the Member States according to the prin-

<sup>2</sup> *Ibid.*, Fifth Committee, 1002nd meeting.

<sup>3</sup> *Ibid.*, 999th meeting.



ciple of collective responsibility. When the Swedish Government supported the idea of studying the desirability and feasibility of establishing a peace fund, it did so in the hope that such a study might pave the way to a system whereby the United Nations, as an organization whose principal purpose is to secure more stable peace in the world, could benefit also materially from the goodwill it enjoys among Governments as well as private organizations, institutions, associations and individuals all over the world. Funds raised under those auspices might be put at the disposal of the Secretary-General to be used by him in accordance with procedures previously agreed upon. Such a solution would significantly increase the possibilities of the Secretary-General to act swiftly and efficiently in emergency situations. In this way, by giving the Secretary-General resources at his immediate disposal, the effectiveness of a United Nations action—particularly at its initial stage, when rapidity often is of decisive importance—could be considerably raised, to the benefit of the parties interested in the intended action and of the world Organization. Alternative courses for the use of the funds might also be considered.

Regarding "interested organizations" to be consulted in the matter, the Swedish Government has no particular recommendation to make.

Finally, it is suggested that the question of the establishment of a peace fund should be further explored within the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations.

#### Togo

[Original text: French]

The Togolese Republic is in favour of the principle of the establishment of such a fund.

The Togolese Government is convinced that prompt and effective action is a decisive and essential factor for the smooth conduct of peace-keeping operations. Furthermore, experience has shown that a lack of adequate financial resources can slow down and seriously endanger the success of any operation. It is in order to anticipate and prevent such an eventuality that we have supported and wish to associate ourselves with the idea of the establishment of a peace fund supplied by the voluntary contributions not only of Member States but also of organizations and individuals.

As far as Togo is concerned, however, in view of the extremely limited financial resources at our disposal and the very important tasks and problems of economic development with which we are at present faced, I am authorized by my Government to inform you that the Togolese Republic, while anxious to spare no effort in any matter concerning the United Nations, has very few means available to it for participation in the establishment of the peace fund. It goes without saying, however, that my country is firmly resolved to make its modest contribution to the work of peace in which the United Nations is engaged.

#### TURKEY

[Original text: French]

The Turkish Government, faithful to the purposes and principles of the United Nations, has always con-

tributed to the Organization's efforts for maintaining peace, and supported resolution 1879 (S-IV), adopted at the fourth special session of the General Assembly, which provided for consultations with Governments and interested organizations on the desirability and feasibility of establishing a peace fund, to be financed by voluntary contributions from Member States as well as organizations and individuals, which would enable the Secretary-General to discharge, without undue delay, his responsibilities under the Charter in cases of breaches of the peace.

However, while convinced of the usefulness of the above-mentioned proposal, the Turkish Government considers that the peace fund should be used by the Secretary-General only as a last resort, after he has exhausted all other possible means for the maintenance and safeguarding of peace.

#### UGANDA

[Original text: English]

The Government of Uganda supports in principle the establishing of a peace fund in accordance with resolution 1879 (S-IV) adopted by the General Assembly at its fourth special session on 27 June 1963.

The Government of Uganda is also prepared to make a small contribution in accordance with her financial position.

#### UNION OF SOVIET SOCIALIST REPUBLICS

[Original text: Russian]

The resolution [1879 (S-IV)] adopted by the General Assembly at its fourth special session concerning the establishment of the special fund conflicts with the Charter of the United Nations, under which the Security Council alone is authorized to decide questions of the maintenance of international peace and security, including questions of financing measures taken to that end. The existence of such a fund would facilitate the actions of those seeking to bypass the Security Council—the fundamental organ of the United Nations which bears primary responsibility for the maintenance of world peace and which is empowered to act on behalf of all Members of the United Nations. All this could have adverse consequences for the cause of peace and international security.

For these reasons, the USSR delegation at the fourth special session of the General Assembly opposed and voted against the said resolution.

The position of the Soviet Union in this matter remains unchanged.

#### UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original text: English]

1. ...

2. In considering this matter a number of questions arise, on the answers to which would depend Her Majesty's Government's attitude to the desirability and feasibility of such a fund. These questions relate principally to the role which the proposed peace fund would play in financing peace-keeping operations, and to the manner in which the fund would be administered.



### A. *The role of a peace fund*

3. A peace fund might be designed to cover the entire costs of all peace-keeping operations by the United Nations; or it might cover a major part of such costs, leaving substantial amounts to be raised from other sources; or it might be confined to a relatively small sum, intended solely to finance the initial stage of a particular operation for a brief period while arrangements were made for a special assessment for the purpose.

4. If the fund were designed to cover all peace-keeping costs, it appears that this would, in principle, be placing the costs of all such operations on a voluntary, and to the extent that non-governmental contributions are accepted, a private, basis. It is perhaps questionable whether this is wholly compatible with successive decisions of the General Assembly (of which the latest is paragraph 1 (a) of resolution 1874 (S-IV) of 27 June 1963) that the financing of peace-keeping operations is the collective responsibility of all Member States. Her Majesty's Government would in general deprecate any financial arrangements, whether made on a voluntary or other basis, which might have the effect of reducing Members' sense of responsibility for financing the activities of the Organization, or of relieving Members of the financial consequences of their decisions.

5. If the fund were intended to cover only part (even if a major part) of the costs of peace-keeping, this would presumably entail its supplementation by funds raised through assessments on Member States and thus reduce the force of the arguments in paragraph 4 above. The difficulties which have arisen owing to the refusal of certain States to accept the validity of assessments for this purpose, and their consequent refusal to pay such assessments, would however, remain unresolved.

6. Another possibility would be that the fund should provide an immediate reserve of money in order to enable the Organization to take urgent action, pending the making of an assessment to finance a particular operation. Such a fund could not be committed unless the Security Council or the General Assembly had authorized the initiation of an operation, bearing in mind all the probable financial consequences of such a step and unless members were ready to make available the necessary forces and supplies. If the General Assembly decided to initiate an operation, the Assembly ought presumably at the same time to determine an assessment for the purpose. A fund of this description might, therefore, most likely be called into play in circumstances in which the Security Council felt obliged to authorize urgent and immediate action of such a nature that it was not practicable to await the convening of the General Assembly and would have value if it strengthened the Organization's capacity to react flexibly to such a situation. In such a case the General Assembly would consider the provision of finance for the purpose of continuing the operation.

### B. *Administration of fund*

7. Power to issue money from the fund would require to be vested in one authority, and for this purpose there would appear to be three possibilities, namely the General Assembly, or the Security Council, or the Secretary-General. Of these three, it is doubtful whether the Secretary-General would desire, even if it were

within his competence, to initiate a peace-keeping operation except on the instructions of either the Security Council or the General Assembly and whether the General Assembly would be ready to extend the Secretary-General's power to enter into unforeseen expenditure beyond the limit indicated in resolution 1862 (XVII). In effect therefore the choice would be between the Security Council and the General Assembly.

### C. *Size of fund*

8. The appropriate amount for a peace fund would, of course, depend upon the role which it was intended to play. If it were designed to cover the cost of all peace-keeping operations, the amount involved could be substantial. In 1961 and 1962, the costs of peace-keeping operations were of the order of \$140 million per annum. In 1964, the Middle East operation alone may be expected to cost about \$19 million. Something of the order of \$100 million might be required and even this could, on recent experience, be exhausted in less than one year, entailing presumably recurring appeals for further substantial contributions. For a fund intended to cover only part of the costs of peace-keeping about \$50 million might be required and to this somewhat similar considerations would apply.

9. A contingency fund might, however, be limited to possibly \$10 million. It is assumed that this amount would be returned to the fund soon after an assessment had been made for the purpose of financing the operation as a whole.

### D. *Sources of contributions*

10. For a peace fund intended to finance either the whole or a major part of peace-keeping operations the sums required, both for its initial establishment and for its replenishment as money was expended, would be formidable, and it is doubtful whether such contributions could be obtained from any source except Governments. Neither private donors (including industrial and commercial interests) nor philanthropic foundations appear as likely contributors on this scale. On the other hand individuals and foundations might be able to make a significant contribution towards building up a contingency fund, as described in paragraph 6 above.

### E. *General observations*

11. More generally, Her Majesty's Government would observe that the difficulties which have given rise to the suggestion of a fund seem to be of a political rather than a strictly financial character. The deficiency in the peace-keeping accounts has accumulated mainly because certain Governments are unwilling to pay their assessed share on grounds other than their inability to do so. The position of developing countries has been recognized in various assessment formulae, and there appears to be little doubt that Member States collectively are in a position to meet peace-keeping costs, of the order already encountered, without undue difficulty, provided they are willing to support those operations.

12. It seems probable that the differences of view which have led to the refusal of certain countries to pay assessments, would not be removed by the establishment of a peace fund.

13. Except for a small contingency fund, it is doubtful whether sums of the order required could be provided, except from Governments. On the other hand,

if Governments are to provide the resources, it may be considered that the methods already in use by Governments to finance such operations (namely contributions to the special accounts opened for the various security operations) could be used for any further governmental voluntary contributions.

#### F. Conclusion

14. In view of the considerations set out in the preceding paragraphs, Her Majesty's Government feel obliged to reserve their position in respect of the proposal for the establishment of a peace fund. They would, however, be ready to accept the establishment of such a fund were its desirability and feasibility to be demonstrated as a result of the study which the Secretary-General is at present conducting.

#### VENEZUELA

[Original text: Spanish]

The Venezuelan Government considers the proposal for the establishment of a peace fund to be worthy of study, since it considers that such a fund would provide the Organization with effective means for the discharge of its responsibilities in cases of breaches of the peace.

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#### AFGHANISTAN

[Original text: English]

During the fourth special session of the General Assembly the Afghan delegation supported the establishment of a peace fund as a useful force for peace, having contributions on a voluntary basis. The Government of Afghanistan continues to support such a fund with the hope that the financial contributions of the developed countries will be large enough to make the fund effective.

#### AUSTRALIA

[Original text: English]

(i) The object of resolution 1879 (S-IV) being to "make sufficient funds available to the Secretary-General, thus enabling him to discharge, without undue delay, his responsibilities under the Charter in cases of breaches of the peace", it appears that the immediate requirement is in fact largely (if not wholly) met by the annual resolution on unforeseen and extraordinary expenditure. Resolution 1862 (XVII) authorizes the Secretary-General to incur reasonable expenditures

(up to \$2 million) relating to the maintenance of peace and security without the concurrence of the Advisory Committee on Administrative and Budgetary Questions, and makes provision for a special session of the General Assembly to be convened by the Secretary-General in the case of commitments exceeding \$10 million arising as a result of a decision of the Security Council. The Secretary-General is thus enabled to discharge his function in this respect "without undue delay".

(ii) While the present problems of financing the Organization's peace-keeping operations, and particularly that of obtaining the payment of arrears of contributions, remain unsolved, it would be difficult for Governments which have contributed substantially to the financing of such operations to give close consideration to the setting up of a new fund to which, in all likelihood, there would be expectations that they would contribute.

(iii) The setting up of a "peace fund" financed by voluntary contributions could run counter to the principle of collective responsibility for United Nations expenses, including the costs of peace-keeping operations, which has been upheld in recent General Assembly resolutions regarding the apportionment of such costs. Political and financial responsibility for United Nations actions should run together, and this would prove difficult to ensure in the event of peace-keeping operations being financed from a fund the major portion of which might be contributed by a few countries or private organizations.

(iv) In general, further study would need to be given to the functions of the proposed peace fund, including the prospect and nature of contributions, the purposes for which the fund might be used and the control which would be exercised over it, before any action or decisions were taken. Such further study could appropriately be undertaken by the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations.

#### BYELORUSSIAN SOVIET SOCIALIST REPUBLIC

[Original text: Russian]

At the fourth special session of the General Assembly the delegation of the Byelorussian SSR voted against the resolution concerning the so-called "peace fund". The Byelorussian SSR opposed this resolution in compliance with the provisions of the United Nations Charter, according to which the Security Council is alone competent to decide questions of the maintenance of international peace and security, including questions of the financing of measures taken for that purpose. Resolution 1879 (S-IV) clearly contradicts the provisions of the Charter, and the establishment of a so-called "peace fund" would not only do nothing to strengthen international peace and security, but would on the contrary open the way to attempts to violate the United Nations Charter and by-pass the Security Council. The Byelorussian SSR continues firmly to oppose such acts, which undermine the cause of the strengthening of international peace and security.

#### CHAD

[Original text: French]

For reasons of an economic nature the Government of the Republic of Chad is unable to participate in this

new organization, although it fully endorses the idea that prompted its establishment.

## ECUADOR

[Original text: Spanish]

The Ecuadorian Government approves in principle of the establishment of such a fund, considering the laudable aims of the proposal, as set forth in the preamble to resolution 1879 (S-IV) but at the same time must regretfully point out that, in view of its limited financial resources, Ecuador would have difficulty in pledging any contribution to that end.

## GHANA

[Original text: English]

(a) Ghana fully supports the proposal.

(b) The question of peace and war affects so vitally the whole of mankind that not only Member States, but also private organizations and individuals should be given the opportunity to contribute directly to keeping the peace.

(c) The fund should be controlled by the Secretary-General and operated in accordance with the financial regulations of the Organization or any other regulations which the General Assembly may formulate.

## INDONESIA

[Original text: English]

1. A United Nations peace fund should preferably be employed as a temporary and emergency source for financing a United Nations peace-keeping operation. The emergency use of the fund may be decided by the Secretary-General in the event that such an occasion arises, prior to a General Assembly recommendation for financing a specific peace-keeping operation.

2. Having in mind the specific responsibility of the Secretary-General in this regard, it is the opinion of the Indonesian Government that voluntary contributions should be offered by Member States and interested parties in a pledging conference such as the case of the United Nations Special Fund and the Expanded Programme of Technical Assistance, so that, in the use of the fund, the Secretary-General will be responsible only to the Security Council, the General Assembly, and to rules which have yet to be drawn up governing the use of the peace fund.

3. The Indonesian Government will leave it to the discretion of the Secretary-General to consult with organizations interested in contributing to the peace fund.

## NEW ZEALAND

[Original text: English]

The New Zealand Government has given careful consideration to resolution 1879 (S-IV) adopted by the General Assembly at its fourth special session. The Government finds difficulty, however, in arriving at a firm conclusion as to the desirability of establishing a peace fund so long as the central problem of financing peace-keeping operations remains unresolved. In this regard New Zealand shares the view expressed by

many Members during the fourth special session that the Organization's primary task of maintaining peace and security is a matter for collective responsibility and its fulfilment should not be dependent on voluntary contributions. The New Zealand Government would therefore wish to consider whether a particular proposal, when advanced, was in any sense a substitute for measures clearly maintaining the collective financial responsibility of all Member States.

One of the General Assembly's reasons for deciding that this question should be studied was its desire, as stated in resolution 1879 (S-IV), to make sufficient funds readily available to the Secretary-General to enable him to discharge his responsibilities under the Charter in cases of breaches of the peace without undue delay. Flexible arrangements for this purpose have in the past been made, however, in the General Assembly's annual resolution relating to unforeseen and extraordinary expenses. Similar provision is included in the draft resolution proposed for adoption at the Assembly's eighteenth session.

As to the feasibility of establishing a peace fund, some doubt may be felt as to the willingness of a substantial number of potential donor countries to contribute in present circumstances to a fund of a general character, unrelated to specific situations. The New Zealand Government has also noted—without necessarily accepting this point of view; it is advanced solely as an illustration of the difficulties which may arise—that certain Member States argued at the special session that excessive reliance on voluntary contributions could place in jeopardy the impartial achievement of the objectives of United Nations peace-keeping operations. Finally, the Government wishes to state that its attitude, no doubt like that of many other Governments, would be influenced by the scale of any fund proposed, which would have to be considered in the light of New Zealand's existing financial commitments to the international community.

The mandate of the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, which is to report to the General Assembly not later than its nineteenth session, is, *inter alia*, to "explore ways and means for bringing about the widest possible measure of agreement among all Member States on the question of financing future peace-keeping operations" and to "consider suggestions regarding other sources of financing future peace-keeping operations". The New Zealand Government believes that it would be appropriate for the Working Group to consider any practical suggestions which may emerge from the Secretary-General's inquiry in the course of its examination of all aspects of this problem.

## UKRAINIAN SOVIET SOCIALIST REPUBLIC

[Original text: Russian]

The purpose of establishing a peace fund, as the preamble of resolution 1879 (S-IV) says, is to "make sufficient funds readily available to the Secretary-General, thus enabling him to discharge... his responsibilities under the Charter in cases of breaches of the peace". However, these responsibilities can devolve only on the Security Council, in connexion with the fulfilment of its duty under the Charter to maintain peace.

In accordance with Chapter VII of the United Nations Charter, particularly Article 39, the task of deciding on measures to be taken to maintain or restore international peace and security is laid upon the Security Council. Articles 43 and 50 of the Charter define the role of the Security Council in calling on countries taking part in carrying out the measures adopted by the Security Council, to make armed forces and facilities available, and also in settling the special economic problems with which these countries may find themselves confronted; this includes the Security Council's role in settling problems of financing; the above-mentioned measures.

Thus, the proposal for the establishment of a peace fund should be regarded as yet one more attempt to transfer these questions to the General Assembly's jurisdiction and thereby prevent the Security Council from fulfilling its functions under the Charter; this could adversely affect the cause of peace and international security.

For those reasons the delegation of the Ukrainian SSR to the fourth special session, on the instructions of its Government, opposed and voted against this resolution. The position of the Government of the Ukrainian SSR remains unchanged.

#### DOCUMENT A/5490/ADD.2

CONGO (LEOPOLIVILLE)

[Original text: French]  
[18 November 1963]

The Congolese Government considers the establishment of a peace fund both desirable and necessary. It believes it to be essential that the United Nations should have funds available at all times to finance the measures adopted to prevent any threats to or breaches of international peace and security and to restore peace.

The first payments into such a fund might be made through voluntary contributions from States, whether Members of the United Nations or not, and from official or private organizations, through bond issues and even through miscellaneous operations such as the sale of postage stamps and postcards, collections by associations, etc.

National or international governmental or non-governmental organizations set up to safeguard peace and to disseminate ideas on peace might be consulted and asked to co-operate in publicity campaigns.

Financial regulations for the administration of the fund might be approved by the Assembly. These regulations would set the limits within which the Secretary-General would be free to draw on the fund and beyond which the authorization of another United Nations organ would be required.

The problem is so complex, however, as to require thorough study and discussion. An *ad hoc* committee or, if appropriate, the Working Group on the Examination of the Administration and Budgetary Procedures of the United Nations would be given the task of formulating, in consultation with interested Governments and organizations and on the basis of the Secretary-General's report, specific proposals, including financial regulations, for approval by the Assembly.

#### DOCUMENT A/5490/ADD.3

NIGERIA

[Original text: English]  
[27 November 1963]

The following are the views of the Nigerian Government on the matter:

(i) Nigeria was one of the co-sponsors of resolution 1879 (S-IV) and therefore supports the creation of a "peace fund". The Nigerian Government believes that the creation of such a fund is feasible and desirable.

(ii) In the opinion of the Nigerian Government, the question of maintenance of international peace and security should not be limited to Members of the United Nations but should be the concern of all interested organizations and individuals.

(iii) The peace fund would provide the Secretary-General with immediate funds in case of emergency, particularly before the full machinery of the Organization is brought into operation and a scale of assessment is established. The peace fund will not be a substitute for any assessment that may be levied on all Member States for any peace-keeping operation. Nigeria accepts unconditionally the principle of collective responsibility in respect of all United Nations peace-keeping operations.

(iv) A study of the administration and control of a peace fund could be undertaken by the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations.

#### DOCUMENT A/5490/ADD.4

UNITED STATES OF AMERICA

[Original text: English]  
[2 December 1963]

The United Nations has already demonstrated some capacity to carry out the peace-keeping responsibilities entrusted to it by its members. Recognizing the importance of this role of the United Nations, the United States Government is naturally very interested in exploring any proposals which seek to assure that the Organization is financially able to fulfil effectively these responsibilities.

The study of the desirability and feasibility of establishing a peace fund raises a wide range of problems which require careful study. A meaningful analysis must specifically define the intended purposes of the fund, the conditions under which it would be used, its size, how it would be administered and whether and how it is to be maintained on a continuing basis. It should also include comparative evaluations of the advantages and disadvantages of the peace fund proposal as against those of possible alternative arrangements. While the United States believes that a detailed presentation of its views must await further clarification of these and other points from those who sponsored the study and advocate the establishment of such a fund, the United States would like to make the following preliminary observations.

The United States first wishes to address itself to the procedural aspects of the required report and to any possible action on it by the General Assembly at its eighteenth session. The United States remains con-

cerned about the short time available for consideration and reply by Governments and for the study and report by the Secretary-General to the General Assembly at its eighteenth session. The United States is further concerned about the relationship of this study to the responsibilities given the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations under resolution 1880 (S-IV). Under the resolution, the Working Group has been asked in operative paragraph 2 (b) "to consider suggestions regarding other sources of financing future peace-keeping operations"; and in 2 (c) "to explore ways and means for bringing about the widest possible measure of agreement among all Member States on the question of the financing of future peace-keeping operations". It is the United States opinion that study of the establishment of a peace fund is only one aspect of the responsibility vested in the Working Group. For this reason, it would be inappropriate and inadvisable for the General Assembly at its eighteenth session to take any action on the peace fund study other than to refer the results of the present study and report to the Working Group for such consideration as it might find appropriate in its broader study under resolution 1880 (S-IV).

On the substance of the establishment of a peace fund, we believe that the funding of peace-keeping operations should be primarily the responsibility of the Member States of the United Nations. Although the terms of resolution 1879 (S-IV) do not preclude the collection of most of the funds from Governments, it seems unlikely to the United States that Members would be more willing to put up funds in advance for unknown future operations than they have been to finance specific current operations already approved for forces in the field. This leads the United States to believe that, at best, such a fund could only be a supplemental source of funds (in the nature of additional miscellaneous income), or in the nature of an additional, perhaps separate, working capital fund to get peace-keeping operations started.

In the first case—additional miscellaneous income—the peace fund might have some value as a source of revenue to defray part or all of the cost of necessary decreases in assessments for the economically less developed countries, similar to the so-called "third-bite", which is being financed from voluntary contributions for the United Nations Emergency Force and the United Nations Operation in the Congo for July-December 1963. Even this assumes that contributions could be secured from the public, foundations, and Governments in sufficient amounts for this purpose.

In the second case—additional working capital—the United States believes that the United Nations needs working capital availability of a significantly larger amount than the present \$40 million. The present capitalization of the fund at \$40 million has totally disregarded the magnitude and needs of the peace-keeping operations which for several years were nearly twice the size of the regular budget. If the proposal envisages

working capital of perhaps an additional \$50 to \$60 million, this might merit careful examination. If such a working capital fund were established and drawn on to initiate a duly approved peace-keeping operation, it would, of course, require replenishment. The appropriate method of replenishment should, in our opinion, rely heavily upon assessments on the Member States.

Inherent in our comments above are grave misgivings about the practical possibilities of raising significant sums for a peace fund. Considerable reliance appears to have been placed by the sponsors on voluntary contributions which might be made to such a fund from individuals or foundations. Even though they may attach great importance to the effective conduct of United Nations activities to preserve the peace of the world, the United States doubts whether sufficient support for such a fund will be secured from United States citizens and institutions to make a sizable peace fund a reality.

Similarly, the United States has found little evidence that the Members, developed or less developed, are enthusiastic about making sizable contributions to such a fund. If the success of the sale of United Nations bonds—repayable with interest—is any indicator, raising large amounts would be very difficult. It might also be noted that full subscription of the bond issue *now* (a) if the membership so decided and (b) if delinquent Members would pay up, could make it possible to set aside some of these resources for future peace-keeping which would, in effect, constitute a peace fund under the control of the General Assembly. Over \$50 million of the bond issue still remains to be sold, of which the United States remains prepared to purchase one-half.

Perhaps more basic is the question of approval and control over the use of the fund. Appropriate approval within the United Nations of the operation itself as well as the funding would, of course, be essential. Here again, except to provide an immediate source of funds to get an operation started, the United States doubts that the existence of the fund would meet the political problems concerning the authorization and control of operations or the financial problems of financing an operation once started.

Consequently, the United States Government feels that the question of establishing a peace fund raises a number of problems which have thus far not been fully examined. Principal among these are the questions of both the desirability of a peace fund and the likelihood of raising adequate funds for it. Inherent in the question of desirability is the problem of who would authorize expenditures from the fund and how.

Since so many questions and aspects of the peace fund proposal have not been fully examined, the United States Government considers that any report submitted by the Secretary-General to the General Assembly at the eighteenth session should be referred to the Working Group for consideration in connexion with its broader mandate.



## DOCUMENT A/5684

## Report of the Fifth Committee

[Original text: English and French]  
[16 December 1963]

1. At its 1050th meeting on 2 December 1963, the Fifth Committee considered the reports of the Secretary-General which had been requested by the General Assembly in its resolutions 1874 (S-IV) and 1879 (S-IV) of 27 June 1963.

2. The first of these reports, submitted orally by the representative of the Secretary-General, concerned the administrative and financial procedures to be followed by the General Assembly at the time peace-keeping operations are authorized. It was stated, in particular, that the Secretary-General had felt that even if it had been possible for him before the opening of the eighteenth session to respond adequately to the General Assembly's request in paragraph 3 of its resolution 1874 (S-IV), it would have been inappropriate for him to attempt to do so in view of the Assembly's further decision, taken at the conclusion of the fourth special session, to continue the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations. The Secretary-General therefore hoped the Fifth Committee would agree that any suggestions he might wish to make for improving the financial procedures to be followed by the General Assembly at the time peace-keeping operations were authorized, as well as any observations thereon from the Advisory Committee, could more usefully be presented for consideration in conjunction with the report which the Working Group had been asked to prepare as soon as possible and in any event prior to the nineteenth session of the General Assembly. Meanwhile the Secretary-General would co-operate fully with the Working Group to the extent that he might be called upon to do so.

3. The second report (A/5490 and Add.1-4) dealt with the Secretary-General's consultations concerning the desirability and feasibility of establishing a peace fund. Attached to this report were the texts of communications received from thirty-eight countries in response to a request addressed by the Secretary-General to all Member States on 17 July 1963.

4. In this report the Secretary-General pointed out that it would seem that the consultations with the Mem-

ber Governments and interested organizations might not be completed in time for the General Assembly to pursue the matter at its eighteenth session; the General Assembly might therefore wish to consider at that session a point of procedure which had been raised by the Governments of Canada, Italy and Sweden in their communications, i.e., that the study of the scope and purpose of a peace fund could most appropriately be conducted by the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, more particularly as such a study would come within the terms of reference of the Working Group as established by the General Assembly in resolution 1880 (S-IV). This suggestion was supported by the representative of Japan.

5. The representative of the Union of Soviet Socialist Republics reiterated that his delegation could not accept the establishment of a peace fund. A fund of that kind could be used to circumvent decisions of the Security Council regarding the maintenance of peace and security; furthermore, its establishment would be contrary to the Charter, under which the Security Council alone was competent to deal with such matters. In addition, it would duplicate the Working Capital Fund, which had been established for the specific purpose of unforeseen and extraordinary expenditures.

6. The representative of the United Kingdom recalled that his delegation had reserved its position on the matter for reasons stated in his Government's communication given in document A/5490.

7. The Committee decided, without objection, that the reports submitted by the Secretary-General in connexion with this item, as well as the record of the discussion in the Fifth Committee, should be referred to the Working Group on the Examination of the Administrative and Budgetary Procedures of the United Nations, to be taken into account in the preparation of the report which the Working Group had been requested to make to the General Assembly in terms of General Assembly resolution 1880 (S-IV) of 27 June 1963.

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1284th plenary meeting, on 17 December 1963, the General Assembly took note of the report of the Fifth Committee (A/5684).

## CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 65 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/C.5/L.825	Draft report of the Fifth Committee	Same text as A/5684



**Agenda item 66: Personnel questions:\***

- (a) Geographical distribution of the staff of the Secretariat: report of the Secretary-General;
- (b) Proportion of fixed-term staff;
- (c) Other personnel questions

**C O N T E N T S**

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fifth Committee*, 1034th, 1035th, 1037th-1043rd, 1047th-1049th, 1052nd and 1053rd; and *ibid., Plenary Meetings*, 1276th meeting.

**Abbreviations**

ACC	Administrative Committee on Co-ordination
CPI	Common price index
CCAQ	Consultative Committee on Administrative Questions
ECLA	Economic Commission for Latin America
ECPA	Expert Committee on Post Adjustments
FAO	Food and Agriculture Organization of the United Nations
ICAO	International Civil Aviation Organization
ICSAB	International Civil Service Advisory Board
ILO	International Labour Organisation
OECD	Organization for Economic Co-operation and Development
TAB	Technical Assistance Board
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
WHO	World Health Organization

**(a) Geographical distribution of the staff of the Secretariat**

**(b) Proportion of fixed-term staff**

**DOCUMENT A/C.5/987**

**Report of the Secretary-General**

[Original text: English]  
[11 October 1963]

1. By its resolution 1852 (XVII) of 19 December 1962, the General Assembly recommended a number of principles and factors to guide the Secretary-General

in his efforts to achieve a more equitable geographical distribution of the staff of the Secretariat. In operative paragraph 3 of the resolution the Secretary-General

was requested to submit a progress report to the General Assembly at its eighteenth session. The present

report, which covers developments since 1 September 1962, is accordingly submitted.

#### NUMBER OF NATIONALITIES

2. The number of nationalities included in the Secretariat has continued to increase, keeping pace with the increase in the membership of the Organization. Over the last five years the situation has been as follows:

	As at 31 August				
	1959	1960	1961	1962	1963
Number of Member States.....	82	82	99	104	111
Number of nationalities in the Secretariat..	71	72	84	94	98
Number of nationalities not included in the Secretariat .....	11	10	15	10	13

Of the "unrepresented" Members, nine are in Africa, two in the Middle East, and one each in Eastern Europe and Latin America. There are twenty-five staff members from non-member States and six stateless.

3. As stated in paragraph 13 of his report to the seventeenth session,<sup>1</sup> the Secretary-General "believes that emphasis should be given to the principle of universality; that is, that every effort should be made, by the Secretariat and the Governments concerned, to have the Secretariat include nationals of all Member States", the Secretary-General will continue to strive towards that goal and to seek the co-operation of all likely sources of qualified persons of competence and integrity.

#### GEOGRAPHICAL DISTRIBUTION

4. In paragraph 1 (b) of resolution 1852 (XVII), the General Assembly endorsed the Secretary-General's view that:

"In the Secretariat proper, an equitable geographical distribution should take into account the fact of membership, Members' contributions and their populations as outlined in the Secretary-General's report, particularly paragraph 69 (b) thereof; no Member State should be considered 'over-represented' if it has no more than five of its nationals on the staff by virtue of its membership";

5. In paragraph 69 of his report to the seventeenth session the Secretary-General had suggested that an appropriate allocation between these factors might be: (a) a minimum range of one to five posts attributable to membership; (b) a reserve of a hundred posts to take account of such differences in size of populations as do not receive sufficient weight in the other two factors; and (c) the balance of posts to be assigned on the basis of the ratios of assessed contributions.

6. To provide a tool for gauging the application of the principles set forth in the resolution, the

<sup>1</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 70, document A/5270.

Secretary-General has expressed the system of "desirable ranges" of posts for each Member State in arithmetical terms. As noted in paragraph 68 of his report at the seventeenth session, these figures are not intended to be a substitute for the discretion and good sense of the chief administrative officer of the Organization. With this reservation in mind, the Secretary-General would treat the new statistical formula as a signpost toward the accomplishment of a more balanced composition of the staff.

7. While the number of posts in the geographical area is just short of 1,400, and in terms of Member States, 1,358, the "desirable range" has been related to an assumed staff of 1,500, the figure used in the Secretary-General's report to the seventeenth session. The population reserve of 100 leaves 1,400 posts over which the range can fluctuate. The minimum range of one to five posts attributable to membership not only settles this element in its place but also gives the upper and lower limits of the balance of posts to be assigned on the basis of the ratios of assessed contributions.

8. The following table provides a regional summary of the results of this exercise, which appears *in extenso* in table 2.

Region	Desirable range	Number of staff at 31 August 1963
Africa .....	86- 187	105
Asia and the Far East.....	243- 248	241
Europe, Eastern .....	289- 236	164
Europe, Western .....	312- 275	349
Latin America .....	96- 147	140
Middle East .....	35- 72	60
North America and the Caribbean	457- 317	299
TOTAL	1,518-1,482	1,358

9. The effect of the transition from a formula based exclusively on the contributions scale to the new formula is illustrated below. The table below shows regionally, at the mid-points of the old and new ranges, the general direction in which the staffing of the Secretariat might be expected to move.

Region	Mid-point of desirable range before and after the seventeenth session of the General Assembly			
	Before the seventeenth session		After the seventeenth session	
	Number	Percentage	Number	Percentage
Africa .....	67	4.5	136	9.1
Asia and the Far East.....	203	13.5	246	16.3



Region	Mid-point of desirable range before and after the seventeenth session of the General Assembly			
	Before the seventeenth session		After the seventeenth session	
	Number	Percentage	Number	Percentage
Europe, Eastern .....	297	19.8	263	17.5
Europe, Western .....	347	23.1	294	19.6
Latin America .....	87	5.8	121	8.1
Middle East .....	28	1.9	53	3.6
North America and the Caribbean....	471	31.4	387	25.8
<b>TOTAL</b>	<b>1,500</b>	<b>100.0</b>	<b>1,500</b>	<b>100.0</b>

It may be noted from a comparison of the two tables above that for Member States or regions whose range is dominated by the membership factor, the mid-point is a stage towards further participation in the work of the Secretariat. For others it indicates the direction in which future changes are likely.

#### RECRUITMENT

10. Turning from objectives to achievements, the Secretary-General draws attention to the significant regional changes in the composition of the Secretariat which have occurred over the past five years.

Region	Number of staff as at 31 August				
	1959	1960	1961	1962	1963
Africa .....	36	43	61	81	105
Asia and the Far East.....	204	211	214	215	241
Europe, Eastern .....	68	84	107	144	164
Europe, Western .....	364	360	363	341	349
Latin America .....	101	108	112	117	140
Middle East .....	41	41	42	51	60
North America and the Caribbean.....	295	294	294	283	299
<b>TOTAL, Member States</b>	<b>1,109</b>	<b>1,141</b>	<b>1,193</b>	<b>1,232</b>	<b>1,358</b>
Non-member States.....	25	27	27	35	31
<b>GRAND TOTAL</b>	<b>1,134</b>	<b>1,168</b>	<b>1,220</b>	<b>1,267</b>	<b>1,389</b>

11. During the period 1 September 1962 to 31 August 1963, 234 appointments were made to posts in the professional category and above. Of these, 176 appointments were made to posts subject to geographical distribution, and 58 to posts with special language requirements. The number of recruitment actions to posts subject to geographical distribution was higher than in any year since the large recruitment action of 1946. In the year ending 31 August 1961, for instance, the total number of such actions was 143, and in the year ending 31 August 1962, 166. Country detail for 1963 will be found in tables 3 and 4 below.

12. Of 176 appointments in the geographical area, rather more than a third went to nationals of African (28) and Eastern European (32) Member States. Appointments of nationals of other regions were: Asia and Far East (36), Western Europe (27, including 6 from Non-Self-Governing Territories), Latin America (26), Middle East (10), North America and the Caribbean (14). Three appointments went to non-members.

13. As a result of these appointments, the total number of staff from countries in Africa increased by 29.6 per cent, Asia and the Far East—12.1 per cent, Eastern Europe—13.2 per cent, Western Europe—2.3 per cent, Latin America—19.6 per cent, Middle East—17.7 per cent, and North America and the Caribbean—5.7 per cent. Since the over-all increase

of staff during the same period was 9.6 per cent, the effect of these appointments was to raise the proportion of staff from all regions except Western Europe, and North America and the Caribbean.

#### SENIOR POSTS

14. Within this over-all correction of imbalance the concern expressed by the General Assembly, in operative paragraph 1 (c) and (d) of its resolution 1852 (XVII), with the relative importance of posts at different levels and the need for a more balanced regional composition of the staff at levels of D-1 and above, has not been lost sight of. The table on page 4 shows the changes which have occurred since 1959.

15. Such imbalance as persists is particularly at the D-1 level. Regional readjustment at the D-1 level should not be expected too quickly. The normal processes of promotion bring up to this level the meritorious staff members who entered the service ten, fifteen or more years ago and to this extent reflect the geographical distribution which existed at that time, when the desirable pattern was very different. Staff from States admitted to membership in the last ten years are moving up the promotional ladder, and in due course will enter the D-1 level. In the meantime, the Secretary-General believes that there should be no impairment of the reasonable expectations of staff

Staff at levels of D-1 and above as at 31 August

Region	1959				1960				1961				1962				1963			
	Under-Secretary	D-2	D-1	Total	Under-Secretary	D-2	D-1	Total	Under-Secretary	D-2	D-1	Total	Under-Secretary	D-2	D-1	Total	Under-Secretary	D-2	D-1	Total
Africa .....	2	—	2	4	1	1	2	4	1	2	1	4	3	1	1	5	3	2	2	7
Asia and the Far East.....	4	4	7	15	4	4	7	15	4	3	9	16	4	3	9	16	4	4	14	22
Europe, Eastern .....	1	1	8	10	1	1	10	12	1	3	10	14	4	5	11	20	4	5	14	23
Europe, Western .....	6	6	25	37	6	7	26	39	6	7	30	43	4	7	27	38	4	6	30	40
Latin America .....	2	—	2	4	3	—	2	5	3	—	3	6	3	1	3	7	2	1	4	7
Middle East .....	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1
North America and the Caribbean..	4	11	13	28	3	12	11	26	3	11	11	25	2	10	11	23	2	8	20	30
SUB-TOTAL	19	22	57	98	18	25	58	101	18	26	64	108	20	27	62	109	19	26	85	130
Non-members .....	—	—	1	1	—	—	1	1	—	—	1	1	—	—	2	2	—	—	2	2
TOTAL	19	22	58	99	18	25	59	102	18	26	65	109	20	27	64	111	19	26	87	132

members for promotion. Imbalance should be corrected by the careful use of fixed-term appointments at higher levels for nationals from the regions which are not sufficiently "represented" by career staff.

16. As regards the D-2 level, which under the provision of staff rule 104.14 is excluded from the competence of the Appointment and Promotion Board, the Secretary-General has established a Special Review Group to advise him on each case of filling a vacancy at that level, either by appointment of an outside candidate on a fixed-term basis, or by the advancement of an official already in the service.

## FIXED-TERM STAFF

17. The table below shows the changes which have taken place in the proportion of fixed-term staff of the Secretariat of the United Nations. It will be seen that, as at 31 August 1963, the number of such staff in posts subject to geographical distribution was 413, or 29.7 per cent of the total of 1,389. The proportion of such staff was 16.6 per cent in 1959, 17.3 in 1960, 20.5 in 1961 and 25.4 in 1962. During the past year, out of a total of 176 appointments made to posts subject to geographical distribution, 147 were fixed-term appointments. In the year ending 31 August 1961, the figure was 117, and in the year ending 31 August 1962, 138.

Region	31 August 1962			31 August 1963		
	Total number of staff	Fixed-term staff		Total number of staff	Fixed-term staff	
		Number	Percentage of regional total number of staff		Number	Percentage of regional total number of staff
Africa .....	81	43	53.0	105	53	50.5
Asia and the Far East...	215	57	26.5	241	71	29.5
Europe, Eastern .....	144	113	78.5	164	134	81.7
Europe, Western .....	341	47	13.8	349	57	16.3
Latin America .....	117	25	21.4	140	42	29.9
Middle East .....	51	9	17.6	60	20	33.3
North America and the Caribbean .....	291	26	8.9	299	32	10.7
TOTAL, Member States	1,240	320	25.8	1,358	409	30.1
Non-member States .....	27	2	7.4	31	4	12.9
GRAND TOTAL	1,267	322	25.4	1,389	413	29.7

Of the 58 appointments to posts with special language requirements, 37 were on a fixed-term basis.

18. The steady rise in the proportion of fixed-term staff is due to the concentration of recruitment efforts in countries where candidates for career appointments are in short supply, at least initially. After the initial period of service, fixed-term appointments are sometimes converted to career appointments. The Secretary-General would intend to continue with the conversion of fixed-term appointments in order to bring within the career group an increasing number of staff from the "under-represented" regions. He expects to maintain the proportion of fixed-term staff at about 25 per cent of the total.

## VOLUNTARY PROGRAMMES

19. In operative paragraph 2 of its resolution 1852 (XVII), the General Assembly requested the Secretary-General "to review periodically the geographical distribution of the staffs of the Technical Assistance Board, the Special Fund and the United Nations Children's Fund, and to report annually to the General Assembly on this matter".

20. The Secretary-General has received regular reports from the executive heads of these agencies, and is able to report that further progress has been made in the last year in broadening the geographical distribution of their staffs.

21. The number of nationalities in the staffs has increased during the last year. The combined TAB-Special Fund staff now includes 58 nationalities,

compared with 48 on 31 August 1962. For UNICEF, the number increased from 38 to 43 in the same period.

22. The numbers of staff members from each region, and the changes in the composition of the staff since 31 August 1962 are shown below. For TAB-Special Fund there were staff increases for all regions; the increases were relatively less for Latin America, the Middle East, North America and the Caribbean than for the other regions. For UNICEF, there was relatively little change, the major differences being decreases for Western Europe, from 62 to 58, and for North America and the Caribbean, from 50 to 48, and increases for Eastern Europe, from 6 to 8, and for Latin America, from 8 to 10.

Region	TAB/Special Fund (number of staff as at 31 August)		UNICEF (number of staff as at 31 August)	
	1962	1963	1962	1963
Africa .....	3	6	4	4
Asia and the Far East	22	33	19	18
Europe, Eastern .....	6	9	6	8
Europe, Western .....	51	71	62	58
Latin America .....	17	21	8	10
Middle East .....	7	9	4	3
North America and the Caribbean .....	34	42	50	48
TOTAL, Member States	140	191	153	149
Non-member States ..	7	14	12	12
GRAND TOTAL	147	205	165	161

23. A comparison of the percentage distribution of the staffs with a percentage distribution of financial contributions (including local cost payments) follows:

Region	TAB/Special Fund		UNICEF	
	Staff	Contributions (Percentage)	Staff	Contributions
Africa .....	2.9	2.3	2.5	1.4
Asia and the Far East .....	16.1	7.8	11.2	9.3
Europe, Eastern .....	4.4	4.3	4.9	5.2
Europe, Western .....	34.6	27.9	36.0	14.3
Latin America .....	10.3	3.0	6.2	5.8
Middle East .....	4.4	2.2	1.9	2.5

Region	TAB/Special Fund		UNICEF	
	Staff	Contributions (Percentage)	Staff	Contributions
North America and the Caribbean .....	20.5	43.9	29.8	54.0
Non-member States ..	6.8	8.6	7.5	7.5
TOTAL	100.0	100.0	100.0	100.0

24. In the case of TAB and the Special Fund, the proportion of the staff is higher than the proportion of financial contributions for all regions except North America and the Caribbean and the non-Member contributors. For UNICEF, the proportion of staff is higher than contributions for all regions except Eastern Europe, the Middle East and North America and the Caribbean.

## ANNEX

Table 1

COMPOSITION OF PROFESSIONAL AND HIGHER LEVEL STAFF OF THE SECRETARIAT AS OF 31 AUGUST 1963

Staff in posts subject to geographical distribution.....	1,389
Staff in posts with special language requirements.....	493
Staff specifically appointed for mission service.....	129
Staff members who have permanent residence status in the United States of America..	7
Staff on leave without pay.....	21
Staff on secondment to the Technical Assistance Board, Special Fund and other United Nations bodies .....	80
TOTAL	2,119

Table 2

STAFF IN PROFESSIONAL AND HIGHER LEVEL POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION AS AT 31 AUGUST 1963  
(By nationality and level)

Nationality	Number of staff 31/8/62	Under-Secretary	Levels							Number of staff 31/8/63	Desirable range
			D-2	D-1	P-5	P-4	P-3	P-2	P-1		
<i>Africa</i>											
Algeria .....	--	--	--	--	--	--	--	--	--	--	2-6
Burundi .....	--	--	--	--	--	--	--	--	--	--	2-5
Cameroon .....	1	--	--	--	--	--	--	1	1	2	2-5
Central African Republic.....	--	--	--	--	--	--	--	--	--	--	2-5
Chad .....	--	--	--	--	--	--	--	--	--	--	2-5
Congo (Brazzaville) .....	--	--	--	--	--	--	--	--	--	--	2-5
Congo (Leopoldville) .....	2	--	--	--	--	--	--	--	2	2	2-6
Dahomey .....	3	--	--	--	--	--	1	2	--	3	2-5
Ethiopia .....	4	--	--	--	--	--	1	7	2	10	2-5
Gabon .....	1	--	--	--	--	--	--	--	1	1	2-5
Ghana .....	4	1	1	--	1	--	2	2	1	8	2-6
Guinea .....	--	--	--	--	--	--	--	--	--	--	2-5
Ivory Coast .....	--	--	--	--	--	--	--	--	--	--	2-5
Liberia .....	2	--	--	--	--	--	1	2	--	3	2-5
Libya .....	1	--	--	--	--	--	1	--	--	1	2-5
Madagascar .....	2	--	--	--	--	2	--	--	--	2	2-5
Mali .....	1	--	--	--	--	--	1	--	--	1	2-5
Mauritania .....	--	--	--	--	--	--	--	--	--	--	2-5
Morocco .....	2	--	--	--	--	--	--	2	--	2	3-6
Niger .....	--	--	--	--	--	--	--	--	--	--	2-5
Nigeria .....	7	1	--	--	--	--	4	3	--	8	4-7
Rwanda .....	--	--	--	--	--	--	--	--	1	1	2-5
Senegal .....	3	--	--	--	--	--	--	1	1	2	2-5
Sierra Leone .....	1	--	--	--	--	--	--	--	1	1	2-5
Somalia .....	1	--	--	--	--	--	--	--	2	2	2-5
South Africa .....	13	--	--	1	3	6	4	1	--	15	8-9
Sudan .....	9	--	1	--	--	--	2	2	2	7	2-6
Tanganyika .....	--	--	--	--	--	--	--	--	2	2	2-5

Table 2 (continued)

Nationality	Number of staff 31/8/62	Under-Secretary	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/63	Desirable range
<i>Africa (continued)</i>											
Togo .....	3	—	—	—	—	—	—	4	—	4	2-5
Tunisia .....	3	—	—	—	—	—	—	2	3	5	2-5
Uganda .....	—	—	—	—	—	—	—	—	1	1	2-5
United Arab Republic.....	17	1	—	1	1	8	5	4	1	21	4-7
Upper Volta .....	1	—	—	—	—	—	—	1	—	1	2-5
Population reserve .....	—	—	—	—	—	—	—	—	—	—	9-9
SUB-TOTAL	81	3	2	2	5	16	22	34	21	105	86-187
<i>Asia and the Far East</i>											
Australia .....	16	—	—	1	2	5	3	3	1	15	22-19
Burma .....	8	1	—	—	—	5	1	1	—	8	2-6
Cambodia .....	2	—	—	—	—	—	—	1	1	2	2-5
Ceylon .....	7	—	—	—	1	4	1	3	—	9	2-6
China .....	47	1	1	6	10	11	11	3	4	47	59-43
Federation of Malaya.....	1	—	—	—	—	—	1	1	—	2	3-6
India .....	59	1	2	4	11	19	19	7	3	66	27-22
Indonesia .....	9	—	—	—	—	1	3	6	1	11	7-9
Japan .....	25	—	—	1	1	1	11	10	2	26	30-24
Laos .....	1	—	—	—	—	—	—	1	1	2	2-5
Mongolia .....	1	—	—	—	—	—	1	—	—	1	2-5
Nepal .....	4	—	—	—	—	—	2	3	—	5	2-5
New Zealand .....	8	1	—	—	4	2	3	—	1	11	6-8
Pakistan .....	12	—	1	2	—	7	4	1	—	15	6-9
Philippines .....	8	—	—	—	—	5	6	3	—	14	6-8
Thailand .....	7	—	—	—	—	1	4	2	—	7	3-6
Population reserve .....	—	—	—	—	—	—	—	—	—	—	62-62
SUB-TOTAL	215	4	4	14	29	61	70	45	14	241	243-248
<i>Europe (Eastern)</i>											
Albania .....	—	—	—	—	—	—	—	—	—	—	2-5
Bulgaria .....	5	—	—	—	—	2	1	3	1	7	4-7
Byelorussian Soviet Socialist Republic .....	2	—	—	—	—	1	1	—	—	2	8-9
Czechoslovakia .....	16	1	—	2	2	5	11	—	—	21	14-14
Hungary .....	5	—	—	—	3	1	3	1	1	9	7-9
Poland .....	26	—	1	2	7	9	5	2	—	26	17-16
Romania .....	1	—	—	—	—	1	2	—	—	3	5-8
Ukrainian Soviet Socialist Republic .....	5	—	—	1	1	2	2	4	—	10	26-22
Union of Soviet Socialist Republics .....	74	1	4	8	12	15	29	8	—	77	193-131
Yugoslavia .....	10	2	—	1	2	2	2	—	—	9	6-8
Population reserve .....	—	—	—	—	—	—	—	—	—	—	7-7
SUB-TOTAL	144	4	5	14	27	38	56	18	2	164	289-236
<i>Europe (Western)</i>											
Austria .....	9	—	—	1	—	2	1	4	1	9	7-9
Belgium .....	18	—	1	2	3	8	3	2	—	19	16-15
Denmark .....	10	—	—	—	3	3	1	2	—	9	8-10
Finland .....	5	—	—	—	1	—	—	5	—	6	6-8
France .....	77	1	3	7	17	24	18	6	3	79	77-55
Greece .....	9	1	—	—	3	1	2	2	—	9	4-7
Iceland .....	1	—	—	—	—	1	—	—	—	1	2-5
Ireland .....	6	—	—	—	—	2	3	—	—	5	3-6
Italy .....	26	1	—	1	—	2	10	9	4	27	29-24
Luxembourg .....	2	—	—	—	—	—	1	1	—	2	2-5
Netherlands .....	23	—	—	1	8	9	2	2	—	22	14-13
Norway .....	15	—	—	2	—	4	5	2	—	13	7-9
Portugal .....	1	—	—	—	—	—	—	1	1	2	3-6
Spain .....	15	—	—	—	1	1	5	9	—	16	12-12
Sweden .....	11	—	—	1	1	6	5	1	1	15	18-16
United Kingdom of Great Britain and Northern Ireland .....	113	1	2	15	19	31	27	13	7	115 <sup>a</sup>	98-69
Population reserve .....	—	—	—	—	—	—	—	—	—	—	6-6
SUB-TOTAL	341	4	6	30	56	94	83	59	17	349	312-275

Table 2 (continued)

Nationality	Number of staff 31/8/62	Under-Secretary	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/63	Desirable range
<i>Latin America</i>											
Argentina	17	—	—	1	5	6	4	4	—	20	14-13
Bolivia	5	—	—	—	1	1	3	1	—	6	2-5
Brazil	15	1	—	—	2	6	4	7	—	20	14-14
Chile	15	—	—	2	2	2	3	4	5	18	4-7
Colombia	11	—	—	1	1	3	6	2	—	13	4-7
Costa Rica	2	—	—	—	—	1	1	1	—	3	2-5
Cuba	5	—	—	—	—	3	2	1	—	6	4-7
Dominican Republic	2	—	—	—	—	—	—	2	—	2	2-5
Ecuador	7	—	—	—	—	3	4	1	—	8	2-5
El Salvador	1	—	—	—	—	—	—	2	1	3	2-5
Guatemala	2	—	1	—	—	—	—	1	—	2	2-5
Haiti	3	—	—	—	—	1	1	2	—	4	2-5
Honduras	2	—	—	—	—	—	—	2	—	2	2-5
Mexico	9	—	—	—	1	3	6	1	2	13	10-11
Nicaragua	1	—	—	—	—	—	—	—	—	—	2-5
Panama	2	—	—	—	1	—	—	1	—	2	2-5
Paraguay	4	—	—	—	—	1	2	—	—	3	2-5
Peru	4	—	—	—	2	1	2	1	—	6	2-6
Uruguay	5	—	—	—	1	1	1	3	—	6	2-6
Venezuela	4	1	—	—	—	—	1	—	1	3	8-9
Population reserve											12-12
<b>SUB-TOTAL</b>	<b>117</b>	<b>2</b>	<b>1</b>	<b>4</b>	<b>16</b>	<b>32</b>	<b>40</b>	<b>36</b>	<b>9</b>	<b>140</b>	<b>96-147</b>
<i>Middle East</i>											
Afghanistan	3	—	—	—	—	—	2	1	—	3	2-5
Cyprus	3	—	—	—	—	1	—	—	1	2	2-5
Iran	7	—	—	—	1	3	3	1	—	8	4-7
Iraq	3	—	—	—	1	—	3	1	—	5	2-6
Israel	4	—	—	1	3	1	1	—	—	6	3-6
Jordan	6	—	—	—	1	3	2	2	—	8	2-5
Kuwait	—	—	—	—	—	—	—	—	—	—	2-5
Lebanon	7	—	—	—	—	3	4	1	—	8	2-5
Saudi Arabia	2	—	—	—	—	1	—	1	—	2	2-6
Syria	4	—	—	—	—	4	3	—	—	7	2-5
Turkey	10	—	—	—	—	4	2	5	—	11	6-8
Yemen	—	—	—	—	—	—	—	—	—	—	2-5
Population reserve											4-4
<b>SUB-TOTAL</b>	<b>51</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>6</b>	<b>20</b>	<b>20</b>	<b>12</b>	<b>1</b>	<b>60</b>	<b>35-72</b>
<i>North America and the Caribbean</i>											
Canada	34	—	1	2	6	8	9	4	2	32	41-31
Jamaica	3	—	—	—	—	—	1	3	2	6	2-5
Trinidad and Tobago	3	—	—	—	—	2	2	2	—	6	2-5
United States of America	240	2	7	18	48	59	63	52	6	255	412-276
Population reserve											0-0
<b>SUB-TOTAL</b>	<b>291</b>	<b>2</b>	<b>8</b>	<b>20</b>	<b>54</b>	<b>69</b>	<b>75</b>	<b>61</b>	<b>10</b>	<b>299</b>	<b>457-317</b>
<i>Non-member States</i>											
Federal Republic of Germany	2	—	—	—	—	—	1	—	—	1	—
Republic of Korea	—	—	—	—	—	—	1	—	—	1	—
Republic of Viet-Nam	—	—	—	—	—	—	—	—	1	1	—
Switzerland	21	—	—	1	2	5	4	5	4	21	—
Western Samoa	—	—	—	—	—	—	—	—	1	1	—
Stateless	4	—	—	1	—	2	2	—	1	6	—
<b>SUB-TOTAL</b>	<b>27</b>	<b>—</b>	<b>—</b>	<b>2</b>	<b>2</b>	<b>7</b>	<b>8</b>	<b>5</b>	<b>7</b>	<b>31</b>	<b>—</b>
<b>TOTAL</b>	<b>1,267</b>	<b>19</b>	<b>26</b>	<b>87</b>	<b>195</b>	<b>337</b>	<b>374</b>	<b>270</b>	<b>81</b>	<b>1,389</b>	<b>—</b>

<sup>a</sup> Includes two staff members from Barbados; one from Dominica; four from Kenya; one from St. Vincent and two from Singapore.

**Table 3**  
**APPOINTMENTS TO POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION**  
**(BY NATIONALITY AND LEVEL)**  
*(1 September 1962-31 August 1963)*

	<i>Under-Secretary</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Total</i>
<i>Africa</i>									
Cameroon .....	—	—	—	—	—	—	—	1	1
Ethiopia .....	—	—	—	—	—	—	4	1	5
Ghana .....	—	1	—	1	—	2	1	—	5
Liberia .....	—	—	—	—	—	1	—	—	1
Nigeria .....	—	—	—	—	—	2	—	—	2
Rwanda .....	—	—	—	—	—	—	—	1	1
Somalia .....	—	—	—	—	—	—	—	1	1
South Africa .....	—	—	—	—	—	1	—	—	1
Sudan .....	—	—	—	—	—	—	1	—	1
Tanganyika .....	—	—	—	—	—	—	—	2	2
Togo .....	—	—	—	—	—	—	1	—	1
Tunisia .....	—	—	—	—	—	—	2	1	3
United Arab Republic .....	1	—	—	—	2	—	1	—	4
SUB-TOTAL	1	1	—	1	2	6	10	7	28
<i>Asia and the Far East</i>									
Australia .....	—	—	—	—	1	1	1	1	4
Burma .....	—	—	—	—	1	—	—	—	1
Ceylon .....	—	—	—	—	2	—	1	—	3
Federation of Malaya .....	—	—	—	—	—	1	—	—	1
India .....	—	—	—	1	1	3	1	—	6
Indonesia .....	—	—	—	—	—	—	1	1	2
Japan .....	—	—	—	—	1	3	—	1	5
Laos .....	—	—	—	—	—	—	1	—	1
Nepal .....	—	—	—	—	—	—	1	—	1
New Zealand .....	—	—	—	1	1	—	—	1	3
Pakistan .....	—	1	—	—	—	1	1	—	3
Philippines .....	—	—	—	—	—	5	—	—	5
Thailand .....	—	—	—	—	1	—	—	—	1
SUB-TOTAL	—	1	—	2	8	14	7	4	36
<i>Europe (Eastern)</i>									
Bulgaria .....	—	—	—	—	1	1	—	—	2
Czechoslovakia .....	—	—	—	—	2	4	—	—	6
Hungary .....	—	—	—	2	—	—	1	—	3
Poland .....	—	—	—	—	1	1	—	—	2
Romania .....	—	—	—	—	1	1	—	—	2
Ukrainian Soviet Socialist Republic ..	—	—	—	—	1	2	1	—	4
Union of Soviet Socialist Republics ..	1	1	3	1	3	4	—	—	13
SUB-TOTAL	1	1	3	3	9	13	2	—	32
<i>Europe (Western)</i>									
Belgium .....	—	—	—	—	—	—	1	—	1
France .....	—	—	—	1	1	1	—	1	4
Greece .....	—	—	—	—	—	—	1	—	1
Italy .....	—	—	—	—	—	2	1	—	3
Netherlands .....	—	—	—	1	—	—	—	—	1
Norway .....	—	—	—	—	—	—	1	—	1
Portugal .....	—	—	—	—	—	—	1	1	2
Spain .....	—	—	—	—	—	—	1	—	1
Sweden .....	—	—	—	—	1	2	—	1	4
United Kingdom of Great Britain and Northern Ireland .....	—	—	—	1	3	2	1	2	9 <sup>a</sup>
SUB-TOTAL	—	—	—	3	5	7	7	5	27
<i>Latin America</i>									
Argentina .....	—	—	—	1	1	1	2	—	5
Brazil .....	—	—	—	—	2	—	4	—	6
Chile .....	—	—	—	2	—	—	—	—	2
Colombia .....	—	—	—	1	1	1	—	—	3
Costa Rica .....	—	—	—	—	—	1	—	—	1
Ecuador .....	—	—	—	—	—	—	1	—	1

Table 3 (continued)

	Under-Secretary	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Total
<i>Latin America (continued)</i>									
El Salvador .....	—	—	—	—	—	—	1	1	2
Haiti .....	—	—	—	—	—	—	—	1	1
Mexico .....	—	—	—	—	1	1	1	—	3
Peru .....	—	—	—	—	1	1	—	—	2
SUB-TOTAL	—	—	—	4	6	5	9	2	26
<i>Middle East</i>									
Iran .....	—	—	—	—	—	1	1	—	2
Iraq .....	—	—	—	—	—	1	1	—	2
Israel .....	—	—	1	—	1	—	1	—	3
Lebanon .....	—	—	—	—	—	1	—	—	1
Syria .....	—	—	—	—	1	—	—	—	1
Turkey .....	—	—	—	—	1	—	—	—	1
SUB-TOTAL	—	—	1	—	3	3	3	—	10
<i>North America and the Caribbean</i>									
Canada .....	—	—	—	—	—	1	—	—	1
Jamaica .....	—	—	—	—	—	—	1	1	2
Trinidad and Tobago .....	—	—	—	—	—	2	1	—	3
United States of America .....	—	—	—	2	—	3	1	2	8
SUB-TOTAL	—	—	—	2	—	6	3	3	14
<i>Non-member States</i>									
Republic of Korea .....	—	—	—	—	—	1	—	—	1
Switzerland .....	—	—	—	—	—	1	—	—	1
Western Samoa .....	—	—	—	—	—	—	—	1	1
SUB-TOTAL	—	—	—	—	—	2	—	1	3
TOTAL	2	3	4	15	33	56	41	22	176

\* Includes one staff member from Barbados; one from Dominica; two from Kenya; one from St. Vincent and one from Singapore.

Table 4

## STAFF CHANGES IN POSTS SUBJECT TO GEOGRAPHICAL DISTRIBUTION

	Number staff 31/8/62	Appointments		Separations <sup>a</sup>	Adjustments <sup>b</sup>	Number of staff 31/8/63	Special category <sup>c</sup>
		Career	Non-career				
<i>Africa</i>							
Algeria .....	—	—	—	—	—	—	—
Burundi .....	—	—	—	—	—	—	—
Cameroon .....	1	1	—	—	—	2	—
Central African Republic .....	—	—	—	—	—	—	—
Chad .....	—	—	—	—	—	—	—
Congo (Brazzaville) .....	—	—	—	—	—	—	—
Congo (Leopoldville) .....	2	—	—	—	—	2	—
Dahomey .....	3	—	—	—	—	3	—
Ethiopia .....	4	2	3	—	+1	10	—
Gabon .....	1	—	—	—	—	1	—
Ghana .....	4	1	4	-1	—	8	—
Guinea .....	—	—	—	—	—	—	—
Ivory Coast .....	—	—	—	—	—	—	—
Liberia .....	2	—	1	—	—	3	—
Libya .....	1	—	—	—	—	1	—
Madagascar .....	2	—	—	—	—	2	—
Mali .....	1	—	—	—	—	1	—
Mauritania .....	—	—	—	—	—	—	—
Morocco .....	2	—	—	—	—	2	—
Niger .....	—	—	—	—	—	—	—
Nigeria .....	7	1	1	-1	—	8	—
Rwanda .....	—	—	1	—	—	1	—
Senegal .....	3	—	—	-1	—	2	—
Sierra Leone .....	1	—	—	—	—	1	—
Somalia .....	1	—	1	—	—	2	—



Table 4 (continued)

	Number staff 31/8/62	Appointments		Separations <sup>a</sup>	Adjustments <sup>b</sup>	Number of staff 31/8/63	Special category <sup>c</sup>
		Career	Non-career				
<i>Africa (continued)</i>							
South Africa .....	13	—	1	—	+1	15	—
Sudan .....	9	1	—	-1	-2	7	—
Tanganyika .....	—	—	2	—	—	2	—
Togo .....	3	1	—	—	—	4	—
Tunisia .....	3	2	1	-1	—	5	—
Uganda .....	—	—	—	—	+1	1	—
United Arab Republic .....	17	1	3	-1	+1	21	—
Upper Volta .....	1	—	—	—	—	1	—
SUB-TOTAL	81	10	18	-6	+2	105	—
<i>Asia and the Far East</i>							
Australia .....	16	2	2	-6	+1	15	—
Burma .....	8	—	1	-1	—	8	—
Cambodia .....	2	—	—	—	—	2	—
Ceylon .....	7	1	2	-1	—	9	—
China .....	47	—	—	-2	+2	47	—
Federation of Malaya .....	1	1	—	—	—	2	—
India .....	59	—	6	-3	+4	66	—
Indonesia .....	9	1	1	—	—	11	—
Japan .....	25	1	4	-3	-1	26	—
Laos .....	1	—	1	—	—	2	—
Mongolia .....	1	—	—	—	—	1	—
Nepal .....	4	—	1	—	—	5	—
New Zealand .....	8	1	2	—	—	11	—
Pakistan .....	12	—	3	—	—	15	—
Philippines .....	8	1	4	—	+1	14	—
Thailand .....	7	—	1	—	-1	7	—
SUB-TOTAL	215	8	28	-16	+6	241	—
<i>Europe (Eastern)</i>							
Albania .....	—	—	—	—	—	—	—
Bulgaria .....	5	—	2	—	—	7	—
Byelorussian Soviet Socialist Republic .....	2	—	—	—	—	2	—
Czechoslovakia .....	16	—	6	-1	—	21	1
Hungary .....	5	—	3	—	+1	9	—
Poland .....	26	—	2	-1	-1	26	1
Romania .....	1	—	2	—	—	3	—
Ukrainian Soviet Socialist Republic .....	5	—	4	—	+1	10	—
Union of Soviet Socialist Republics .....	74	—	13	-11	+1	77	—
Yugoslavia .....	10	—	—	-1	—	9	—
SUB-TOTAL	144	—	32	-14	+2	164	2
<i>Europe (Western)</i>							
Austria .....	9	—	—	-2	+2	9	—
Belgium .....	18	—	1	-1	+1	19	—
Denmark .....	10	—	—	-1	—	9	—
Finland .....	5	—	—	—	+1	6	—
France .....	77	1	3	-5	+3	79	1
Greece .....	9	—	1	—	-1	9	—
Iceland .....	1	—	—	—	—	1	—
Ireland .....	6	—	—	—	-1	5	—
Italy .....	26	—	3	-2	—	27	—
Luxembourg .....	2	—	—	—	—	2	1
Netherlands .....	23	—	1	-1	-1	22	—
Norway .....	15	—	1	-2	-1	13	—
Portugal .....	1	1	1	-1	—	2	—
Spain .....	15	—	1	—	—	16	—
Sweden .....	11	1	3	—	—	15	—
United Kingdom of Great Britain and Northern Ireland .....	113	1	8	-7	—	115 <sup>d</sup>	1
SUB-TOTAL	341	4	23	-22	+3	349	3
<i>Latin America</i>							
Argentina .....	17	—	5	—	-2	20	1
Bolivia .....	6	—	—	—	—	6	—

Table 4 (continued)

	Number staff 31/8/62	Appointments		Separations <sup>a</sup>	Adjustments <sup>b</sup>	Number of staff 31/8/63	Special category <sup>c</sup>
		Career	Non-career				
<i>Latin America (continued)</i>							
Brazil .....	15	1	5	-1	—	20	—
Chile .....	16	—	2	-2	+2	18	—
Colombia .....	10	1	2	—	—	13	—
Costa Rica .....	2	1	—	—	—	3	—
Cuba .....	5	—	—	—	+1	6	—
Dominican Republic .....	2	—	—	—	—	2	—
Ecuador .....	7	—	1	—	—	8	—
El Salvador .....	1	—	2	—	—	3	—
Guatemala .....	2	—	—	—	—	2	—
Haiti .....	3	1	—	—	—	4	—
Honduras .....	2	—	—	—	—	2	—
Mexico .....	9	—	3	-2	+3	13	—
Nicaragua .....	1	—	—	—	-1	—	—
Panama .....	2	—	—	—	—	2	—
Paraguay .....	4	—	—	—	-1	3	—
Peru .....	4	—	2	—	—	6	—
Uruguay .....	5	—	—	—	+1	6	—
Venezuela .....	4	—	—	-1	—	3	—
SUB-TOTAL	117	4	22	-6	+3	140	1
<i>Middle East</i>							
Afghanistan .....	3	—	—	—	—	3	—
Cyprus .....	3	—	—	—	-1	2	—
Iran .....	7	—	2	-1	—	8	—
Iraq .....	3	—	2	—	—	5	—
Israel .....	4	—	3	-1	—	6	—
Jordan .....	6	—	—	—	+2	8	—
Kuwait .....	—	—	—	—	—	—	—
Lebanon .....	7	—	1	—	—	8	—
Saudi Arabia .....	2	—	—	—	—	2	—
Syria .....	6	—	1	—	—	7	—
Turkey .....	10	—	1	—	—	11	—
Yemen .....	—	—	—	—	—	—	—
SUB-TOTAL	51	—	10	-2	+1	60	—
<i>North America and the Caribbean</i>							
Canada .....	34	—	1	-2	-1	32	—
Jamaica .....	5	—	2	-1	—	6	—
Trinidad and Tobago .....	3	—	3	—	—	6	—
United States of America .....	249	2	6	-12	+10	255	—
SUB-TOTAL	291	2	12	-15	+9	299	—
<i>Non-member States</i>							
Federal Republic of Germany .....	2	—	—	-1	—	1	—
Republic of Korea .....	—	—	1	—	—	1	—
Republic of Viet-Nam .....	—	—	—	—	+1	1	—
Switzerland .....	21	1	—	-2	+1	21	—
Western Samoa .....	—	—	1	—	—	1	—
Stateless .....	4	—	—	—	+2	6	1
SUB-TOTAL	27	1	2	-3	+4	31	1
TOTAL	1,267	29	147	-84	+30	1,389	7

<sup>a</sup> This column takes note of resignations, retirements, completion of fixed-term appointment or separations for any other cause.

<sup>b</sup> This column takes note of such adjustments as:

- (i) Staff transferred between posts with special language requirements and posts subject to geographical distribution;
- (ii) Staff who have been placed on leave without pay or have returned from such leave

(iii) Secondments and completion of secondments to the Technical Assistance Board, Special Fund and other United Nations bodies;

(iv) Promotion of General Service staff;

(v) Changes in nationality status.

<sup>c</sup> Staff members who have permanent residence status in the United States of America.

<sup>d</sup> Includes two staff members from Barbados; one from Dominica; four from Kenya; one from St. Vincent; and two from Singapore.

**Table 5**  
**FIXED-TERM STAFF IN PROFESSIONAL AND HIGHER LEVEL POSTS SUBJECT**  
**TO GEOGRAPHICAL DISTRIBUTION AS AT 31 AUGUST 1963**  
*(By nationality and level)*

	<i>Under-Secretary</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Total</i>
<i>Africa</i>									
Cameroon .....	—	—	—	—	—	—	1	—	1
Congo (Leopoldville) .....	—	—	—	—	—	—	—	1	1
Dahomey .....	—	—	—	—	—	1	2	—	3
Ethiopia .....	—	—	—	—	—	—	2	1	3
Gabon .....	—	—	—	—	—	—	—	1	1
Ghana .....	1	1	—	1	—	2	—	—	5
Liberia .....	—	—	—	—	—	1	1	—	2
Libya .....	—	—	—	—	—	1	—	—	1
Madagascar .....	—	—	—	—	2	—	—	—	2
Mali .....	—	—	—	—	—	1	—	—	1
Nigeria .....	1	—	—	—	—	2	1	—	4
Rwanda .....	—	—	—	—	—	—	—	1	1
Senegal .....	—	—	—	—	—	—	1	1	2
Sierra Leone .....	—	—	—	—	—	—	—	1	1
Somalia .....	—	—	—	—	—	—	—	2	2
South Africa .....	—	—	—	1	—	1	—	—	2
Sudan .....	—	1	—	—	—	1	1	2	5
Tanganyika .....	—	—	—	—	—	—	—	2	2
Togo .....	—	—	—	—	—	—	2	—	2
Tunisia .....	—	—	—	—	—	—	—	2	2
Uganda .....	—	—	—	—	—	—	—	1	1
United Arab Republic .....	1	—	1	—	2	3	2	—	9
SUB-TOTAL	3	2	1	2	4	13	13	15	53
<i>Asia and the Far East</i>									
Australia .....	—	—	—	—	1	1	1	—	3
Burma .....	1	—	—	—	3	—	1	—	5
Ceylon .....	—	—	—	—	2	—	1	—	3
China .....	1	—	1	—	—	—	—	—	2
India .....	1	1	3	4	2	6	—	1	18
Indonesia .....	—	—	—	—	—	1	4	—	5
Japan .....	—	—	1	—	1	5	4	1	12
Laos .....	—	—	—	—	—	—	1	—	1
Mongolia .....	—	—	—	—	—	1	—	—	1
Nepal .....	—	—	—	—	—	—	1	—	1
New Zealand .....	1	—	—	1	—	2	—	1	5
Pakistan .....	—	1	—	—	2	2	1	—	6
Philippines .....	—	—	—	—	1	5	1	—	7
Thailand .....	—	—	—	—	1	1	—	—	2
SUB-TOTAL	4	2	5	5	13	24	15	3	71
<i>Europe (Eastern)</i>									
Bulgaria .....	—	—	—	—	2	1	2	1	6
Byelorussian Soviet Socialist Republic ..	—	—	—	—	1	1	—	—	2
Czechoslovakia .....	1	—	1	—	4	11	—	—	17
Hungary .....	—	—	—	3	—	2	1	1	7
Poland .....	—	—	—	3	4	3	—	—	10
Romania .....	—	—	—	—	1	2	—	—	3
Ukrainian Soviet Socialist Republic .....	—	—	1	1	2	2	4	—	10
Union of Soviet Socialist Republics .....	1	4	8	11	15	29	8	—	76
Yugoslavia .....	2	—	—	—	1	—	—	—	3
SUB-TOTAL	4	4	10	18	30	51	15	2	134
<i>Europe (Western)</i>									
Austria .....	—	—	—	—	—	—	1	—	1
Belgium .....	—	—	—	—	1	—	1	—	2
France .....	1	2	2	1	2	3	1	—	12
Greece .....	1	—	—	1	—	1	2	—	5
Ireland .....	—	—	—	—	1	1	—	—	2
Italy .....	1	—	1	—	1	4	1	1	9
Netherlands .....	—	—	—	2	—	—	1	—	3
Norway .....	—	—	—	—	—	—	1	—	1

Table 5 (continued)

	<i>Under-Secretary</i>	<i>D-2</i>	<i>D-1</i>	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Total</i>
<i>Europe (Western) (continued)</i>									
Spain .....	—	—	—	—	1	1	1	—	3
Sweden .....	—	—	—	—	1	3	—	—	4
United Kingdom of Great Britain and Northern Ireland .....	1	—	—	2	5	3	2	2	15
SUB-TOTAL	4	2	3	6	12	16	11	3	57
<i>Latin America</i>									
Argentina .....	—	—	—	1	1	2	3	—	7
Bolivia .....	—	—	—	1	—	1	1	—	3
Brazil .....	1	—	—	—	2	1	4	—	8
Chile .....	—	—	—	2	—	—	—	—	2
Colombia .....	—	—	—	—	1	2	1	—	4
Cuba .....	—	—	—	—	1	—	—	—	1
Ecuador .....	—	—	—	—	—	1	1	—	2
El Salvador .....	—	—	—	—	—	—	1	1	2
Guatemala .....	—	1	—	—	—	—	—	—	1
Honduras .....	—	—	—	—	—	—	1	—	1
Mexico .....	—	—	—	—	1	4	1	—	6
Peru .....	—	—	—	—	1	1	—	—	2
Uruguay .....	—	—	—	—	—	1	—	—	1
Venezuela .....	1	—	—	—	—	1	—	—	2
SUB-TOTAL	2	1	—	4	7	14	13	1	42
<i>Middle East</i>									
Cyprus .....	—	—	—	—	1	—	—	1	2
Iran .....	—	—	—	—	—	1	1	—	2
Iraq .....	—	—	—	—	—	1	1	—	2
Israel .....	—	—	1	1	1	—	—	—	3
Jordan .....	—	—	—	1	—	—	1	—	2
Lebanon .....	—	—	—	—	—	2	1	—	3
Syria .....	—	—	—	—	1	—	—	—	1
Turkey .....	—	—	—	—	2	1	2	—	5
SUB-TOTAL	—	—	1	2	5	5	6	1	20
<i>North America and the Caribbean</i>									
Canada .....	—	—	—	1	2	2	—	—	5
Jamaica .....	—	—	—	—	—	1	3	1	5
Trinidad and Tobago .....	—	—	—	—	—	2	1	—	3
United States of America .....	2	—	1	3	4	8	1	—	19
SUB-TOTAL	2	—	1	4	6	13	5	1	32
<i>Non-members States</i>									
Federal Republic of Germany .....	—	—	—	—	—	1	—	—	1
Republic of Korea .....	—	—	—	—	—	1	—	—	1
Western Samoa .....	—	—	—	—	—	—	—	1	1
Stateless .....	—	—	—	—	—	1	—	—	1
SUB-TOTAL	—	—	—	—	—	3	—	1	4
TOTAL	19	11	21	41	77	139	78	27	413

Table 6

STAFF IN POSIS WITH SPECIAL LANGUAGE REQUIREMENTS AS AT 31 AUGUST 1963

(By nationality and level)

	<i>P-5</i>	<i>P-4</i>	<i>P-3</i>	<i>P-2</i>	<i>P-1</i>	<i>Total</i>
<i>Africa</i>						
Morocco .....	—	—	—	2	—	2
United Arab Republic .....	—	—	—	1	—	1
SUB-TOTAL	—	—	—	3	—	3

Table 6 (continued)

	P-5	P-4	P-3	P-2	P-1	Total
<i>Asia and the Far East</i>						
Australia .....	—	—	2	1	—	3
China .....	1	17	30	5	—	53
SUB-TOTAL	1	17	32	6	—	56
<i>Europe (Eastern)</i>						
Byelorussian Soviet Socialist Republics	—	1	1	—	—	2
Poland .....	—	—	1	—	—	1
Ukrainian Soviet Socialist Republic...	—	—	1	2	—	3
Union of Soviet Socialist Republics....	—	8	20	17	—	45
SUB-TOTAL	—	9	23	19	—	51
<i>Europe (Western)</i>						
Belgium .....	—	2	3	1	—	6
Finland .....	—	1	—	—	—	1
France .....	7	30	62	16	1	116
Ireland .....	—	1	—	1	—	2
Italy .....	—	—	1	1	—	2
Spain .....	—	5	18	6	—	29
United Kingdom of Great Britain and Northern Ireland .....	5	16	31	17	—	69
SUB-TOTAL	12	55	115	42	1	225
<i>Latin America</i>						
Argentina .....	—	9	9	6	—	24
Bolivia .....	—	—	—	1	—	1
Chile .....	—	1	6	—	—	7
Colombia .....	—	1	2	—	—	3
Costa Rica .....	—	1	—	—	—	1
Cuba .....	—	—	—	1	—	1
Dominican Republic .....	—	1	1	—	—	2
Ecuador .....	—	1	—	—	—	1
Mexico .....	—	1	3	—	—	4
Paraguay .....	—	—	1	—	—	1
Peru .....	—	1	—	2	—	3
Uruguay .....	—	1	—	—	—	1
SUB-TOTAL	—	17	22	10	—	49
<i>Middle East</i>						
Iraq .....	—	1	—	—	—	1
Israel .....	—	—	1	2	—	3
Lebanon .....	1	—	1	—	—	2
Syria .....	—	—	1	—	—	1
SUB-TOTAL	1	1	3	2	—	7
<i>North America and the Caribbean</i>						
Canada .....	—	2	1	1	—	4
United States of America.....	3	24	48	4	1	80
SUB-TOTAL	3	26	49	5	1	84
<i>Non-member States</i>						
Republic of Viet-Nam.....	—	—	1	—	—	1
Switzerland .....	—	1	4	3	—	8
Stateless .....	—	4	5	—	—	9
SUB-TOTAL	—	5	10	3	—	18
TOTAL	17	130	254	90	2	493

Table 7  
STAFF SPECIFICALLY APPOINTED FOR MISSION SERVICE AS AT 31 AUGUST 1963  
(By nationality and level)

	Number of staff 31/8/62	Under- Secretary	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/63
<i>Africa</i>										
Ethiopia .....	2	—	—	—	—	—	—	—	—	—
Ghana .....	—	—	—	—	—	—	—	1	—	1
Senegal .....	1	—	—	—	—	—	—	—	—	—
South Africa .....	1	—	—	—	—	—	1	—	—	1
Sudan .....	1	—	—	—	—	—	—	—	—	—
Tunisia .....	1	—	—	—	—	—	—	—	—	—
United Arab Republic.....	8	—	—	—	—	1	4	—	—	5
<b>SUB-TOTAL</b>	<b>14</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>—</b>	<b>7</b>
<i>Asia and the Far East</i>										
Australia .....	2	—	1	—	—	—	—	—	—	1
Ceylon .....	2	—	—	—	1	—	—	—	—	1
India .....	4	1	1	—	1	—	—	1	—	4
New Zealand .....	3	—	—	—	—	1	2	1	—	4
Pakistan .....	1	—	—	—	—	—	—	1	—	1
<b>SUB-TOTAL</b>	<b>12</b>	<b>1</b>	<b>2</b>	<b>—</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>—</b>	<b>11</b>
<i>Europe (Eastern)</i>										
Union of Soviet Socialist Republics.....	—	—	1	—	—	—	—	—	—	1
Yugoslavia .....	1	—	—	—	—	1	1	—	—	2
<b>SUB-TOTAL</b>	<b>1</b>	<b>—</b>	<b>1</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>1</b>	<b>—</b>	<b>—</b>	<b>3</b>
<i>Europe (Western)</i>										
Austria .....	1	—	—	—	—	—	2	—	—	2
Denmark .....	3	—	—	—	1	—	2	—	—	3
France .....	8	—	1	—	—	1	4	3	—	9
Greece .....	—	—	—	—	—	—	2	1	—	3
Ireland .....	2	—	—	—	—	1	—	1	—	2
Italy .....	3	—	—	—	—	—	3	2	—	5
Luxembourg .....	—	—	—	—	—	—	—	1	—	1
Netherlands .....	6	—	—	—	1	1	2	1	—	5
Norway .....	—	2	—	—	—	—	—	—	—	2
Spain .....	2	—	—	—	—	1	1	—	—	2
Sweden .....	7	1	—	—	—	1	2	1	—	5
United Kingdom of Great Britain and Northern Ireland .....	13	—	—	—	2	2	8	8	1	21
<b>SUB-TOTAL</b>	<b>45</b>	<b>3</b>	<b>1</b>	<b>—</b>	<b>4</b>	<b>7</b>	<b>26</b>	<b>18</b>	<b>1</b>	<b>60</b>
<i>Latin America</i>										
Argentina .....	4	1	—	1	—	—	—	1	—	3
Brazil .....	1	—	—	—	—	1	1	—	—	2
Chile .....	1	—	—	—	—	—	1	—	—	1
Haiti .....	4	1	—	—	—	—	2	3	—	6
Uruguay .....	1	—	—	—	—	—	—	—	—	—
<b>SUB-TOTAL</b>	<b>11</b>	<b>2</b>	<b>—</b>	<b>1</b>	<b>—</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>—</b>	<b>12</b>
<i>Middle East</i>										
Israel .....	2	—	—	—	—	1	—	—	—	1
Jordan .....	1	—	—	—	1	—	—	—	—	1
Lebanon .....	1	—	—	—	—	—	1	2	2	5
<b>SUB-TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>—</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>7</b>
<i>North America and the Caribbean</i>										
Canada .....	11	—	—	—	1	2	4	1	1	9
Trinidad and Tobago.....	—	—	—	—	—	—	1	—	—	1
United States of America.....	15	1	—	1	—	5	3	—	—	10
<b>SUB-TOTAL</b>	<b>26</b>	<b>1</b>	<b>—</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>8</b>	<b>1</b>	<b>1</b>	<b>20</b>

Table 7 (continued)

	Number of staff 31/8/62	Under- Secretary	D-2	D-1	P-5	P-4	P-3	P-2	P-1	Number of staff 31/8/63
<i>Non-member States</i>										
Federal Republic of Germany.....	1	—	—	—	—	—	1	—	—	1
Switzerland .....	5	—	—	—	—	1	2	3	1	7
Stateless .....	—	—	—	—	—	—	—	1	—	1
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
SUB-TOTAL	6	—	—	—	—	1	3	4	1	9
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
TOTAL	119	7	4	2	8	20	50	33	5	129

## (c) Other personnel questions

## DOCUMENT A/C.5/979\*

## Report of the Secretary-General

[Original text: English]  
[18 September 1963]

## I. INTRODUCTION

1. The Secretary-General herewith submits to the General Assembly his report on personnel questions which contains:

(a) Proposed changes in Staff Regulations, which require the approval of the General Assembly;

(b) Amendments which have been made in the Staff Rules by the Secretary-General in the exercise of his authority;

(c) Changes in the application of particular Staff Rules which may have consequences of interest to the General Assembly.

The report<sup>2</sup> made in 1962 to the General Assembly at the seventeenth session was, as the result of correspondence between the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions, not discussed by the General Assembly. The present report, therefore, covers also the matters raised in the 1962 report, with substantial changes in the details of the proposals made in that document.

2. In addition, in view of the interest of the General Assembly in questions of administrative co-ordination of the United Nations with the specialized agencies, and the recommendations of the Advisory Committee in its report of 1962 thereon,<sup>3</sup> the Secretary-General has added a section V to this report, dealing with a number of other administrative matters relating to personnel on which agreement has been reached in ACC. However, it was not felt appropriate to include in this section a reference to action taken by ACC, pursuant to General Assembly resolution 1869 (XVII), to revise the terms of reference of ICSAB to enable this body to serve as a central organ in matters of pay and personnel administration. The importance of this question is such that a separate report (A/C.5/976) has been made to the General Assembly.

## II. PROPOSED AMENDMENTS TO STAFF REGULATIONS

*Regulation 5.3: Home leave*

3. Increasing numbers of staff and experts are called upon to serve in areas of difficult climatic or other living and working conditions. The Secretary-General therefore proposed, in paragraph 5 of his report to the seventeenth session (A/C.5/932), that staff regulations 5.3, which provides for home leave entitlements, should be amended to give him authority, "in exceptional circumstances", to reduce the period of qualifying service for home leave from two years to eighteen months.

4. This proposal had been made as the result of discussions in the ACC. Similar proposals were made by FAO and UNESCO to their legislative bodies, which approved them subject to approval of the eighteen-month cycle, in the circumstances envisaged, by the General Assembly.

5. The Secretary-General appreciates that the proposed wording of the amendment might in theory have permitted exceptions to the normal two-year period in circumstances other than those which were actually the cause of the ACC proposal. After further ACC discussions, the Secretary-General has decided not to resubmit, at least for the time being, the proposal for the exceptional eighteen-month cycle. He already has discretion, within the present Staff Rules, to grant advanced home leave before the end of two years' service, subject to conditions relating to the length of the subsequent service to be performed. Broadly speaking, this authority should suffice to solve the problems of staff serving in the difficult areas for up to three years. Should there be cases of longer periods of service in such areas, the Secretary-General hopes that he will be able, if necessary, given the sympathetic understanding of the Advisory Committee, to find other administrative measures to overcome serious difficulties.

*Annex I, paragraph 8: Language allowance*

6. As part of a comprehensive review of methods of establishing General Service conditions of employment, which is reported in paragraphs 54-55 below, ACC considered certain aspects of the problem of com-

\* Incorporating document A/C.5/979/Corr.1.

<sup>2</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 70, document A/C.5/932.

<sup>3</sup> Ibid., agenda item 69, document A/5332.

compensation for language requirements. On the basis of that review, it concluded that it would be desirable to modify the existing provision in annex I, paragraph 8, of the Staff Regulations, concerning the language allowance.

7. The present regulation provides that the Secretary-General shall establish rules under which a language allowance may be paid to staff members in the General Service category who pass an appropriate test in the use of two or more official languages. It specifies that the allowance shall "be equivalent to an additional step increment which would continue beyond the maximum of the salary level of the staff member concerned".

8. Application of this provision has revealed certain inequities. Although all staff are required to pass the same examination to earn the allowance, the amount of the allowance they receive varies greatly between one grade and another, since it is equivalent to one additional step in the grade.

9. While the step increment system is applied generally by other organizations, ICAO has a flat-rate language allowance which ACC considered has certain advantages, particularly that it is simple and more flexible. ACC considered in particular that the language allowance should represent a higher proportion of salary for staff at the lower salary levels than at the higher levels, which is not possible under the present system. There was also a general feeling that on the whole there might be a case for a modest increase in the amount of the allowance. Moreover, the organizations considered that it would be reasonable to provide some additional compensation in certain circumstances for a third language, but less than for the second language. These changes would be possible under a flat-rate system but difficult under a step increment system, which is more rigid.

10. Therefore ACC agreed that a flat-rate allowance would present distinct advantages over the existing one-step provision. The amount of the flat rate would be related to the level of salaries in a given locality and thus would vary from one duty station to another, but in any given duty station all staff entitled to receive the allowance would receive the same amount. The amount should be roughly equivalent to one step in one of the higher General Service grade levels. ACC also agreed that, upon the introduction of a flat-rate basis for the allowance, consideration would be given to further payment in respect of a third language.

11. Further study is to be made of the amounts of the flat rates and of the transitional provisions which may be necessary. The Secretary-General would, however, wish to be in a position to implement the new system by early 1964, and therefore requests that the Staff Regulation should be amended at the eighteenth session to read as follows: (additions to the existing text are in italics and deletions are in square brackets)

"The Secretary-General shall establish rules under which [an extra payment] *a language allowance* may be paid to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages [such payment to be equivalent to an additional step increment which would continue beyond the maximum of the salary level of the staff member concerned]."

12. Subject to the General Assembly's approval of the proposed amendment, the Secretary-General would proceed with the implementation of the system after consultation with the Advisory Committee.

*Annex IV, paragraphs 1 and 2: Repatriation grant and service benefit*

13. The repatriation grant was introduced with effect from 1 January 1951 under the terms of General Assembly resolution 470 (V). Unlike the earlier expatriation allowance, which it replaced, the repatriation grant was established as a terminal payment designed to provide compensation for the extraordinary expenditures incurred by staff members at the time of their separation from the service and re-establishment in their home country after a prolonged absence. The service benefit, on the other hand, which was instituted with effect from 1 January 1958 by General Assembly resolution 1095 (XI) of 27 February 1957, was conceived as a separation payment designed to reconcile the terms of service of "project personnel" and "regular staff" serving on temporary appointments, in the area of pension coverage and terminal benefits.

14. The present conditions for the payment of service benefit are set out in annex I below. The effect of the various regulations was originally that:

(a) A staff member who was eligible for service benefit could not, in respect of the same period of service, be eligible for repatriation grant or full participation in the United Nations Joint Staff Pension Fund (he would be an associate participant, covered only for death and disability benefits, wholly at the cost (4½ per cent) of the Organization);

(b) As soon as such a staff member became a full participant in the United Nations Joint Staff Pension Fund—which he did automatically on fulfilling any of the appointment conditions specified in paragraph 2 (b) of annex IV of the Staff Regulations—he automatically lost all his entitlement to the service benefit. However, in exchange for this loss the staff member, if he was an expatriate, acquired two other entitlements (if he was not an expatriate he acquired only the second of these):

(i) Entitlement to repatriation grant, towards which all his past expatriate service was automatically counted;

(ii) Entitlement to validate all his past service for Pension Fund purposes. Such validation entailed payment by the staff member of the employee's contribution of 7 per cent of his pensionable remuneration during the period of service concerned, while the Organization made up its own contribution to 14 per cent.

15. At the time this system was devised, the Regulations of the United Nations Joint Staff Pension Fund provided that a participant who left the Fund after five years or more of service was entitled to a "cash withdrawal benefit" which was the actuarial equivalent of the earned retirement pension. For staff of middle or later ages this withdrawal benefit could be twice as much as the official's own contributions, even after only five or six years' service.

16. By and large, therefore, when the scheme was devised, the automatic loss of service benefit when an official became a full participant in the Pension Fund was more than offset by the anticipated cash value of the other entitlements which he could then acquire.

17. The balance of the system has however been progressively altered by various revisions of the Pension



Fund Regulations arising directly or indirectly from the work of the Pension Review Group. The most significant change resulted from resolution 1799 (XVII) by which the General Assembly in 1962 amended article II of the Pension Fund Regulations in such a way that an associate participant with a contract of less than five years would become a full participant if and at the time his appointment was extended to five years. The Staff Regulation on service benefit however (see annex I) did not provide that service benefit would be lost on the acquisition of full participant status as such; although this had certainly been the intention, the Staff Regulations provided that the loss of service benefit would result from the acquisition of one of a number of specified types of appointment. These types of appointment had been, in 1957, the types which gave full participation in the Pension Fund. Now that the Pension Fund participation conditions have been changed, the consequence, in the United Nations and organizations which have similarly-worded regulations, is that experts or other fixed-term staff may in certain circumstances, and for a limited period, be entitled both to service benefit and full participation in the Pension Fund. This represents a duplication of benefits which was clearly not intended in 1957.

18. Another major change resulted from resolution 1561 (XV), by which the General Assembly decided that full participants admitted to the Fund after 1 April 1961 would have no right to a cash withdrawal benefit equal to the actuarial equivalent of their earned retirement pension. Instead, they would have a choice between several deferred annuity possibilities or, if they wished to have a final cash settlement on separation, their entitlement would depend solely on the amount of their own contributions and their length of service. The practical consequence of this change, for many of the fixed-term officials concerned, is that the compulsory loss of service benefit entitlement represents a real loss; an accrued entitlement is withdrawn in exchange for something of substantially less value and interest. Although the circumstances are covered by the contracts, this result was also not intended in 1957.

19. In 1962, the Secretary-General, in agreement with ACC, presented to the General Assembly certain proposals designed to overcome the difficulties described in paragraphs 17 and 18 above. The report (A/C.5/932) suggested, however, that the long-term solution to the difficulties which had arisen might be to abolish service benefit as such and to make all expatriate staff, on appointments of one year or more, eligible for repatriation grant under revised conditions. Further study of this possibility was deemed desirable before definitive inter-organization proposals on these lines could be put forward. Having now completed this further study, ACC has reached the conclusion that the provision of one terminal allowance rather than two alternative allowances as at present (the long-term solution tentatively put forward in 1962) is in fact the best method of solving the various difficulties.

20. Accordingly, the Secretary-General, in agreement with ACC does not intend to revive the proposals regarding service benefit made in his 1962 report, but proposes instead that the service benefit cease to exist with effect from 1 January 1964; with effect from that same date, repatriation grant under the (amended) conditions explained below would apply instead. Appropriate transitional arrangements would be made with regard to officials already serving on 1 January 1964

under contracts of employment giving entitlement to the service benefit.

21. The only effective differences (apart from the difference of tenure itself) between the relevant conditions of service of the two types of staff are those between the service benefit and repatriation grant. These are, as regards eligibility, that:

(a) Service benefit (at 4 per cent) is payable to non-expatriates;

(b) Service benefit is payable after a minimum of one year's expatriate service; repatriation grant only after a minimum of two years;

(c) Qualifying expatriate service for repatriation grant must be continuous; for service benefit it need not be.

In addition, there are differences in the rates of accumulation, and repatriation grant is subject to a dollar maximum while service benefit is not.

22. If, as is proposed in paragraph 20, service benefit is abolished, there would cease to be any special benefit in respect of non-expatriate service (cf. para. 21 (a)). All non-expatriate officials, whatever the length of their service, would therefore be in the same position as the long-term or permanent non-expatriate official.

23. If, however, the repatriation grant is to take the place of service benefit for intermediate-term (appointment of one to five years) expatriate staff, ACC believes that a number of changes will be necessary in the conditions governing the grant.

24. The Secretary-General, therefore, in agreement with ACC, suggests in the first place that the period of qualifying service for payment of repatriation grant should be one year instead of two, and that the entitlement for one year's service should be one-half of the present entitlement for two years' service; that is, two weeks' salary for staff with no dependants and four weeks' for those with dependants. Since the great majority of staff who leave with less than two years' service must at present be on service-benefit conditions—and hence already entitled to a payment after one year's service—this modification of the repatriation grant conditions will have no appreciable budgetary implications.

25. As regards rate of accumulation, ACC has agreed that, notwithstanding the fact that repatriation grant accumulates at a lower rate than service benefit, present rates should be maintained. In practice, as regards intermediate-term staff with dependants, this would mean practically no change in the terminal benefits of those with two years' service or less, but a slight worsening of conditions for those with three, four or five years of service. Subject to the proposal in paragraph 26, ACC does not believe that this should affect recruitment.

26. As regards the dollar maxima for the repatriation grant, ACC believes that modification is required. The present limits (\$2,500 for staff without dependants and \$5,000 for those with dependants) were established in 1950 by General Assembly resolution 470 (V), at one-half of the amounts recommended in 1949 by the Committee of Experts on Salary Allowance and Leave Systems.<sup>4</sup> Since that date, both cost of living and the level of salaries have increased. If, therefore, the limits remain unchanged while the rate of accumulation (in terms of weeks of salary per year of service) also

<sup>4</sup> *Ibid.*, Fourth Session, Fifth Committee, Annex, vol. II, document A/C.5/331 and Corr.1, para. 109.

remains unchanged, the effect of the dollar maxima is to depress the level at which the "earned entitlement" of so many weeks of salary is in fact paid. Any fixed dollar maximum suffers from the drawback that it becomes progressively outdated as a result of increases in cost of living and changes in salary scales. The ACC believes, therefore, that the dollar maxima should be removed, leaving the maximum entitlement to repatriation grant to be expressed solely as twenty-eight (or fourteen) weeks of base salary. This would mean that the maximum entitlement (at dependency rates) would be 53.85 per cent of a year's salary after twelve years' expatriate service.

27. To summarize, therefore, the Secretary-General, in agreement with ACC, proposes that, with effect from 1 January 1964, service benefit cease to exist. Thus, subject to appropriate transitional arrangements to be prescribed by the Secretary-General, all officials would be brought within the scope of the regulations and rules on repatriation grant, which should, however, be amended to provide that:

(a) The period of qualifying expatriate service before payment of a grant should be one year instead of two;

(b) The entitlement in respect of one year's service should be two weeks' salary for staff with no dependants and four weeks' for those with dependants;

(c) The maximum entitlement to repatriation grant should be fourteen weeks (single rate) or twenty-eight weeks (dependency rate) of base salary after twelve years' expatriate service, as at present, but there should be no fixed dollar amounts superimposed to limit these entitlements.

28. The net budgetary effect of the proposed changes is likely to be small; in principle, there will be some saving on extra-budgetary programmes and some increase on regular programmes but the order of magnitude of the latter is such that in the case of the United Nations the level of appropriations for the regular budget would not be affected.

29. The proposed text of the amended Annex IV to the Staff Regulations is as follows: (additions to present wording are in italics; deletions are in square brackets)

*Annex IV, paragraph 1 (Repatriation grant)*

In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate [except staff members on temporary appointments for a fixed term entitled to a service benefit]. [Neither] The repatriation grant [nor service benefit] shall *not, however*, be paid to a staff member who is summarily dismissed. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall [vary with] *be proportional to* the length of service with the United Nations (exclusive of periods when an expatriation allowance was received), as follows:

[The maximum rates payable shall be as follows:]

Years of continuous service away from home country	Weeks of salary	
	Staff member with neither a wife, dependent husband nor dependent child at time of separation [termination]	Staff member with a wife, dependent husband or dependent child at time of separation [termination]
1	2	4
2	4	8

Years of continuous service away from home country	Weeks of salary	
	Staff member with neither a wife, dependent husband nor dependent child at time of separation [termination]	Staff member with a wife, dependent husband or dependent child at time of separation [termination]
3	5	10
4	6	12
5	7	14
6	8	16
7	9	18
8	10	20
9	11	22
10	12	24
11	13	26
12 or more	14	28

[The maximum grant payable under this plan shall be \$US 2,500 net for a staff member without dependants and \$US 5,000 for a staff member with dependants.]

*Annex IV, paragraph 2 (Service benefit)*

[Delete whole paragraph.]

### III. AMENDMENTS TO THE STAFF RULES

#### *Rule 103.22: Assignment allowance*

30. Assignment allowance is payable to staff assigned to a duty station without removal of their household effects. It was introduced in 1957 (following the report of the Salary Review Committee<sup>5</sup>) by resolution 1095 (XI), which left the detailed conditions for the allowance to be promulgated by the Secretary-General. After consultation with the specialized agencies, it was decided, in accordance with views expressed to and endorsed by the Salary Review Committee, that the allowance should be paid in the case of such assignments for periods of one year or more, but less than five years.

31. It was expected in 1957 that any assignments of five years or more would be foreseeable, and that household effects would be removed in such cases; it was similarly expected that no assignment without removal would last for more than five years. It was also expected that the allowance would be essentially a "field" allowance and that it would seldom be paid to staff in headquarters areas. These expectations have not, however, been fulfilled, and the Secretary-General reported, in paragraphs 24 to 29 of his 1962 report (A/C.5/932), that ACC was studying the question of revising the assignment allowance conditions. It was anticipated that proposals for revision could be placed before the General Assembly at its eighteenth session and, pending completion of the ACC study, the Secretary-General proposed to suspend the provision of the Staff Rule which limited payment to a maximum period of five years.

32. In view of the postponement of discussion at the seventeenth session, the Secretary-General informed the Advisory Committee on 16 November 1962 that he would defer any change in the Staff Rule, but that in a few cases arising in 1963 he might authorize continuation of assignment allowance beyond five years, reporting the cases to the Board of

<sup>5</sup> *Ibid.*, Eleventh Session, Annexes, agenda item 51, separate fascicle, document A/3209.

Auditors as exceptions to the Rule. In the event, a small number of such exceptions was made.

33. The factual part of the study which was completed by the end of 1962, showed that about 300 staff might, by the end of 1963, have been more than five years in their duty station, virtually all outside the headquarters areas. Evidence regarding rates, though not conclusive, suggested that there was probably a need to revise the structure of the rates, which at present might be too high for some circumstances and too low for others. The matter is, however, complex, the more so because the various organizations have different personnel policies, with regard to both initial appointment and rotation of staff between duty stations. While therefore it is still believed that a revision of the system is needed, it will not be possible to reach inter-organization agreement on such a revision before 1964. It should be emphasized, however, that this delay is due not to disagreement among the organizations but to the fact that the evolution of a revised system which will fit the needs of all organizations requires a broadening of the study to include examination of the possibility of revising also the removals regulations and of the relationship between installation grant and assignment allowance.

34. In these circumstances, ACC has agreed that no proposals should be made for the continuation of the assignment allowance beyond the fifth year except as part of a comprehensive revision of the system. The exceptions made in 1963 will not be continued after 31 December, nor will new exceptions be made in 1964.

#### *Other amendments to Staff Rules*

35. Amendments made prior to the seventeenth session have already been reported in paragraphs 30 to 43 of the 1962 report (A/C.5/932), and are therefore not repeated in the present report. The Secretary-General wishes to call to the attention of the General Assembly the following amendments to the Staff Rules which he has made since 1 September 1962.

36. In the Staff Rules applicable to all staff members except technical assistance project personnel, staff members specifically engaged for conference and other short-term service, and staff members specifically engaged as dispatchers or guides in the Visitors' Service at Headquarters, the following amendments have been made:

(a) With effect from 1 April 1963, appendix B to the Staff Rules was amended (ST/SGB/Staff Rules/1/Amend. 22) to show the revised schedule of salaries for manual workers at Headquarters.

(b) Rule 103.24, Definition of Dependency, was amended with effect from 1 January 1963 to give effect to the policy agreed upon within the United Nations common system.

(c) Rule 104.5, Geographical Distribution, was amended with effect from 1 August 1963 in accordance with General Assembly resolution 1852 (XVII) of 19 December 1962.

(d) Rule 104.7, International Recruitment, was amended with effect from 1 January 1963 to make it consistent with Rule 103.20, Education Grant.

(e) Appendix B to the Staff Rules, Conditions Governing Local Recruitment, was amended with effect from 1 September 1963 in accordance with

General Assembly resolution 1852 (XVII) (ST/SGB/Staff Rules/1/Amend. 23).

37. With effect from 1 October 1962, appendix A was amended to show the revised schedule of salaries for field service staff (ST/SGB/Staff Rules/1/Amend. 20) and appendix B was amended to show the revised schedule of salaries for General Service staff at Headquarters (ST/SGB/Staff Rules/1/Amend. 21).

38. In the Staff Rules applicable to technical assistance project personnel, the following amendments (ST/SGB/Staff Rules/2/Amend. 3) were made with effect from 1 June 1963:

(a) Rule 203.1, Salaries and Related Allowances, was amended to increase to \$500, the maximum permissible monthly honorarium to personnel on loan to the United Nations.

(b) Rule 212.1, Amendment of Rules for Project Personnel, was amended to provide for authority to make exceptions to the rules under specified conditions.

39. In the Staff Rules applicable to staff members specifically engaged as dispatchers or guides on the Visitor's Service at Headquarters, appendix A was amended (ST/SGB/Staff Rules/4/Rev.1/Amend. 1) with effect from 1 October 1962 to show the revised schedule of salaries.

40. In the Staff Rules applicable to staff members specifically engaged for conference and other short-term service, appendix A was amended (ST/SGB/Staff Rules/3/Amend. 1) with effect from 1 January 1963 to show the revised schedule of salaries.

41. The documents containing the above amendments have been distributed to all Member States.

#### IV. CHANGES IN THE APPLICATION OF STAFF RULES

##### *Rule 103.7: Post adjustment*

42. Under the system of post adjustments for staff in or above the Professional category, changes in post classifications are to be made, as recommended by the Salary Review Committee, when the cost of living at the duty station, averaged over nine months, changes by 5 per cent of the base level. The Secretary-General, in paragraphs 44 to 49 of his 1962 report, informed the General Assembly that, in agreement with ACC, he proposed to accept a recommendation of the Expert Committee on Post Adjustments (ECPA) that the practice of using a nine-months average should be discontinued in favour of an alternative whereby any change in post classification would become due when the cost-of-living index had, for four consecutive months, been at or beyond the required level for change—that is, five points above the previous change-point.

43. In the absence of discussion of the Secretary-General's report by the General Assembly in 1962, no action has been taken to implement this proposal. However, ACC has again examined the question and reaffirmed its belief that the change of procedure is desirable. Approval for such a change has already been given by the appropriate authorities of ILO, UNESCO, FAO and WHO, subject to similar approval by the United Nations. The Secretary-General continues to believe that the four-months rule proposed by ECPA provides a simple and more easily recognizable condition for post classification changes than the nine-months-average rule.

44. It should be noted, in considering the difference between the two procedures, that in concept the nine-month-average rule is designed to give protection against premature action in cases where a cost-of-living index is fluctuating—up and down—from month to month. In these circumstances, precisely the same object is achieved by the four-months rule. In the last seventeen years, the cost of living in most countries has shown a steady upward trend. If in fact the upward trend were at the same rate month by month, a change under the new rule would, on the average, be initially effective one month sooner than under the nine-months-average rule, but subsequent adjustments would be at the same intervals as under the old rule. However, if the index were rising at an increasing rate, a change of post adjustment under the four-months rule might occur in the same month or later than under the nine-months rule.

45. The Secretary-General therefore proposes to apply the four-months rule as from 1 January 1964. No amendment to the staff regulations or rules would be required, but the Secretary-General suggests that this change in procedure be noted in the report of the Fifth Committee.

#### *Travel accommodation standards*

46. In its report of 1962 on administrative co-ordination with the specialized agencies,<sup>6</sup> the Advisory Committee drew attention to differences between United Nations Organizations in the matter of standards of travel accommodation. In paragraph 64 of its report<sup>7</sup> on the 1963 budget estimates the Committee recommended that the United Nations should adopt the standards applied by WHO, which, briefly, would mean that all staff below the D-2 level would travel by economy class by air. It was estimated that if this were done a reduction of \$443,000 could be made in the 1963 regular budget estimates for travel of staff.

47. Following this recommendation, ACC in October 1962 agreed to make a renewed efforts to develop suitable standards, to be applied by all organizations in the common system, on the basis of a study of the practices of national administrations which ICAO was to undertake.<sup>8</sup> Accordingly, the Secretary-General suggested, when the matter was discussed in the Fifth Committee, that while he would accept the budget reduction of \$443,000 he should be permitted some latitude in deciding the method by which the saving was to be made. This was agreed.<sup>9</sup>

48. The magnitude of the reduction was such that much of the saving could only be made by reductions in staff travel standards to be effected before the completion of the ICAO study. After consulting staff representatives, therefore, the Secretary-General promulgated, with effect from 5 January 1963, revised travel standards, the main features of which are summarized in the budget estimates for 1964 (A/5505, section 5—Travel of staff).

<sup>6</sup> *Ibid.*, Seventeenth Session, Annexes, agenda item 69, document A/5332.

<sup>7</sup> *Ibid.*, Seventeenth Session, Supplement No. 7.

<sup>8</sup> The Study of International Travel Standards in National Foreign Services, prepared by ICAO, appears in annex II to this report.

<sup>9</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 62, document A/5391, paras. 55-56.*

49. The revised standards of travel were reported to the Advisory Committee, which commented on them in its main report on the budget estimates (A/5507, paras. 176-179).

50. The ICAO study of the practices of forty-two Member States was completed at the end of February 1963. The data, which were discussed through ACC machinery in March and April, left room for legitimate differences of opinion as to where the organizations should draw the line between first class and tourist or economy class in air travel, though broadly speaking it appeared to be at about the P-5 level. Complete agreement among the organizations in the common system has therefore not yet proved possible, but progress has been made in that they have agreed that in establishing travel accommodation standards for international officials regard should be had to the standards prevailing for national officials of comparable rank and responsibilities. More specifically:

(a) There is general agreement that, at least as regards travel by air on official business, first class should apply in the Director and Principal Officer category and above;

(b) A majority of organizations agree that, subject to easements for flights of long duration, tourist or economy class should apply at P-4 or below.

51. Several organizations have now adopted the standards introduced by the United Nations and, pending further inter-organization discussion and any comment which the General Assembly may make, the Secretary-General proposes to maintain those standards.

52. As regards travel by sea, the data obtained by ICAO show that tourist class is virtually never prescribed by Governments for national officials comparable to staff in the Professional category or above. The question as a whole is complex, however, and requires more consideration than ACC has so far been able to give it.

#### V. OTHER MATTERS

53. This section covers a number of other personnel matters, involving specific issues of administrative co-ordination among the United Nations family of organizations, some of which have already been noted in the reports of the Advisory Committee and Fifth Committee to the seventeenth session of the General Assembly.

#### *Problems arising in the establishment of General Service rates of pay<sup>10</sup>*

54. Since 1950, the salary scales for the General Service category have normally been established "on the basis of the best prevailing conditions of employment in the locality..." as provided in General Assembly resolution 470 (V). The application of this simple and satisfactory principle is, however, in many cities beset with very great difficulties. The admittedly unsatisfactory situation at Geneva in 1962, to which the Advisory Committee drew attention, was the direct result of these difficulties, which in essence relate to the problem, on the one hand, of conducting a survey of outside conditions in a locality where practically no employers and few outside jobs are fully comparable with those found in the international system; and,

<sup>10</sup> *Ibid.*, Seventeenth Session, Supplement No. 7, para. 67.

on the other hand, the problem of interpretation of data collected in such a survey.

55. Before the Geneva difficulties arose, ACC had realized that inter-organization agreements regarding the conduct of surveys and the interpretation of their results were insufficiently precise and left too much room for legitimate differences of opinion. It had therefore, already in 1961, embarked upon a thorough study of these questions, based on investigation of what was actually done at each of the headquarters areas. A factual report was ready by April 1962, with certain proposals; these were examined by an inter-organization working party in July 1962, which reached a detailed agreement on many aspects that had previously been the subject of differences. This agreement was circulated to organizations for internal review and consultation with staff associations and finally approved by ACC in May 1963. The Secretary-General believes that its terms should greatly reduce the scope for future inter-organization differences. It must, however, be recognized that, while organizations should always be able to agree on what the facts are, honest differences of opinion may on occasion arise. It is for this reason that the arrangements proposed by ICSAB remain necessary (see A/C.5/976, annex).

*Relationship between termination of appointment on health grounds and award of disability pension<sup>11</sup>*

56. In 1962, article V (Disability benefits) of the Regulations of the United Nations Joint Staff Pension Fund was, on the proposal of the Joint Staff Pension Board, amended by General Assembly resolution 1799 (XVII) to provide that a disability benefit should be payable to:

“a participant who, before reaching the age of sixty, has, in the opinion of the Board, become incapacitated for further service owing to serious physical or mental impairment of a permanent or long-term character...”

57. The previous text had provided that the disability benefit should be payable when the participant had, in the opinion of the Board, become “unable to perform duties appropriate to his grade owing to serious physical or mental impairment”. The change was made to facilitate co-ordination of action taken under the Staff Regulations<sup>12</sup> to terminate an appointment on health grounds and the award of disability benefit, and the Board expressed the view that both actions should be based on the same medical evidence. It also suggested that all organizations in the Fund should subject staff to a medical examination when they left the service, to minimize difficulties which might arise when claims were submitted by ex-officials in respect of disabilities alleged to have been incurred while they were in service.

58. The Advisory Committee, in its report of 1962,<sup>13</sup> urged that member organizations should standardize their procedure with respect to exit medical examinations, while the Fifth Committee in paragraph 4 of its report (A/5329) endorsed the JSPB recommenda-

tion that termination on health grounds and the award of a disability pension should be based on the same medical criteria.

59. These matters were accordingly discussed through ACC channels. Agreement was reached that organizations which do not at present have an exit medical examination would introduce one (both in cases of separation and leave without pay for a year or more) in the case of all staff serving for one year or more. Discussions will continue in order to develop a common rule regarding the position of staff who either refused to have the examination or who were unable to have it for reasons beyond their control.

60. As regards the need to base a termination decision and the award of a disability pension on the same medical criteria, there is not yet a unanimity of view amongst the various organizations. The question is rather more complex than may have first appeared, since it is not unrelated to the question whether a former permanent official should have a right to re-employment if his disability pension is stopped because he recovers; or, alternatively, whether, as in the League of Nations pension scheme, a disability pension which continues for a stipulated period of, say, three years should not thereafter continue without further proof of disability but with no right to re-employment. ACC has therefore decided to make a study of the existing practices of each organization as a basis for full consideration of the matter in 1964. Pending completion of this study, the Secretary-General would not wish to re-submit the proposal made in paragraphs 8 to 12 of his 1962 report to amend the French text of Regulation 9.1.

*Calculation of adjustments in pensionable remuneration*

61. The General Assembly may wish to note that ACC has reached agreement concerning the pensionable remuneration of staff in the Professional or higher categories.

62. In section I, paragraph 1 (b) (ii) of resolution 1561 (XV), as amended by resolution 1658 B (XVI), the General Assembly provided that the pensionable remuneration of such staff should be adjusted in multiples of 5 per cent on 1 January next following the date on which the weighted average of the post adjustment classifications of the headquarters and regional offices of the member organizations also varied by 5 per cent, measured from 1 January 1962. On the basis of data furnished regarding members of staff at the duty stations concerned, ACC has agreed that as of 1 January 1962 the weighted average of the indexes of post classifications at these duty stations (e.g., class 1-105, class 2-110, etc.) was 111.2. This figure is to be taken as the “base 100” for purposes of calculating 5 per cent adjustments in pensionable remuneration; for example, when the weighted average reaches 116.76 (5 per cent more than 111.2) pensionable remuneration of staff in the Professional or higher categories should be increased by 5 per cent from the following 1 January.

*Co-ordination machinery*

63. In view of the importance which the General Assembly and the Advisory Committee have always attached to the question of inter-organization co-ordination in administrative matters, it may be of interest to report certain steps which ACC has taken to make such co-ordination more effective. The Committee had already, in 1961, before the above-mentioned

<sup>11</sup> *Ibid.*, Seventeenth Session, Annexes, agenda item 71, document A/5329, para. 4.

<sup>12</sup> United Nations Regulation 9.1(a) provides that a permanent appointment may be terminated if the official “is, for reasons of health, incapacitated for further service”. The corresponding rule or regulation in other organizations is sometimes worded differently.

<sup>13</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 71, document A/5252.



questions arose, reached the conclusion that improvements were needed in its arrangements in this field. In the latter half of 1961, it appointed, on a shared-cost basis, an experienced official to work full time upon administrative problems which were common to all organizations in the United Nations system. It was hoped that by a more thorough preparation of factual data, and by collating the views of organizations before a question was discussed in inter-organization committees, it would be possible to reach agreements in more detailed terms than had previously been the case, thereby reducing the scope for differences in application. Judging by the experience so far, the arrangement appears to be working satisfactorily. It has, for instance, materially assisted ACC in reaching agreement on nearly all the matters mentioned above.

64. Finally, the study by ACC of matters pertaining to the post adjustment system was pursued through the Expert Committee on Post Adjustments, which held its fifth regular session in April 1963.<sup>14</sup>

## ANNEX I

### The conditions for service benefit

By its resolution 1095 (XI) of 27 February 1957, thereafter amended by resolution 1295 (XIII) of 5 December 1958, the General Assembly gave effect to the recommendations in the report of the Salary Review Committee<sup>a</sup> and provided, *inter alia*, for the introduction of an allowance known as "service benefit". The conditions of payment of this allowance were, by the resolutions specifically inserted into annex IV to the United Nations Staff Regulations as follows:

"(a) If his letter of appointment so indicates, a staff member who has served at least one year on a temporary appointment for a fixed term shall receive upon separation a service benefit at the rate of 4 per cent of salary during service in his home country and at the rate of 8 per cent of salary during service outside his home country, for each year of service.

"(b) Should such a staff member be granted a probationary or permanent appointment, or complete five years of qualifying service and remain on a contract providing for further service of at least one year, or remain in employment for more than one year thereafter, on temporary appointment for a fixed term, he shall lose entitlement to the service benefit.

"(c) Service for calculation of the service benefit shall mean service subsequent to the entry of this provision in the letter of appointment."

## ANNEX II

### Study of international travel standards in national foreign services

(Study prepared by ICAO)

#### I. GENERAL

1. The International Civil Aviation Organization was entrusted by the Consultative Committee on Administrative Questions (CCAQ) with the conduct of a comparative study of standards of accommodation and other travel entitlements accorded to officials of various ranks, and their families, in the foreign services of national Governments. Accordingly, a questionnaire was prepared and issued to the ninety-eight Contracting States of this Organization.

<sup>14</sup> The report of the Expert Committee on Post Adjustments (ECPA/S.5/12) appears in annex III to this report.

<sup>a</sup> See *Official Records of the General Assembly, Eleventh Session, Annexes*, agenda item 51, separate fascicle, document A/3209.

2. Altogether forty-two replies were received. If a sufficient number of further replies come in, which is not expected, a supplement to this paper will be issued at a later date.

3. Some of the information, particularly in connexion with standards of travel accommodation with some modes of transportation, lends itself readily to presentation in tabular form, and this has been done in appendices A to D. But even with such easily presentable information, it has been thought best not to multiply the statements unnecessarily in case they might obscure the general picture. For example, appendix A gives the standard of accommodation for officials travelling by plane on short-term duty (mission) across the Atlantic. Another appendix could have been prepared showing standards for officials travelling by the same means of transportation on a long-term assignment, and another for similar travel within Europe, etc. But this multiplicity of statements was fortunately found avoidable, when a preliminary analysis showed that there were remarkably few variations in the standards between the different types of travel or between journeys in different regions. This applied to all the modes of transportation. Summaries of these modifications are however given in the body of this paper, following summaries of what might be called the base standards shown in the relevant appendices.

4. Not all the forty-two States responding answered all the questions; further, some of the answers received were not to the point. In all such cases where the information was omitted or was not related to the question, the entry in the statements is a — (dash). This sign should be distinguished from the answer "no" in some of the statements, which means that an answer was in fact received to the particular question asked and it was in the negative.

## II. TRAVEL BY PLANE

### Standard of accommodation

#### (a) Base standard

5. Appendix A gives the table for the base standard used, namely, for a transatlantic flight on short-term duty (mission).

6. An analysis of appendix A is as follows:

Rank	First class		Economy or tourist class	
	Number	Per cent	Number	Per cent
Ambassador	39	93	3	7
Counsellor	28	67	14	33
First Secretary	19	45	23	55
Second Secretary	13	31	29	69
Third Secretary	12	29	30	71

#### (b) Variations from base standard of transatlantic flight

##### 7. (i) Flights within Europe

Rank	First class		Economy or tourist class	
	Number	Per cent	Number	Per cent
Ambassador	38	90	4	10
Counsellor	25	60	9	40
First Secretary	18	43	24	57
Second Secretary	13	31	29	69
Third Secretary	11	26	31	74

##### 8. (ii) Flights elsewhere

Rank	First class		Economy or tourist class	
	Number	Per cent	Number	Per cent
Ambassador	39	93	3	7
Counsellor	28	67	14	33
First Secretary	21	50	21	50
Second Secretary	15	36	27	64
Third Secretary	13	31	29	69

(c) *Variations from base standard of short-term duty travel (mission)*

9. In asking for information regarding variations from the base standard of short-term duty travel, the questionnaire did not attempt, in order to avoid undue complication, to particularize between the different ranks of officials, leaving it to the State concerned to specify if any change applied only to certain of the ranks. The variations in fact were found to be so minor that a detailed analysis in terms of numbers and percentages has not been thought to be necessary. Instances of such variations were:

- (i) for long-term assignments: one instance (upwards or downwards not stated);
- (ii) for independent travel of dependants: four instances, downwards;
- (iii) for long journeys: three instances, upwards.

*Excess baggage*

10. The question was "Is excess baggage paid for? If so, under what circumstances and within what limits?". The answers were most varied, apart from the fact that many returning the questionnaire either failed to give any information or gave only partial information, particularly regarding limits.

A summary of the answers received (total number—32) is as follows:

- 12 States answered "no";
- 4 States answered "yes", 2 of them mentioning 20 kilos as the maximum (whether this meant an automatic entitlement is not clear);
- 10 States answered "yes, if justified" or words to that effect; in this figure are included 3 replies which allowed excess baggage only on transfer or repatriation;
- 5 States allowed excess baggage, in each case 10 kilos, where travel was by economy class;
- 1 State allowed air freight of 50 kilos (obviously for long-term assignment or repatriation).

III. TRAVEL BY SHIP

*Standard of accommodation*

(a) *Base standard*

11. Appendix B provides the summary for the base standard used, namely for a transatlantic crossing on short-term duty (mission).

12. An analysis of appendix B is as follows:

Class and price range	Ambassador		Counsellor		First Secretary		Second Secretary		Third Secretary	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>First class</i>										
High .....	24	63	11	29	5	13	3	8	2	6
Medium .....	5	13	12	32	10	26	6	16	6	17
Low .....	2	5	3	8	3	8	5	13	5	14
Unspecified .....	6	16	6	16	6	16	6	16	5	14
<i>Cabin class</i>										
High .....	0	0	0	0	5	13	5	13	4	11
Medium .....	1	3	4	11	7	18	10	26	6	17
Low .....	0	0	0	0	0	0	1	3	2	6
Unspecified .....	0	0	2	5	2	5	2	5	3	9
<i>Tourist class</i> .....	0	0	0	0	0	0	0	0	2	6
Total answers received for this particular travel....	38	—	38	—	38	—	38	—	35	—

13. A summary of the above table is as follows:

Rank	Total answers received	First class, All price ranges		Cabin class, All price ranges		Tourist class	
		Number	Per cent	Number	Per cent	Number	Per cent
Ambassador .....	38	37	97	1	3	0	0
Counsellor .....	38	32	84	6	16	0	0
First Secretary .....	38	24	63	14	37	0	0
Second Secretary .....	38	20	53	18	47	0	0
Third Secretary .....	35	18	51	15	43	2	6

(b) *Variations from base standard of transatlantic crossings*

14. The only variation on which information was asked for was under the heading of "Elsewhere". The results were:

- 1 State gave a lower price range for one rank of official;
- 3 States gave a higher class or price range for selected ranks; (Two States gave particulars under "Elsewhere" of accommodation provided although they had given none under the heading of "Transatlantic crossings", while one provided no information here but had given details in respect of "Transatlantic crossings". These therefore could not be taken into account for the purpose of recording variations).

(c) *Variations from base standard of short-term duty travel (mission)*

15. (i) For travel on long-term assignment: no modification shown.

(ii) For travel on home leave: in only one case was there a change, a reduction.

(iii) For independent travel of dependants: there were downward modifications in three cases, all in respect of travel by children independently of the official or spouse.

## IV. TRAVEL BY TRAIN

## Standard of accommodation

## (a) Base standard

16. A summary of national practices for short-term duty travel by train, the base standard used in this paper, is shown in appendix C.

17. An analysis of appendix C is as follows:

Class and occupancy	Ambassador		Counsellor		First Secretary		Second Secretary		Third Secretary	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
<i>First class</i>										
Single .....	30	73	21	51	14	34	10	24	9	23
Multiple .....	2	5	9	22	12	29	15	37	13	33
Unspecified .....	9	22	8	20	6	15	5	12	4	10
<i>Second class</i>										
Single .....	0	0	0	0	0	0	0	0	1	3
Multiple .....	0	0	2	5	6	15	7	17	7	18
Unspecified .....	0	0	1	2	3	7	4	10	5	13
Total answers received for this particular travel....	41	—	41	—	41	—	41	—	39	—

18. A summary of the above table is as follows:

Rank	Total answers received	First class		Second class	
		Number	Per cent	Number	Per cent
Ambassador .....	41	41	100	0	0
Counsellor .....	41	38	93	3	7
First Secretary .....	41	32	78	9	22
Second Secretary .....	41	30	73	11	27
Third Secretary .....	39	26	67	13	33

## (b) Variations from base standard of short-term duty travel

19. (i) For travel on long-term assignment: no change.  
(ii) For travel on home leave: in one case *ad hoc* arrangements are made and in another case no sleeping accommodation is paid for.  
(iii) For independent travel of dependants: two make *ad hoc* arrangements; one gives second class to all dependants travelling independently; and two provide second class only to children so travelling.

## V. TRAVEL BY AUTOMOBILE

20. Thirty-one replies gave information under this head. After examination it has been concluded that any tabulation thereof in an appendix would be more confusing than enlightening, and thus has not been undertaken, but an analysis is attempted below.

21. The first question was "What is the formula used for reimbursement when a private automobile is used?"

16 States used the mileage basis, but there were some qualifications: one State, only if public transport was not available or was more expensive; another State, if it was advantageous to the Government; two other States placed a limit of air fare or cost of other public transport; and one State placed a limit of actual cost, but this applying only when joining duty.

14 States paid either rail or air fare or the lowest cost of public transportation.

1 State paid actual cost (but how computed was not indicated).

22. The second question was "If the formula is for reimbursement on a mileage basis, what is the amount reimbursed per mile or kilometre in (a) North America, (b) Europe?" The answers revealed wide divergence of practice and rates.

23. In eight cases for North America and ten cases for Europe there were two figures given, representing mainly the upper and lower limits of a range of rates. Seven of the States involved explained that the rates paid within the range depended upon the horse-power or size of the car used. One paid a higher rate when public transportation was not available and a lower rate otherwise.

24. The rates themselves varied from about 4.4 cents per mile to 12 cents per mile in North America and in most cases the same rates per mile (or equivalent per kilometre) were paid for Europe. A few were slightly lower for Europe, but a few were slightly higher. Clearly no guidance is available from national practices in this regard.

25. The last question asked in connexion with the use of private automobiles for duty travel was "What mileage is regarded as a reasonable day's travel in (a) North America (b) Europe?" The question had a bearing on payment of daily subsistence allowance and grant of travel time. Only eight answered this question, one of which said *ad hoc* decisions were made. The remaining seven gave figures but these constituted upper-and-lower limit figures in three cases for North America and five cases for Europe. None mentioned the reason for having the sliding scale. The mileages given ranged from 200 miles per day (this was a single figure and not the lower end of a double figure) to 420 miles per day for North America and from 210 miles per day to 400 miles per day for Europe. Again one is left with the thought that practical personal experience could be as useful a guide.

## VI. ADDITIONAL INFORMATION

26. The main purpose of the first question asked under the head of additional information was to ascertain whether there was any wide-spread practice of reducing travel subsistence rates where meals or accommodation or both were provided



by the carrier, and if so, what the extent of the reductions was. Percentages of the full subsistence rate were deliberately invited. Replies on this question were given by thirty-one States. There was great diversity in the answers. Many gave only "yes" or "no" and went no further. Some gave amounts in national currency from which percentages could not be determined without knowledge of the full rate. Some said out-of-pocket expenses. Only fifteen attempted to give percentages. These varied widely and in some cases the rationale could not be readily appreciated. The conclusion has been reached that little practical end could be served by attempting to analyse the returns in detail.

27. The answers to five other additional questions have been tabulated in appendix D.

28. The question asked was "Is a choice given between different modes of travel?" Thirty-eight replies were received, twenty-five said "yes" and thirteen said "no". Many allowed the choice subject to the exigencies of the service. They were tabulated under "yes". Some said a choice was not normally allowed. These replies were placed under "no" since there would always be room for exceptions in special circumstances which however would not affect the general rule. These remarks would also apply to some of the answers of the questions discussed in the next few paragraphs.

29. The next question was "Is travel allowed by a longer route for the personal convenience of the official?" Thirty-eight replied, eleven saying "yes" and twenty-seven "no". Some made the qualification that special authorization was necessary.

These replies were put into the "yes" category since in nearly every case the official would be needing to seek authorization to travel by a longer route, although it is of course quite possible that the general rule is for a roundabout route to be barred and authorization given only as an exception.

30. If either a choice in the mode of travel was given or a longer route was allowed, the question followed "Is there a limit of cost and if so, what is that limit?" Out of twenty-seven replies, fifteen said that the limit was what it would have cost if the official had travelled by the most direct route by the usual mode of transportation used. These have been marked in appendix D as "normal". Five others merely said there was a limit but gave no details. Seven said there was no limit.

31. The next question, again if either a choice of modes of transportation or a roundabout route was allowed, was "Is travel by a lower class permitted to keep within the cost limit?" Twelve answered "yes". Twelve answered "no".

32. Another question was "Is there a limit of travel time, the excess over which is chargeable to leave?" Twenty replied in the affirmative and nine in the negative. Five of those who replied in the affirmative had in fact said earlier that they allowed neither a choice of mode of travel nor an alternative route. Their replies, therefore, could only be related to transit time being longer because of voluntary stop-overs.

33. The final question, not included in appendix D, was "Are baggage insurance charges reimbursed?" Out of thirty-four replies received, sixteen said "yes" and eighteen said "no".

Appendix A

TRAVEL BY PLANE: TRANSATLANTIC FLIGHTS

Short-term duty travel (mission)

State	Ambassador	Counsellor	First Secretary	Second Secretary	Third Secretary
Australia	1	1	1	1	1
Austria	1	2	2	2	2
Belgium	1	1	1	1	1
Burma	1	1	1	2	2
Canada	1	2	2	2	2
Chile	1	1	1	1	1
China	1	1	1	1	1
Colombia	1	1	1	1	1
Denmark	1	1	2	2	2
Ethiopia	1	1	1	2	2
Finland	1	2	2	2	2
Germany	1	1	2	2	2
Ghana	1	2	2	2	2
Greece	1	2	2	2	2
Iceland	1	2	2	2	2
Indonesia	1	1	1	1	2
Ireland	2	2	2	2	2
Israel	2	2	2	2	2
Japan	1	1	1	2	2
Korea	1	1	2	2	2
Lebanon	1	1	1	1	1
Luxembourg	1	1	1	1	1
Malaya	1	1	2	2	2
Morocco	1	1	1	1	1
Netherlands	1	1	1	1	1
New Zealand	1	1	1	2	2
Nicaragua	1	2	2	2	2
Nigeria	1	1	2	2	2
Portugal	1	1	1	1	1
South Africa	1	2	2	2	2
Spain	1	1	1	1	1
Sudan	1	2	2	2	2
Sweden	1	1	1	1	1
Switzerland	1	1	1	2	2

## Appendix A (continued)

State	Ambassador	Counsellor	First Secretary	Second Secretary	Third Secretary
Tanganyika .....	1	1	1	2	2
Turkey .....	1	1	2	2	2
United Kingdom of Great Britain and Northern Ireland .....	1	1	2	2	2
United States of America .....	2	2	2	2	2
Upper Volta .....	1	2	2	2	2
Venezuela .....	1	2	2	2	2
Viet-Nam .....	1	1	2	2	2
Yugoslavia .....	1	1	2	2	2

1 = First class; 2 = Economy or tourist class.

## Appendix B

## TRAVEL BY SHIP: TRANSATLANTIC CROSSINGS

## Short-term duty travel (mission)

State	Ambassador	Counsellor	First Secretary	Second Secretary	Third Secretary
Australia .....	1 —	1 —	1 —	1 —	1 —
Austria .....	1 M	2 M	2 M	2 M	— —
Belgium .....	1 H	1 H	1 M	1 M	1 M
Burma .....	—	—	—	—	—
Canada .....	1 H	1 M	1 M	1 M	1 M
Chile .....	1 L	1 L	1 L	1 L	1 L
China .....	1 —	1 —	1 —	1 —	1 —
Colombia .....	—	—	—	—	—
Denmark .....	1 H	1 M	2 H	2 H	2 H
Ethiopia .....	1 H	1 H	1 H	2 M	3 L
Finland .....	1 M	2 M	2 M	2 M	— —
Germany .....	1 M	1 M	2 M	2 M	2 M
Ghana .....	1 —	2 —	2 —	2 —	2 —
Greece .....	1 H	1 M	1 L	1 L	1 L
Iceland .....	1 H	1 M	1 M	1 M	1 M
Indonesia .....	1 H	1 H	1 H	1 H	2 M
Ireland .....	1 M	1 M	1 M	2 M	2 M
Israel .....	2 M	2 M	2 M	2 M	2 M
Japan .....	1 —	1 —	1 —	1 —	1 —
Korea .....	1 H	1 H	2 H	2 H	2 H
Lebanon .....	1 H	1 H	1 H	1 H	1 H
Luxembourg .....	1 H	1 H	1 H	1 H	1 H
Malaya .....	1 H	1 H	2 M	2 M	3 L
Morocco .....	1 H	1 M	1 M	1 M	1 M
Netherlands .....	1 H	1 M	1 M	1 M	1 L
New Zealand .....	—	—	—	—	—
Nicaragua .....	—	—	—	—	—
Nigeria .....	1 H	1 H	1 M	1 M	1 M
Portugal .....	1 H	1 —	1 —	1 —	1 —
South Africa .....	1 H	1 M	1 M	1 L	1 L
Spain .....	1 H	1 —	1 —	1 —	1 —
Sudan .....	1 —	1 —	1 —	1 —	2 —
Sweden .....	1 H	1 M	1 M	1 L	— —
Switzerland .....	1 H	1 M	2 H	2 H	2 H
Tanganyika .....	1 H	1 H	1 H	2 M	2 L
Turkey .....	1 M	1 M	2 H	2 H	2 H
United Kingdom of Great Britain and Northern Ireland .....	1 H	1 L	2 H	2 M	2 L
United States of America .....	1 L	1 L	1 L	1 L	1 L
Upper Volta .....	1 —	2 —	2 —	2 —	2 —
Venezuela .....	1 H	2 M	2 M	2 M	2 M
Viet-Nam .....	1 H	1 H	1 M	1 M	1 M
Yugoslavia .....	1 H	1 H	2 M	2 M	2 M

1 = First class, 2 = Cabin class, 3 = Tourist class;

H = High price range, M = Medium price range, L = Low price range.

Appendix C

TRAVEL BY TRAIN

Short-term duty travel (mission)

State	Ambassador	Counsellor	First Secretary	Second Secretary	Third Secretary
Australia	1 —	1 —	1 —	1 —	1 —
Austria	1 S	1 M	1 M	1 M	1 M
Belgium	1 S	1 S	1 S	1 S	1 S
Burma	1 —	1 —	1 —	2 —	2 —
Canada	1 M	1 M	1 M	1 M	1 M
Chile	1 S	1 S	1 S	1 S	1 S
China	1 —	1 —	1 —	1 —	1 —
Colombia	—	—	—	—	—
Denmark	1 S	1 M	2 M	2 M	2 M
Ethiopia	1 S	1 S	1 S	2 M	2 M
Finland	1 S	1 M	1 M	1 M	—
Germany	1 S	1 S	1 M	1 M	1 M
Ghana	1 S	2 M	2 M	2 M	2 M
Greece	1 S	1 S	1 S	1 S	1 S
Iceland	1 S	1 S	1 S	1 S	1 S
Indonesia	1 S	1 S	1 S	1 S	2 S
Ireland	1 S	1 S	1 S	1 S	1 S
Israel	1 S	2 M	2 M	2 M	2 M
Japan	1 —	1 —	1 —	1 —	1 —
Korea	1 S	1 S	2 M	2 M	2 M
Lebanon	1 S	1 S	1 S	1 S	1 S
Luxembourg	1 S	1 S	1 S	1 S	1 S
Malaya	1 S	1 S	1 S	1 M	1 M
Morocco	1 S	1 S	1 M	1 M	1 M
Netherlands	1 S	1 M	1 M	1 M	1 M
New Zealand	1 S	1 S	1 S	1 S	1 S
Nicaragua	1 S	1 M	2 M	2 M	2 M
Nigeria	1 S	1 S	1 S	1 S	1 S
Portugal	1 —	1 —	1 —	1 —	1 —
South Africa	1 S	1 M	1 M	1 M	1 M
Spain	1 —	1 —	2 —	2 —	2 —
Sudan	1 —	1 —	1 —	1 —	2 —
Sweden	1 S	1 S	1 M	1 M	—
Switzerland	1 S	1 S	1 S	1 M	1 M
Tanganyika	1 S	1 S	1 S	1 M	1 M
Turkey	1 S	1 S	2 M	2 M	2 M
United Kingdom of Great Britain and Northern Ireland	1 S	1 S	1 M	1 M	1 M
United States of America	1 M	1 M	1 M	1 M	1 M
Upper Volta	1 —	2 —	2 —	2 —	2 —
Venezuela	1 —	1 —	2 —	2 —	2 —
Viet-Nam	1 S	1 S	1 M	1 M	1 M
Yugoslavia	1 S	1 M	1 M	1 M	1 M

1 = Highest class (First class, Wagons-lits, Pullman, etc.); 2 = Class below highest (Second class, Coach, etc.).

When sleeping accommodation is allowed: S = Exclusive single occupancy of compartment; M = Multiple occupancy, i.e., only a berth in a compartment or section shared with other passengers.

Appendix D

ADDITIONAL INFORMATION<sup>a</sup>

State	Is a choice given between different modes of travel?	Is travel allowed by a longer route for convenience of official?	If answer to either of the two preceding questions is yes,		
			Is there a limit of cost, and if so, what is the limit?	Is travel by a lower class permitted to keep within cost limit?	Is there a limit of travel time, the excess over which is chargeable to leave?
Australia	Yes	Yes	Normal	Yes	Yes
Austria	Yes	No	No	Yes	Yes
Belgium	Yes	Yes	Normal	No	Yes
Burma	No	No	No	No	No
Canada	Yes	Yes	Normal	No	Yes
Chile	Yes	No	Yes	—	Yes
China	—	—	—	—	—

## Appendix D (continued)

State	Is a choice given between different modes of travel?	Is travel allowed by a longer route for convenience of officials?	If answer to either of the two preceding questions is yes,		
			Is there a limit of cost, and if so, what is the limit?	Is travel by a lower class permitted to keep within cost limit?	Is there a limit of travel time, the excess over which is chargeable to travel?
Colombia	No	No	—	—	—
Denmark	No	No	—	—	—
Ethiopia	No	No	—	—	—
Finland	Yes	No	Normal	Yes	No
Germany	No	No	—	—	Yes
Ghana	No	No	—	No	Yes
Greece	—	—	—	—	—
Iceland	Yes	No	No	No	Yes
Indonesia	No	No	No	No	Yes
Ireland	Yes	No	Normal	—	Yes
Israel	Yes	Yes	Normal	Yes	Yes
Japan	No	No	—	—	—
Korea	No	No	No	No	No
Lebanon	Yes	Yes	Normal	—	—
Luxembourg	No	No	—	—	No
Malaya	Yes	No	Normal	No	Yes
Morocco	No	No	—	No	Yes
Netherlands	Yes	Yes	Normal	—	Yes
New Zealand	Yes	Yes	Normal	Yes	Yes
Nicaragua	No	No	—	—	—
Nigeria	Yes	No	Yes	Yes	Yes
Portugal	Yes	No	No	No	No
South Africa	Yes	No	Yes	Yes	Yes
Spain	Yes	No	—	—	—
Sudan	No	No	—	No	Yes
Sweden	Yes	No	Yes	No	No
Switzerland	Yes	Yes	Normal	Yes	Yes
Tanganyika	Yes	Yes	Normal	Yes	No
Turkey	Yes	No	No	Yes	Yes
United Kingdom of Great Britain and Northern Ireland	Yes	No	Normal	Yes	Yes
United States of America	Yes	Yes	Normal	Yes	No
Upper Volta	—	—	—	—	—
Venezuela	Yes	No	Yes	—	—
Viet-Nam	Yes	Yes	Normal	—	No
Yugoslavia	—	—	—	—	—

\* Explanatory remarks have been incorporated in paragraphs 28-32 of the above study.

## ANNEX III

Report of the Expert Committee on Post Adjustments  
(17 to 23 April 1963)

[Original text: English]  
[23 April 1963]

## INTRODUCTION

1. The Expert Committee on Post Adjustments (ECPA) held its fifth session from 17 to 23 April 1963 at the headquarters of the Economic Commission for Latin America (ECLA), Santiago, and submits its conclusions and recommendations, as set forth in this report, to the Administrative Committee on Co-ordination (ACC).

2. Mr. Pascal Frochaux served as Chairman of ECPA for the fifth session. A list of the members and participants is shown in appendix I. The agenda adopted by ECPA is given in appendix II.

MEASUREMENT OF PRICE CHANGES IN NEW YORK FOR  
INTERNATIONAL STAFF

3. The Expert Committee, in the report of its fourth session,<sup>a</sup> had requested the Statistical Office of the United Nations

<sup>a</sup> See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 70, document A/C.5/932, annex IV.

to continue the study of rentals paid by United Nations staff members in New York. The purpose of this study was to determine whether the price changes reflected in the rent component of the consumer price index (CPI) computed by the United States Bureau of Labor Statistics are relevant to price movements for dwellings occupied by United Nations staff.

4. In view of the incomplete response by staff members to the rental surveys of the last two years, efforts were made to secure more participation in a comprehensive survey conducted in October 1962. In addition, rental data for previous years were requested from non-respondents to provide more complete data for the intervening periods. The results were gratifying with an 88 per cent coverage of staff members in grades P-1 through P-5.

5. Index figures were computed for the period 1959-1962 but it was recognized that some of the basic data over this period might be affected by a memory bias. Detailed analysis was, therefore, concentrated on comparisons between 1961 and 1962, with the following result:

No. of schedules in 1962	Description	Percentage increase 1962/1961 <sup>a</sup>
383	Same dwellings	2.4
241	Unchanged rent	0.0
142	Changed rent	6.3

No. of schedules in 1962	Description	Percentage increase 1962/1961 <sup>a</sup>
462 <sup>b</sup>	Same family both periods.....	4.4
620 <sup>c</sup>	Comparison all average rentals.....	7.1
620	Comparison average housing cost per room .....	7.6
620	Comparison average housing cost per family .....	6.2

<sup>a</sup>The rent component of the CPI index showed an increase of 3.3 per cent during the same period.

<sup>b</sup>Includes seventy-nine families who changed dwellings during the period.

<sup>c</sup>Includes 158 newcomers.

6. The Committee had recommended at its fourth session that special attention be given to rentals of persons occupying the same dwelling in successive surveys. It may be seen from the table above that the index for this group amounts to 102.4 in 1962 as compared with 1961. This omits consideration of the seventy-nine additional families who remained in the area but changed dwellings and whose change in rental costs averaged 13.9 per cent. The Committee assumed that the new housing contracted for by this group was superior to their previous housing, and that the cost of the improvement in accommodation was equivalent to the amount by which their rents exceeded the 6.3 per cent change computed for the 142 families whose rent for the same dwelling had changed. The Committee noted that if these families, who thus improved their dwelling standards, were included in the index at the lower rent change of 6.3 per cent—on the grounds that having renewed their leases they would be liable to this increase in rent—an index of 103.1 would result. A still greater differential of 17 per cent was shown in the rentals of 158 newcomers. If these likewise had moved into dwellings formerly occupied by United Nations staff, their rents would also be on the average at least 6.3 per cent more than those of the tenants of the previous year, and the inclusion of this group would bring the index to a figure of 103.9. If non-respondents were treated as though their rentals were unchanged, as recommended by the Expert Committee, a final figure of 103.4 would be obtained.

7. It may be noted that the average result of 103.9 had been obtained by first establishing price changes in the same dwellings. This change, which amounted to 6.3 per cent for staff having a rent increase was considered to be the most precise measure available of the change in rent prices since it related to identical dwellings in the two periods for which rent contracts had to be renegotiated. The problem that remained, therefore, was to find the number of staff members who had, in fact, been subject to the observed increase in rent price. Conceptually, this included not only the 142 staff members for whom new contracts were reported, but also seventy-nine who had moved to better accommodation, and 158 newcomers.

8. As noted above, the rent component of the CPI showed a change of 3.3 per cent during the same period. It was apparent from a review of the preceding data that changes in the rent component of the CPI afforded a reasonably good approximation of changes in rent prices for United Nations staff in recent years. This index might have a slight downward bias over long periods since new rentals are linked into the index and thus do not affect the average levels of rent prices. The basic cost of living comparisons that are made periodically between Geneva and New York could, of course, take account of the average level of rent prices paid and thus afford a long-term correction for this factor. For interim periods it would appear that the CPI rent index which is computed from price changes of the same dwellings and comprises a much larger sample is, in present circumstances, adequate as a measure of rental changes in New York since it shows approximately the same movement as was obtained by the more direct index based on the rents paid by international officials. This was possibly a temporary phenomenon and the Committee therefore recommended that the Statistical Office should make an annual

calculation by the methods set out above. In case the two measures should deviate more seriously in the future, the Committee would recommend appropriate action.

9. The method recommended for the annual calculations of New York rents was considered by the Committee to be very suitable for general application in other duty stations (where the number of staff members involved was sufficient to justify it) and should be applied as and when new time-to-time studies were made in the other duty stations, unless abnormal conditions dictate the use of other methods.

#### MEASUREMENT OF PRICE CHANGES IN GENEVA FOR INTERNATIONAL STAFF

10. The Committee had before it four papers prepared by the International Labour Office, concerning this item (ECPA/S.5/5 and Add.1, ECPA/S.5/8 and ECPA/S.5/8-Suppl. 1).

11. The Committee noted with satisfaction that, in accordance with the Committee's recommendation made during its fourth session, the Swiss Federal Office of Statistics had developed and applied a method of calculating the price changes for fruits and vegetables which would eliminate excessive seasonal fluctuations in this component of the Geneva special index. The method, described in a report to the International Labour Organisation (ILO) from the Director of the Federal Office of Statistics, a copy of which was furnished to the Committee, involves the use of a twelve-month moving average of fruit and vegetable prices, as quoted in the *Mercuriale* issued weekly by the Statistical Office of the Canton of Geneva.

12. The Committee had also recommended that education costs be omitted from the index and the revision in the treatment of education costs and fruit and vegetable prices be carried back to October 1960. However, in view of the fact that the index of September 1961 had already been issued and used as a basis for administrative action, it had been concluded that the full effect of this retroactive revision should be taken in the calculation of the index for March 1962. The Committee approved this solution of the problem.

13. The supplementary report (ECPA/S.5/5/Add.1) presented revised calculations of the rent component of the Geneva special index, taking account of the finding by the ILO that alternative methods of applying certain of the Committee's recommendations had yielded different results. The Committee was of the opinion that the method employed in computing the Geneva rent index was unduly complicated, and did not necessarily produce a more accurate figure than might be obtained by another method. The Committee recalled the revised method for computing the changes in rents of international agency employees, which had been submitted by the United Nations Statistical Office in document ECPA/S.5/6, and concluded that the United Nations method offered the most satisfactory method of meeting the Committee's recommendation, expressed in paragraph 16 of its report of the fourth session, that "special attention should be given to persons occupying the same dwelling in successive surveys and the relatives shown by this class should be supplemented by separate estimates of the rent changes appropriate for persons newly arrived in the city being surveyed".

14. The Committee noted, however, that the method adopted by the United Nations Statistical Office involved the assumption that the effective rent increases paid by new employees and those who changed dwellings were no higher than the rent increases for those employees who had continued to occupy the same quarters but were required to pay higher rents. The method may, therefore, understate the actual rent level of newcomers and those who changed dwellings if owners delay rent increases until there is a change in tenancy or tend to demand higher rents from new tenants than from tenants whose leases are extended. This factor had been called to the Committee's attention by the International Labour Office at its third session (ECPA/S.3/3, para. 11).

15. The Committee concluded that the United Nations method should be used in computing the Geneva rent index for March 1963, in so far as it can be applied to the data obtained in the

March survey of rents paid by international officials in Geneva, and that the International Labour Office should undertake a study of the relationship between the rent increases of officials who continued residence in the same quarters and of new officials and those who moved to different quarters. On the basis of the evidence obtained from this study the Committee would re-examine the question at its next meeting.

16. With regard to other aspects of the surveys of rents paid by international officials in headquarters cities, including Geneva, the Committee concluded that:

(a) The rent surveys should be limited to Professional staff members in grades P-1 through P-5 who are subject to the post adjustment system, in as much as the original New York-Geneva cost of living comparison was based on rent data for these grades only;

(b) Rental data for staff members occupying furnished quarters should be included;

(c) Single as well as married officials should be included in the rent surveys.

#### *Method of altering Geneva duty station classification*

17. In paragraph 8 of its report of the fourth session the Committee recommended that, for the Geneva special index, "the Canton index excluding housing should be used in estimating the index for the months in which the complete index was not available". The Advisory Committee on Administrative and Budgetary Questions had expressed concern regarding the results obtained by this method because of the apparent widening gap between the Geneva Canton index and the Geneva special index and had asked the Expert Committee to reconsider the problem.

18. The Committee had before it a paper prepared by the International Labour Office which presented three possible methods of dealing with the problem of determining the Geneva duty station classification. The first of these provided that the Committee might sustain its previously recommended method of extrapolation, on the grounds that there was no inherent bias in the method. It was suggested, however, that the all-Switzerland consumer price index less rent, rather than the unofficial Geneva Canton index, be used, in view of the fact that the Canton index is made available only on a confidential basis, which imposes restrictions on its use in explaining the movements of the special index.

19. A second possible method considered would involve the preparation of preliminary estimates for the months between March and September by extrapolation using the all-Switzerland index less rent. At the end of each six-month period the preliminary estimates would be replaced by interpolated figures based on the complete figures for the beginning and end of the period. If, however, the interim estimates had resulted in an index figure for any month which would warrant a change in the post classification, the change would be made effective from the first of the following month, and would remain in effect, even though the subsequent figures obtained by direct interpolation indicated that the classification change had not been due at the date on which it was made.

20. The third alternative presented was to abandon the attempt to establish a monthly index series and the use of either the nine-month average or any alternative device, and to determine the Geneva post classification solely on the basis of the complete special indexes compiled for March and September.

21. The Committee was of the opinion that the General Assembly was firmly opposed to any method which would require that a decision regarding a post classification for a headquarters duty station be based on the index for a single month. The Committee noted, moreover, that the special characteristics of the official Switzerland index renders it unsuitable as a measure of changes in prices paid by international officials in Geneva. The Committee concluded therefore that the Swiss Federal Office of Statistics should be requested to compute the special index of the cost of living of international

agency officials in Geneva on a monthly basis, and recommended that the index be computed in the following manner:

(a) The March and September surveys of international officials' rents, medical care costs, prices of meals in staff restaurants, and domestic service costs would be continued as at present, together with the collection of the additional prices for Geneva by the Swiss statistical services for the same months;

(b) In the indexes for the months between March and September the prices of items noted in (a) above would be held constant and combined with the other groups for which prices are collected by the Federal Office of Statistics for the Swiss official index; these groups would be combined by use of the appropriate weights representing the expenditure pattern of the international agency officials in Geneva;

(c) The monthly index series thus developed would be accepted as final and complete, and future changes in the post classification for Geneva would be made when this index had reached the required level.

#### *Relationship between the Geneva Canton index and the special index*

22. In view of the concern expressed by the Advisory Committee with regard to the apparent widening gap between two indexes, the International Labour Office had prepared a report (ECPA/S.5/8-Suppl. 1) bearing on this question. The Committee noted that in fact there appeared to be no inherent tendency for the two indexes to move consistently in opposite directions. The differences that had been observed during the past two years arose primarily from the marked differences in the weighting structures of the two indexes, plus the inclusion in the special index of a number of items which are not in the Canton index. Thus, the Committee noted that food products had a weight amounting to 50 per cent in the Canton index when rent was excluded—the corresponding weight in the special index was just over 29 per cent. The weight for dairy products in the food group of the Canton index was twice that in the special index. The prices of dairy products were stable in 1961 but rose in 1962. The effects of these factors are shown in the percentage changes in food prices in the two indexes since October 1960, which were as follows:

	October 1960- March 1961	March 1961- September 1961	September 1961- March 1962	March 1962- September 1962
Canton index . . . .	-1.9	+1.7	+4.0	+3.1
Special index . . . .	+2.4	+2.4	+5.7	+1.7

23. Clothing prices have also contributed to the difference in relative index movements between 1961 and 1962. Clothing prices increased between October 1960 and September 1961 by 1.3 per cent in the Canton index and 1.6 per cent in the special index. Between September 1961 and September 1962 the increases were 3.1 per cent and 2.5 per cent respectively. Clothing constitutes 18.8 per cent of the weight (excluding rents) in the Canton index as against 10.1 per cent in the special index.

24. The Committee expressed the view that the two indexes while using basically the same set of prices for all items other than rent were designed for different purposes. It was satisfied that the special index which was weighted specifically as a measure of price changes applicable to the international professional staff was an appropriate index for this purpose, as envisaged in the report of the Salary Review Committee.<sup>b</sup>

#### MONTREAL COST-OF-LIVING STUDY

25. A cost-of-living study that was carried out in Montreal in November 1962 to determine the relationship with living costs in Geneva was reviewed by the Committee. Mr. J. J. Rolian, representing the Secretary-General of ICAO, appeared before the Committee to present comments on this survey.

<sup>b</sup> *Ibid.*, *Eleventh Session, Annexes*, agenda item 51, separate fascicle, document A/3209, para. 168 (a).

26. Due to the greater availability of a wide range of prices in New York City with which to compare the various brands and qualities of goods priced in Montreal, an index was first calculated showing the relationship of the cost-of-living in Montreal to that in New York City. The index was then converted to the base city, Geneva, by using the New York-Geneva relationship that was established by the Expert Committee in the fourth quarter of 1959.

27. The data on which the study was based were as follows:

(a) A family expenditure survey carried out among staff in Montreal in November 1962, which provided the weighting pattern for that city;

(b) Retail prices collected in Montreal by the Dominion Bureau of Statistics;

(c) The New York weighting pattern which was established by ECPA on the basis of 1959 family expenditure survey data;

(d) Retail food prices for New York City published by the United States Bureau of Labor Statistics, supplemented by certain food prices published by the Department of Markets, New York City; for a few additional food items and some miscellaneous items it was necessary for the United Nations Statistical Office to collect prices from stores patronized by United Nations staff members;

(e) New York prices for clothing and other miscellaneous items included in the comparison were collected in May 1962 by a pricing agent of the Bureau of Labor Statistics;

(f) A housing survey carried out among Montreal staff in December 1962 and a similar survey carried out in New York in July 1959. The 1959 New York rents were adjusted to December 1962 by the rent component of the United States Bureau of Labor Statistics CPI for New York City.

28. The results of the calculations, at the officially established exchange rate of US\$1 = Canadian \$1.08, were as follows:

	<i>Montreal, November 1962 (New York, November 1962 = 100)</i>
Food .....	81.1
Clothing .....	95.7
Housing .....	81.3
Miscellaneous .....	92.8
Transportation .....	85.7
TOTAL	86.2

Certain special aspects of the calculations are explained in the paragraphs below.

*Food*

29. For fresh fruits and vegetables, annual average prices were used for both cities. A comparison was made of costs of lunch and dinner in comparable restaurants in Montreal and New York. The ratios showed that, in general, restaurant meals cost less in Montreal than in New York, but the extent of the cost difference could not be stated precisely. In the circumstances, the total weight for food was allotted to the price ratio for food purchased for home use.

*Clothing*

30. Consideration was given by the Expert Committee to a claim by the staff in Montreal that extra expenditures were incurred on items of heavy winter clothing because of severe climatic conditions. The Committee felt that account could only be taken of factors of this kind in cases of extreme variations from the norm in the base city, and concluded that the situation in Montreal did not warrant special treatment. The comparison of clothing prices was, therefore, computed in the usual manner.

*Housing*

31. The comparison was based on rentals paid by married staff for unfurnished apartments and houses. In cases where

a dwelling was not equipped with a refrigerator or stove, the average prices for these facilities, amortized over five years, were added to the rent. The costs of home ownership were tabulated but yielded information from which no reliable conclusions could be reached. Nevertheless, on the basis of these data, it appeared that the relationship between the two places in costs of home ownership was fairly represented by the relationship existing in rentals.

32. Since the proportion of the staff owning their homes was quite significant in Montreal and in some other areas, the Expert Committee suggested, following comments by the representative of the Secretary-General of ICAO, that a comprehensive study be undertaken to determine the feasibility of including homeowners in future housing cost comparisons.

*Miscellaneous*

33. Due to the similarities in labour conditions and household requirements between the two cities, the costs of domestic help were included in the index as a price comparison in the miscellaneous group rather than in the housing index. The prices used were those collected by the United States Bureau of Labor Statistics for New York City and by the Dominion Bureau of Statistics for Montreal.

34. The report prepared by the United Nations Statistical Office called attention to the fact that non-Canadian staff of the P-4 level and above enjoyed import privileges that might affect the comparisons (e.g., electrical appliances, tobacco and drinks). The Committee judged that since this was a very limited group and since, in any event, the comparisons are primarily based upon the modal P-3 level, prices used in the calculation should be the commercial prices that are regularly collected in Montreal.

*Medical care*

35. The medical insurance plans covering staff in Montreal and New York appeared to differ too much in premiums and in extent of coverage to be subject to comparison. Medical insurance was included in the index at a ratio of 100, a somewhat higher ratio than resulted from the price comparison of other items in the medical care group.

*Transportation*

36. Out of seventy-eight automobile owners, twenty-nine were staff members who have import privileges. From the tabulation of automobiles by the year of purchase, it was revealed that the turnover of cars was lower for staff without import privileges than for those with privileges. In the absence of information on the resale value of cars, it was not possible to estimate depreciation. However, it was recognized that the winter road conditions in Montreal could result in heavy wear and tear on cars. On the whole, the depreciation costs are likely to be somewhat higher in Montreal than in New York. Commuting costs in Montreal were substantially lower than in New York but, on the other hand, it was felt that this could be offset against the higher rate of depreciation of automobiles in Montreal. For automobile insurance, the comparison was based on the costs of protection against collision, with \$100 deductible, fire and theft and third party liability, using the prices collected by the Dominion Bureau of Statistics for Montreal and by the U.S. Bureau of Labor Statistics for New York City.

*Conclusion*

37. At the official exchange rate of \$Can.1.08 to \$US1 the total index for Montreal as of November 1962 was 86.2, compared with New York City at 100 at the same date. When the Montreal-New York relationship was switched to the Geneva base, the figure of 86.2 became 108.9, which was the relationship of Montreal in November 1962 to the base Geneva April 1960.

38. When the post adjustment index of 108.9 was carried forward to January 1963 by taking into account the changes in the Dominion Bureau of Statistics Index for Montreal and the exchange rate as of the end of January of \$Can.1.0725 to \$US1.00 the resulting index was 110.0.



## SANTIAGO COST-OF-LIVING STUDY

39. At its fourth session the Expert Committee had considered the study made by the Statistical Office with the assistance of Mrs. Frances Fox of the United States Bureau of Labor Statistics. A summary of the data and methods used in that study is contained in the report of the Expert Committee's fourth session. As a result of that study the Committee had recommended a provisional post adjustment index figure of 90 for the month of March 1962 at which time the exchange rate was 1.40 escudos to the dollar.

40. At its fifth session the Expert Committee had before it data presented by the Statistical Office of the United Nations which carried the March 1962 figure forward to the month of February 1963 on the basis of changes in prices and changes in the exchange rate. The Committee also had the benefit of a technical note submitted by the Executive Secretary of ECLA which was of considerable help to the Committee in clarifying a number of problems. Mr. Alfonso Santa Cruz, Acting Executive Secretary of ECLA, addressed the Committee and, in addition, the Committee heard representatives of the ECLA Staff Association who presented information on certain points arising from the basic study and also drew attention to the difficult problems which resulted from the conditions of instability existing in Santiago in consequence of the rapid inflation in recent years.

41. The Committee gave particular attention to the question of the comparability of the quality of the goods in Santiago on which the price comparisons had been based. In a previous survey, it was claimed, an adjustment of 5 per cent in the over-all index had been made to compensate for deficiencies noted in the quality of certain goods purchased in Santiago, whereas in the current study adjustments of this nature had been made only in respect of milk and meat. On this point the Committee felt that as much comparability as was possible had been achieved in the items priced in Santiago and New York, with the exception of milk and meat for which a special quality allowance was made.

42. In the base study allowance had been made for the cost of one full-time servant and as a result of the representations made to it the Committee decided that this allowance should be increased by the cost of a part-time laundress in Santiago.

43. The technical note presented by the Executive Secretary of ECLA (ECPA/S.5/4) drew attention to the coverage provided by the ECLA medical plan. The Committee compared the plan with the medical insurance coverage for staff in New York and, although precise evaluation was not possible since reimbursements were determined by different methods, the conclusion was reached that the staff in Santiago who subscribed to the ECLA plan were on the whole as fully insured as those in New York.

44. The technical note of the Executive Secretary also drew attention to the cost of imported goods and in particular to the packing, freight and insurance charges which were in practice added to the f.o.b. cost of such goods. In the base study it had been noted that about 38 per cent of the total clothing purchases of the staff were made outside the area and this percentage had been included in the index as though purchased in New York with an addition of 10 per cent which was estimated as the amount necessary to approximate the cost to the staff of these imported items. The evidence submitted served to show that an addition of 10 per cent did not in fact cover the costs of shipping, freight and insurance. At the same time, the Committee wished to emphasize that the choice of the New York prices had been considered to be an advantage to the Santiago staff since these prices were in many cases higher than the f.o.b. values which were referred to in the Executive Secretary's note. The major portion of purchases abroad reported by staff members fell into the clothing category and it was recognized that some of these purchases may be made on home leave and no additional shipping charges are incurred. Other purchases may be made in places where the price level is lower than that of New York. For these reasons the Committee felt that there was no unique solution to this problem. The Committee was not in a position to review all possible

items falling into this category, but it estimated that any difference in the index resulting from this factor would be unlikely to exceed 0.5 in the over-all index.

45. The Committee reviewed the estimates of housing costs and noted that a small number of staff had contracted rents payable in dollars. The Committee felt that these rent contracts were in no way representative of conditions in Santiago. Their presence in the housing index was a complicating factor. In periods when the exchange rate was moving rapidly in favour of the dollar the inclusion of these rents caused the housing index to increase rapidly, whereas in periods when local prices including rents were increasing rapidly the inclusion of the dollar rents served to pull down the housing index. The Committee felt there were a number of grounds on which it would be proper to exclude these dollar rents completely from the housing index. It noted that it had been the practice of the Statistical Office to include them in the past and the Committee was of the view that this practice was probably suitable in normal conditions when it did not involve the inclusion of rents completely out of line with local conditions. In the current conditions prevailing in Santiago, however, this practice resulted in the inclusion of rents as much as two or three times the average level of escudo rents—a level which could not be justified by local conditions.

46. The Committee wished to make its views clear as to the undesirability of including these dollar rents in the post adjustment index, and requested the Statistical Office to recompile the housing index taking account of these views.

47. The Committee reviewed the developments that had taken place since the completion of the basic study relating to the month of March 1962. The data available to it showed that up to February 1963 there had been a substantial increase in prices but an even more rapid depreciation of the escudo. The results (including dollar rents) may be summarized as follows.

	<i>March 1962 = 100</i>	<i>February 1963</i>
Food .....		133
Clothing .....		122
Housing .....		125
Transportation .....		147
Miscellaneous .....		141
	TOTAL	132
Exchange rate (escudos per \$US).....		2.87
Index for persons with dollar-based salaries (March 1962 = 100).....		67.4
Post adjustment index (Geneva, April 1960 = 100) .....		62.7

48. It will be seen that between March 1962 and February 1963 the prices of goods and services increased by 32 per cent. In the same period the exchange rate changed from 1.40 escudos to the dollar to 2.87 escudos to the dollar. The result was that the post adjustment index had moved from the figure of 93 in March 1962 to 62.7 in February 1963.

49. When this figure was adjusted to eliminate dollar rents (-2.0) to include the higher allowance for domestic service (+1.0) together with final revision in the basic calculation (+0.2) the final figure became 61.9.

50. The Committee realized that in a situation of such rapid change it was difficult to devise appropriate methods for keeping up with events, particularly since the pattern of family expenditures was also changing rapidly in response to the price and exchange rate changes—a factor which made the statistical estimates of the situation at any point in time applicable only in an approximate way. For this reason the Committee recommended that an interim post adjustment index would be appropriate for the next twelve months and this index should be taken at a point 10 per cent above the level indicated by the data for February 1963, i.e., at 68.1. In this way the Committee sought to meet the current conditions of instability. It was possible that in the next twelve months the price level and



the exchange rate might attain a relationship closer to equilibrium which would render this device unnecessary. The Committee decided to review the index at its 1964 session with a view to applying its normal methods should conditions warrant.

51. The application of the post adjustment system involves the assumption that about 9 per cent of salary (because of pension contributions) is unaffected by local conditions; the calculation above, moreover, includes a further 12 per cent expended on goods outside the area. No figure was set in respect of expenditure on home leave because of the impossibility of calculating either a weight or a price relative which would be applicable to this expenditure but the Committee felt that the device of adding 10 per cent to obtain an interim post allowance index would be adequate to cover this as well as other items. In addition the Committee wished to draw attention to the method of implementation of minus post adjustments the result of which is that minus differentials are applied to only 60 per cent of the salary (see para. 53 below).

52. The Committee was of the view that a number of administrative considerations would make it difficult to apply the full rigour of the interim post adjustment index in present circumstances. It was none the less convinced that the interim index which took account of the unstable conditions warranted the application of a minus post adjustment. The Committee wished to call attention to the fact that the method of application of minus post adjustments was designed to minimize their effect on the incomes of the staff. For example, a minus post adjustment of a given amount does not in practice operate to reduce salaries by the same amount.

53. The schedule of minus adjustments makes no distinction between single and married staff members and provides a reduction of approximately 3 per cent for each five points by which the post adjustment index falls below the base. Consequently the effect, for example, of a class C post adjustment is to reduce salaries by approximately 9 per cent from the base scale.

54. The Committee recognized that for the immediate future the existence of a minus differential might pose certain problems particularly in the case of recruitment, especially of short-term staff and experts, but the Committee felt that problems of this kind were likely to be of a temporary nature. The Committee nevertheless felt that there was no doubt that in present circumstances a minus adjustment tempered as it would be by these administrative practices, was warranted under the system approved by the General Assembly. The Committee recommended that the Statistical Office should continue to measure changes in living costs in Santiago by means of its quarterly index based on prices and rents specially collected for the purpose.

55. The quarterly measures of the post adjustment index and of the interim post adjustment index should be compiled as rapidly as possible in order to permit changes to be made in the post adjustment class whenever the index justifies it.

56. The Committee wished to record its appreciation of the arrangements made by the Executive Secretary of ECLA to facilitate the Committee's work in Santiago. The Committee felt that the holding of its fifth session in Santiago had been amply justified since it had enabled the Committee to achieve an appreciation of the situation which would not have been possible without its visit to Santiago.

#### MEASUREMENT OF PRICE CHANGES IN PARIS

57. In compliance with the recommendation made by the Committee at its fourth session, in paragraph 27 of its report, the International Labour Office had undertaken, in co-operation with UNESCO and the Organization for Economic Co-operation and Development (OECD), to develop a revised cost-of-living index for international officials in Paris. A report (ECPA/S.5/11) prepared by the International Labour Office, described the steps taken and the results achieved in the survey of rents and other expenditures of the professional employees of UNESCO and OECD stationed in Paris.

58. The Committee observed that the expenditure data for UNESCO and OECD staff had been treated separately and then combined in a ratio of 5 to 3. The Committee recommended that the staffs of the two agencies should be, if possible, treated as a single group in developing the weighting pattern for the revised index. This was necessary in order to provide a single index that would be applicable to the professional staff of both organizations together.

59. Likewise, in the case of domestic servants, the Committee recommended that all data for the two agencies be treated together, thus avoiding the necessity of the weighting system which had been proposed. With respect to part-time domestic servants, the Committee felt that the average of the hourly wage rates, without weighting by hours worked, should be used.

60. With respect to the measure of rents, the Committee noted that the plan provided that separate indexes be computed for the two agencies and that the indexes would then be averaged using weights based on the size of the professional staffs in January 1963. The Committee recommended that all rent schedules for the two agencies be analysed together, to produce a single rent index.

61. It was also noted that the plan provided that "where the use of a garage will be included in the rent of the dwelling, a fixed amount based on the average rental cost of a garage is deducted in order to further standardize the data". The Committee recommended that the changes in rents in Paris be computed in the same manner as recommended for New York and Geneva, in which case it would not be necessary to make adjustments for garages or to calculate rent changes on a per-room basis.

62. The Committee recognized that the combination of the rent survey with the expenditures survey had probably had an adverse effect on the response rate, which might lead to a downward bias if all non-respondents were treated as having had no rent increases. The Committee expressed confidence, however, that the response to future rent surveys would be satisfactory and that the method of non-response correction could be applied in the future in Paris in the same manner as in Geneva and New York.

63. The Committee noted with satisfaction that the revised index would be calculated monthly by INSEE (National Institute of Statistics and Economic Studies), and expressed its desire to review the results achieved, on the basis of a complete report, at its 1964 session.

#### SPECIAL PROBLEMS ARISING IN THE ADMINISTRATION OF THE POST ADJUSTMENT SYSTEM

##### *Effect of currency revaluations<sup>c</sup>*

64. Under the common system which is applied by the United Nations and specialized agencies, salaries and allowances are fixed in terms of United States dollars. However, the living expenses of staff members are normally incurred in the currency of the duty station and the post adjustment index for the area is fixed on the basis of the level of the cost of living at a given rate of exchange. Hence, any revaluation of the local currency has an impact on the post adjustment index.

65. Currency revaluations are normally of two types:

- (a) A gradual change in the rate of exchange, where a free market rate is in operation;
- (b) A one-time change in an official rate of exchange.

The magnitude of currency revaluations varies from a small change in one case to a substantial change in another.

66. It seemed clear to the Expert Committee that whenever a variation in the rate of exchange occurs the post adjustment index should be revised accordingly. Thus, if the post adjustment index for an area is 120 on the basis of a rate of

<sup>c</sup>The term revaluation, as used in this report, means a decrease in the value of the currency (devaluation) or an increase in the value, in relation to the United States dollar.

exchange of 80 units per United States dollar, a movement of the rate of exchange to 100 would reduce the post adjustment index to 96 (80/100 of 120). This calculation would have to be adjusted to the extent that expenditures on goods outside the area had been recognized in fixing the post adjustment index initially.

67. At the same time, it would be necessary to take account, as appropriate, of any change in local living costs following a revaluation. The most obvious effect of a revaluation is in respect of imported items, for which prices tend to change in direct proportion to the revaluation. Moreover, devaluations, which are the more common form of revaluations, are usually accompanied by a general rise in prices of goods and services.

68. In the case of headquarters areas, or other areas where there is a suitable monthly time-to-time index, the problem of determining the effect of a currency revaluation on the post adjustment classification should present no serious problem. However, in the case of most field office areas monthly figures are not available and even if cost of living surveys are undertaken there is a normal time lag of two to three months (or more if the data submitted are found to be incomplete) before the results are known. Moreover, a survey only gives a post adjustment figure as of the date of the survey, whereas the cost of living may continue to change over the next several months following a devaluation.

69. The Committee concluded, therefore, that in an area where a suitable monthly index is available the post adjustment index should be revised on the basis of the revised rate of exchange and the normal requirements for determining a change in the post classification should then be applied. Where there is no monthly index, appropriate estimates will, of course, have to be made. In the case of devaluations of one post adjustment class or less such estimates can be made without taking account of future price rises, in anticipation. Where the devaluation is of greater dimension it may be necessary, because of time lags, to anticipate future price rises by introducing a factor, for the purpose, at the time of the devaluation.

70. The Committee was informed that a further practical problem may arise in the event of a devaluation in respect of staff serving under different programmes. The post adjustment system is applied equally to project staff appointed under the technical assistance programme as well as to regular programme staff, for assignments to an area of one year or longer. However, the proportion of the base salary that a staff member devotes to his living expenses in the area (whether for local expenditures or for imports) varies from staff member to staff member and tends to be kept to a minimum by staff who are assigned to the area for relatively short periods.

71. Thus, a technical assistance expert who plans to be away from his home country for only a year or so will have certain continuing fixed expenses at home, he may leave members of his family at home for part or all of the time, and he may postpone expenditures for all but the bare necessities, particularly if he is stationed in a relatively high cost area. Accordingly, it may not be unusual to find that less of the base salary of project personnel is affected by the cost of living in the area of the duty station than is true in the case of regular personnel.

72. The Committee considered, however, that the post adjustment system had to be established and administered on the basis of the average situation. No workable system could be devised which would provide complete equity in all the individual situations that might arise. Administrative officials should take care to inform prospective staff members of the way in which their remuneration is liable to be affected by the cost of living changes in the duty station through the medium of the post adjustment system.

#### *Application of nine-months-average rule following a currency revaluation*

73. A separate problem had arisen in the application of the nine-months-average rule following a currency revaluation (or four months if the revised qualifying rule were adopted) on which ACC had sought clarification of ECPA. In paragraph 14

of the report of its fourth session the Committee had said that in case of a currency revaluation a revised post classification index would have to be prepared to take account of the new rate of exchange, and any adjustment of post classification would have to be considered on the basis of the revised index. The question had arisen as to whether or not the revised post adjustment index should reflect the new rate of exchange for each of the preceding nine months or only for those months following the revaluation.

74. The Committee confirmed that in the event of a currency revaluation the post adjustment index should be revised for each of the preceding nine months on the basis of the new rate of exchange. However, even though the revised nine-months average might have reached a new post classification level prior to the date of the revaluation, the post classification change should not be made effective as of a date earlier than the date of the revaluation, given the fact that the post classification applied prior to the revaluation was appropriate to the price level and exchange rate for that period.

#### *Minus post adjustment*

75. The members of ACC who apply minus post adjustment had requested ECPA to review the adequacy of methods of assessing the special situation of international officials serving in minus areas, with due regard to the problems of application of adjustments in these areas.

76. The Committee regretted the lack of uniformity in the application of the post adjustment system in the matter of minus adjustments. The Committee further considered that its report on the situation in Santiago (see paras. 39-56 above) could be taken as an example for the administration in handling the problem of minus areas which arose in most instances as a result of devaluations and purely temporary conditions.

#### OTHER BUSINESS AND REQUESTS FROM ACC

##### *Summary of methodological recommendations*

77. The Committee considered the views expressed by ACC. It took note of the request of ACC that ECPA should set out its recommendations on statistical methods in the form of rules which those responsible for the computation of the post adjustment indexes will be able to apply uniformly whenever possible. On this matter, the ECPA requested the Statistical Office of the United Nations in collaboration with the Statistical Division of the International Labour Office to prepare a paper for consideration by the Expert Committee at its next session.

##### *Washington cost of living study*

78. The Committee requested Mr. Clague to arrange for a study of the relation between Washington and New York in collaboration with the Statistical Office of the United Nations—the results to be reviewed by the Committee at its 1964 session.

##### *Domestic service*

79. The Committee asked the Statistical Office of the United Nations to prepare a paper on this subject for consideration by the Committee at its 1964 session.

#### TIME AND PLACE OF 1964 SESSION

80. The Committee expected to convene its next regular session at the United Nations Headquarters in New York during the first half of May 1964.

#### Appendix I

##### LIST OF MEMBERS AND PARTICIPANTS AT THE FIFTH SESSION ON THE EXPERT COMMITTEE ON POST ADJUSTMENTS

- The following members of the Committee were present:  
Mr. Pascal Frochoux, Chairman (Switzerland);  
Mr. Ewan Clague (United States of America);

Mr. F. L. Closon (France);  
Dr. Ph. J. Idenburg (Netherlands).

2. The Committee was assisted by the services of the following technical advisers:

Mr. P. J. Loftus, Director of the Statistical Office of the United Nations, assisted by Mrs. Melita Riley, Consultant;  
Mr. H. E. Riley, Chief Statistician of the International Labour Office;  
Mr. R. L. Smith, United Nations Office of the Controller, served as Secretary.

3. The Committee heard statements from the following persons:

Mr. A. Santa Cruz, Acting Executive Secretary of ECLA;  
Mr. J. J. Rolian, representative of the Secretary-General of ICAO;  
Mr. J. R. Messy, Statistician, ECLA;  
Mr. J. Viteri, representative of the staff of ECLA;  
Mr. S. Salcedo, representative of the staff of ECLA.

### Appendix II

#### AGENDA FOR THE FIFTH SESSION OF THE EXPERT COMMITTEE ON POST ADJUSTMENTS

1. Opening of the session.
2. Organizational arrangements.
3. Measurement of price changes in New York for international staff.  
Review of rental component of the post adjustment index (ECPA/S.5/6).
4. Measurement of price changes in Geneva for international staff.

- Review of the special time-to-time index and the method to be used in estimating the index for those months when the biannual special index is not available; analysis of the relative movements of the special index and the Geneva Canton index. (ECPA/S.5/5 and Add.1, ECPA/S.5/8, ECPA/S.5/8-Suppl. 1).
5. Montreal cost of living study.  
Survey of the cost of living of international officials in Montreal compared with the Geneva base (ECPA/S.5/2).
6. Santiago cost of living study.  
Review of the 1962 study of the cost of living of international officials in Santiago, taking into account developments since that time and the technical note to be submitted by the Executive Secretary of ECLA (ECPA/S.5/3, ECPA/S.5/4).
7. Measurement of price changes in Paris for international staff (ECPA/S.5/11).
8. Special problems arising in the administration of the post adjustment system.
  - (a) Revision of post classifications following currency devaluations or revaluations and problems arising from existence of a black (or grey) currency market (ECPA/S.5/9);
  - (b) Review of the allowance for domestic service, included in housing costs;
  - (c) Minus post adjustments—the adequacy of methods of assessing the special situations of international officials in such areas and problems of application (ECPA/S.5/10).
9. Other business and requests from ACC (ECPA/S.5/7).
10. Time and place of next session.

## DOCUMENT A/5579

### Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]  
[25 October 1963]

1. The Advisory Committee on Administrative and Budgetary Questions has examined the Secretary-General's report to the General Assembly on personnel questions contained in document A/C.5/979.

2. In part II of his report, the Secretary-General proposes a number of changes in the Staff Regulations which require the approval of the General Assembly. In part III he reports on amendments to the Staff Rules and, in particular, on amendments he has promulgated since 1 September 1962, as required by regulation 12.2. In part IV the Secretary-General reports on two changes in application of staff rules, one of which, in the opinion of the Advisory Committee requires endorsement by the Fifth Committee. In part V, the Secretary-General reports on a number of matters which have been the subject of inter-organizational discussion through the co-ordinating machinery of the Administrative Committee on Co-ordination (ACC) and the Consultative Committee on Administrative Questions (CCAQ).

3. The Secretary-General's report is evidence of the continuing efforts that are being made through CCAQ and ACC to refine and consolidate the common system of salaries, allowances and related benefits within the United Nations family of organizations. While progress has certainly been made during the past year towards achieving uniformity in a number of areas,

the Advisory Committee regrets that, in others, there are still some differences of opinion. The Committee believes that a common system is essential in a group of organizations which are pursuing a common purpose, work closely with each other, often in the same localities, and employ personnel of similar kinds. It is clearly necessary that such organizations should follow similar policies in regard to conditions of service since the existence of differences inevitably leads to unfavourable comparisons as between one organization and another, with adverse consequences on staff morale, and other embarrassments.

4. The Advisory Committee's detailed observations on the Secretary-General's report are to be found in the paragraphs which follow.

#### PROPOSED AMENDMENTS TO STAFF REGULATIONS (PART II OF THE SECRETARY-GENERAL'S REPORT)

##### *Regulation 5.3: Home leave*

5. No action by the General Assembly is requested on this item. The Advisory Committee notes with satisfaction that the Secretary-General is not maintaining an earlier proposal that regulation 5.3 be amended in such a way as to permit him, in exceptional circumstances, to reduce the period of qualifying service for home leave from two years to eighteen months. A two-

year qualifying period is the common standard applied by the United Nations family of organizations and provision already exists in their staff rules for home leave to be advanced in exceptional circumstances provided the person concerned has completed not less than twelve months of qualifying service from the date of his appointment or return from his previous home leave. The Committee believes that this flexibility in the application of the Staff Rules should enable the Secretary-General to deal with any problems for which a period of rest in the home country is the appropriate solution.

*Annex I, paragraph 8: Language allowance*

6. The Secretary-General proposes that the General Assembly amend paragraph 8 of annex I of the Staff Regulations in such a way as to permit him to pay a language allowance to General Service staff at a flat rate rather than at a rate which varies according to the grade and step of the person concerned as is the existing practice. The proposed change has been recommended by ACC and would, if approved, be implemented by all organizations applying the common system of salaries, allowances and related benefits.

7. The Advisory Committee agrees that there are anomalies in present practice in that staff are required to pass the same examination to earn the allowance, yet the amount they receive varies according to their grade, since it is equivalent to one additional step in the grade. It should also be remembered that the language allowance is pensionable and in this respect alone these variations appear somewhat questionable. Further, the Committee is not convinced of the necessity to increase the language allowance each time base salaries are increased; such an increase is at present automatic.

8. The Advisory Committee consequently sees merit in the Secretary-General's proposal for a flat amount. It also considers reasonable the further proposal that an additional allowance, at a lower rate, be paid in respect of a third language.

9. While concurring in these proposals, it does so on the understanding that, when establishing General Service salary scales and determining the grade of posts, the United Nations and other organizations will take full account of the fact that proficiency in the use of more than one official language is recognized by the payment of a language allowance.

10. The Advisory Committee notes that the amounts of the allowance for staff at United Nations Headquarters are subject to further study by the Secretary-General and that he will proceed with the implementation of the new system, if approved, only after consultation with the Committee. The Committee's comments on the possible budgetary consequences of the proposed change are to be found in paragraphs 29 and 31 below.

*Annex IV, paragraphs 1 and 2: Repatriation grant and service benefit*

11. The Secretary-General proposes that the service benefit be discontinued with effect from 1 January 1964, all eligible expatriate staff then being brought within the scope of the repatriation grant. At the same time, he proposes that the period of qualifying service for a repatriation grant be one year rather than two, and that the fixed dollar-ceiling on the grant be removed.

12. The service benefit was introduced into the common system of salaries, allowances and related benefits

with effect from 1 January 1958 by General Assembly resolution 1095 (XI) of 27 February 1957. It was one of the elements of conditions of service recommended by the Salary Review Committee<sup>15</sup> for non-career staff employed on a fixed-term basis and whose total period of service would not normally exceed five years. Such staff were excluded from full participation in the United Nations Joint Staff Pension Fund and were not eligible for a repatriation grant. Subsequent changes in the Regulations of the Joint Staff Pension Fund have resulted in staff being admitted to full participation in the Fund before completing five years of service.<sup>16</sup> In order to avoid a duplication of payments by the Organization in respect of service benefit and contributions for full participation in the Pension Fund, the Secretary-General proposes that the service benefit cease to exist effective 1 January 1964, subject to appropriate transitional arrangements in the light of contractual obligations.

13. At the same time, the Secretary-General proposes that all expatriate staff appointed for one year or more should then be eligible for a repatriation grant.

14. The Advisory Committee concurs in these proposals.

15. By the same token, the Advisory Committee agrees that the period of qualifying service for payment of a repatriation grant should be one year instead of two and that the entitlement for one year's service should be one-half of the existing amount payable for two years' service.

16. The Advisory Committee believes that there is a case for removing the dollar-ceiling, leaving the maximum entitlement to repatriation grant to be expressed solely as the equivalent of fourteen weeks' salary for a single person and twenty-eight weeks' salary for a person with dependants.

17. A table giving a comparison of entitlements under: (a) the existing service benefit; (b) the existing repatriation grant; and (c) the revised repatriation grant as recommended by the Secretary-General, is annexed to the present report.

18. The Advisory Committee's observations on the possible budgetary effect of the proposed changes are to be found in paragraphs 30 and 31 below.

19. To sum up, subject to appropriate transitional arrangements being made by the Secretary-General in the light of contractual obligations, the Advisory Committee concurs in the Secretary-General's proposals that the Staff Regulations and Rules be amended, effective 1 January 1964, to provide that:

(a) The service benefit shall cease to exist as from that date;

(b) The repatriation grant, which will then apply to all eligible staff members, shall be payable after a minimum of one year of qualifying service and at the rates recommended by the Secretary-General.

<sup>15</sup> See *Official Records of the General Assembly, Eleventh Session, Annexes*, agenda item 51, separate fascicle, document A/3209.

<sup>16</sup> A staff member becomes a full participant when his appointment is extended to or beyond five years. Thus, if an initial appointment of two years were extended by a further three years, the person concerned would become a full participant in the Pension Fund as from the date of his extension and could validate for pension purposes his two initial years of service.

AMENDMENTS TO THE STAFF RULES (PART III OF THE SECRETARY-GENERAL'S REPORT)

*Rule 103.22 Assignment allowance*

20. The Advisory Committee was somewhat concerned to learn that the United Nations organizations had found it necessary to depart, in a number of respects, from the principles which had been agreed upon when the assignment allowance was introduced into the common system in 1957. The allowance was intended to provide compensation for staff assigned for periods of at least one but no more than five years to a field station when the circumstances did not warrant their full establishment at the station. It is now apparent from paragraph 31 of the Secretary-General's report that in certain cases the assignment allowance is being paid for more than five years and that it is being paid to staff serving in headquarters areas.

21. The Advisory Committee notes that, pending a comprehensive study of the whole matter by ACC exceptions already made to the five-year rule will not be continued after 31 December 1963 nor will any new exceptions be made after that date. It feels obliged, however, to express its concern that such a study, leading to inter-organizational agreement on revised conditions, could not be completed before the five-year deadline had been reached.

22. Whereas no specific action is requested of the General Assembly in the Secretary-General's report, the Advisory Committee would suggest, in the interests of the common system, that the Fifth Committee may wish to express, in its report, the hope that ACC will complete its study of the matter at an early date so as to enable the Secretary-General to submit to the Assembly at its nineteenth session revised proposals concerning the assignment allowance and, if necessary, related benefits.

OTHER AMENDMENTS TO THE STAFF RULES

23. The Advisory Committee notes the amendments to the Staff Rules promulgated by the Secretary-General since 1 September 1962. These amendments are brought to the attention of the General Assembly in accordance with Staff Regulation 12.2 which provides that "the Secretary-General shall report annually to the General Assembly such Staff Rules and amendments thereto as he may make to implement these regulations".

CHANGES IN THE APPLICATION OF STAFF RULES (PART IV OF THE SECRETARY-GENERAL'S REPORT)

*Rule 103.7 Post adjustment*

24. Since the adoption in 1957 by the General Assembly (resolution 1095 (XI) of 27 February 1957) of the post adjustment system, changes in the classification of a duty station have been made when cost of living, measured on an approved local index and averaged over nine months, varied by five points from the base. The Secretary-General, upon recommendation of the Expert Committee on Post Adjustments, and in agreement with ACC, proposes, effective 1 January 1964, to substitute for the nine-month average formula a new four-month provision whereby a change in classification would occur when the local index had reached the required five-point level and

had remained at or beyond that level for four consecutive months. As in the case of the nine-month formula, the change in classification would become effective on the first day of the following month.

25. A review of experience under the nine-month average rule led the ECPA to the conclusion that the formula was unduly complicated and easily misunderstood. It noted that, if an average rise of five points in the cost of living index were spread evenly over the nine months, the first four months of the period would be below the five-point level, the fifth month would be at that level and the last four months would be above the five-point level. The ECPA considered various alternative solutions, keeping in mind the necessity of avoiding premature action on the basis of erratic fluctuations in the cost-of-living index. It considered that a four-month rule, applied in the manner described in paragraph 24 above, would give adequate protection against such action.

26. Although the Advisory Committee is not convinced that the proposed change is essential, it is prepared to accept the considered opinion of the ECPA on this matter and it consequently concurs in the Secretary-General's proposal. However, it wishes to point out specifically that the proposed new four-month rule would operate with respect to downward as well as upward modifications in the post-adjustment level and that, accordingly, its approval should not be interpreted as implying that an upward trend in cost of living will continue indefinitely.

TRAVEL ACCOMMODATION STANDARDS

*Other matters (part V of the Secretary-General's report)*

27. The question of travel standards for staff, as indeed the questions referred to in part V (Other matters) of the Secretary-General's report, involve administrative co-ordination among the United Nations family of organizations, and require no specific action by the General Assembly at this time. In the circumstances, the Advisory Committee considered it preferable to include its comments on these questions in its report on administrative and budgetary co-ordination of the United Nations with the specialized agencies and the International Atomic Energy Agency (A/5599).

BUDGETARY CONSEQUENCES OF THE SECRETARY-GENERAL'S PROPOSALS

28. Two of the Secretary-General's proposals have possible budgetary consequences—the revised conditions for the language allowance, on the one hand, and for the service benefit and the repatriation grant, on the other.

29. With regard to the language allowance, the flat rates which the Secretary-General contemplates would result in a net additional cost to the Organization of approximately \$20,000 per annum. In the event of approval by the General Assembly of the Secretary-General's proposals with regard to the language allowance, it is not contemplated that any change will be made in the present conditions for payments until some time after the matter is discussed by CCAQ at its session in April 1964. The financial implications of the proposal, therefore, would arise for only a part of the year.



30. The budgetary consequences of the Secretary-General's proposals in connexion with the service benefit and the repatriation grant are twofold. On the one hand, costs would be reduced in that non-expatriate staff now entitled to the service benefit would be excluded from receiving any benefit. Further, expatriate staff presently entitled to the service benefit would receive a lower amount in respect of their new entitlement to the repatriation grant. On the other hand, costs would be increased as a result of the proposal to remove the dollar maximum on repatriation grant payments. On the basis of an analysis of actual separation cases at Headquarters over the period 1 August 1962 to 31 July 1963, it was found that, on balance, over the long-term, the effects of these two changes on the total level of costs would tend to offset each other. In the case of 1964, however, transitional costs would arise in connexion with the preservation of service benefit entitlements of present staff and thus savings on this account would not accrue immediately. In the event that the recommendations of the Secretary-General are implemented on 1 January 1964, the additional cost in that year, in respect of repatriation grant payments, is estimated at \$35,000.

31. In view of the fact that estimated costs for 1964 in connexion with the foregoing proposals are minimal, and that estimates for separation payments are largely based on prior years' experience and are subject to variations in the natural course of events, the Advisory Committee would feel that the implementation of these actions would not call for any modification in the 1964 appropriations as presently proposed.

SUMMARY OF ACTION PROPOSED BY THE  
ADVISORY COMMITTEE

32. The Advisory Committee proposes that the Fifth Committee should:

(a) Recommend approval by the General Assembly of the amendment to annex 1, paragraph 8 (Language allowance), of the Staff Regulations as proposed by the Secretary-General (A/C.5/979, para. 11);

(b) Note in its report to the General Assembly that the Secretary-General will proceed with the implementation of the revised system of flat-rate language allowances only after consultation with the Advisory Committee concerning the rates to be applied and such transitional measures as may be necessary;

(c) Recommend approval by the General Assembly of the amendment to annex IV, paragraphs 1 and 2 (Repatriation grant and service benefit), of the Staff Regulations as proposed by the Secretary-General (A/C.5/979, para. 29);

(d) Express the hope, in its report to the General Assembly, that the ACC will complete its study of the assignment allowance and related benefits at an early date, so as to enable the Secretary-General to submit revised proposals to the General Assembly at its nineteenth session;

(e) Endorse in its report to the General Assembly the Secretary-General's proposal to apply, with effect from 1 January 1964, a revised procedure for the calculation of post adjustment changes (A/C.5/979, para. 42);

(f) Note in its report that the changes referred to in (a) and (c) above will not call for any modification of the 1964 appropriations.

ANNEX

Comparison of entitlements: (a) existing service benefit, (b) existing repatriation grant, (c) revised repatriation grant, as recommended by the Secretary-General

Years of continuous service away from home country	Lump-sum cash entitlement as percentage of salary				
	Service benefit	Repatriation grant			
		Under existing rules		Under new proposals	
		Single rate	Dependency rate	Single rate	Dependency rate
1	8	—	—	3.84	7.69
2	16	7.69	15.38	7.69	15.38
3	24	9.61	19.23	9.61	19.23
4	32	11.54	23.08	11.54	23.08
5	40	13.46	26.92	13.46	26.92
6	—	15.38	30.77	15.38	30.77
7	—	17.30	34.61	17.30	34.61
8	—	19.23	38.46	19.23	38.46
9	—	21.15	42.31	21.15	42.31
10	—	23.08	46.16	23.08	46.16
11	—	25.00	50.00	25.00	50.00
12	—	26.92	53.85	26.92	53.85
Maximum	(No maximum)	\$2500	\$5000	(No maximum)	(No maximum)

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DOCUMENT A/5646

Report of the Fifth Committee

[Original text: English and French]  
[9 December 1963]

1. At its 1034th, 1035th, 1037th to 1043rd, and 1047th to 1049th meetings, held between 6 and 29 November 1963, the Fifth Committee considered

agenda item 66. Some delegations had previously commented on sub-items (a) and (b) in their general statements on agenda item 58 (budget estimates for

the financial year 1964). To obviate duplication, such comments have been summarized in the present report and excluded from the Committee's budget report.

(a) GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT

(b) PROPORTION OF FIXED-TERM STAFF

2. The Committee considered these two sub-items jointly on the basis of a report of the Secretary-General

on the composition of the Secretariat (A/C.5/987) setting forth, in compliance with paragraph 3 of General Assembly resolution 1852 (XVII) of 19 December 1962, the progress achieved in the geographical distribution of the staff during the period 1 September 1962 to 31 August 1963.

3. The staff subject to geographical distribution occupied, on 31 August 1963, 1,389 posts, distributed as follows by category and grade level:

					Total by category	
Under-Secretary category	Under-Secretary				19	
	19					
Principal Officer and Director category	Director (D-2)	Principal Officer (D-1)			113	
	26	87				
Professional category	Senior Officer (P-5)	First Officer (P-4)	Second Officer (P-3)	Associate Officer (P-2)	Assistant Officer (P-1)	1,257
	195	337	374	270	81	

4. Included in the foregoing table were 1,358 nationals of Member States, 25 nationals of non-Member States and 6 stateless staff members. The Secretary-General also reported that the number of nationalities included in the Secretariat had continued to rise, keeping pace with the increase in the membership of the Organization. The progression over the last five years had been as follows:

	As at 31 August				
	1959	1960	1961	1962	1963
Number of Member States	82	82	99	104	111
Number of nationalities in the Secretariat	71	72	84	94	98
Number of nationalities not included in the Secretariat	11	10	15	10	13

General discussion

5. Most of the delegations taking part in the discussion acknowledged with appreciation the earnest efforts which the Secretary-General had devoted to the task. He had striven to apply conscientiously the principles and criteria which the General Assembly had laid down in December 1962 (paragraph 1 of resolution 1852 (XVII)), and—given the intricacy of the problems at issue—it could be said that success had attended his efforts on behalf of the revised 1962 policy. Representatives inclining to that view concurred in the suggestion that the General Assembly should afford the Secretary-General a reasonable interval of time in which to draw the maximum of benefits from that policy. In 1962 the Assembly had wisely refrained from imposing rigid formulae. The Secretary-General's lucid and encouraging report gave grounds for hoping that in the not too distant future all regions would have the appropriate number of posts in the Secretariat and that questions of geographical distribution would take up less of the Committee's time. The position had already been reached where only two of the regions—Eastern Europe and North America and the Caribbean—fell appreciably below the desirable range. During the period under review, the number of nationalities in the Secretariat had continued to rise; a new statistical formula had been worked out as a sign-

post for securing a balanced composition; in making 176 appointments compared with 166 during the previous 12-month period, the Secretary-General had given the greatest emphasis to the "under-represented" areas, with Africa securing 28 posts compared with 26 in 1962, and Eastern Europe 32 compared with 27; within the over-all policy of correcting imbalances, he had kept in mind the need for securing a more satisfactory regional composition of staff at the senior levels without frustrating the reasonable expectations of staff members for promotion, and he had made further progress in broadening the geographical distribution of the staffs of the voluntary programmes, which were now reasonably related to financial contributions.

6. These delegations considered that, however important the principle of geographical distribution as a factor in the recruitment of staff, expressed in Article 101, paragraph 3, of the Charter, the paramount consideration was, in the words of that same paragraph, the "necessity of securing the highest standards of efficiency, competence, and integrity". Care should be taken lest, because of the laudable desire to achieve a rapid improvement of the geographical composition of the Secretariat, even the slightest weakening of those standards was countenanced. For, if it was true that there was no inherent conflict between the two principles stated in Article 101, paragraph 3, and that persons fulfilling the highest standards could be found in every part of the world, it was equally the fact that, for a variety of historical and technical reasons, it was in many cases not open, and for some years would not be open, to the Secretary-General to draw freely upon their services. In that situation, numerical imbalances in geographical distribution—if they could not be avoided for a limited period of time—were certainly preferable to programme imbalances resulting from faulty recruitment and a relaxation of standards.

7. Several delegations, while conceding a slight improvement over the past twelve months, considered that the situation was still far from satisfactory. In particular, the geographical distribution of the "policy-making" staff left much to be desired. It was vital for the suc-

cess of the United Nations that the Secretariat should be recruited in strict accordance with the principle of equitable geographical distribution. The Secretariat, as the executive organ servicing the entire membership of the United Nations, must be a genuinely international body in whose work all groups of States would have an equal opportunity to participate. It should reflect the political realities of the world today; its members should be drawn from all the Member States and represent the different historical backgrounds, cultural heritages and political, social and philosophical beliefs to be found in the modern world. As at present constituted, the Secretariat failed to meet those requirements. The key posts in every branch were occupied by representatives of the Western countries, while representatives of the socialist and neutralist countries were still excluded from any substantial role in the direction of the work. Of the 1,389 posts subject to geographical distribution, nationals of the Western countries and their allies occupied 68 per cent, nationals of neutral countries 20 per cent and nationals of socialist countries 12 per cent. The bias in the staffing of the Secretariat, particularly at the higher levels, impaired its work since the majority of Member States were debarred from making a full contribution. That situation should be corrected without delay, so that nationals of each State within the various groupings might take part in the Secretariat's work on equal terms, free from adverse discrimination. Only in that way could the interests of every group of Member States be safeguarded.

8. It was moreover the view of these delegations that the one-sided recruitment that had so far been practised was damaging to the entire work of the United Nations. The general orientation and planning of the Secretariat's activities rested entirely on principles and values which were current only in certain countries. Furthermore, the exclusion of certain categories of staff from the scope of geographical distribution was not acceptable. Staff members at the principal level of the General Service category, those specifically recruited for mission duty, and the staffs of TAB, the Special Fund, UNICEF and the International Court of Justice should be brought within "the geographical area". The fact that staff members at the G-5 level at Headquarters were no longer subject to geographical distribution unbalanced the composition of the Secretariat, since 90 per cent of the posts were held by nationals of the United States of America. Account should also be taken of the gradations of importance attaching to posts at the various levels. It was obvious that the posts of Under-Secretary and Director (D-2) were of special significance because of the influence which the holders might exercise. The Secretary-General's report gave the erroneous impression that the situation had improved appreciably. On the contrary, adequate efforts to re-shape the recruitment had not been made, particularly in respect of posts at the highest levels and the proportion of fixed-term staff.

9. Much of the discussion turned on the proportion of fixed-term staff in relation to career staff which the Committee might reasonably recommend as a further guide-line to the Secretary-General. Although it was generally agreed that the system of fixed-term appointments formed a valuable adjunct to the personnel structure of the Secretariat, the views expressed in the Committee were, as in the past years, markedly divergent. Apart from the specific issue of the desirable proportion of fixed-term staff, they mirrored differing

attitudes towards the role and function of the international civil service. The discussion disclosed three main positions:

(a) Many representatives were disturbed by the further increase in the proportion of fixed-term staff from 25.4 per cent in 1962 to 29.7 per cent in 1963. It was with reluctance, as they pointed out, that they had agreed in February 1957 to a maximum of 20 per cent—a figure representing at the time a substantial increase. A career service, offering security of tenure as a shield against the vicissitudes of political change and external pressure, was the very essence of the independent and impartial Secretariat which the Charter envisaged. Morale, efficiency and continuity would suffer if anything were done to weaken the concept of a service to which men of integrity would pledge their loyalty and, of their own accord, willingly devote long years. Therefore, while appreciating the peculiar difficulties of the developing and the newly independent countries, which found difficulty in releasing their nationals for a career service in the Secretariat, these representatives felt that a ratio of almost 1 to 3 (proportion of fixed-term appointments in relation to permanent appointments) was too high. They expressed the hope that as the developing countries, in particular the African countries, were enabled, *pari passu* with their economic advancement, to propose more of their nationals for permanent appointments in the Secretariat, the proportion of 29.7 per cent would be progressively reduced to 25 per cent and ultimately to the approved maximum of 20 per cent which would still be well above the 1959 figure of 16.6 per cent. On this and other matters under discussion, they were generally content to rely on "the discretion and good sense of the chief administrative officer of the Organization" rather than on the formulation of rigid directives;

(b) Other delegations maintained that in seeking a judicious balance between the two types of appointments, the Committee should have full regard to the special problems of the developing countries. Although those countries wished to share in the responsibility for the functioning of the Secretariat, they would clearly not find it possible, for some years to come, to release more than a very small number of their nationals for career appointments. In view of that fact, the Committee should view with sympathy a modest, temporary expansion of the fixed-term staff. Furthermore, present geographical imbalances might be adjusted through the appointment to posts at the higher levels of nationals of "under-represented" countries on a fixed-term basis. Such a policy would have the advantage of injecting into those levels broader experience and fresh ideas;

(c) A few delegations pressed for a far more radical approach to the question. They were in favour of a change in the existing situation so that the proportion of fixed-term staff might ultimately reach some 75 per cent. They were by that token opposed to the Secretary-General's intention, expressed in paragraph 18 of his report (A/C.5/987), of continuing with the conversion of fixed-term appointments with the object of bringing within the career group an increasing number of staff from the "under-represented" regions. In their opinion, fixed-term staff members could gain valuable experience in the Secretariat. To forgo the benefits of that experience represented a dual loss: on the one hand, to the Member States which stood



in need of officials conversant with United Nations affairs; and on the other hand, to the Organization itself which would draw advantage from the presence in the national services of Member States of persons intimately acquainted with the work of the Secretariat. Furthermore, the present ratio seriously limited the Secretariat's capacity to adjust to changes. The United Nations was a living, changing organism; corresponding changes in the composition of its Secretariat were therefore desirable. Yet under the system of permanent appointment such a process of adjustment was impossible. As certain of the Organization's activities disappeared and new activities took their place, there should be an equivalent turnover in qualified staff. That could be achieved only by a very substantial increase in the proportion of fixed-term appointments. It should also be borne in mind that many highly qualified persons, being unwilling permanently to quit the environment in which they had lived and worked, on that account declined the offer of a career appointment. These delegations further suggested that it might be advisable, as a means of accelerating the turnover of staff, to reintroduce the recurrent five-year review of permanent appointments which the General Assembly had discarded in 1955.

10. Throughout the discussion, many members of the Committee voiced concern over the possibility that the natural desire to correct a faulty situation without delay might lead to action injurious to the promotion prospects and the security of tenure of the members of the career service. One representative also referred, within a broader context, to a series of disturbing trends in the administration of the Secretariat which, in his judgement, were harming the morale of staff members in all categories: promotion prospects and career possibilities were poor, particularly for staff members of the language services; new staff members were appointed to posts senior to those held by older staff members, thereby effectively barring the avenue of subordinate advancement; the number of fixed-term appointments was rising; close contact was not maintained between the higher and lower echelons of the staff. The manner in which ceilings were imposed on certain of the salary scales constituted yet another source of serious dissatisfaction. The inadequacy of the assignment allowance often represented a financial hardship. Where the post adjustment was concerned, the revised rule, providing for a consecutive four-month period (in lieu of a nine-month average) for the calculation of the 5 per cent cost-of-living rise, might likewise prove unsatisfactory; it would be fairer to average out the cost-of-living rise over the four-month period.

11. The representative of the Secretary-General assured the Committee that the Secretary-General would carefully review the useful discussion that had been held and keep the various observations in mind in the decisions he would be called upon to take. It was heartening that so many delegations had expressed satisfaction at the progress made and the policies followed by the Secretary-General on the basis of the guidelines approved at the seventeenth session. Some delegations had expressed regret that progress was not faster but, as several representatives had pointed out, there were a number of posts—for example, in the Economic Commission for Africa—where geographical distribution had to give way to other considerations. However, each case, before going to the

Secretary-General for approval, was carefully reviewed by the Office of Personnel and the department concerned, which then referred it to the Appointment and Promotion Board and its subsidiary body, the Appointment and Promotion Committee. He did not need to add that every personnel action, whether in the Secretariat or in the voluntary programmes, was taken in the interests of the Organization. Delegations which were apprehensive lest geographical distribution should be carried too far might rest assured that that hazard would be borne in mind. The Secretary-General had been gratified to learn that the Committee shared his views regarding the loyalty and objectivity of the Secretariat. The expressions of appreciation which had come from so many delegations would serve as a tonic to the staff and strengthen their morale.

#### *Draft resolution*

12. At the 1047th meeting the Committee considered the following draft resolution (A/C.5/L.810 and Corr.1) submitted by Burma, Cambodia, Cameroon, Ethiopia, Indonesia, Iran, Jordan, Laos, Lebanon, Libya, Mali, Philippines, Syria, Thailand, Tunisia and Turkey:

*"The General Assembly,*

*"Recalling resolutions 153 (II) of 15 November 1947 and 1852 (XVII) of 19 December 1962,*

*"Noting with appreciation the report of the Secretary-General (A/C.5/987) on the progress achieved in the geographical distribution of the staff of the Secretariat,*

*"Recognizing the need for a more equitable distribution of staff among the Member States within the various regions, in particular at the levels of senior posts,*

*"1. Recommends to the Secretary-General to continue his efforts so that all Member States may be represented at the Professional level in the Secretariat;*

*"2. Requests the Secretary-General to take into special account the equitable distribution of posts among Member States of each region, as defined in his report, in the recruitment of staff on as wide a geographical basis as possible, especially at the levels of D-1 and above, and to this end, to consider suitable persons from Member States not already represented at such levels;*

*"3. Further requests the Secretary-General to take appropriate measures necessary to achieve the basic objective set forth in paragraph 2 above and to report to the General Assembly at its nineteenth session on the progress made."*

13. The draft resolution was introduced, on behalf of the authors, by the representatives of Indonesia, Ethiopia and Philippines, who pointed out that it did not involve any new principle; its provisions tallied with the proposals contained in the Secretary-General's report. The latter document, which had been generally endorsed by the large majority of the Committee, indicated that imbalances still existed in the composition of the Secretariat as between and within the various geographical regions, particularly as regards the posts at the Principal Officer (D-1) and higher levels, and that much remained to be done in order to ensure that the Secretariat comprised nationals of every Member State. It was of course far from the authors' intention to propose the slightest deviation from Article

101, paragraph 3, of the Charter; they had no other purpose in mind than to give support to the admirable efforts of the Secretary-General and to re-affirm the guidelines which the General Assembly had traced in resolution 1852 (XVII). Human as well as organizational problems were at stake, and, for that and other reasons, the sponsors had refrained from proposing any sweeping changes in the geographical composition of the Secretariat or in the principles, as set out in Assembly resolutions 153 (II) and 1852 (XVII), on which that composition was based. The matter at issue was not so much a quantitative one—in the sense of how many posts in the Secretariat the nationals of the various Member States should hold—as one of method: how best to achieve broad “representation” for each region and an equitable distribution of posts among the Member States of each region, particularly at the higher levels. Inasmuch as the number of “over-represented” Members was large, it could not reasonably be argued that the recruitment of nationals of “under-represented” States, whether on permanent or on fixed-term appointment, could constitute a threat to any Member State. In any event—as other representatives had pointed out—resignation, retirement and death were natural and continuous factors conducting, without detriment to the career service, to staff turnover and to the correction of existing imbalances.

14. A number of delegations saw little justification for the submission of a formal draft resolution. The Secretary-General's report showed how much he had in mind the aims enumerated in the draft resolution, for it dealt specifically with the question of “universality” mentioned in operative paragraph 1 of the draft proposal, and indicated that the matters raised in operative paragraph 2 continued to be the subject of close attention. The General Assembly had in any case given clear and sound guidelines in 1962 which did not call for revision. Recruitment was, above all, an area in which the Secretary-General as the chief administrative officer of the United Nations was entitled to claim and receive a wide latitude. The regional distributions of posts, for example, raised an issue of extreme delicacy, which was best left to the judgement of the Secretary-General. It was significant that the General Assembly, at its seventeenth session, had done no more than to refer to the “need for a more balanced regional composition of the staff at levels of D-1 and above”. In common with General Assembly resolution 1852 (XVII), the latest proposal would be subject to the paramount consideration stated in Article 101, paragraph 3, of the Charter, for an Assembly resolution could not override a Charter provision. It was therefore to be assumed that the sponsors were not suggesting that only the nationals of “under-represented” Member States should be considered for employment in the Secretariat, but rather that where the choice lay between two candidates both of whom fulfilled the Charter standards, preference would be given to the candidate from an “under-represented” Member State. Equally, it was to be hoped that operative paragraph 2 would not mean that in the correction of existing geographical imbalances, the promotion prospects of qualified staff members already in service would suffer prejudice. Under the Charter, the responsibility for recruitment rested with the Secretary-General and express provisions defined and safeguarded the nature of his responsibility. It

would therefore be sufficient if the Committee, while reflecting in its report the various views that had been put forward, took note with satisfaction of the efforts made by the Secretary-General in the year under review. These delegations intimated that if the draft resolution was pressed to a vote, they would either have to abstain or qualify their support in the sense indicated above.

15. Some representatives feared that if the draft resolution was applied to the letter it would operate to the disadvantage of those Member States whose nationals held most of the fixed-term appointments. An analysis of the figures appearing in the table in paragraph 14 of the Secretary-General's report showed that, of 132 posts at D-1 and higher levels, the nationals of 8 Member States in Western Europe, 2 in North America, and 1 in the Far East accounted for 78 posts, while the nationals of the other Member States accounted for the remaining 52 posts (2 posts being held by the national of a non-member State and by a stateless person). Thus, the nationals of 11 Member States (10 per cent of the membership) held 60 per cent of the posts, while the nationals of the remaining 100 Member States (90 per cent of the membership) held only 39 per cent. Apart, however, from the faulty distribution which the figures revealed, it was to be noted that no less than 71 of the 132 posts were held under permanent appointment, mostly by nationals of Western Powers; that meant on the one hand, that less than half the senior posts were available for redistribution, and, on the other hand, that a redistribution could be made only at the expense of the socialist countries and other Member States whose nationals served, almost exclusively, on fixed-term appointment. The only other way to accommodate Member States which were not yet “represented” at the senior levels was to abolish, or substantially reduce the number of, permanent appointments. These delegations indicated that they would vote in favour of the draft resolution only if the sponsors agreed to the deletion of the phrase “especially at the levels of D-1 and above.”

16. It was, however, pointed out by another delegation that the draft resolution laid special stress on the imbalance at the “policy-making” levels because the importance of that problem had become particularly evident in recent years. The table in paragraph 14 of the Secretary-General's report showed that improvement at the D-1, D-2 and Under-Secretary levels had been painfully slow since 1959. Even in 1963, two regions—Western Europe, and North America and the Caribbean—accounted for 70 out of a total of 132 posts at those levels; Eastern Europe accounted for another 23, leaving very few for the other four regions. Because of that situation one of the factors specified in resolution 1852 (XVII) had been the need for a more balanced regional composition of the staff at the higher levels. However, regional composition was not the only factor of importance. Table 2 which appeared in the annex of the report, showed that, of 26 posts at the D-2 level, 17 were held by nationals of States which were permanent members of the Security Council, while the corresponding figure for the D-1 level was 54 out of 87. It should be the task of the Committee to determine in what areas such imbalances existed, draw them to the attention of the Secretary-General and then give him time to correct them. That could not be done within two or three years, but must be undertaken as a long-term project. It was true that many senior staff

members were serving on permanent appointment, especially at the D-1 level; but as they retired, resigned or died, a more equitable geographical distribution could gradually be achieved: the same was true of fixed-term staff. Reforms of a more sweeping character could not be requested of the Secretary-General in the circumstances.

17. Other delegations felt that the genuine difficulties of the developing countries in providing candidates for permanent appointment should not be used as a cloak for attacks on the career service on the part of certain Member States which, while insisting that they had an abundance of qualified personnel, had for years consistently declined to release their nationals for service in the United Nations. Years of indifference did not furnish a sound basis for subsequent complaints of "under-representation", or for claims that a position of numerical inferiority, of their own making, should be corrected by "radical measures", to be introduced forthwith at the expense of the career staff.

18. The following amendments to the draft resolution (A/C.5/L.810) were suggested:

#### *Operative paragraph 1*

*France*: Should be amended to read: "... so that all Member States should have nationals at the Professional level in the Secretariat";

*Nepal*: To replace the words "so that all Member States may be represented" by "so that nationals of all Member States be recruited".

#### *Operative paragraph 2*

*Ceylon*: To insert the following phrase after the words "to this end"; "and in such manner as not to perpetuate imbalances in such distribution";

*Nepal*: To delete the phrase "as defined in his report"; To replace the words "not already represented at such levels" at the end of operative paragraph 2 by the following: "not adequately represented at such levels";

*Union of Soviet Socialist Republics*: To delete the words "especially at the levels of D-1 and above,".

#### *Operative paragraph 3*

*Union of Soviet Socialist Republics*: In the event of the adoption of the Soviet Union suggestion in regard to operative paragraph 2, to delete the words "set forth in paragraph 2 above".

19. At the 1048th meeting, the representative of Indonesia introduced, on behalf of the sponsors, a revised text (A/C.5/L.810/Rev.1) of the draft resolution. By enclosing the word "represented", in operative paragraphs 1 and 2, within quotation marks the sponsors had sought to obviate any possible misunderstanding.

20. At the same meeting, the representative of Bulgaria submitted the following amendments (A/C.5/L.811), which reflected the position summarized in paragraph 15 above:

(a) To insert a new operative paragraph 3 reading:

"*Recommends* that the posts at the levels of D-1 and above be filled by fixed-term staff;

(b) To renumber existing operative paragraph 3 as operative paragraph 4.

### *Decisions of the Committee*

21. At the 1049th meeting the Committee voted on the revised draft resolution (A/C.5/L.810/Rev.1) and on the amendments submitted thereto: the Bulgarian amendments (A/C.5/L.811) were rejected by a roll-call vote of 42 to 11, with 26 abstentions. The voting was as follows:

*In favour*: Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Against*: Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ethiopia, Finland, France, Greece, Guatemala, Honduras, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Madagascar, Malaysia, Mexico, Netherlands, New Zealand, Niger, Norway, Panama, Peru, Philippines, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

*Abstaining*: Algeria, Burma, Ceylon, Cyprus, Ghana, Haiti, India, Indonesia, Iraq, Jordan, Kuwait, Laos, Lebanon, Mali, Mauritania, Nepal, Nigeria, Senegal, Sudan, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Republic, Yugoslavia.

22. A separate vote was requested on the suggested deletion of the phrase "especially at the levels of D-1 and above" in operative paragraph 2. The suggested amendment was rejected by 60 votes to 10, with 8 abstentions.

23. The draft resolution (A/C.5/L.810/Rev.1) was adopted by a roll-call vote of 69 to 8, with 3 abstention (see para. 29 below, draft resolution I). The voting was as follows:

*In favour*: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Burma, Cameroon, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Ethiopia, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Madagascar, Malaysia, Mali, Mauritania, Mexico, Nepal, Netherlands, Niger, Nigeria, Norway, Panama, Peru, Philippines, Portugal, Senegal, South Africa, Spain, Sudan, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Yugoslavia.

*Against*: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining*: Hungary, New Zealand, Romania.

### (c) OTHER PERSONNEL QUESTIONS

24. At its 1039th, 1040th and 1043rd meetings, the Fifth Committee considered sub-item (c) on the basis of reports of the Secretary-General (A/C.5/979) and the Advisory Committee (A/5579).

25. The appended table is limited to an outline of the action recommended or taken, with references to the paragraphs in the two reports in which detailed justification may be found.

Action recommended or taken	Secretary- General's report (A/C.5/979) paragraphs	Advisory Committee's report (A/5379) paragraphs	Action recommended or taken	Secretary- General's report (A/C.5/979) paragraphs	Advisory Committee's report (A/5379) paragraphs
<i>Proposed amendments to Staff Regulations</i>					
1. The Secretary-General has decided not to pursue, at least for the time being, the proposal he submitted in 1962 to the General Assembly at the seventeenth session under which staff regulation 5.3 would be amended to give him authority in exceptional circumstances to reduce the basic period of qualifying service for home leave from two years to eighteen months. <sup>a</sup>	3-5	5	the possible revision of the assignment allowance conditions. The expectation that proposals could be submitted to the Assembly at its current session has not been fulfilled;	30-34	20-22
2. The Secretary-General proposes an amendment to annex I, paragraph 8, of the Staff Regulations, to permit the payment of language allowance for staff members in the General Service category at a flat rate (adjusted to the local salary scale at each United Nations office) instead of varying according to the grade and step of the staff member.	6-12	6-10	(b) Pending the completion of the study, exceptions already made to the five-year rule (staff rule 103.22 (a) (i) and (ii)) will not be continued after 31 December 1963, nor will any new exceptions be made after that date. 5. The Secretary-General has reported a series of other amendments to the Staff Rules made by him since 1 September 1962.	35-41	23
3. The Secretary-General proposes amendments to annex IV, paragraphs 1 and 2, of Staff Regulations, to provide as follows:			<i>Changes in the application of Staff Rules</i>		
(a) As from 1 January 1964, the service benefit shall cease to exist;			6. The Secretary-General, in agreement with ACC, and upon the recommendation of the Expert Committee on Post Adjustments <sup>c</sup> has proposed, with effect from 1 January 1964, a revised procedure whereby changes in post classification shall be made when the local cost-of-living index has reached the required five-point level and has remained at or beyond that level for four consecutive months (as compared with the nine months' average under the existing procedure).	42-45	24-26
(b) All eligible expatriate staff members shall be brought within the scope of the repatriation grant;			7. The Secretary-General has reported on the question of travel standards for the staff of the Secretariat and on other matters of administrative co-ordination within the United Nations system.	46-64	(The comments of the Advisory Committee are contained in a separate report, A/5399.)
(c) The Regulations and Rules governing the repatriation grant shall be modified to provide that:					
(i) The period of qualifying expatriate service before payment of a grant shall be one year instead of two;					
(ii) The entitlement in respect of the first year of service shall be two weeks' salary for staff with no dependants, and four weeks' salary for those with dependants;					
(iii) The maximum entitlement to repatriation grant shall be fourteen weeks (single rate) or twenty-eight weeks (dependency rate) of base salary after twelve years' expatriate service, as at present, but there shall be no fixed dollar amounts superimposed to limit these entitlements.	13-29	11-19			
<i>Amendments to the Staff Rules</i>					
4. The Secretary-General has reported as follows on the subject of the assignment allowance (staff rule 103.22), which is payable to staff assigned to a duty station without removal of their household effects:					
(a) As the General Assembly was informed at the seventeenth session, <sup>b</sup> ACC has been studying					
			(b) To express the hope that the Administrative Committee on Co-ordination would complete its study		

<sup>a</sup> See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 70, document A/C.5/932, para. 5.

<sup>b</sup> *Ibid.*, para. 27.

<sup>c</sup> *Ibid.*, paras. 44-49.

#### Decisions of the Committee

26. At its 1040th meeting, the Committee decided, upon recommendations of the Advisory Committee, to take the action outlined below. Its decision in respect of sub-paragraph (a) was taken by 70 votes to none, with one abstention, and those in respect of sub-paragraphs (b) and (c) without objection.

(a) To recommend approval by the General Assembly of the amendment to annex I, paragraph 8 (Language allowance), of the Staff Regulations as proposed by the Secretary-General (A/C.5/979, para. 11). The Committee noted that the Secretary-General would proceed with the implementation of the revised system of flat-rate language allowances after consultation with the Advisory Committee concerning the rates to be applied and such transitional measures as might be necessary;

(b) To express the hope that the Administrative Committee on Co-ordination would complete its study

of the assignment allowance and related benefits at an early date, so as to enable the Secretary-General to submit revised proposals to the General Assembly at its nineteenth session; and

(c) To endorse the Secretary-General's proposal to apply, with effect from 1 January 1964, a revised procedure for the calculation of post adjustment changes (A/C.5/979, para. 42).

27. At its 1043rd meeting, the Committee decided, on the recommendation of the Advisory Committee and by 61 votes to none, with 13 abstentions, to recommend approval by the General Assembly of the amendment to annex IV, paragraphs 1 and 2 (Repatriation grant and service benefit), of the Staff Regulations as proposed by the Secretary-General (A/C.5/979, para. 29).

#### *Financial implications of the proposed amendments*

28. The Committee also took note of the Advisory Committee's view (A/5579, paragraphs 28-31) that, if adopted, the proposed amendments to annex I, paragraph 8 (Language allowance), and annex IV, paragraphs 1 and 2 (Repatriation grant and service benefit), of the Staff Regulations should not call for any revision of the 1964 estimates. The former amendment would entail, for a full year, an estimated additional cost of

\$20,000, but for 1964 a substantially lower sum. As regards the latter amendment, it seemed probable that its two parts would ultimately be mutually compensatory, although the additional cost in 1964, attributable to transitional arrangements, was estimated at \$35,000.

#### **Recommendations of the Fifth Committee**

29. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolutions:

##### I

#### GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

##### II

#### AMENDMENTS TO THE STAFF REGULATIONS OF THE UNITED NATIONS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

### **ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1276th plenary meeting, on 11 December 1963, the General Assembly adopted draft resolutions I and II submitted by the Fifth Committee (A/5646, para. 29). For the final texts, see resolutions 1928 (XVIII) and 1929 (XVIII), respectively, below.

#### **Resolutions adopted by the General Assembly**

##### 1928 (XVIII). GEOGRAPHICAL DISTRIBUTION OF THE STAFF OF THE SECRETARIAT

*The General Assembly,*

*Recalling* its resolutions 153 (II) of 15 November 1947 and 1852 (XVII) of 19 December 1962,

*Noting with appreciation* the report of the Secretary-General (A/C.5/987) on the progress achieved in the geographical distribution of the staff of the Secretariat,

*Recognizing* the need for a more equitable distribution of staff among the Member States within the various regions, in particular at the levels of senior posts,

1. *Recommends* the Secretary-General to continue his efforts so that all Member States may be "represented" at the Professional level in the Secretariat;

2. *Requests* the Secretary-General to take into special account the equitable distribution of posts among Member States of each region, as defined in his report, in the recruitment of staff on as wide a geographical basis as possible, especially at the levels of D-1 and above, and, to this end, to consider suitable persons from Member States not already "represented" at such levels;

3. *Further requests* the Secretary-General to take the appropriate measures necessary to achieve the basic objective set forth in paragraph 2 above and to report to the General Assembly at its nineteen session on the progress made.

*1276th plenary meeting,  
11 December 1963.*

##### 1929 (XVIII). AMENDMENTS TO THE STAFF REGULATIONS OF THE UNITED NATIONS

*The General Assembly,*

*Having considered* the report of the Secretary-General on personnel questions (A/C.5/979) and the report of the Advisory Committee on Administrative and Budgetary Questions thereon (A/5579),

1. *Decides* that the Staff Regulations of the United Nations shall be modified by the following amendments, with effect from 1 January 1964:

#### *Annex I, paragraph 8* (Language allowance)

Replace the present text by the following:

"The Secretary-General shall establish rules under which a language allowance may be paid to staff members in the General Service category who pass an appropriate test and demonstrate continued proficiency in the use of two or more official languages."

#### *Annex IV, paragraph 1* (Repatriation grant)

Replace the present text by the following:

"In principle, the repatriation grant shall be payable to staff members whom the Organization is obligated to repatriate. The repatriation grant shall not, however, be paid to a staff member who is summarily dismissed. Detailed conditions and definitions relating to eligibility shall be determined by the Secretary-General. The amount of the grant shall be proportional to the length of service with the United Nations (exclusive of periods when an expatriation allowance was received), as follows:

Years of continuous service away from home country	Weeks of salary	
	Staff member with neither a wife, dependent husband nor dependent child at time of separation	Staff member with a wife, dependent husband or dependent child at time of separation
1 .....	2	4
2 .....	4	8
3 .....	5	10
4 .....	6	12
5 .....	7	14
6 .....	8	16
7 .....	9	18
8 .....	10	20
9 .....	11	22
10 .....	12	24
11 .....	13	26
12 or more..	14	28

## Annex IV, paragraph 2

(Service benefit)

Delete.

2. Endorses the Secretary-General's proposals:

(a) To proceed with the implementation of the revised system of flat-rate language allowances after consultation with the Advisory Committee on Administrative and Budgetary Questions concerning the rates to be applied and such transitional measures as may be necessary;

(b) To apply such transitional measures as may be necessary in the light of contractual obligations regarding accrued entitlements to service benefit.

1276th plenary meeting,  
11 December 1963.

## CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 66 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/5505	Budget estimates for the financial year 1964 and information annexes	Official Records of the General Assembly, Eighteenth Session, Supplement No. 5
A/5507	Fifth report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , Supplement No. 7
A/5599	Report of the Advisory Committee on Administrative and Budgetary Questions	<i>Ibid.</i> , Eighteenth Session, Annexes, agenda item 64
A/C.5/976	Inter-organizational machinery for matters of pay and personnel administration: report of the Secretary-General	<i>Ibid.</i>
A/C.5/L.790 and Corr.1 and Add.1	Staff of the United Nations Secretariat as at 31 August 1963: report of the Secretary-General	Micrographed
A/C.5/L.810 and Corr.1	Burma, Cambodia, Cameroon, Ethiopia, Indonesia, Iran, Jordan, Laos, Lebanon, Libya, Mali, Philippines, Syria, Thailand, Tunisia and Turkey: draft resolution	See A/5646, para. 12
A/C.5/L.810/Rev.1	Burma, Cambodia, Cameroon, Ethiopia, Indonesia, Iran, Jordan, Laos, Lebanon, Libya, Mali, Philippines, Syria, Thailand, Tunisia and Turkey: revised draft resolution	Adopted without change. See A/5646, para. 29, draft resolution I
A/C.5/L.811	Bulgaria: amendments to document A/C.5/L.810	See A/5646, para. 20
A/C.5/L.817	Draft report of the Fifth Committee	For the text of this document as amended by the Fifth Committee at its 1053rd meeting, see A/5646



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Agenda item 67: Report of the United Nations Joint Staff Pension Board\*

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**DOCUMENT A/5633**

**Report of the Fifth Committee**

[Original text: English]  
[2 December 1963]

The Fifth Committee considered, at its 1043rd meeting on 18 November 1963, the annual report of the United Nations Joint Staff Pension Board on the operation of the United Nations Joint Staff Pension Fund for the year ended 30 September 1962 (A/5508), and decided without objection to recommend to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

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**ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1276th plenary meeting, on 11 December 1963, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/5633). For the final text see resolution 1930 (XVIII) below.

**Resolution adopted by the General Assembly**

1930 (XVIII). ANNUAL REPORT OF THE UNITED NATIONS JOINT STAFF PENSION BOARD

*The General Assembly*

Takes note of the annual report of the United Nations Joint Staff Pension Board on the operation of the United Nations Joint Staff Pension Fund for the year ended 30 September 1962 (A/5508).

1276th plenary meeting,  
11 December 1963.

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**CHECK LIST OF DOCUMENTS**

NOTE. This check list includes the documents mentioned during the consideration of agenda item 67 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/5508	Annual report of the United Nations Joint Staff Pension Board	Official Records of the General Assembly, Eighteenth Session, Supplement No. 8
A/C.5/L.807	Draft report of the Fifth Committee	Same text as A/5633

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\*For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fifth Committee*, 1043rd and 1050th meetings; and *ibid.*, *Plenary Meetings*, 1276th meeting.





**Agenda item 68: United Nations International School: report of the Secretary-General\***

**C O N T E N T S**

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
A/5607	Report of the Secretary-General.....	1
A/5625	Report of the Advisory Committee on Administrative and Budgetary Questions.....	7
A/5685	Report of the Fifth Committee.....	8
<b>Action taken by the General Assembly</b> .....		9
<b>Check list of documents</b> .....		10

\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fifth Committee*, 1051st and 1060th meetings; and *ibid.*, *Plenary Meetings*, 1285th meeting.

**DOCUMENT A/5607\*\***

**Report of the Secretary-General**

[Original text: English]  
[15 November 1963]

1. It is now four years since the General Assembly decided, by resolution 1439 (XIV) of 5 December 1959, to support the United Nations International School for a period of five years through contributions to the International School Fund to ensure the financial base of the School sufficiently to enable long-range plans to proceed towards a self-supporting educational institution in adequate physical premises. Since the action to be taken by the General Assembly this year will fulfil this five-year commitment, the School appears to have reached an important turning-point in many ways, and it seems timely to review the role which the School plays in the life of the United Nations as well as its prospects in the years ahead.

2. In several ways this is a unique school. In the midst of a highly developed city which abounds in educational facilities, it meets needs felt by Secretariat parents, by delegations, and indeed by the Organization as a whole. Secretariat parents expressed their need for such an institution as early as 1947: they wanted an education for their children which would prepare them for return to their own school systems or a school at another duty station and, at the same time, help them make the proper adjustment to American life in which they would take part for a number of years. As the Organization and the school grew, from twenty young children in 1947 to 550 children from five to seventeen years of age during the current school term, the parents felt more strongly the need for a school in the spirit of the United Nations—with no discrimination on account of race, creed or national origin. This goal has demanded special attention to language training and to the teaching of the social sciences without national

bias. There is sound evidence that the United Nations International School is meeting these needs more adequately than any existing school in the New York area and that it is succeeding in spite of serious physical and financial handicaps in building a curriculum based on the best elements from all major systems of education.

3. The School is also unusual in its adaptation to the special needs of children of United Nations parents. The priority for United Nations children is absolute and they are taken at any time during the school year, a privilege which cannot be expected from other private schools in the area. Tuition fees are also slightly lower than in most good private schools in New York since the General Assembly has constantly urged that the School should be open to the widest possible number of United Nations children; fees must therefore bear a reasonable relation to United Nations salary scales for parents in the 27-52 age group. There are still problems to be solved in the admission of United Nations children whose parents are not eligible for the education grant. The Staff Council has expressed the view that these children should be admitted on an equal footing with the children of expatriate staff but, apart from other considerations, this has not been possible under present financial conditions. The Board has also been reluctant to grant scholarships equivalent to the education grant to children of United States staff without some change in policies established by the General Assembly in connexion with the education grant. A recent survey jointly conducted by the Staff Committee and the Board of Trustees of the School indicated that at least 400 additional United Nations children would seek admission if the financial handicap could be overcome.

4. For all these reasons, it is clear that the United Nations International School is an institution whose

\*\* The report of the Board of Trustees of the United Nations International School is annexed to this document.



existence is an important factor in the recruitment and retention of qualified staff for the Organization.

5. The Secretary-General wishes to call the attention of the General Assembly to the evidence presented in the report of the Board of Trustees that the deficit for the current school year—in spite of rising costs in some areas—is the lowest since the School was established in Manhattan. In the fifth year of operation in the City (plus the feeder school in Parkway Village), the operating deficit is less than 7 per cent of the total expenditure, and the School seems well on the way to attaining the economic viability which the Assembly has been eager to see it achieve. The Board calls attention to the fact, however, that no further increases in enrolment can be accommodated in the present buildings and that significant savings cannot be expected from further management improvements. It does not seem reasonable to expect, therefore, that the School will be able to achieve a completely balanced budget in the next year.

6. In addition, the School is facing an increasingly serious problem with regard to the physical plant for the School. The building at 70th street and First Avenue—built as a public school in 1880—is constantly in need of repairs to ensure the safety of the children and can never be made adequate for modern secondary education. The Parkway Village establishment, housed in sixteen apartments, becomes increasingly expensive and inadequate as a school. The Board of Trustees, as well as the General Assembly, has recognized this problem for several years as the major handicap to development of this School to its full potential. In the past three years, the Assembly has called upon the Secretary-General to assist the Board of Trustees in securing a permanent site and raising funds necessary to build and endow a new school building.

7. As the report of the Board of Trustees shows, this question has been given highest priority by the Board and, for my part, I have requested senior members of the staff—including Mr. Paul Hoffman, Mr. Ralph Bunche, Mr. Bruce Turner and Miss Julia Henderson—to assist in this effort. Several of the Ambassadors on the Board, in particular H.E. Ambassador Agda Rössel of Sweden, have given much time and attention to this matter over the past nine months. Aside from the substantial pledge from a Swedish source reported in 1962, however, gifts have been small. Some thirty foundations in the New York area have now been approached without concrete results to date. The main question asked in most cases has related to the expectation that Governments should support a school which provides an essential service for the recruitment and retention of qualified staff for the Organization. New efforts are under way with international corporations and individuals, both here and abroad, but it seems clear that at least half of the necessary funds will have to be raised from governmental sources if this School is to survive and prosper. There seem to be numerous precedents for Governments supporting schools for the education of their nationals stationed abroad on official business, both on a bilateral and a regional basis. I have, therefore, come to the conclusion that a greater effort is required on the part of Member States, on a voluntary basis, to solve this problem.

8. The amounts required, on the basis of present plans, are indicated in the Board's report (paragraphs 27 to 32). While these figures are subject to change

on the basis of factors still unknown, I have satisfied myself that the order of magnitude is correct: land within a reasonable distance of the United Nations Headquarters and in an area convenient for our widely-scattered United Nations families cannot be found at less than \$33-\$35 per square foot; for 750 children (a minimum estimate of demand by 1966) a plot of 50,000 square feet is highly desirable; building costs for school construction, without luxury items, are in the neighbourhood of \$27.00 per square foot and 130,000 square feet of floor space are required for 750 children. Furniture and equipment have been costed according to New York private school standards. The Endowment Fund seems smaller than would be desirable to provide income for an adequate scholarship plan and for allowing some flexibility in teaching staff to improve the quality of education. This is obviously the most flexible element in the plan.

9. In making its decision on the possible voluntary contributions of Governments, the General Assembly will wish to note, of course, that actual cash requirements are spread over five years as follows:

	<i>United States dollars</i>
1963—Down payment on land costs (balance on a five-year mortgage).....	700,000
1964—Cost of removing tenants, clearing the site and beginning construction.....	1,500,000
1965—Major building costs.....	2,000,000
1966—Completion of building, furniture and equipment .....	750,000
1967—Payment of mortgage on the land.....	800,000
TOTAL	5,750,000

Endowment funds are not included in this schedule and could, of course, be paid at any time.

10. The appropriate services of the Secretariat have given some thought to the modalities of governmental contributions to the Building and Endowment Fund if the General Assembly should agree to call upon Governments. It is suggested that contributions could be made through the Secretary-General to the International School Fund, established under resolution 1439 (XIV) and subject to all necessary controls and audit including an annual report to the General Assembly.

11. While recognizing the priority of solving the problem of premises, the Secretary-General hopes that the General Assembly will find it possible, bearing in mind the intent and purposes of resolution 1439 (XIV), to make an appropriate grant to the International School Fund for 1964 to cover the operating deficit of the School and allow planning to proceed in respect of the new building.

#### Annex

##### REPORT OF THE BOARD OF TRUSTEES OF THE UNITED NATIONS INTERNATIONAL SCHOOL

1. The Board of Trustees of the United Nations International School<sup>a</sup> has the honour to present through the office of the

<sup>a</sup> The Board of Trustees, which is responsible for the policy and the overseeing of the administration of the School, is composed of members chosen in accordance with article IV of the Constitution of the Association for the United Nations International School. Its present membership is as follows:

Dr. Julia Henderson, Director, Bureau of Social Affairs, United Nations, Chairman;

Secretary-General, for the information of the General Assembly, the following report on the School's development and progress during the past year.

2. The School has expanded its usefulness in providing a service necessary for the recruitment and retention of qualified international staff at the United Nations. There has been a substantial increase in enrolment of United Nations children in the School, which on 1 October 1963 was serving 549 children of sixty-three nationalities. The Board is satisfied that the quality of education continues to improve at the School as experience is gained in the difficult problem of building an international curriculum.

3. A solution to the problem of physical facilities remains the greatest need of the School; however, considerable progress has been made in planning for the permanent accommodation for the School. The Board reported in 1962<sup>b</sup> that a site had been selected at 89th Street and York Avenue in Manhattan, a site considered convenient for the widely spread United Nations families in Manhattan, Long Island and Westchester. The title for an L-shaped plot of 34,500 square feet was transferred from the previous owners to the Association for the United Nations International School on 30 April 1963 with the payment of \$340,000. The Board of Trustees has at present been considering the purchase of an adjoining 15,000 square feet of property which would make a much more adequate site for the School and would allow room for an expansion from a school of 750 to 1,000 students. The problem of relocating the forty-six tenants remaining on the site has occupied the attention of the Board. Architectural plans have been drawn up by the firm of Harrison and Abramovitz in consultation with the Educational Facilities Laboratories of the Ford Foundation. The Board is satisfied that these plans represent an imaginative as well as functional approach to education of children in a crowded urban area.

4. The necessity of raising funds for the new School has naturally been given first priority by the Board of Trustees.

Mr. B. N. Chakravarty, Permanent Representative of India to the United Nations, Vice-Chairman;

Mr. Bohdan Lewandowski, Permanent Representative of Poland to the United Nations, Vice-Chairman;

Mr. Alex Quaison-Sackey, Permanent Representative of Ghana to the United Nations, Vice-Chairman;

Mrs. Agda Rössel, Permanent Representative of Sweden to the United Nations, Vice-Chairman;

Mr. Roger Seydoux, Permanent Representative of France to the United Nations, Vice-Chairman;

Sir Alexander MacFarquhar, Director of Personnel, United Nations, Vice-Chairman;

Mr. Bruce R. Turner, Contoller, United Nations, Vice-Chairman;

Mr. Shukri Salameh, Personnel Officer, United Nations, Secretary;

Miss Karen Petersen, Secretary of the Committee on Contributions, Office of the Contoller, United Nations, Treasurer;

Mr. Godfrey K. J. Amachree, Under-Secretary, Office of the Secretary-General, United Nations, Member;

Dr. Walter Anderson, Dean, School of Education, New York University, Member;

Dr. Andrew Cordier, Dean, School of International Affairs, Columbia University, Member;

Dr. Pearl Foster, M.D., Member;

Mrs. Murray Fuhrman, Member;

Mr. Paul G. Hoffman, Managing Director, United Nations Special Fund, Member;

Mrs. Walker Stuart; Member;

Mr. Oliver Weerasinghe, Chief, Physical Planning Section, Bureau of Social Affairs, United Nations, Member.

During the past twelve months three vacancies in the elective offices, which occurred through the expiration of the terms of Dr. Julia Henderson, Miss Karen Petersen and Dr. W. Malinowski, have been filled by the re-election of Dr. Julia Henderson and Miss Karen Petersen, and the election of Mrs. Walker Stuart.

The firm of Cleary, Gottlieb, Steen and Hamilton continued to act as Legal Counsel to the Board.

<sup>b</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 72, document A/5308, annex, para. 3.

While contacts have been made with foundations on an informal basis over a long period of time, the first formal application to a major United States foundation was made in April 1963. A broader campaign was also launched through a benefit performance at the Metropolitan Opera on 17 April 1963. This highly successful occasion, featuring the *première* of the Royal English Ballet in its spring season in New York and sponsored by the Secretary-General, Ambassador Sir Patrick Dean and Ambassador Adlai Stevenson, netted \$25,000 for the Endowment Fund. The Board wishes to express its special thanks to the Secretary-General for his personal interest in the campaign and also for his decision to assign a senior staff member of the United Nations to concentrated effort during the current months to assist the Board in raising funds for the building and endowment.

5. The Board considers that the fund-raising campaign is now well under way with the able assistance of its special fund-raising committee composed of Mr. Paul Hoffman, as Chairman, H.E. Ambassador Agda Rössel, Mr. Bruce Turner, Miss Julia Henderson and Mrs. Murray Fuhrman. Experience gained to date indicates that all sources must be mobilized including voluntary gifts from Governments, as well as private gifts from foundations, from firms engaged in international business and from individuals interested in the School.

6. The current financial position of the School, described in detail in a later section of this report, has continued to improve under the able management of the Director, Mr. Aleck Forbes. In spite of the serious handicaps of the buildings—both in Manhattan and in Parkway Village—an increase of seventy-seven students has materially improved the income side of the current budget. At the same time, the necessity of making certain adjustments in teachers' salaries and of adding some new teachers, since the curriculum offerings have expanded as well as the enrolment, has resulted in an estimated deficit for the current year of \$36,000. This compares with an estimated deficit for the last school year of \$57,300. While some further savings have been achieved in the purchase of supplies, the main difference in the two financial years lies on the income side, the important fact being that the size of the classes has measurably increased. It should be noted that we are now at the end of the possibilities of increasing enrolment in the present buildings. We have also taken all reasonable savings on supporting programmes such as the lunch and transportation programmes which are paid for by parents in addition to the sizable fees. It cannot be expected therefore that the operating deficit will disappear until an endowment fund is available to cover scholarship costs at least.

7. In addition to the deficit on operations, the Board has been faced with serious financial problems in connexion with planning for the permanent premises. Over and above the architectural and legal fees which were anticipated, there have been substantial charges in connexion with acquisition of the land, as explained later in this report.

#### BURSARIES AND SCHOLARSHIPS

8. The General Assembly will recall that the bursary and scholarship item in the school budget was reduced radically between 1961/1962 and 1962/1963 in response to an increase in the education grant paid to expatriate United Nations staff members. The Board of Trustees pointed out in its 1962 report that there remained serious problems for Secretariat members of the United Nations not in receipt of the education grant. This problem has received considerable attention during the current year through the Staff Committee and in consultations between the staff and the Board of Trustees. The staff has felt that the School should be made available to a wider group of Secretariat children on the same basis as it is made available to the expatriate children. Indeed, the Staff Association had adopted a resolution requesting an automatic grant or fee reduction for all United Nations staff members with a view to making the United Nations International School available to the largest possible number of persons associated with the United Nations. It is estimated, on the basis of an inquiry recently made by the Staff Committee with the Board

of Trustees, that an additional 400 to 500 United Nations children would attend the School if it were made financially possible for them to do so.

9. In the current year, \$12,000 has been allocated for scholarships for United Nations children without an education grant, \$1,860 for United Nations children with an education grant, and an additional \$11,600 for children of delegations and those outside the Organization. (The cost of scholarships for children not belonging to United Nations families is raised from voluntary sources.)

#### DEVELOPMENT OF THE SCHOOL IN 1963

10. The 1963-1964 school year was inaugurated on 12 September, with an enrolment of 552, made up of 224 secondary and 328 primary children, the latter being almost equally divided between Manhattan and Parkway Village—160 and 168 respectively. This is an absolute increase of 77 from 475 in September 1962. (The number fluctuates, of course, as parents return to or depart from the United Nations; on 1 October 1963 the enrolment was 549. The Director estimates the average number for the year will be 545.)

11. At the opening of school, children were classified as follows: 248 Secretariat families; 47 delegation families; 58 international origin not immediately connected with the United Nations; 199 local United States families.

12. The admission policy of the School continues to give first priority for children of Secretariat staff members and members of delegations. In many cases, the placement of a child is assured before the staff member has left his home country. The School is adjusted to accepting students arriving during the course of the school year and inducting them quickly into the School and all its activities. A specialized curriculum—drawing upon many national systems together with an accent on language teaching—creates an environment especially suited to overseas students. The sympathetic acceptance of new students into the group and the individual help in solving language problems creates a welcoming atmosphere. Every attempt is made to keep the class size to less than twenty children in order to ease the adjustment of children from cultures and languages other than the language of instruction and to give them individualized attention.

13. Special attention is given to teaching the languages of instruction (English and French) in order to enable all students to make rapid progress. Supplementary classes are given at present in Arabic, Chinese, Hindi and Spanish. The School has set as its goal not only a high level of academic achievement but also the pursuit of an international ideal in education. The School represents an important effort to break through national and cultural barriers in education.

14. Until 1963, the Board had followed a policy of admitting up to 40 per cent of children from the local community to ensure that the United Nations children would not be isolated from the cultural environment in which they were to be living for a number of years. However, in view of a marked increase in United Nations children this year and the School's policy of giving priority to these children, it has not been possible to admit any significant number of new non-United Nations children for the present school year and it is envisaged that the proportion of children of non-United Nations families should decline over a period of the next few years to approximately 20 to 25 per cent of the total.

#### TEACHERS' SALARIES

15. The staff of the School is composed of 43 full-time and 11 part-time teachers representative of 18 different countries and educational systems.

16. In the light of changes in teachers' salaries in New York City and problems of transition from the old to the new salary scale last year, the Board of Trustees has re-examined the question of the International School scale and the cost of living in New York. It has decided to maintain the existing salary scale adopted in 1961 which provides a

range from \$4,800 rising by fifteen annual increments of \$250 to \$8,300. On the basis of advice from the Controller's Office on the movement of the cost of living in the New York area since this salary scale was put into effect (1.9 per cent), the Board has agreed to the principle of an adjustment for all teachers and office staff when a change of 5 per cent is sustained for more than four months. Certain other individual adjustments have also been made to reflect more adequately the experience of teachers now on the staff.

17. With these adjustments, the average salary will amount to \$6,553. This average salary is still below the public school salaries in New York City but is comparable to the salaries of teachers in the well-established private schools.

#### INTERNATIONAL SCHOOL FUND

18. In accordance with the Financial Rules for the International School Fund,<sup>c</sup> the report of the Board of Trustees shall contain details of the operation of the Special Account for the United Nations contributions to the Fund and shall contain an audited statement therein.

19. As reported last year, the balance in the Fund on 30 June 1962 was \$26,569, including the sum of \$20,000 granted by the General Assembly for the purpose of forwarding plans for the permanent accommodation of the School. At its seventeenth session, the General Assembly decided, by resolution 1853 (XVII) of 19 December 1962, to contribute \$50,000 to the International School Fund towards liquidating the operational deficit anticipated for the school year 1962-1963, and an additional amount of \$20,000 for the purpose of forwarding plans for the permanent accommodation of the School.

20. An audited statement of the Special Account of the International School Fund is contained in appendix I to the present report, giving the status of the account as at 30 June 1963. As shown by that statement, a sum of \$37,868.48 was used to liquidate the deficit of the School for the year 1962-1963. Furthermore, the two General Assembly grants of \$20,000 for the forwarding of plans for the permanent accommodation of the School have been used in full. After meeting these charges, the available balance in the Fund as at 30 June 1963 was \$18,700.19.

#### FINANCING THE OPERATION OF THE SCHOOL

21. A table is appended (appendix II) showing a breakdown of the finances of the School for the years 1961-1962 and 1962-1963 and of the budget estimates for 1963-1964. As may be seen from that table, the basic income is from tuition fees and other dues in which there has been marked increase over the three-year period, reflecting the increase in the enrolment of the School. Additional income is derived from donations and fund-raising events. The main item of expenditures relates to the salaries of teachers and other staff. Other items are rentals, maintenance and utilities, school lunches, supplies and equipment.

#### Financial year 1962-1963

22. In the Board's 1962 report, budget estimates for 1962-1963 were submitted showing an anticipated operational deficit of \$50,731, after allowing for a carry-over of \$6,569 from the General Assembly grant of \$50,000 for 1962, while the actual deficit as shown by the audited account for the year 1962-1963 was \$37,868. This deficit was met by a transfer from the International School Fund. As mentioned above, an audited statement pertaining to the Special Account of the International School Fund showing the position as at 30 June 1963 is contained in appendix I to the present report.

23. The improvement in the financial situation of the School on the operational side as evidenced by the reduced deficit for 1962-1963 was, to a large extent, due to a higher average enrolment throughout the year than the figure of 460 pupils originally estimated, which resulted in an increase in income

<sup>c</sup> *Ibid.*, Fifteenth Session, Annexes, agenda item 61, document A/4541, appendix I.

from tuition fees of approximately \$10,000. Other reasons were the savings achieved through strict economy in the daily administration of the School.

*Budget 1963-1964*

24. The budget estimates for 1963-1964 are based on an average enrolment of 545 pupils, which is slightly below the actual enrolment when the School opened in September (552). This is based on turnover experience in previous years. Income from tuition fees is estimated at \$480,000, which represents an increase of approximately \$80,000 as compared to the estimates for last year. On account of the higher enrolment, certain necessary additions have had to be made, however, to the teaching and other staff of the School. Staff costs and related expenses for 1963-1964 are estimated at \$404,000. This represents an increase over last year's estimate of about \$52,000. This increase includes, however, the adjustment of teacher's salaries referred to in paragraphs 16 and 17 above, as well as the annual

increment in the salaries of teachers and other staff. The Board also decided to augment the amount allowed for scholarships by \$8,600, taking into account that a major part of this increase would be offset by additional income from donations and funds already available from fund-raising events. Through this increase, it was also intended to provide a more generous scholarship programme for the Secretariat members of the United Nations who are not in receipt of an education grant, in order to enable them to enrol their children in the International School.

25. On this basis, the estimated operational deficit for 1963-1964 would amount to \$36,000, as compared to the operational deficit of \$57,300 for 1962-1963 envisaged at this time last year.

26. The improvement in the financial situation of the School over the last five years will be illustrated by the figures given in the following table:

	1959/1960	1960/1961	1961/1962	1962/1963	1963/1964*
Average enrolment .....	330	375	435	460	545
Income—	275.5	334.6	391.6	424.5	493.1
(in thousands of US dollars)....	20.0}**				
Expenditures					
(in thousands of US dollars)....	336.8	421.7	437.5	462.4	529.1
Operating deficit					
(in thousands of US dollars)....	41.3	87.1	45.9	37.9	36.0

\* Estimate.

\*\* Represents a grant of \$20,000 from the Fund for the Advancement of Education.

As these figure show, the income from tuition, donations and other miscellaneous income has increased over the five-year period by 79 per cent, while, in spite of rising staff and other costs, expenditures during the same period have increased by 57.1 per cent. It will be noted that the operational deficit, which for 1960-1961 reached the all-time high of \$87,100, has been reduced for the last school year which ended 30 June 1963 to approximately \$37,900.

**FINANCING THE PERMANENT SCHOOL**

27. By a series of General Assembly resolutions beginning in 1959, the Secretary-General has been requested to assist the Board of Trustees in raising funds from voluntary sources for construction of a permanent school and the creation of an endowment fund. The late Secretary-General, Mr. Hammarskjöld, undertook negotiations for voluntary funds and these negotiations and subsequent contacts through the Permanent Mission of Sweden have now resulted in the first substantial pledge from a Swedish source in the amount of \$350,000. The late Secretary-General also assisted the Board of Trustees through the assignment of Colonel Alfred Katzin, who made many initial contacts for this project with United States and European foundations and corporations for the School. However, at that period, the site had not been chosen and plans were not firm.

28. Over the past two and a half years, the requirements of the permanent building have become more precise and necessary decisions on the site and the plans for the school have been made by the Board of Trustees as noted above. These plans, which are based on the site acquired at 89th Street and York Avenue and a building initially intended for 750 students, result in the following cost plan:

	United States dollars
(a) Land cost .....	1,750,000
(b) Building .....	3,500,000
(c) Equipment and furnishings.....	500,000
(d) Endowment .....	500,000
<b>TOTAL REQUIREMENTS</b>	<b>6,250,000</b>

29. Elements (a) to (c) are all based partly on prices already contracted for land and partly on estimates of our real estate consultant, and of the architects (Harrison and Abramovitz). The endowment fund item is based on the experience of this School and all other private schools in New York that tuition cannot be set at a high enough level to cover operating costs and scholarships for children whose parents cannot cover the full fees. In the present School, tuition fees cover 92 per cent of the operating cost of the School, which is considered a very good record among private schools. An endowment fund which would produce annually \$20,000 in income, plus other revenue-producing activities, should cover the anticipated scholarship costs and also provide some flexibility in teaching materials and experimentation necessary to improve continuously the quality of education in the United Nations International School.

30. The building will be air-conditioned throughout and will provide not only classrooms of adjustable sizes, but also science and language laboratories, a double gymnasium, an auditorium, garden, play area, and eating facilities. It is expected that arrangements can be made with the United Nations and possibly with community groups for use of these facilities outside school hours in order to share the cost of maintenance as well as to maintain appropriate ties with the United Nations and with the community in which the School will be located. These arrangements would assure a self-supporting school.

*Analysis of financial requirements*

31. Title was taken on 30 April 1963 for the site at 89th Street and York Avenue (the L-shaped plot of 34,500 square feet) for \$1,165,000. An amount of \$365,000 was paid and a mortgage of \$800,000 to be carried at 5½ per cent interest for five years, was entered into by the Association for the United Nations International School.

32. This acquisition results, of course, in annual interest of \$44,000 which the Board hopes to reduce as quickly as possible by donations which will reduce the size of the mortgage, or a low-interest loan. Thus far, these charges have been met through rental income from the property, donations, and from the General Assembly grant. The Board of Trustees considers

that the acquisition of additional land would be desirable to allow room for expansion of the School to a total of 1,000 pupils and to accommodate a more attractive school plant from a functional viewpoint, but this may not be possible in view of the scarcity of suitable land which is available in Manhattan. Any additional land would have to be purchased within the next three months if the 1966 target for completion of the School is to be maintained, and therefore represents an immediate financial requirement which is included in the cost plan.

33. Major building expenses would occur in 1964 and 1965 and therefore the programme calls for \$1,500,000 in 1964 and \$2,000,000 in 1965. It is hoped that these costs will be shared by Governments and private donors.

34. Equipment, furnishings and endowment are required for the first half of 1966. It is expected that equipment and furnishings will be donated by Governments.

#### Fund-raising plans

35. The Fund-Raising Committee appointed by the Board of Trustees is now seeking funds from:

(a) American and European foundations and corporations—especially those interested in education and international affairs;

(b) Governments—especially those whose nationals are in the School or which have shown special interest in the School;

(c) Individual gifts—this campaign was begun with the *première* of the Royal English Ballet at the Metropolitan Opera on 17 April 1963.

36. Experience thus far indicates that private funds will not be forthcoming in significant amounts without concrete evidence of support from Member Governments of the United Nations. It is also clear that sums of this magnitude will not be raised in six months but that a sustained and organized effort must be made over a long period, possibly two years.

37. Until substantial results from the fund-raising plans materialize, there remains the immediate problem of meeting the extra costs, and charges connected with the acquisition of the site such as legal and architectural fees, insurance, servicing of the mortgage, relocation of tenants and other expenses. While the General Assembly grant for the purpose of forwarding plans for the permanent accommodation of the School has been used in full, there remains in the Special Account for the International School Fund a balance of \$18,700, after meeting the operating deficit of the School for 1962/1963. The availability of this balance is due to the substantial decrease in the operating deficit of the School for the last school year; namely, from an estimated amount of \$57,300 to \$37,900, due mainly to the increase in enrolment of United Nations children. The Board hopes that this balance can again be carried over for the purpose of helping to finance the initial expenses incurred in connexion with the acquisition of the site. As such expenditures will continue during 1964 it is also hoped that the General Assembly will continue to assist in meeting these special costs by making a new planning grant for next year.

38. The Board of Trustees is hopeful that the General Assembly will give its support to these plans in order speedily to complete an institution which is vital to the recruitment and retention of United Nations staff as well as to the solution of serious educational problems facing delegations in New York.

#### Appendix I

##### INTERNATIONAL SCHOOL FUND

Status statement of the Special Account for the United Nations contributions to the International School for the fiscal year 1 July 1962 through 30 June 1963

	<i>United States dollars</i>
Fund balance as at 1 July 1962.....	26,568.67

*United States dollars*

#### Funds provided by:

United Nations contributions pursuant to General Assembly resolution 1853 (XVII) for:

Liquidation of anticipated operational deficit .....	50,000.00
Forwarding plans for permanent accommodation of the School....	20,000.00

TOTAL FUNDS AVAILABLE	96,568.67
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#### Less: funds applied to:

Subsidy to the Association for the United Nations International School to liquidate the operational deficit for the year ended 30 June 1963...	37,868.48
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Expenditures in connexion with permanent accommodation .....	40,000.00	77,868.48
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FUND BALANCE AS AT 30 JUNE 1963	18,700.19
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#### Assets of the Fund:

Cash in bank—Chemical Bank New York Trust Company .....	10,332.90
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Due from the Association for the United Nations International School.	8,367.29
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FUND BALANCE AS AT 30 JUNE 1963	18,700.19
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#### AUDIT CERTIFICATE

I have examined the above statement of status of the Special Account for the United Nations contributions to the International School. In the course of conducting my examination I obtained all the information and explanations which I required, and, as a result of the audit performed, I certify that, in my opinion, the above statement is correct as presented.

(Signed) Donald R. LA MARR, CPA (D.C.)  
Auditor

#### Appendix II

##### BUDGET ESTIMATES FOR 1963/1964 AND FINANCIAL EXPERIENCE OF THE TWO PRECEDING YEARS

	1963-1964 (estimate)	1962-1963 (actual)*	1961-1962 (actual)
	<i>(In thousands of U.S. dollars)</i>		
<i>Income</i>			
Gross tuition and other dues <sup>a</sup>	483.1	416.5	385.3
Donations and other income <sup>b</sup>	10.0	8.0	6.3
	493.1	424.5	391.6
United Nations grants.....	—	37.9	45.9
TOTAL	493.1	462.4	437.5
<i>Expenditures</i>			
Staff costs and related expenses <sup>c</sup> .....	404.0	343.1	288.5
Rentals <sup>d</sup> .....	31.0	31.0	29.6
Maintenance and utilities <sup>e</sup> ...	12.5	12.1	8.7
Supplies and equipment <sup>f</sup> ....	18.0	21.1	22.4
School lunches <sup>g</sup> .....	10.0	8.3	36.7
Other expenses <sup>h</sup> .....	11.0	13.6	17.1
	486.5	429.2	403.0

**Appendix II (continued)**

	1963-1964 (estimate)	1962-1963 (actual)*	1961-1962 (actual)
(In thousands of U.S. dollars)			
Automatic rebates and scholarships <sup>1</sup> .....	42.6	33.2	34.5
<b>TOTAL</b>	<b>529.1</b>	<b>462.4</b>	<b>437.5</b>
Estimated operational deficit..	36.0		

\* Provisional figures subject to final audit.

<sup>a</sup> This item includes admission fees and association membership fees as well as tuition fees. The estimated income from tuition fees for 1963-1964 is based on an enrolment of 545 pupils, as compared to an average of 460 pupils for 1962-1963 and 435 pupils for 1961-1962.

<sup>b</sup> This item includes donations, dividends and other miscellaneous income. It also includes a transfer to meet scholarship grants to non-United Nations children, from the financial results of special fund-raising events.

<sup>c</sup> This item includes salaries and allowances of all personnel on the payroll: teachers, office staff and maintenance staff. It also includes Provident Fund and Social Security payments, as well as recruitment expenses and travel on home leave.

<sup>d</sup> This item covers the rental for the temporary quarters in Manhattan as well as the apartments in Parkway Village.

<sup>e</sup> This item includes the cost of maintaining the Manhattan building as well as the apartments in Parkway Village but does not include the salaries of the maintenance staff. Also included are the costs of utilities, covering the cost of coal, gas, water and electricity for Manhattan and electricity only for Parkway Village, where gas, water and heating are included in the rental. Furthermore, this item includes repairs and alterations to building.

<sup>f</sup> This item includes specialist equipment and furniture for laboratories, classrooms and lunch-rooms, as well as textbooks, stationery, office and art supplies.

<sup>g</sup> The operation of the programme is under a contractor, on a cost-plus-management fee basis. Starting with the school year 1962-1963, free lunches to the pupils were suspended, but arrangements were made to provide lunches at an annual fee of \$100 which does not cover the full cost. Free lunches continue to be provided for teachers and office personnel as well as free milk for all children.

<sup>h</sup> This item covers the costs of telephone, insurance, physical education programmes, etc.

<sup>i</sup> This item includes rebates for United Nations pupils in secondary grades, rebates for multiple enrolment and scholarships to children of United Nations, non-United Nations and delegation families.

**Appendix III**

UNITED NATIONS INTERNATIONAL SCHOOL  
GEOGRAPHICAL DISTRIBUTION OF STUDENTS  
(November 1963)

1. Argentina .....	6	36. Lebanon .....	6
2. Australia .....	7	37. Liberia .....	7
3. Austria .....	1	38. Libya .....	2
4. Belgium .....	4	39. Mongolia .....	1
5. Brazil .....	4	40. Morocco .....	1
6. Bulgaria .....	1	41. Nepal .....	3
7. Burma .....	2	42. Netherlands .....	4
8. Canada .....	4	43. New Zealand .....	10
9. Ceylon .....	9	44. Nigeria .....	1
10. Chile .....	2	45. Norway .....	4
11. China .....	31	46. Pakistan .....	10
12. Colombia .....	1	47. Panama .....	2
13. Costa Rica .....	1	48. Peru .....	5
14. Cuba .....	4	49. Philippines .....	4
15. Cyprus .....	1	50. Poland .....	10
16. Dahomey .....	2	51. Romania .....	5
17. Denmark .....	5	52. South Africa .....	3
18. Finland .....	1	53. Spain .....	1
19. France .....	31	54. Sweden .....	3
20. Germany .....	4	55. Syria .....	6
21. Ghana .....	1	56. Thailand .....	2
22. Greece .....	1	57. Turkey .....	3
23. Guatemala .....	3	58. Union of Soviet Socialist Republics .....	12
24. Haiti .....	2	59. United Arab Republic .....	1
25. Hungary .....	2	60. United Kingdom of Great Britain and Northern Ireland .....	30
26. India .....	29	61. United States of America .....	212 <sup>a</sup>
27. Indonesia .....	4	62. Viet-Nam .....	1
28. Iraq .....	1	63. Yugoslavia .....	8
29. Ireland .....	6		
30. Israel .....	6		
31. Italy .....	4		
32. Jamaica .....	6		
33. Japan .....	3		
34. Jordan .....	2		
35. Kuwait .....	1		
		<b>TOTAL</b>	<b>549</b>

<sup>a</sup> This figure includes 15 children of United Nations Secretariat staff.

**DOCUMENT A/5625**

**Report of the Advisory Committee on Administrative and Budgetary Questions**

[Original text: English]  
[27 November 1963]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the United Nations International School (A/5607) and the report of the Board of Trustees annexed thereto.

2. Beginning in 1949, the General Assembly made a series of grants to the School in the form of rent payments. By resolution 1439 (XIV) of 5 December 1959, the General Assembly decided to contribute to the International School Fund for a period of five years such continuing financial assistance as the Assembly might consider necessary and, accordingly, it made a contribution of \$100,000 to the Fund for 1960. For the second year of the five-year period, 1961, it decided, by resolution 1591 (XV) of 20 December 1960, to

contribute \$60,000 for the purpose of liquidating the operational deficit anticipated for the current school year, and an additional \$20,000 for such expenses as might be incurred in 1961 in respect of the plans for the permanent accommodation of the School. For the third year, 1962, the General Assembly decided, by resolution 1727 (XVI) of 20 December 1961, to contribute \$50,000 towards the liquidation of the operational deficit of the School and to carry over \$20,000 previously appropriated for planning in connexion with the permanent accommodation of the School.

3. For the fourth year of the five-year period, 1963, the General Assembly, by resolution 1853 (XVII) of 19 December 1962, expressed its appreciation to the Mayor and the City of New York for their continuing



co-operation in the location of a permanent site for the United Nations International School and in extending the availability of the present temporary premises; requested the Secretary-General to continue to use his good offices to assist the Board of Trustees in raising from voluntary sources the additional funds required for the construction of the School and the creation of an endowment fund; decided to contribute: (a) \$50,000 to the International School Fund towards liquidating the operational deficit anticipated for the current school year; and (b) \$20,000 to the International School Fund for the purpose of forwarding plans for the permanent accommodation of the School.

4. This year the Advisory Committee notes that progress has been made concerning the acquisition of a permanent site and that the operating deficit of the School has been further reduced from \$57,300 in 1962-1963 to an estimated amount of \$36,000 in 1963-1964.

5. With respect to the operating deficit of the School, the Secretary-General calls the attention of the General Assembly to the evidence presented in the report of the Board of Trustees that the deficit for the current school year, in spite of rising costs in some areas, is the lowest since the School was established in Manhattan. In fact, the operating deficit is now less than 7 per cent of the total expenditure and, in the opinion of the Secretary-General, the School seems well on the way to attaining the economic viability which the Assembly has been eager to see it achieve. The General Assembly will no doubt note that, according to the Board of Trustees, no further increases in enrolment can be accommodated in the present building and that significant savings cannot be expected from further management improvements. It would not seem reasonable to expect, therefore, that the School would be able to achieve a completely balanced budget in the next year.

6. As regards the problem of accommodation, the Secretary-General indicates that the School is facing an increasingly serious situation. The present building, which is eighty-four years old, is said to be constantly in need of repairs to ensure the safety of the children and it can never be made adequate for modern secondary education. The Board of Trustees, as well as the General Assembly, have recognized this problem for several years as a major handicap to development of the International School to its full potential. In the past three years, the Assembly has called upon the Secretary-General to assist the Board of Trustees in securing a permanent site and raising the funds necessary to build and endow a new school building.

7. The Advisory Committee notes that this question has been given highest priority by the Board, which has been assisted by senior members of the Secretariat. Aside from the substantial pledge from a Swedish

source reported in 1962, however, gifts have been small. Many foundations in the New York area have been approached but without concrete results to date. New efforts are under way with international corporations and individuals, both in the United States and abroad, but, in the opinion of the Secretary-General, at least one-half of the necessary funds will have to be raised from governmental sources. Recalling that there would seem to be numerous precedents for Governments supporting schools for the education of their nationals stationed abroad on official business, the Secretary-General has come to the conclusion that an effort is required on the part of Member States, on a voluntary basis, to solve this problem.

8. In paragraph 9 of his report (see A/5607 above), the Secretary-General summarized the requirements, both physical and financial, for the permanent school, and he provided estimates, based on current costs, totalling \$5,750,000 for the years 1963 through 1967.

#### COMMENTS AND RECOMMENDATIONS OF THE ADVISORY COMMITTEE

9. The Advisory Committee notes that, in accordance with the wishes expressed by the General Assembly in a number of resolutions, the Board of Trustees is proceeding actively with its campaign to raise funds for a permanent self-supporting school and that it has already acquired a site at 89th Street and York Avenue, in Manhattan. However, it is the Committee's understanding that no commitments in regard to the construction of a new building will be entered into except on the basis of funds actually donated or firmly pledged, sufficient to cover all or a substantial portion of the costs of the project. It is also the Committee's understanding that, in favouring the principle of the construction of a permanent school through voluntary contributions, the General Assembly is in no way committed to provide any funds from the budget of the Organization, should the voluntary contributions fall short of requirements.

10. In the meantime, bearing in mind its resolution 1439 (XIV) providing for financial assistance to the United Nations International School for a period of five years, the General Assembly may wish to make a grant to the International School Fund for 1964 to cover the operating deficit of the School (\$36,000), and to allow planning to proceed in respect of the new building for which it had approved grants of \$20,000 in two prior years. The Advisory Committee understands that the Secretary-General has in mind a similar amount for 1964 and would need authority to carry over to 1964 the unspent balance of the planning grant approved for 1963.

### DOCUMENT A/5685

#### Report of the Fifth Committee

[Original text: English and French]  
[16 December 1963]

1. At its 1051st meeting, held on 3 December 1963, the Fifth Committee considered agenda item 68 on the basis of reports of the Secretary-General (A/5607) and the Advisory Committee on Administrative and Budgetary Questions (A/5625).

2. The Committee also had before it a draft resolution (A/C.5/L.815 and Add.1)<sup>1</sup> submitted by the

<sup>1</sup> The text of the draft resolution was identical with that appearing in paragraph 8 of the present report.

following Member States: Argentina, Belgium, Brazil, Burma, Ceylon, Cyprus, Denmark, France, Ghana, India, Indonesia, Jordan, Kuwait, Lebanon, Liberia, Libya, Nigeria, Poland, Sudan, Sweden and Tunisia.

3. Introducing the draft resolution, the representative of Sweden pointed out that the two reports before the Committee (A/5607, A/5625) showed that the year 1963 was a critical year in the relationship of the United Nations to the School, not only because the five-year period during which the School had received or would receive subsidies from the United Nations was coming to an end, or because its premises had become wholly inadequate, or even because the Secretary-General had appealed to the generosity of private donors, but because if the International School failed to go forward with its plans for development, it would sink to the level of a second-rate private school, incapable of supplying the needs of the Secretariat staff, still less of serving as a model institution of international education. Representatives might consider the sum required to build and endow a new school to be very large. The average number of square feet estimated for each pupil was, however, by no means excessive and the cost of the land might have been three times as high if the Board of Trustees had desired to purchase a site close to Headquarters. The amount to be spent on the land and on the construction and equipment of the new School was estimated at about \$10,000 for each pupil at present enrolled. Pledges must be obtained from Governments for contributions of at least \$3 million in total, to be made within the next six months, for construction must start in the summer of 1964 if the building was to be completed by August 1966. Conscious of the precarious financial situation of the United Nations, the co-sponsors of the draft resolution had limited themselves to a modest proposal: a contribution of \$35,000 to cover the major part of the operating deficit for the current school year and a \$20,000 grant for the planning of the new School. The draft proposal differed from earlier resolutions in one important respect: the General Assembly would strengthen the moral support which it had given the Secretary-General and the Board of Trustees in past years by appealing to the Governments of Member States to take such measures as might appear to them to be necessary to ensure that voluntary contributions would be forthcoming, from appropriate sources, governmental or non-governmental, at the earliest possible date.

4. Delegations were unanimous, as in past years, in proclaiming their interest in the International School. The School was an institution essential to the strengthening of the international community; it had become the scene of a unique experiment in international education, designed to familiarize children with the problems of international co-operation, as well as a valuable

instrument for eliminating prejudice. It was moreover an important factor in enabling the United Nations to recruit and retain competent and experienced personnel. It provided for the children of members of the Secretariat and of delegations a type of education which made it possible for them to continue their studies when they returned to their own countries. There could be no question of its usefulness, any more than there could be any question of the need for a new site and new facilities. For all those reasons, it was to be hoped that, once the draft resolution had been adopted, the Organization would take resolute action in support of the United Nations International School and give the undertaking the widest possible publicity, and that, for their part, all Member States would heed the urgency of the appeal addressed to them by the authors of the draft resolution.

5. It was also gratifying—as many members of the Committee pointed out—that the operational deficit had been appreciably reduced, to the lowest point since the establishment of the School in Manhattan. That fact afforded ground for hoping that the School would one day be self-supporting. Note was taken in that connexion of paragraph 9 of the Advisory Committee's report (A/5625) to the effect that, in the Committee's understanding, "no commitments in regard to the construction of a new building will be entered into except on the basis of funds actually donated or firmly pledged, sufficient to cover all or a substantial portion of the costs of the project"; and that "in favouring the principle of the construction of a permanent school through voluntary contributions, the General Assembly is in no way committed to provide any funds from the budget of the Organization, should the voluntary contributions fall short of requirements".

6. Members of the Committee joined in applauding the untiring efforts of the School's Board of Trustees, and in congratulating the Swedish delegation and the Secretary-General for all that they had done on behalf of the School.

#### DECISIONS OF THE COMMITTEE

7. The Committee unanimously adopted draft resolution (A/C.5/L.815 and Add.1). It also agreed that the unspent balance of the grant for 1963 should be carried over to 1964, for planning purposes.

#### *Recommendation of the Fifth Committee*

8. The Fifth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

*[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]*

#### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1285th plenary meeting, on 17 December 1963, the General Assembly adopted the draft resolution submitted by the Fifth Committee (A/5685, para. 8). For the final text, see resolution 1982 (XVIII) below.

**Resolution adopted by the General Assembly**  
1982 (XVIII). UNITED NATIONS INTERNATIONAL  
SCHOOL

*The General Assembly,*

*Having considered* the report of the Secretary-General, together with the report of the Board of Trustees of the United Nations International School (A/5607) and the report of the Advisory Committee



on Administrative and Budgetary Questions on this subject (A/5625),

*Recalling* its resolution 1439 (XIV) of 5 December 1959, by which the General Assembly decided to contribute to the International School Fund, for a period of five years, such continuing financial assistance as the Assembly might find necessary, and its subsequent resolutions 1591 (XV) of 20 December 1960, 1727 (XVI) of 20 December 1961 and 1853 (XVII) of 19 December 1962, by which it contributed grants to liquidate the operational deficit and to begin planning for the permanent accommodation of the School,

*Noting* the progress achieved in making the School available to a growing number of children of United Nations staff and the critical need for expanded and improved facilities,

*Noting also* the action taken by the Board of Trustees, with the assistance of the Secretary-General, in order to provide for a permanent building to house the International School, one of the purposes of which is to facilitate the recruitment and retention of qualified international staff,

1. *Decides* to contribute \$35,000 to the International School Fund for liquidating the operational deficit an-

icipated for the current school year, and an additional \$20,000 for the purpose of advancing plans for the permanent accommodation of the School;

2. *Requests* the Secretary-General to continue to lend his good offices to the Board of Trustees in seeking financial and other assistance from both governmental and private sources for the construction and equipment of an appropriate school building and the creation of an endowment fund;

3. *Appeals* to Governments of Member States to take such measures as they may consider necessary to ensure that voluntary contributions for the above purposes will be forthcoming at the earliest possible date from appropriate sources, governmental or non-governmental;

4. *Authorizes* the Secretary-General to accept and to administer on a hold-in-trust basis, within the International School Fund established pursuant to General Assembly resolution 1439 (XIV), such voluntary contributions as he may be offered for the foregoing purposes.

1285th plenary meeting,  
17 December 1963.

#### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 68 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/C.5/L.815 and Add.1	Argentina, Belgium, Brazil, Burma, Ceylon, Cyprus, Denmark, France, Ghana, India, Indonesia, Jordan, Kuwait, Lebanon, Liberia, Libya, Nigeria, Poland, Sudan, Sweden and Tunisia: draft resolution	Adopted without change. See A/5685, para. 8
A/C.5/L.826	Draft report of the Fifth Committee	Same text as A/5685



**Agenda item 69: Report of the International Law Commission on the work of its fifteenth session\***

**CONTENTS**

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Sixth Committee, 780th to 793rd meetings*; and *ibid., Plenary Meetings, 1258th meeting*.

**DOCUMENT A/5601\***

**Report of the Sixth Committee**

[Original text: English]  
[6 November 1963]

**INTRODUCTION**

1. At its 1210th plenary meeting held on 20 September 1963, the General Assembly decided to include the item entitled "Report of the International Law Commission on the work of its fifteenth session" in the agenda of its eighteenth session, and to allocate the item to the Sixth Committee.

2. The Sixth Committee considered this agenda item from its 780th to its 793rd meetings, held from 26 September to 15 October 1963.

3. At the 780th meeting, the Chairman welcomed Mr. Eduardo Jiménez de Aréchaga, Chairman of the International Law Commission, on behalf of the Sixth Committee and invited him to present the Commission's report (A/5509). At the 789th meeting, held on 11 October, Mr. Jiménez de Aréchaga replied to the comments made by certain representatives during the debate.

4. The report of the International Law Commission consisted of five chapters, devoted respectively to the organization of the session, the law of treaties, the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, the progress of work on other questions under study by the Commission, and other decisions and conclusions of the Commission. The reports of the Chairmen of the Sub-Committee on State Responsibility and of the Sub-Committee on the Succession of States and Governments appeared as annexes I and II, respectively, to the Commission's report.

5. The Sixth Committee discussed, under the agenda item, all the chapters of the report of the International Law Commission, except that on the question of extended participation in general multilateral treaties

concluded under the auspices of the League of Nations, which constituted a separate item (item 70) allocated to the Sixth Committee by the General Assembly.

**PROPOSAL AND AMENDMENT**

6. Canada, Ceylon, Colombia, Cyprus, Guatemala, India and Indonesia submitted a draft resolution (A/C.6/L.529 and Corr.1) under which the General Assembly would (1) take note of the report of the International Law Commission covering the work of its fifteenth session; (2) express its appreciation to the Commission for the work accomplished at its fifteenth session, especially with regard to the law of treaties; (3) note with approval the programme of work for 1964 proposed by the Commission in its report; (4) recommend that the Commission should: (a) continue the work of codification and progressive development of the law of treaties, taking into account the views expressed at the eighteenth session of the General Assembly and the comments which might be submitted by Governments, in order that the law of treaties might be based on the widest and most secure foundations; (b) continue its work on State responsibility, taking into account the views expressed at the eighteenth session of the General Assembly and the report of the Sub-Committee on State Responsibility, and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations; (c) continue its work on the succession of States and Governments, taking into account the views expressed at the eighteenth session of the General Assembly, the report of the Sub-Committee on the Succession of States and Governments and the comments which might be submitted by Governments, with appropriate reference to the views of States which had achieved independence since the Second World War; (d) continue its work on special missions and on relations between States and inter-

\* Incorporating document A/5601/Corr.2.

governmental organizations, taking into account the views expressed at the eighteenth session of the General Assembly; (5) request the Secretary-General to forward to the International Law Commission the records of the discussions at the eighteenth session of the General Assembly on the report of the Commission; and (6) further request the Secretary-General to provide the Commission with the necessary technical services referred to in chapter V of its report.

7. Liberia submitted an oral amendment to draft resolution A/C.6/L.529 and Corr.1, entailing the deletion in paragraph 4 (c) of the words "with appropriate reference to the views of States which have achieved independence since the Second World War". This amendment was later withdrawn by the sponsor.

8. The Secretary-General submitted a statement (A/C.6/L.527) on the financial implications of the decision contained in paragraph 72 of the report of the International Law Commission.

#### DEBATE

9. The representatives who spoke in the debate on this subject congratulated the International Law Commission on the work it had done at its fifteenth session, with regard both to the progress achieved in the codification of the law of treaties and to the measures taken to advance the work on the other matters in the programme which had been assigned priority for codification. Thus it was pointed out that the International Law Commission, conforming to the recent resolutions adopted in that connexion by the General Assembly, had succeeded in reconciling the requirements of the development of international law and its codification with the current interests and aspirations of the international community, thereby considerably helping to strengthen the rule of law in international life, peaceful coexistence and friendly relations among States with different economic and political systems, and international peace and security in accordance with the purposes and principles of the Charter of the United Nations.

#### 1. Law of treaties

##### *Part II. Draft articles on the invalidity and termination of treaties*

10. As the draft articles on invalidity, suspension and termination of treaties had been submitted to Governments so that they could make such written observations as they considered relevant, most of the representatives emphasized that they would confine themselves to general remarks of a preliminary nature concerning the general structure of the draft and on the text of the articles themselves. Some representatives stressed that Governments should make a careful study of the draft articles, and especially of those provisions which, containing as they did elements for the progressive development of the law of treaties, ought to be accepted as widely as possible.

11. A large majority of representatives considered the draft articles on the invalidity and termination of treaties prepared by the International Law Commission to be generally acceptable, although there was some difference of view with regard to the relevance, interpretation and application of certain specific provisions. Various representatives stated that the draft articles revealed a spirit of conciliation, moderation and realism which was particularly praiseworthy in that the members of the International Law Commission were

drawn from countries with different cultures and different juridical, social, economic and political systems.

12. The importance of the draft was stressed by some representatives who pointed out that scrupulous respect for treaties was essential to the maintenance of friendly relations among States and the consolidation of the principles of peaceful coexistence. The International Law Commission, in its draft of the articles on invalidity and termination of treaties, had guaranteed that respect, and at the same time had introduced into the articles the idea of justice. This fact met with general approval. While some representatives emphasized the need to strengthen the principle of *pacta sunt servanda*, with a view to avoiding any weakening of the good faith and confidence which should prevail in relations between States, others laid emphasis rather on the requirement that that principle should be interpreted and applied correctly and should not be converted into something contrary to its true essence. On the same line of reasoning, many representatives thought that unjust or unequal treaties, resulting in many cases from the colonial system, were illegal by their very nature and could not be defended, or continue to be defended, on the principle of *pacta sunt servanda*. Those instruments, either because they contained undertakings incompatible with the sovereign equality of States, or because the conditions under which they had been concluded, vitiated the consent given by one of the parties, were contrary to the fundamental principles of present-day international law and should accordingly be eliminated from international relations.

13. Representatives intervening in the debate commented on almost all the articles of the draft prepared by the International Law Commission. The discussion, however, centred mainly on those dealing with provisions of internal law regarding competence to enter into treaties (article 31); fraud, error and coercion as defects of consent (articles 33-36); peremptory norms of international law (*jus cogens*) (article 37) and fundamental change of circumstances (*rebus sic stantibus*) (article 44). The provisions concerning the denunciation of treaties containing no provisions regarding their termination, denunciation or withdrawal, the termination or suspension of the operation of treaties by agreement (article 40); as a consequence of material breach or because of supervening impossibility of performance (articles 42 and 43); and the procedure for invalidation or termination of a treaty were also debated, though rather less exhaustively. The main trends of opinion concerning all those provisions has been summarized in the paragraphs below.

14. Regarding draft article 31 on provisions of internal law regarding competence to enter into treaties, some representatives expressed the view that internal law should have served as the basis for the drafting of the general rule, since international law did not regulate in detail the question of the formation of State consent, but left that matter to internal law. Certain exceptions should be made in favour of international law, however, in view of the necessity to respect the good faith of the other party or parties, particularly in multilateral treaties where it might be difficult to know the internal law of all the contracting parties. Other representatives pointed out that the article did not accord to internal law the place given it by many international treaties, for instance the Charter of the United Nations in Article 110. It was also stated that the necessity of observing the requirements of internal

law should logically be dealt with in those provisions of part I of the draft articles on the law of treaties which related to the conclusion of treaties. Nevertheless, the majority of representatives speaking in the debate took the view that the International Law Commission had reached a reasonable compromise between the principal existing legal theories. Some of those representatives considered that the exception admitted to the general rule should be more clearly defined, since the term "manifest" did not seem to provide a sufficiently objective criterion, and its interpretation and application might in practice give rise to difficulties.

15. The insertion into the draft of articles dealing with fraud and error as defects of consent affecting the binding character of the treaty for a given State was welcomed by most representatives who spoke on the subject, although others voiced doubts about the appropriateness of drawing analogies in that matter between private law and international law. Some also held that fraud ought to cover any "fraudulent act", and that the exceptions admitted to the general rule on error should be formulated with the greatest of care. Lastly, some representatives referred to the relationship that might exist between fraud and error and third States, and others added that it would be well to establish a time-limit within which the injured State could invoke fraud or error.

16. All representatives who commented on the provisions of the draft relating to coercion as a defect of consent felt that the International Law Commission had made an important contribution by distinguishing between the personal coercion of representatives of States (article 35), traditionally recognized in international law, and the coercion of the State as such by the threat or use of force in violation of the principles of the United Nations Charter (article 36). Regarding the personal coercion of representatives of States (article 35), some representatives took the view that the injured State should be given the option of maintaining the treaty in force if it deemed fit; but that view was considered dangerous, and rejected, by other representatives. Some favoured the inclusion in the text of an explicit reference to threats against members of the families of representatives as a means of coercion.

17. The conclusions reached by the International Law Commission regarding the coercion of the State itself—namely (a) that the invalidity of a treaty procured by the illegal threat or use of force is a principle which is *lex lata* in the international law of today by reason of the clear-cut prohibition of the threat or use of force in the United Nations Charter, and (b) that the violation of that principle renders the instrument in question void *ab initio*—were considered important achievements of the international community and received general endorsement. Nevertheless, differing opinions were expressed regarding the interpretation of "threat or use of force". In the view of some representatives that expression should apply only to the threat or use of physical force, while many others held that it should be interpreted as meaning any kind of illegal pressure, whether economic or political. Among the latter group, some felt that the International Law Commission should revise the drafting of the present text of article 36 so as to remove any possible lacuna; others, however, did not consider such redrafting to be necessary. Certain representatives posed the question whether the provision should be interpreted retroactively, and others raised the issue of possible coercion by third States. Lastly, some representatives stressed

the particular importance that the provision had for newly independent States, which at times had been constrained to accept certain instruments under political or economic pressures exerted by the former colonial Power.

18. The recognition by the International Law Commission that there exist in the general positive international law of today certain fundamental rules of international public order contrary to which States may not validly contract (*jus cogens*) was considered by all representatives who referred to the matter as being a step of great significance and importance for the progressive development of international law. Traditionally, international public order was a controversial notion, but the evolution of the international community in recent years, above all with the impetus of the Charter, had helped to turn the notion of *jus cogens* into a positive rule of international law. Many representatives pointed out that Article 103 of the Charter, by proclaiming that obligations under the Charter prevailed over obligations under any other international agreement, had aided greatly in creating that rule. Yet, as various representatives stated, its logical consequences had not been recognized, and it was that gap which the International Law Commission had filled by stating that an international treaty was void if it conflicted with a peremptory norm of international law (*jus cogens*). It was held in the debate to be a triumph of technical co-operation among jurists that the difficulty of agreeing on the sources of the rules of *jus cogens* had not prevented the members of the Commission from recognizing its existence. The majority of representatives welcomed the fact that the Commission had not drawn up a list of rules of *jus cogens*, but had left it to State practice and to the jurisprudence of international tribunals to determine those rules. While some representatives expressed concern at the difficulty of identifying the rules of *jus cogens* in practice, others pointed out types of treaties which in their view should be regarded as inconsistent with the rules of *jus cogens*—treaties, for instance, involving the illegitimate use of force, the commission of crimes under international law, the violation of human rights, intervention in the domestic affairs of a State inconsistent with the principles of the sovereign equality of States, and the disregard or violation of the principle of self-determination. A number of representatives added that the General Assembly could aid greatly in determining the rules of *jus cogens* when it examined agenda item 71—"Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations". The question was again asked whether the provision drafted by the International Law Commission should or should not have retroactive effect, for if it did the problem of the validity of many existing treaties, especially treaties of peace, would arise. Some representatives remarked on the relative and evolutionary character of *jus cogens* as indicated by the Commission in the provision in article 45 concerning the emergence of a new peremptory norm of international law. In that regard other representatives held that that provision should be subjected to further careful study by the Commission.

19. Many representatives made comments on the provision regarding fundamental change of circumstances as grounds for terminating a treaty (article 44), usually known as the doctrine of *rebus sic stantibus*. Their statements revealed divergencies of view regard-

ing the advisability of including that provision, the merits of its present wording, and the possible consequences of its application in relation to the other provisions of the draft articles. A considerable number of representatives felt the provision to be useful, appropriate and necessary if international law was to keep pace with the development of the international community. They considered that this was already a principle of international law and that the International Law Commission was right to codify and define it, particularly in view of the fact that in order to prevent abuse, the Commission wisely restricted and regulated its application strictly to the law of treaties. Other representatives were of the opinion that the provision did not exist as a generally accepted rule of international law and that modern international law contained a whole series of positive principles and procedures, which enabled States to free themselves from certain over-rigid obligations without having recourse to the doctrine of *rebus sic stantibus*. Other representatives were opposed to the provision because they felt that it was not worded in a way which would provide sufficient safeguards against subjective interpretations which might introduce an element of instability into international life, and because they felt, in addition, that a provision of that kind should be accompanied by rules of procedure providing for compulsory jurisdiction or, at least, allowing for the application of the principle of good faith. Paragraph 3 (a) of article 44 stating that the provision did not apply to a treaty fixing a boundary was supported by some and criticized by others. Lastly, some representatives suggested that the possibility of examining the matter at a later date in so far as it related to the succession of States should be left open, since a fundamental change of circumstances might in certain cases be the direct consequence of the succession of States.

20. Some representatives expressed agreement with the provision recognizing an implicit right of withdrawal from a treaty which contains no provisions regarding its termination and which does not provide for denunciation or withdrawal unless it appears from the nature of the treaty or the statements of the parties (article 39). Regarding certain types of treaty, such as a treaty of alliance, it was stated, on the one hand, that an implicit right of denunciation should be assumed unless an explicit statement to the contrary was made by the parties, and on the other hand, that if such a right was to be assumed, account should be taken not only of the intentions of the parties, but of all the other circumstances surrounding the conclusion of the treaty. Other representatives expressed apprehension regarding the difficulties of interpreting and applying this provision, particularly if statements made by the parties subsequent to the drafting of the treaty were to be taken into account in determining the intentions of the parties. Lastly, still others held the view that the right to denounce a treaty should be recognized only when it was explicitly provided for in the treaty, for to seek the intentions of the parties in documents other than the treaty itself would open the door to uncertainty with regard to agreements.

21. The provision relating to the termination or suspension of a treaty by subsequent agreement (article 40) was the subject of some criticism from the point of view of the system established for multilateral treaties. Some representatives pointed out that, in its present form, the article seemed to complicate the procedure for

terminating treaties by granting an unnecessary privilege to States which take part in drawing up a treaty but do not become parties to it. It was also pointed out that, in any event, if it was considered necessary to include such a provision, the transitional period at the expiry of which the agreement of the parties to the treaty alone would be required should be as short as possible. With regard to that period, it was also pointed out that the clause should be amended so that only the agreement of the States parties to the treaty was required both in the event of expiry of the agreed number of years and, if there was no agreed period, on the expiry of any other period specified in the treaty itself.

22. In connexion with the termination or suspension of the operation of a treaty as a consequence of its breach (article 42), some representatives felt that the International Law Commission had been right in recognizing the principle of the separability of treaty provisions. Some representatives held the view that, in the case of multilateral treaties, the International Law Commission had not taken account of the fact that many multilateral treaties are essentially bilateral in application and that, therefore, the rules applicable to bilateral treaties should apply in the event of a breach of multilateral treaties. The view was also expressed that in multilateral treaties, the party injured by the breach should be given the right to terminate the treaty, at least after the expiry of a reasonable period.

23. Several representatives felt that the provision on the termination or suspension of the operation of a treaty because of supervening impossibility of performance (article 43) was incomplete. Reference was made to some cases where certain provisions of a treaty involving permanent advantages for one of the parties had been put into effect, and others where the situation making performance impossible had been deliberately created by the party concerned. It was also felt by some representatives that there was a very close link between this provision and the one on fundamental change of circumstances (*rebus sic stantibus*).

24. Many representatives expressed satisfaction at the fact that the draft articles included a provision laying down the procedure for nullifying or terminating treaties designed to provide protection against possible unilateral or arbitrary action. Some representatives regretted that the Commission had not specified the compulsory jurisdiction of the International Court of Justice as a procedure for settling conflicts. Others, on the other hand, commended the Commission for its realistic approach, inasmuch as in confining itself to the procedure for the settlement of disputes laid down in Article 33 of the Charter, it had taken account of the present practice of States.

## 2. Action taken by the International Law Commission on other questions under study

25. All the representatives who spoke on the question expressed their satisfaction at the action taken by the International Law Commission to pursue and speed up its work on those items in its programme to which it had given priority, namely, the law of treaties, State responsibility, the succession of States and Governments, special missions and relations between States and inter-governmental organizations. The appointment of Special Rapporteurs on State responsibility, the succession of States and Governments, and special missions, won general approval. Various representatives stressed



the need to establish some degree of co-ordination between the Special Rapporteurs on the law of treaties, State responsibility and the succession of States and Governments, to which the Commission itself had drawn attention in its report.

26. Many representatives expressed their appreciation of the work done by the Sub-Committees on State Responsibility and the Succession of States and Governments, and they approved the general conclusions which the Commission had reached on the basis of the reports submitted on behalf of the Sub-Committees by their Chairmen.

27. Regarding State responsibility, some representatives stated that although they approved the Commission's general conclusions, they still felt that State responsibility for injuries to the persons or property of aliens was the central issue. Nevertheless, some of the representatives who spoke in the debate stressed the need to begin codifying the topic by defining the general rules governing State responsibility. It was believed by some representatives in that connexion that the Commission should study State responsibility for violation of fundamental rules of modern international law, i.e., responsibility for acts prejudicial to the maintenance of international peace and security and peaceful co-existence, for denial of the right of self-determination to colonial peoples and for violation of the principles of the sovereign equality of States and the freedom of States to dispose of their natural resources. In the opinion of some representatives State responsibility raised the question not only of compensation but also of sanctions against the State incurring the responsibility. Finally, some representatives drew attention to the need to study the problems connected with the penal responsibility of States and the responsibility of international organizations.

28. The Commission's decision to give priority to the succession of States and not to deal with the succession of Governments for the time being, and its decision that succession in relation to treaties should be studied first, as part of the succession of States rather than as part of the law of treaties, received general approval. During the debate several representatives pointed out that the topic was particularly important for States which had just gained their independence. Thus some argued that the succession of States should be studied not merely with regard to the traditional practice of States in the matter, but also, and principally, in the light of the principles of the United Nations Charter and the situation created by the disappearance of the colonial system. Some representatives raised the question of how far new States could be considered as successors to treaty obligations which had been contracted by the Powers administering their territories before their independence and to which they had thus not freely consented.

29. Several representatives expressed their satisfaction at the fact that the Commission had already begun a general debate on the first report submitted by the Special Rapporteur on relations between States and inter-governmental organizations (A/CN.4/161 and Add.1) and emphasized the importance they attached to the study of the question by the Commission.

30. Finally, some representatives expressly indicated their agreement with the approach to the codification of the topic of special missions referred to in chapter IV of the Commission's report (A/5509).

### 3. *Programme of work and date of the next session of the International Law Commission*

31. During the debate several representatives expressed their approval of the programme of work adopted by the Commission for 1964 (see A/5509, chap. V). Nevertheless, as regards the proposal to hold a three-week winter session from 6 to 24 January 1964 devoted specifically to consideration of the draft articles being prepared by the Special Rapporteur on special missions, some speakers urged that the financial implications of such a session and the administrative difficulties it would entail (see A/C.6/L.527) should be taken into account.

32. At the 792nd meeting, on 17 October 1963, the Legal Counsel informed the Sixth Committee that in view of the fact that the Special Rapporteur for special missions had indicated that he would not be able to deliver his 150-page report to the Secretariat before 10 December 1963, the French text of the report would not be available at the European Office of the United Nations, Geneva before 6 January 1964 and the Spanish and English texts could not be circulated before 30 January 1964. In the circumstances the Secretariat could not recommend to the Fifth and Sixth Committees that \$67,300 should be allocated for a winter session which might prove pointless. If the Commission decided at its sixteenth regular session to prolong that session by two weeks, the Secretariat would take steps to request the funds necessary for the two extra weeks.

33. The Legal Counsel also stated that consideration had been given to the possibility of postponing the opening of the proposed winter session in order to give time for the Special Rapporteur's report on special missions to be prepared and distributed, but that it was impracticable because some members of the International Law Commission could not attend a winter session beginning later than scheduled and because the 1964 time-table of United Nations meetings was so crowded that the Secretariat might not be able to provide the necessary facilities.

34. Because of the difficulties mentioned by the Legal Counsel, the view was advanced that it would be preferable to cancel the proposed 1964 winter session, and approval was expressed of the operative paragraph of the draft resolution (A/C.6/L.529 and Corr.1) concerning the Commission's 1964 work programme subject to that reservation.

### 4. *Other decisions and conclusions of the Commission*

35. With regard to co-operation by the Commission with other bodies, many representatives noted with satisfaction that the Commission had decided to be represented by its Chairman at the next session of the Asian-African Legal Consultative Committee.

36. Several representatives voiced their satisfaction at the considerable improvement in the facilities made available to the Commission for the publication and translation of documents and summary records and expressed the hope that there would be further improvement with regard to the delay in the translation of documents into Spanish.

### VOTING

37. At its 793rd meeting, on 15 October 1963, the Sixth Committee unanimously approved draft resolution A/C.6/529 and Corr.1.

**Recommendation of the Sixth Committee**

38. The Sixth Committee therefore recommends that the General Assembly should adopt the following draft resolution:

## REPORT OF THE INTERNATIONAL LAW COMMISSION

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

**ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1258th plenary meeting, on 18 November 1963, the General Assembly adopted the draft resolution submitted by the Sixth Committee (A/5601, para. 38). For the final text, see resolution 1902 (XVIII) below.

**Resolution adopted by the General Assembly**

## 1902 (XVIII). REPORT OF THE INTERNATIONAL LAW COMMISSION

The General Assembly,

Having considered the report of the International Law Commission on the work of its fifteenth session (A/5509),

Recalling resolution 1765 (XVII) of 20 November 1962, by which the Assembly recommended that the Commission should continue its work of codification and progressive development of the law of treaties and its work on State responsibility and on the succession of States and Governments,

Emphasizing the need for the further codification and progressive development of international law with a view to making it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

Noting that the work of codification of the topics of State responsibility, the succession of States and Governments, special missions and relations between States and inter-governmental organizations is proceeding satisfactorily, as set forth in chapter IV of the report of the Commission,

1. Takes note of the report of the International Law Commission on the work of its fifteenth session;
2. Expresses appreciation to the Commission for the work accomplished at its fifteenth session, especially with regard to the law of treaties;
3. Notes with approval the programme of work for 1964 proposed by the Commission in its report;
4. Recommends that the Commission should:

(a) Continue the work of codification and progressive development of the law of treaties, taking into account the views expressed at the eighteenth session of the General Assembly and the comments which may be submitted by Governments, in order that the law of treaties may be placed upon the widest and most secure foundations;

(b) Continue its work on State responsibility, taking into account the views expressed at the eighteenth session of the General Assembly and the report of the Sub-Committee on State Responsibility (*ibid.*, annex I), and giving due consideration to the purposes and principles enshrined in the Charter of the United Nations;

(c) Continue its work on the succession of States and Governments, taking into account the views expressed at the eighteenth session of the General Assembly, the report of the Sub-Committee on the Succession of States and Governments (*ibid.*, annex II) and the comments which may be submitted by Governments, with appropriate reference to the views of States which have achieved independence since the Second World War;

(d) Continue its work on special missions and on relations between States and inter-governmental organizations, taking into account the views expressed at the eighteenth session of the General Assembly;

5. Requests the Secretary-General to forward to the International Law Commission the records of the discussions at the eighteenth session of the General Assembly on the report of the Commission;

6. Further requests the Secretary-General to provide the International Law Commission with the necessary technical services referred to in chapter V of its report.

1258th plenary meeting,  
18 November 1963.

**CHECK LIST OF DOCUMENTS**

NOTE. This check list includes the documents mentioned during the consideration of agenda item 69 which are not reproduced in the present fascicle.

Document No.	Title	Observations and references
A/5505	Budget estimates for the financial year 1964 and information annexes	Official Records of the General Assembly, Eighteenth Session, Supplement No. 5
A/5509	Report of the International Law Commission covering the work of its fifteenth session (6 May-12 July 1963)	<i>Ibid.</i> , Supplement No. 9
A/C.6/L.526	Statement by Mr. Eduardo Jiménez de Aréchaga, Chairman of the International Law Commission, at the 780th meeting of the Sixth Committee	Mimeographed; for summary see A/C.6/SR.780

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<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/C.6/L.527	Financial implications of the decision contained in paragraph 72 of the report of the International Law Commission: note by the Secretary-General	Mimeographed
A/C.6/L.529 and Corr.1	Canada, Ceylon, Colombia, Cyprus, Guatemala, India and Indonesia: draft resolution	See A/5601, para. 6
A/CN.4/156 and Add.1-3	Law of Treaties: second report by Sir Humphrey Waldock, Special Rapporteur	See <i>Yearbook of the International Law Commission, 1963, Vol. II</i> (United Nations publication, Sales No. 63.V.1)
A/CN.4/161 and Add.1	Relations between States and inter-governmental organizations: first report by Mr. El-Erian, Special Rapporteur	<i>Ibid.</i>





**Agenda item 70: Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations\***

**C O N T E N T S**

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Sixth Committee*, 794th to 802nd meetings; and *ibid.*, *Plenary Meetings*, 1258th and 1259th meetings.

**DOCUMENT A/5602\*\***

**Report of the Sixth Committee**

[*Original text: Spanish and Russian*]  
 [8 November 1963]

**INTRODUCTION**

1. At its seventeenth session the General Assembly, having considered chapter II of the report of the International Law Commission covering the work of its fourteenth session,<sup>1</sup> which contained draft articles and commentaries on the conclusion, entry into force and registration of treaties, adopted on 20 November 1962 resolution 1766 (XVII), on the participation of new States in the general multilateral treaties mentioned in paragraph (10) of the commentary to articles 8 and 9 of the draft articles on the conclusion, entry into force and registration of treaties, drawn up by the International Law Commission.<sup>2</sup> The operative part of resolution 1766 (XVII), entitled "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations", stated the following:

"1. *Requests* the International Law Commission to study further the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, giving due consideration to the views expressed during the discussions at the seventeenth session of the General Assembly, and to include the results of the study in the report of the Commission covering the work of its fifteenth session;

"2. *Decides* to place on the provisional agenda of its eighteenth session an item entitled 'Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations'."

2. In compliance with operative paragraph 1 of the above resolution, the International Law Commission considered the question and reached a series of conclusions, which appear in chapter III of the report on the work of its fifteenth session (A/5509, paras. 18-50).

3. At its 1210th plenary meeting, held on 20 September 1963, the General Assembly decided to include the item entitled "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations" in the agenda of its eighteenth session and to allocate that item to the Sixth Committee.

4. The Sixth Committee considered that agenda item at its 794th to 802nd meetings, held from 16 to 29 October 1963.

**PROPOSAL AND AMENDMENTS**

5. Australia, Ghana, Greece, Guatemala, Indonesia, Mali, Morocco, Nigeria and Pakistan submitted a draft resolution (A/C.6/L.532), under which the General Assembly would: (1) decide that the General Assembly is the appropriate organ of the United Nations which should exercise the power conferred by multilateral treaties of a technical and non-political character on the Council of the League of Nations to invite States to accede to those treaties; (2) record that those

\*\* Incorporating document A/5602/Corr.1.

<sup>1</sup> *Official Records of the General Assembly, Seventeenth Session, Supplement No. 9.*

<sup>2</sup> *Ibid.*, *Seventeenth Session, Annexes*, agenda item 76, document A/5287.

Members of the United Nations which are parties to the treaties referred to above assent, by this resolution, to the decision in the preceding paragraph and express their resolve to use their good offices to secure the co-operation of the other parties to the treaties so far as this may be necessary; (3) request the Secretary-General (a) as depositary of the treaties referred to above, to bring to the notice of any party which is not a Member of the United Nations the terms of the present resolution; (b) to transmit copies of the present resolution to Members of the United Nations which are parties to these treaties; (c) to consult, where necessary, with the States referred to in sub-paragraphs (a) and (b) of this paragraph as to whether any of the treaties in question have ceased to be in force, have been superseded by later treaties, have otherwise ceased to be of interest for accession by additional States, or required action to adapt them to contemporary conditions; (d) to report on these matters to the General Assembly at its nineteenth session; (4) further request the Secretary-General to invite . . . . . which, otherwise, is not eligible to become a party to the treaties in question, to accede thereto by depositing an instrument of accession with the Secretary-General of the United Nations; (5) decide to place on the provisional agenda of its nineteenth session an item entitled: "General multilateral treaties concluded under the auspices of the League of Nations".

6. At the 801st meeting, the co-sponsors of draft resolution A/C.5/L.532 accepted a suggestion made by the representative of Poland at the 797th meeting and accordingly amended operative paragraph 3 (c) of the draft resolution to read: "to consult, where necessary, with the States referred to in sub-paragraphs (a) and (b) of this paragraph and with the United Nations organs and the specialized agencies concerned as to whether any of the treaties in question . . .".

7. Ghana, Indonesia, Mali, Morocco and Nigeria submitted an amendment (A/C.6/L.533 and Corr.1 and 2) to resolution A/C.6/L.532 proposing that operative paragraph 4 of the draft resolution should be completed by the insertion of the words "... any State . . .".

8. Australia, Greece and Guatemala submitted an amendment (A/C.6/L.534) to draft resolution A/C.6/L.532 designed to complete the text of operative paragraph 4 of the draft resolution by the addition of the words "... each State Member of the United Nations or of a specialized agency . . .".

9. Colombia, Congo (Leopoldville), Jamaica and Nicaragua submitted a further amendment (A/C.6/L.536 and Add.1) to draft resolution A/C.6/L.532. Under this amendment operative paragraph 4 of the draft resolution would be completed by the insertion of the following phrase: "each State which is a Member of the United Nations or of a specialized agency or a Party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly, and . . .". At the 800th meeting Australia, Greece and Guatemala withdrew their amendment (A/C.6/L.534) in favour of the amendment in document A/C.6/L.536 and Add.1.

10. At the 801st meeting, Ceylon submitted an oral amendment to draft resolution A/C.6/L.532 for the deletion of operative paragraph 4 of the draft resolution.

11. The Secretary-General submitted a note (A/5528), for the convenience of delegations, reproducing the relevant parts of the summary records of the 712th

and 713th meetings of the International Law Commission, at which the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations had been discussed.

#### DEBATE

12. The Committee discussed the merits of draft resolution A/C.6/L.532 and of the amendments. This draft resolution was based, generally speaking, on the conclusions reached by the International Law Commission.

13. All the representatives who spoke in the debate expressed warm approval for the ultimate aim of the draft resolution, namely the participation of new States in multilateral treaties of a technical and non-political character concluded under the auspices of the League of Nations, which had become closed as a result of the demise of the League. Many representatives pointed out that it could be inferred from the participation clauses in those treaties that it had been the intention of the parties that they should be open treaties and that only an event foreign to the wishes of the parties had changed them into closed treaties. Some representatives observed that wider participation in those treaties would be in the general interests of the international community and would at the same time strengthen the principle of the sovereign equality of all States.

14. The representatives who spoke in the debate also approved of the procedure proposed in draft resolution A/C.6/L.532, though a number of them expressed doubts about the relevance of some of the provisions to the aim in view. For example, various representatives wondered what would happen if one or more of the parties to the treaties voted against the draft resolution or abstained in the vote. The sponsors of the draft resolution expressed the hope that there would be no opposition to it and said that if there were any abstentions an effort would have to be made to induce the States in question to change their attitude. It was pointed out that the procedure of a protocol of amendment would not rule out the possibility of one or more of the States Parties objecting to the amendment of the participation clauses.

15. Some representatives expressed the view that the procedure proposed in the draft resolution would not ensure participation in the twenty-one treaties by the States referred to in the draft resolution's preamble. What was needed in many of those treaties, they held, was not mere adaptation of the participation clauses to enable the United Nations to assume the functions of the League of Nations, but revision of those clauses in order to renew a possibility which had ceased to exist long before the demise of the League. In accordance with that interpretation of the participation clauses of a number of treaties, those treaties had become closed before the dissolution of the League of Nations; the United Nations General Assembly could not exercise powers which the Council of the League had no longer possessed at the time of the League's dissolution. Accordingly, to enable the new States to accede to those treaties it would be necessary to adopt the procedure of an amending protocol. In the resolution approving the protocol, the General Assembly could also request the States Parties to the treaties to sign the protocol and put it into effect without delay. Other representatives took the view that under a more liberal

interpretation of the participation clauses of the treaties it might be considered that the powers of the Council of the League of Nations had not been limited in time. Lastly, some representatives held that the possible need to revise some treaties through an amending protocol should not impede the adoption of draft resolution A/C.6/L.532. If in the course of time it proved necessary to employ the protocol procedure in certain cases, there was nothing to prevent that being done. In the meantime there should be no obstacle to the immediate participation by new States in those treaties to which accession would be made feasible simply by the adoption of the draft resolution.

16. Some representatives pointed out that the procedure proposed in the draft resolution might open the treaties to accession but not necessarily to effective participation by new States, since a resolution of the General Assembly could not bind States Parties in that respect. Those representatives took the view that draft resolution A/C.6/L.532 would be a temporary measure which might later yield positive results, depending on the outcome of the consultations requested of the Secretary-General. Other representatives expressed satisfaction at the conclusion reached by the International Law Commission to the effect that the special form of the participation clauses of the treaties appeared to diminish the force of the possible constitutional difficulties which some representatives had pointed out when the Sixth Committee had discussed the question at the seventeenth session.

17. As to the force and interest of the treaties in the present circumstances, the sponsors of the draft resolution considered that, although some of them were clearly in full effect and were of real and current interest to States, others might have ceased to be in force or lost their value or they might have been superseded by later treaties, or need to be adapted to the contemporary conditions of the world community. Therefore, the Secretary-General should consult the parties only where the state of the treaties seemed dubious, while in the remaining cases accessions of new States could be recorded immediately. Some representatives stated that it was illogical to seek the assent *in abstracto* of States Parties to the treaties without first studying the nature of the treaties in the light of contemporary conditions in order to determine whether they were of interest to new States. Others suggested that this need to study the treaties, coupled with the fact that the question was not especially urgent, made it advisable to examine the treaties before inviting new States to accede to them. Lastly, certain representatives expressed the opinion that the review should not be limited to the closed treaties but should also cover the treaties which did not have restrictive participation clauses. Such open treaties as were of interest to the new States and the international community should be brought up to date in their turn. The co-sponsors explained that no League of Nations function had ever existed in relation to these treaties and that, as there was nothing which could be transferred to the United Nations, it would not have been appropriate to include them in the draft resolution.

18. The paragraph of draft resolution A/C.6/L.532 which gave rise to the greatest amount of controversy was the one concerning the States that should be invited to accede to the treaties under consideration. Some representatives held that all States should be so invited (A/C.6/L.533 and Corr.1 and 2). They stressed

the desirability and necessity of reaffirming the principle of universality with regard to participation in general multilateral treaties; the participation of all States in such treaties, specially those of a technical and non-political character, was an inherent right of the State deriving from the principle of the sovereign equality of all States and its disregard was detrimental to peaceful world-wide co-operation and to the progressive development of international law. The adoption of formulae discriminating against certain States was inadmissible, contrary to the true interest of the United Nations and incompatible with the Purposes and Principles of the Charter and with the rules of general international law. In support of this point of view it was argued that the principle in question had been recognized in the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow on 5 August 1963, in several resolutions of the General Assembly concerning the restoration of law and order in the Republic of the Congo (Leopoldville), such as resolution 1474 (ES-IV), and in article 8 of the International Law Commission's draft on the conclusion, entry into force and registration of treaties.

19. Other representatives took the view that, in accordance with the practice followed up to the present by the United Nations, an invitation should be extended only to States Members of the United Nations or of the specialized agencies (A/C.6/L.534). Some of those representatives held that the right of all States to participate in general multilateral treaties was not an established rule of international law and that there was nothing contrary to international law in defining the States which might accede to a treaty. Moreover, an invitation extended to all States would make it impossible for some States Parties to the treaties to agree to the procedure proposed in the nine-Power draft resolution, thus defeating its purpose. It was also argued that a decision to invite all States to participate would place the Secretary-General in a position where he would be forced to refer the matter back to the General Assembly with a request for an exhaustive list of the States eligible to become parties to the treaties. Speaking on behalf of the Secretary-General, the Legal Counsel stressed that the Secretary-General could not undertake to decide which entities not Members of the United Nations or the specialized agencies were States, and thus would require specific instructions from the General Assembly in that regard. Lastly, it was said that the Sixth Committee should refrain from deciding political issues which went beyond its competence. Those representatives considered that neither the Moscow Treaty, nor the General Assembly resolutions regarding the restoration of law and order in the Republic of the Congo (Leopoldville), nor yet article 8 of the International Law Commission's draft on the conclusion, entry into force and registration of treaties, justified the adoption of the "all States" formula.

20. Some representatives favouring an invitation to all States pointed out that in the case of open treaties for which the Secretary-General acted as depositary nothing prevented entities purporting to be States from acceding to the treaties. Other representatives taking the same position stated that it was illogical to limit accession to States Members of the United Nations or of the specialized agencies since that formula would be more restrictive than was desired by the parties to the treaties in question; the treaties authorized the Council

of the League of Nations to invite the participation of States which were not Members of the League.

21. Some representatives considered that, in principle, general multilateral treaties should be regarded as open except where the parties to it declared the contrary. The consent of the parties was necessary since the principle of the sovereignty of States would be impaired by attempts to impose on a State the recognition of another State through accession to a treaty. Others stated, on the contrary, that a State was free to recognize another or not, but that it could not deny its existence as a State and consequently its right to participate in general multilateral treaties.

22. In view of the difference of views, some representatives proposed that the decision on which States were to be invited to accede to the treaties should be postponed until the nineteenth session of the General Assembly. Other representatives opposed that proposal. Finally, the Committee decided in favour of the formula proposed in the amendment in document A/C.6/L.536 and Add.1, which was based in particular on the relevant provisions of the 1961 Vienna Convention on Diplomatic Relations<sup>3</sup> and the 1963 Vienna Convention on Consular Relations.<sup>4</sup> The formula proposed in the amendment was considered by some representatives to be a genuine compromise. Others, however, thought that in practice it did no more than perpetuate the discrimination against certain States. Finally, some representatives stated that although in the present circumstances the formula in question would continue to restrict participation in general multilateral treaties, it nevertheless meant some progress, since it authorized the General Assembly to invite any State which was not a member of the United Nations or of a specialized agency or a party to the Statute of the International Court of Justice.

23. Some representatives stated that the solution adopted on the question of extended participation in treaties concluded under the auspices of the League of Nations did not in any way prejudice the solution to be adopted in due course in the question of the succession of States and Governments. Finally, some representatives reserved the position of their Governments on the question of what measures might be taken in the future with regard to the substance of the treaties in question.

#### VOTING

24. At its 801st meeting, on 28 October 1963, the Sixth Committee adopted by 35 votes to 33, with 17 abstentions, a motion for closure of the debate made by the representative of Lebanon. The Committee then proceeded to vote on draft resolution A/C.6/L.532 as orally revised by its sponsors and the amendments to it. The result of the voting was as follows:

(a) The oral amendment by Ceylon proposing the deletion of operative paragraph 4 of the draft resolution (A/C.6/L.532) was rejected in a roll-call vote by 40 votes to 39, with 12 abstentions. The result of the voting was as follows:

*In favour:* Afghanistan, Albania, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic,

<sup>3</sup> See *United Nations Conference on Diplomatic Intercourse and Immunities, Official Records, Volume II, Annexes* (United Nations publication, Sales No.: 62.X.1).

<sup>4</sup> See *United Nations Conference on Consular Relations, Official Records, Volume II, Annexes* (United Nations publication, Sales No.: 63.X.2).

Cambodia, Ceylon, Cuba, Czechoslovakia, Dahomey, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Lebanon, Madagascar, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Poland, Romania, Sierra Leone, Sudan, Syria, Tanganyika, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

*Against:* Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Canada, Chad, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, France, Greece, Guatemala, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Malaysia, Netherlands, New Zealand, Nicaragua, Panama, Peru, Philippines, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

*Abstaining:* Central African Republic, Cyprus, Finland, Jordan, Kuwait, Libya, Mexico, Norway, Saudi Arabia, Uganda, Upper Volta, Yemen.

(b) The amendment (A/C.6/L.533 and Corr.1 and 2) submitted by Ghana, Indonesia, Mali, Morocco and Nigeria was rejected in a roll-call vote by 42 votes to 38, with 10 abstentions. The result of the voting was as follows:

*In favour:* Afghanistan, Albania, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Central African Republic, Ceylon, Chad, Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Ivory Coast, Mali, Mauritania, Mongolia, Morocco, Niger, Nigeria, Poland, Romania, Sierra Leone, Sudan, Syria, Tanganyika, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia.

*Against:* Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Dahomey, Denmark, Ecuador, Finland, France, Greece, Guatemala, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Malaysia, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

*Abstaining:* Burma, Cyprus, Jordan, Kuwait, Lebanon, Libya, Mexico, Saudi Arabia, Togo, Uganda.

(c) The amendment (A/C.6/L.536 and Add.1) submitted by Colombia, Congo (Leopoldville), Jamaica and Nicaragua was adopted by 57 votes to 12, with 14 abstentions.

(d) Operative paragraph 4 of draft resolution A/C.6/L.532 as completed by the amendment (A/C.6/L.536 and Add.1) was adopted by 63 votes to 10, with 15 abstentions.

(e) Draft resolution A/C.6/L.532, as a whole, as orally revised by its sponsors and completed by the amendment (A/C.6/L.536 and Add.1) was adopted by 69 votes to none, with 22 abstentions.

#### Recommendation of the Sixth Committee

25. The Sixth Committee therefore recommends that the General Assembly adopt the following draft resolution:

*The General Assembly,*

*Having considered* the question of extended participation in general multilateral treaties concluded under

the auspices of the League of Nations and the report of the International Law Commission thereon (A/5509),

*Noting* that there are twenty-one such treaties of a technical and non-political character which by their terms authorized the Council of the League of Nations to invite additional States to become parties, and thus were not intended to be closed to new States,

*Further noting* that since the Council of the League ceased to exist a large number of new States have come into being and that many of them have been unable to become parties to the treaties in question through lack of an invitation to accede,

*Recalling* the recommendation of the Assembly of the League of Nations at its final session, that Members of the League of Nations should facilitate in every way the assumption by the United Nations of functions and powers entrusted to the League of Nations under international agreements of a technical and non-political character,<sup>5</sup>

*Further recalling* that the General Assembly, in resolution 24 (I) of 12 February 1946, declared that the United Nations was willing in principle to assume the exercise of certain functions and powers previously entrusted to the League of Nations under international agreements,

1. *Decides* that the General Assembly is the appropriate organ of the United Nations to exercise the power conferred by multilateral treaties of a technical and non-political character on the Council of the League of Nations to invite States to accede to those treaties;

2. *Records* that those Members of the United Nations which are parties to the treaties referred to above assent

<sup>5</sup> League of Nations, *Official Journal, Special Supplement No. 194*, p. 57.

by the present resolution to the decision set forth in paragraph 1 above and express their resolve to use their good offices to secure the co-operation of the other parties to the treaties so far as this may be necessary;

3. *Requests* the Secretary-General:

(a) As depositary of the treaties referred to above, to bring to the notice of any party which is not a Member of the United Nations the terms of the present resolution;

(b) To transmit copies of the present resolution to Members of the United Nations which are parties to those treaties;

(c) To consult, where necessary, with the States referred to in sub-paragraphs (a) and (b) above, and with the United Nations organs and the specialized agencies concerned as to whether any of the treaties in question have ceased to be in force, have been superseded by later treaties, have otherwise ceased to be of interest for accession by additional States or require action to adapt them to contemporary conditions;

(d) To report on these matters to the General Assembly at its nineteenth session;

4. *Further requests* the Secretary-General to invite each State which is a Member of the United Nations or of a specialized agency or a party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly, and which, otherwise, is not eligible to become a party to the treaties in question, to accede thereto by depositing an instrument of accession with the Secretary-General of the United Nations;

5. *Decides* to place on the provisional agenda of its nineteenth session an item entitled "General multilateral treaties concluded under the auspices of the League of Nations".

#### DOCUMENT A/L.431/REV.1

##### Ceylon and Ghana: amendment to document A/5602, para. 25

[Original text: English]  
[18 November 1963]

Delete operative paragraph 4 of the draft resolution.

#### DOCUMENT A/L.432

##### Czechoslovakia: amendment to document A/5602, para. 25

[Original text: English]  
[15 November 1963]

In operative paragraph 4, replace the words "each State which is a Member of the United Nations or of a specialized agency or a party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly, and" by the words "any State".

Operative paragraph 4 of the draft resolution would thus read as follows:

"4. *Further requests* the Secretary-General to invite any State which, otherwise, is not eligible to become a party to the treaties in question, to accede thereto by depositing an instrument of accession with the Secretary-General of the United Nations".

#### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1259th plenary meeting, on 18 November 1963, the General Assembly adopted the draft resolution submitted by the Sixth Committee (A/5602, para. 25),

after having rejected, at the same meeting, the amendment submitted by Ceylon and Ghana (A/L.431/Rev.1) and that submitted by Czechoslovakia (A/L.432). For the final text see resolution 1903 (XVIII).

### Resolution adopted by the General Assembly

1903 (XVIII). PARTICIPATION IN GENERAL MULTILATERAL TREATIES CONCLUDED UNDER THE AUSPICES OF THE LEAGUE OF NATIONS

*The General Assembly,*

*Having considered* the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations, and the report of the International Law Commission thereon (A/5509),

*Noting* that there are twenty-one such treaties of a technical and non-political character which by their terms authorized the Council of the League of Nations to invite additional States to become parties, and thus were not intended to be closed to new States,

*Further noting* that since the Council of the League ceased to exist a large number of new States have come into being and that many of them have been unable to become parties to the treaties in question through lack of an invitation to accede,

*Recalling* the recommendation made by the Assembly of the League of Nations at its final session, that its Members should facilitate in every way the assumption by the United Nations of functions and powers entrusted to the League of Nations under international agreements of a technical and non-political character,<sup>6</sup>

*Further recalling* that the General Assembly, in resolution 24 (I) of 12 February 1946, declared that the United Nations was willing in principle to assume the exercise of certain functions and powers previously entrusted to the League of Nations under international agreements,

1. *Decides* that the General Assembly is the appropriate organ of the United Nations to exercise the power conferred by multilateral treaties of a technical and non-political character on the Council of the League of Nations to invite States to accede to those treaties;

<sup>6</sup> *Ibid.*

2. *Records* that those Members of the United Nations which are parties to the treaties referred to above assent by the present resolution to the decision set forth in paragraph 1 above and express their resolve to use their good offices to secure the co-operation of the other parties to the treaties so far as this may be necessary;

3. *Requests* the Secretary-General:

(a) As depositary of the treaties referred to above, to bring to the notice of any party which is not a Member of the United Nations the terms of the present resolution;

(b) To transmit copies of the present resolution to States Members of the United Nations which are parties to those treaties;

(c) To consult, where necessary, with the States referred to in sub-paragraphs (a) and (b) above, and with the United Nations organs and the specialized agencies concerned as to whether any of the treaties in question have ceased to be in force, have been superseded by later treaties, have otherwise ceased to be of interest for accession by additional States, or require action to adapt them to contemporary conditions;

(d) To report on these matters to the General Assembly at its nineteenth session;

4. *Further requests* the Secretary-General to invite each State which is a Member of the United Nations or member of a specialized agency or a party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly, and which otherwise is not eligible to become a party to the treaties in question, to accede thereto by depositing an instrument of accession with the Secretary-General of the United Nations;

5. *Decides* to place on the provisional agenda of its nineteenth session an item entitled "General multilateral treaties concluded under the auspices of the League of Nations".

1259th plenary meeting,  
18 November 1963.

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 70 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5509	Report of the International Law Commission covering the work of its fifteenth session (6 May-12 July 1963)	<i>Official Records of the General Assembly, Eighteenth Session, Supplement No. 9</i>
A/5528	Note by the Secretary-General	Mimeographed
A/C.6/L.532	Australia, Ghana, Greece, Guatemala, Indonesia, Mali, Morocco, Nigeria and Pakistan: draft resolution	See A/5602, para. 5
A/C.6/L.533 and Corr.1 and 2	Ghana, Indonesia, Mali, Morocco and Nigeria: amendment to document A/C.6/L.532	See A/5602, para. 7
A/C.6/L.534	Australia, Greece and Guatemala: amendment to document A/C.6/L.532	See A/5602, para. 8
A/C.6/L.536 and Add.1	Colombia, Congo (Leopoldville), Jamaica and Nicaragua: amendment to document A/C.6/L.532	See A/5602, para. 9
A/L.431	Ceylon: amendment to document A/5602, para. 25	Replaced by A/L.431/Rev.1





**Agenda item 71: Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations\***

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Sixth Committee*, 802nd to 825th, 829th, 831st to 834th meetings; and *ibid.*, *Plenary Meetings*, 1281st meeting.

**DOCUMENTS A/5470 AND ADD.1 AND 2**

**Comments received from Governments of Member States**

**DOCUMENT A/5470**

[Original text in English, French and Spanish]  
[7 August 1963]

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## NOTE BY THE SECRETARY-GENERAL

1. At its 1196th plenary meeting, on 18 December 1962, the General Assembly adopted resolution 1815 (XVII) on consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations. In operative paragraph 4 of that resolution, the General Assembly requested Member States to submit to the Secretary-General in writing, before 1 July 1963, any views or suggestions that they might have on that item, and particularly on the subjects enumerated in paragraph 3.

2. In pursuance of the above-mentioned resolution, the Secretary-General, by a *note verbale* dated 8 February 1963 (No. LE 114/1), requested the Governments of Member States to communicate their views and suggestions before 1 July 1963.

3. By 16 July 1963, the Governments of Afghanistan, Brazil, Canada, Colombia, Czechoslovakia, Israel, Jamaica, Madagascar, Nigeria, Poland, Sierra Leone, Tanganyika, United Kingdom of Great Britain and Northern Ireland, and Yugoslavia had communicated their observations on the item.

4. In communications addressed to the Secretary-General, the Governments of Cambodia, Nepal, Norway and Sudan stated that they had no comments.

5. Any comments received after 5 August 1963 will be circulated later as addenda to the present document.

## COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

*Afghanistan*

[Original text: English]  
[1 May 1963]

1. The views of Afghanistan on this topic were expressed fully when the item was under the consideration of the Sixth Committee at the seventeenth session of the General Assembly. Afghanistan considers this topic of great importance because of the paramount need in our time for friendly relations and co-operation among States.

2. The Charter of the United Nations, signed on 26 June 1945, was the greatest development in the field of positive international co-operation. The completion of the Charter would not have been possible if the people and Governments had not been motivated by the greatest desire of mankind, namely the maintenance of world peace and security in a world devastated by war. The main objectives of the Charter, as stated in its Preamble and also in Article 1, are the maintenance of international peace and security and the creation by positive action of those conditions of stability and well-being under which peace would be most likely to prevail. The acceptance of these principles by 110 nations, more than twice as many as those which first pledged themselves eighteen years ago, puts positive international law with its principles of peaceful co-operation and friendly relations on a very high universal ground.

3. In 1955, a large number of countries, including Afghanistan, in the historic conference<sup>1</sup> which took place in Bandung (Indonesia) in 1955 pledged themselves to a Declaration. It is in this document that

<sup>1</sup> Bandung Conference of African and Asian States.

practical steps were taken for creating a better and more happy and friendly world. Afghanistan believes that in any consideration of the principles of international co-operation, a study of the principles of Bandung should take priority.

4. In 1961, the non-aligned countries produced in Belgrade another Declaration<sup>2</sup> of world importance, which could be considered another milestone in the struggle for world peace. Afghanistan took an active part in the drafting of this Declaration.

5. Afghanistan, as shown by its international policy, will always support any measures towards the strengthening of world peace and stability. At the sixteenth and seventeenth sessions of the General Assembly, the Afghan delegation took an active part when the topic of "Principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" was under consideration. Afghanistan was also among the co-sponsors of draft resolution A/C.6/L.509,<sup>3</sup> and resolution 1815 (XVII) which was finally adopted by a unanimous vote of the Assembly.

6. At future sessions of the Assembly when this item comes up for consideration, Afghanistan will continue to work in co-operation with other Member States for the codification of those principles of international law which will serve peace and create a better world.

*Brazil*

[Original text: English]  
[28 May 1963]

1. It is advisable to make explicit the fact that the mere show of force, given the intention of exerting pressure on a State which can be clearly inferred from objective circumstances, constitutes a form of the use of force to be condemned.

2. One of the aspects of the problem of the peaceful solution of controversies that could be explored is that relating to the creation of a process under the auspices of the United Nations for the consideration of pragmatic and balanced solutions for conflicting economic interests which frequently are at the root of controversies. Isolating these elements during the initial phases of the controversies and seeking to reconcile opposing interests, in accordance with the principles and the very philosophy of the United Nations in the field of international economic co-operation, might avert excessive politicizing of the controversy or situation and facilitate its solution. It would be a method that would combine some conciliation and some mediation because its end result would be a specific recommendation and because, although it might eventually be handled through a subsidiary organ of the United Nations, it should be free of formalism and also free of publicity, at least in the initial phase.

3. It would be timely to study some corollaries of the principle of non-intervention as, for example, the duties of States to refrain from interfering in the civil strife of other States; the obligation, which is absolutely indispensable for friendly relations, neither to foment nor tolerate subversive activities directed against another State, etc.

<sup>2</sup> Declaration of the Heads of State or Government of the Non-aligned Countries.

<sup>3</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75.



4. Certain consequences of the sovereign equality of States should be explored as to their practical effects. Although this equality is a juridical, not a *de facto* concept, it would be logical that it should in fact produce certain consequences. The least that can be affirmed is that the principle requires that it be presumed that the international agreements and resolutions of international organs cannot be interpreted in a manner contrary to it. It can further be admitted that the principle of equality implies, in certain cases, unequal treatment for sovereign States, when required to compensate for the inadequacies of the weaker or less developed States. There is thus a tendency to achieve an approximate balance of interests and to preserve the very essence of the notion of sovereign equality.

5. One of the fundamental principles of the United Nations, of the greatest importance to friendly relations between States, is that calling for international economic co-operation aimed at the economic and social development of the less developed States. Outlined in the United Nations Charter, this principle has gradually emerged more clearly, is in the process of being expressed formally in the draft Declaration on international economic co-operation and has been exerting its influence on all United Nations activities in the economic and social spheres. Apart from the specific Declaration cited above and of its treatment by specialized organs, Brazil believes that the principle has taken form sufficiently, has advanced beyond the point of being a principle of political and economic convenience or a moral principle to become a truly general principle of international law, in the light of which both customary and conventional rules on international economic issues must be interpreted or even reviewed. A correct statement of the principle, which should be included among those principles essential to friendly relations among States, is that proposed to the *ad hoc* Working Group established by resolution 875 (XXXIII) of the Economic and Social Council by certain States for inclusion in the draft Declaration on international co-operation. The proposed text is as follows: "International co-operation in the fields of trade, finance and economic relations in general should aim in particular at the achievement of accelerated and self-sustaining economic growth of developing countries and the progressive reduction and ultimate elimination of the gap existing between their economies and those of the developed countries, thus contributing to the optimum international division of labour, consistent with the needs and objectives of developing countries".<sup>4</sup>

6. The allegation that the draft Declaration on international economic co-operation would thus be duplicated is unacceptable for the general principles on friendly relations among States are generally based on a document which already exists.

#### Canada

[Original text: English]  
[31 July 1963]

1. In response to the request for comments addressed to it by the Secretary-General pursuant to resolution 1815 (XVII), the Government of Canada wishes at the outset to underline the importance it attaches to the universal acceptance and application of international law. It is convinced that the well-known prin-

ciples of international law, including those now incorporated as binding obligations in the Charter of the United Nations, lie at the very root of peaceful and mutually beneficial relations among States. Admittedly some of these principles have, as yet, not undergone full development. However, they do provide a composite and fairly balanced framework within which, given good faith, peace-loving States can regulate their affairs and can work out amicable solutions to such differences as may arise from time to time between them.

2. Priority has been given in the resolution under consideration to only four of the principles of international law that were selected after careful negotiation at the United Nations Conference on International Organization in San Francisco in 1945 to form Article 2 of the Charter.

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations;

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered;

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

(d) The principle of sovereign equality of States.

3. Each of the principles, however, can be adequately studied only in relation to other intimately associated conceptions in that article and in the light of the Charter as a whole. Thus, for example, it is not possible to give fruitful consideration to any of the principles listed in the resolution except in the context of paragraph 2 of Article 2, which states:

"All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter."

4. Reflected throughout Article 2 and, indeed, throughout the Charter is the determination of Member States to maintain "international peace and security". Article 2 is, therefore, central to their undertaking, for it lays down a binding code of national conduct designed (a) to facilitate collective action in the interests of peace and (b) still to safeguard the kind of sovereign individuality which Member States had fought bitterly to achieve and to preserve.

5. Accordingly, it is useful to consider the original scope and intention of the important principles embodied in Article 2 as they were understood at San Francisco. It was not by accident that the first principle was particularly addressed to the question of sovereignty. The enjoyment of the rights and benefits of sovereignty are, by definition, of primordial interest to national States. However, as formulated in the first principle, the outline of sovereignty so familiar in international law has been subtly altered by the addition of the notion of "equality". Taken together the two words "sovereign equality" convey a meaning of justice, democracy and order for the sake of both individual and common good, that is, of the very essence of the United Nations conception.

<sup>4</sup> See *Official Records of the Economic and Social Council, Annexes*, agenda item 3, document E/3725, annex IV.

6. The phrase first emerged to public importance in the Moscow Declaration, signed on 30 October 1943. Paragraph 4 of that Declaration reads:

"That they [the Governments of the United States, the United Kingdom, the Soviet Union and China] recognize the necessity of establishing at the earliest practicable date a general international organization, based on the principle of the sovereign equality of all peace-loving states, and open to membership of all such states, large and small, for the maintenance of international peace and security."

7. This first formulation at once established two notions which have ever since been linked to "sovereign equality". The first was the suggestion that only "peace-loving States" were sovereign equals. The second was recognition of the necessity that each Member would have to accord mutual respect to other Member States if there was to be any hope of forming a durable association to serve the cause of peace.

8. Both at Dumbarton Oaks and at San Francisco the terminology "sovereign equality" was the subject of some discussion. In the event, it was incorporated unchanged in the Charter on the assumption and understanding, recorded in the report of the rapporteur of sub-committee I/1/A to Committee I/1, that it conveyed the following:

"(1) That States are juridically equal;

"(2) That they enjoy the rights inherent in their full sovereignty;

"(3) That the personality of the State is respected, as well as its territorial integrity and political independence;

"(4) That the State should, under international order, comply faithfully with its international duties and obligations."<sup>5</sup>

9. It will be apparent that "sovereign equality" explicitly and implicitly sums up the other principles in Article 2. Put the other way round, Article 2 can be said to be a codification of the fundamental notion of sovereign equality on which, in turn, the whole United Nations system is predicated.

10. Member States could hardly enjoy a status of sovereign equality if others did not fulfil their solemn obligations in good faith. Each failure to do so would inevitably diminish the rights of others. Again, juridical equality could have little practical meaning if powerful States were free to advance their interests by resorting to threats or the use of force rather than by recourse to the rule of law through peaceful procedures. Certainly sovereign equality would be meaningless if the territorial integrity and the political independence of Member States—which are indispensable aspects of national "personality"—were not held to be inviolate. Nor would the status be of real significance if the United Nations either singly or in concert were entitled to intervene in the essentially domestic affairs of Member States. Without such an exception, the central objective of effective collective security would be quite out of the reach of the Organization.

11. Another important derogation from the full freedom of action normally associated with national sovereignty was the decision that the United Nations should act by majority vote. However, once again with the real interests of the peace-keeping functions in mind, it was agreed in 1945 (a) to give the great Powers permanent

seats in the Security Council and (b) that the rule of great Power unanimity should apply to the important decisions of that organ.

12. The obligations comprehended in the principles of Article 2 are in part obligations assumed by Member States and in part limitations on the corporate activities of the Organization as such. It is significant that the objective of both is to protect the principle of "sovereign equality" and that this springs from a realization that, in the final analysis, the world organization could not exist without the continued mutual respect of all Members.

13. Article 2 represents a codification of "sovereign equality" but the Charter as a whole must also be taken into account in assessing the full value of that fundamental principle. The Charter seeks in many ways to recognize the need and inevitability of peaceful change. To this end it stresses the necessity of co-operative action to advance human rights and social and economic well-being for all peoples. To this end, also, it offers in place of the right to resort to threat or the use of force, a variety of methods for the peaceful settlement of international disputes.

14. In the view of the Canadian Government, many of the principles of international law embodied in Article 2 of the Charter require little if any further codification. While international law clearly requires continuing adaptation, and in some cases fuller elaboration, the progressive development and codification of law in the abstract is not helpful unless the law can be effectively applied.

15. It is central to the problem of the more effective application of the law that account be taken of the necessity to determine whether a question may be considered as essentially legal or political. This complex question, requiring, in each case, a fine judgement, may itself provide a useful area of study.

16. However, there is one principle which does lend itself readily to study from the more strictly legal point of view. That is the obligation on Member States to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered". The Canadian Government is convinced that it would be rewarding to concentrate the studies enjoined by resolution 1815 (XVII) at this time on improving and making more readily usable the various means provided in the Charter for the effective application of that principle. The provisions of Article 33 would, of course, require careful examination. Perhaps of even greater importance would be an intensive study of the role of the International Court of Justice, including in particular the part that can be played by the compulsory jurisdiction clause of the Court's Statute, in furthering the application of the rule of law to an ever-widening area in the affairs of States.

17. The United Nations Charter recognizes the close causal relationship between peace and justice, and that procedures for peaceful settlement of disputes provide a link between the two. One of the purposes of the United Nations is 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. Article 33 outlines some of the means for achieving these ends. It indicates that these means should include seeking a solution by negotiation, inquiry, mediation, conciliation, arbitration, judi-

<sup>5</sup> See United Nations Conference on International Organization, I/1/A/19(a).

cial settlement or resort to regional agencies or arrangements. Article 7 establishes the International Court of Justice as one of the principal organs of the United Nations and its principal judicial organ.

18. The Canadian Government recognizes the need to further the development of all means of peaceful settlement, including those suggested by Article 33, and considers that a study should be made by the Sixth Committee of the desirability of developing procedures for peaceful settlement of international disputes. Of the many means available none is alone sufficient; each can be apt in particular circumstances; the existence of a variety of choices of means of peaceful settlement increases the likelihood of utilization of the pacific approach itself; the mere existence of well-developed procedures can have far-reaching substantive effects.

19. Of the various means available for peaceful settlement of disputes, settlement by an impartial authority, particularly by judicial settlement, provides, in the view of the Canadian Government, the surest guarantee of the sovereign equality of States. The International Court of Justice, consisting of permanently existing machinery of a highly refined form, readily available for the judicial settlement of international disputes, comprises just such an authority. It is the view of the Canadian Government that the continuing development and increasing application of the rule of law internationally represents a vital factor in the maintenance of peace. The Canadian Government recognizes, however, that the mere existence of such machinery is ineffective unless coupled with the will on the part of Member States to utilize it.

20. It is commonly accepted that the International Court has not played the role which was envisaged for it, and that one of the major reasons for this unfortunate situation is the reluctance of the nations of the world to submit to its jurisdiction. While wider acceptance of the compulsory jurisdiction of the Court would not in itself resolve this problem, such action would, in the view of the Canadian Government, contribute considerably to the enhancement of the status of the Court and as a consequence, further the development of the rule of law amongst nations.

#### *Colombia*

[*Original text: Spanish*]  
[2 July 1963]

1. The Secretary-General of the United Nations, in his note of 8 February 1963 (No. LE/114/1), invites the views and suggestions of the Ministry of Foreign Affairs of Colombia on the points contained in United Nations General Assembly resolution 1815 (XVII) of 18 December 1962.

2. Specifically, the subject submitted for the consideration of the Ministry of Foreign Affairs is the following:

“Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.”

Moreover, operative paragraph 2 of this resolution reads as follows:

“... a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to

their progressive development and codification, so as to secure their more effective application”.

3. The Ministry of Foreign Affairs of Colombia considers resolution 1815 (XVII), adopted by the United Nations General Assembly on 18 December 1962, to be of the greatest interest and importance.

4. It considers, furthermore, that the stated purposes of development, codification and effectiveness of the principles of international law and the aims of increased friendly relations and co-operation among States in accordance with the provisions of the United Nations Charter would undoubtedly be strengthened and assisted to the extent that a complete and detailed practical programme for the teaching and promotion of international law in all its aspects could be developed.

5. It is evident that international law has acquired outstanding importance in our time and that it has achieved undeniable advances in doctrine, particularly with reference to the formulation of principles and procedures affecting peaceful relations and international co-operation. It seems, therefore, that what must now be done is to promote and disseminate by the best available means all the advances in doctrine that have made it possible to introduce the rule of law and principles of co-operation into relations among States.

6. The Government therefore attaches fundamental importance to resolution 1816 (XVII) adopted by the United Nations General Assembly on 18 December 1962 under which provision is made for a ten-year plan to carry out a detailed programme for the teaching, dissemination and promotion of international law.

7. This is a sound and praiseworthy endeavour which will undoubtedly ensure the success of the aspirations and purposes of General Assembly resolution 1815 (XVII).

8. For further information on this matter, the Ministry of Foreign Affairs draws attention to the memorandum sent to our Permanent Mission to the United Nations concerning General Assembly resolution 1816 (XVII).

#### *Czechoslovakia*

[*Original text: English*]  
[24 July 1963]

1. The Czechoslovak Socialist Republic attaches primordial importance to effective measures—within the framework of the United Nations—aimed at the progressive development and codification of the principles of peaceful coexistence. It considers that the ultimate aim of all efforts in this field must be a marked enhancement of the role of international law in international relations and enforcement of its strict and undeviating observance by all States. The responsibility for this task rests with the General Assembly which, under Article 13, paragraph 1, of the Charter, is called upon to initiate studies and make recommendations for the purpose of promoting international co-operation in the political, economic and other fields and encouraging the progressive development of international law and its codification.

2. The discussion of this question in the Sixth Committee of the General Assembly at its fifteenth, sixteenth and seventeenth sessions has, in the opinion of the Czechoslovak Government, demonstrated the overwhelming belief of Member States in the necessity of an intensification of the United Nations activities in

the legal field and their demands for a direct participation of the United Nations General Assembly in the codification work as well as assumption by the Sixth Committee of the General Assembly of the concrete codification tasks in the field of the fundamental principles of international law having a bearing on peaceful coexistence of States.

3. In its resolutions 1686 (XVI) and 1815 (XVII), the General Assembly outlined the scope and the main purpose of the codification task which it had assumed.

4. In the opinion of the Czechoslovak Government, the ultimate aim of the task set under resolution 1686 (XVI) should be the formulation and enunciation of the main principles of international law governing peaceful coexistence between States with different social and political systems, in accordance with the United Nations Charter. In the spirit of sincere co-operation and guided by the desire to contribute to a constructive approach to this question, the Czechoslovak delegation to the seventeenth session of the General Assembly submitted a draft declaration of the principles of peaceful coexistence<sup>6</sup> containing the formulation of the following main principles of contemporary international law: obligation to take measures for the maintenance of peace and international security; principle of peaceful settlement of disputes; prohibition of the threat or use of force; prohibition of weapons of mass destruction; principle of general and complete disarmament; prohibition of war propaganda; principle of collective security; principle of State sovereignty; principle of territorial integrity; respect for the independence of States; principle of sovereign equality; right of States to participate in international relations; principle of non-intervention; right of nations to self-determination; principle of the elimination of colonialism in all its forms; principle of respect for human rights; principle of the observance of international obligations; principle of State responsibility.

5. The Czechoslovak draft declaration is firmly based in the purposes and principles of the United Nations Charter and takes into account all the important elements in the development of the legal principles and institutions as they emerged over the recent period and as correspond to the progressive trend of development of the contemporary international community. It is therefore the purpose of the draft declaration to contribute to the progressive development of the fundamental principles of international law and so to enhance its authority in international relations.

6. The Czechoslovak Government is of the opinion that in dealing step by step with the fundamental legal principles of peaceful coexistence starting with the four principles mentioned in paragraph 3 of the operative part of resolution 1815 (XVII), the General Assembly should proceed from the consideration that the results of the work will be incorporated in one or several documents which—without prejudice as to their form—will codify the basic legal principles of peaceful coexistence in their progressive shape. At the same time, the General Assembly should urge States to respect them strictly and unconditionally.

7. As regards consideration of the four principles mentioned in paragraph 3 of the operative part of resolution 1815 (XVII) at the eighteenth session of the General Assembly of the United Nations, the Czechoslovak

Government believes that in its deliberations, the General Assembly should proceed from the Czechoslovak draft declaration submitted at its seventeenth session as well as from the other proposals and suggestions put forward in the course of the General Assembly.

(a) *Prohibition of the threat or use of force.* In discussing and formulating this principle, it is necessary to refer to the provisions of Article 2, paragraph 4, of the United Nations Charter and to such important documents as the Charter of the International Military Tribunal for the trial of war criminals of the European Axis,<sup>7</sup> the Declaration of the Bandung Conference of 1955 and others. In the Czechoslovak draft declaration of 1962, this principle is formulated as follows:

“The use of force in international relations and wars between States are barbaric methods for the solution of international disputes extrinsic to the dignity and respect of the human being, and have been repudiated and outlawed by nations. In conformity with the generally recognized rules of international law and the Charter of the United Nations in particular, the threat or use of force against the territorial integrity or political independence of any State, as well as plotting, preparing or unleashing of an aggressive war, shall be prohibited.”

(b) *The principle of peaceful settlement of disputes.* In discussing and formulating the principle enunciated under Article 2, paragraph 3, of the Charter, it is necessary to pay attention to the basic and most widespread method of settling disputes—direct negotiation between the parties concerned. Furthermore, it is necessary to give full expression to the rule that the parties to the dispute are entitled to choose, on the basis of mutual agreement and with regard to the nature of the dispute, such means for its solution as can best secure the fulfilment of their principal obligation—to settle the dispute by peaceful means. In the Czechoslovak draft declaration of 1962, this principle is formulated as follows:

“Disputes between States and international situations of any origin and nature must be settled by peaceful means, in particular by direct negotiations, so that international peace and security, and justice are not endangered. States are free, when using other methods of settlement, to choose the most appropriate means for such a settlement on the basis of agreement and with regard to the nature of the dispute.”

(c) *The principle of non-intervention.* The principle of non-intervention is an integral part of general international law and is binding upon all States without exception. It is both explicitly and implicitly expressed in the United Nations Charter and embodied in a number of other important documents, such as the Declaration of the Bandung Conference, the Charter of the Organization of American States,<sup>8</sup> the Charter of the Organization of African Unity, etc. In discussing this principle, due regard must be taken to other international treaties (bilateral and multilateral), to the resolutions of the United Nations General Assembly and other documents of international law which define the individual aspects of this principle. In the Czechoslovak draft declaration of 1962, this principle is formulated as follows:

<sup>6</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75, document A/C.6/L.505.*

<sup>7</sup> See United Nations publication, Sales No.: 49.V.7, p. 91.

<sup>8</sup> United Nations, *Treaty Series*, vol. 119 (1952), No. 1609.

"States shall be obliged to avoid any direct or indirect interference with the internal or external affairs of any other State and any other impairment of its rights. No State has the right to impose on another State or nation one or another social or constitutional system."

(d) *The principle of sovereign equality.* In discussing and formulating the principle of sovereign equality of States proclaimed under Article 2, paragraph 1 of the Charter, it is above all necessary to take into account that the equality of States emanates from the sovereignty of States as subjects of international law, that all States, irrespective of their differing social and economic systems, have equal right to participate in international relations and that sovereign equality must apply in all fields of relations between States, including the sphere of international treaties. In the Czechoslovak draft declaration of 1962, this principle is formulated as follows:

"Relations among States must rest upon the basis of sovereign equality. States have equal rights and obligations as subjects of international law and no reasons of political, economic, geographical or other nature can limit the capability of the State to act and assume obligations as an equal member of the international community."

8. The Czechoslovak Government is of the opinion that after having disposed of the aforesaid four principles at its eighteenth session, the General Assembly should at its next session proceed to the consideration and formulation of the remaining principles listed under paragraph 1 of the operative part of resolution 1815 (XVII), i.e., the principle of co-operation of States, the principle of equal rights and self-determination of peoples and the principle of respect for international obligations. At the same time a decision should be taken with regard to the order of priority for the consideration of the other principles of peaceful coexistence, not included in the said list.

9. Submitting these basic comments and suggestions, the Czechoslovak Government reserves the right to expound in more detail its position on these questions during the eighteenth session of the General Assembly of the United Nations and, if necessary, to submit its further remarks and suggestions.

*Israel*

[Original text: English]  
[29 July 1963]

1. The Government of Israel has studied with interest resolution 1815 (XVII) in the light of the debates at the sixteenth and seventeenth sessions of the General Assembly, and wishes to make the following general observations thereon.

2. The significance of the previous debates is that they have drawn attention to a number of deficiencies in the United Nations machinery. These deficiencies are placing obstacles in the way of two major purposes of the Charter, namely the effective pacific settlement of international disputes and the effective development of international co-operation, in all spheres, for the attainment of the aims of the United Nations. These two aspects are inter-linked, for it is difficult to see how, in the complex international society of today, international co-operation can be furthered so long as a number of serious international disputes and situa-

tions of tension continue to persist and to distort treatment of other matters which come before the different United Nations organs. Resolution 1815 (XVII) is therefore understood as constituting the point of departure for consideration in practical terms of various principles of the Charter with the object of supplementing them by means of agreed texts—regardless of their legal form—which will indicate how the general principles appearing in the Charter are to be realized in practice. Some of these principles might be susceptible of concretization by means of declarations adopted by the General Assembly, while for others, the full concretization of which might require the voluntary assumption of legal obligations by Member States, this result could only be attained by means of formal legal instruments.

3. For that reason it appears neither necessary nor desirable that each of the principles of the Charter to be subjected to specific study should be given identical treatment, or that all of them should be dealt with simultaneously. Nor does it seem practical to envisage that identical procedures should be employed for the study envisaged for each different principle. What is needed is a flexible and empiric approach which will enable each selected principle to be studied and amplified, and ultimately concretized, by means of such methods as will be most appropriate to it.

4. It is considered that the four principles listed in operative paragraph 3 of resolution 1815 (XVII) are each of equal urgency and that the eighteenth session of the General Assembly would perform a valuable service if it were to initiate a study and action for each one of them. This Government attaches particular importance to the early elaboration of principles (a), (c) and (d), and believes that a sincere implementation by all Members of their obligations arising out of these principles would come to constitute a substantial measure towards the achievement of the purposes and principles of the Charter.

5. In the view of this Government, the obligation to refrain from threats or use of force against any other State (paragraph 3 (a) of resolution 1815 (XVII)), as well as the obligation to seek a resolution by peaceful means of any dispute the continuance of which is likely to endanger international peace and security (paragraph 3 (b) of resolution 1815 (XVII)), exist irrespective of whether the States concerned do or do not maintain normal relations. Such obligations among Member States arise from their membership in the Organization and from the provisions of the Charter.

6. With regard to principle (b), this Government wishes to reiterate what was stressed by its representatives in the First and Sixth Committees of the General Assembly during the sixteenth and seventeenth sessions, that the necessity for amplification of the provisions of the Charter regarding the pacific settlement of international disputes must be considered in the light of developments in the sphere of disarmament. The two problems are linked in the following way. On the one hand, the prohibition of the use of force and the reduction of armaments are designed to maintain a general peaceful state of affairs and prevent the danger of the outbreak of war. On the other hand, they do not in themselves lead to the settlement of those disputes the existence of which, as all experience shows, is liable to provoke an outbreak of violence. The relative lack of contemporary interest in the General Act for the Pacific Settlement of International



Disputes of 1928, even in its revised form of 1949,<sup>9</sup> suggests that it is not adequate to present-day needs. It is therefore felt that a constructive approach to principle (b) should have as its objective the elaboration of a formal instrument which, within the framework of the Charter, and taking into consideration the discussions relating to the problem of disarmament, would supplement the existing machinery and, by making available to States a series of fully integrated methods for the pacific settlement of disputes, would give form and substance to the general exhortation contained in Article 33 of the Charter, and facilitate the implementation by States of their obligations to bring about by peaceful means the adjustment or settlement of their disputes which might lead to a breach of the peace.

7. This Government wishes to suggest that within the framework of future discussions on the topic the General Assembly should give consideration to the related question of participation by Member States in various general multilateral conventions drawn up under the auspices of the United Nations, the number of which is now considerable. The initiation by organs of the United Nations of the conclusion of such conventions should be followed by systematic and regular examination of the status of participation by Member States in those conventions. Hitherto such action has been undertaken sporadically—an example is found in resolution 1841 (XVII) of 19 December 1962 regarding the implementation of the Supplementary Convention of 1956 on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery—and the suggestion here made is that the General Assembly, implementing the principle of the duty of States to co-operate with one another in accordance with the Charter, referred to in paragraph 1 of resolution 1815 (XVII), should take this question under advisement.

8. Importance is attached to emphasizing that any activities undertaken by the General Assembly in pursuance of resolution 1815 (XVII) should not involve, whether directly or indirectly, explicitly or implicitly, amendment or revision of the Charter unless such amendment or revision is consummated in accordance with the provisions of the Charter itself. This, however, does not mean that Member States should not be encouraged to take upon themselves specific obligations which are additional to those contained in the Charter.

9. The foregoing observations are essentially of a technical character. But the Government is convinced that the full realization of the purposes of resolution 1815 (XVII) cannot be achieved merely by technical improvements and adjustments. Friendly relations and co-operation amongst States in accordance with the Charter is, above all, a matter of fundamental attitude. It would be regrettable if excessive preoccupation with the technical aspects, highly important though they are, should cause the real objective of the resolution to be lost to view.

Jamaica

[Original text: English]  
[11 July 1963]

1. The views expressed are not intended to be an exhaustive treatment of the subject, which my Government feels would be impossible at this time. Certain

<sup>9</sup> United Nations, *Treaty Series*, vol. 71 (1950), No. 912.

specific recommendations have been made in regard to the items listed by the Secretary-General, and there has been an attempt to show that—in respect of recognition and neutrality—new principles of international law could be attempted.

*Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations*

Article 13 a of the Charter provides that “the General Assembly shall initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging the progressive development of international law and its codification.” The matter for consideration is General Assembly resolution 1815 (XVII) of 18 December 1962, relevant to “consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.” It is understood that in accordance with the resolution, this item has been placed on the provisional agenda of the eighteenth session of the General Assembly.

2. The Secretary-General has invited views or suggestions on this item, with particular reference to:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

(b) In principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

(c) The duty not to interfere in matters within the domestic jurisdiction of any State, in accordance with the Charter.

(d) The principle of sovereign equality of States. These principles are in essence a re-statement of the main principles enunciated in Article 2 of the Charter. Therefore, both in content and objective, the terms of the resolution and the particular respects on which the Secretary-General has invited views or suggestions, involve fundamental principles on which the Charter is based; it is to the furtherance and progressive development of these principles that this memorandum is directed.

3. It is important to recognize that unless the codification of international law is based on existing principles then the ultimate result might well be the creation of a novel international society governed by a completely new legal order.

4. The existing principles governing international law are basically sound, but the advance of science and technology, and the emergence of several new States to independence have demonstrated the need for either:

(i) A clearer definition of existing principles, or  
(ii) A declaration of new principles supplementing existing ones.

5. Referring to paragraph 2 (a) above (paragraph 3 (a) of the Secretary-General's note), the renunciation of war as an instrument of foreign policy—a specific provision under Article 2 of the Charter—has deep historical roots. The Hague Peace Conferences of 1899 and 1907, the Covenant of the League of Nations and

the Briand-Kellogg Pact of 1928<sup>10</sup> made significant declarations against aggressive war. All these declarations have a common factor about them—the recognition that the greatest welfare of mankind could only be pursued through peace.

6. There are moral issues involved in war but in our age the question of “War or peace” is perhaps better settled by a sober appraisal of its consequences than by reference to moral principles; because the heterogeneity of States comprising the international society, makes it unlikely that there can be a universally accepted moral standard of judgement on this issue. What may be justified on moral grounds by some States may justifiably be viewed with opprobrium by others.

7. War—modern war, that is—involves one major issue in its consequences: the question of survival of the human race. It is a universally accepted premise that war in the nuclear age threatens the very existence of civilization. History has shown that major wars usually have insignificant beginnings. Therefore, if war in our time is to be avoided, force in all its forms has to be eliminated in States’ relationship.

8. The principle of “threat or use of force against the territorial integrity or political independence of any State” as it is commonly understood, has to be reviewed in the light of the existing realities affecting international society.

(a) In considering this principle, an intensified effort must again be made to arrive at an acceptable definition of “aggression”. Admittedly it may not be possible exhaustively to define “aggression”, but it should be possible to recognize the more frequent forms in which aggression has been manifesting itself in modern times.

(b) It must also be recognized that “force” in its original form has almost disappeared from contemporary international relations. Doubtless the Charter provisions are partly responsible for this. However, “force” in a subtler form has been seriously undermining international peace and security.

9. Serious consideration should therefore be given to the various aspects of “psychological” warfare in order to determine whether this constitutes “force” within the meaning of the Charter.

10. Referring to paragraph 2 (b) above (i.e., the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered), the peaceful settlement of disputes necessitates:

(a) Willingness of States to settle their disputes;

(b) The existence of machinery for the settlement of disputes; and

(c) Appropriate procedural details for the successful operation of the machinery.

Now, under Article 33, “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, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”.

11. Also under Article 36 “the Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recom-

mend appropriate procedures or methods of adjustment”.

12. The willingness of many States to resort to Article 33 tends to vary with the importance of the issue.

13. Quite often the Security Council is not informed of a dispute until it has reached a stage when the disputing parties find it difficult to retreat from a position taken on the issue. Consequently, the dispute becomes more difficult in all its phases at this stage. The principle of “the settlement of international disputes by peaceful means” would be generally enhanced if a clearly defined procedure was laid down with regard to the operation of Article 33.

(a) In this connexion, since direct contact between the States concerned is of paramount importance, the parties would be expected first to exhaust the negotiating machinery. Then if negotiation fails, within a specified time the dispute should be referred to

(b) The next appropriate machinery which would be determined by the very nature of the dispute itself. (If the nature of the dispute makes it difficult to determine which would be the next appropriate machinery, then “enquiry” should be resorted to with a view to determining such machinery);

(c) Without prejudice to the discretionary authority of the Security Council under Article 36, in respect of all disputes fullest possible use should be made of the machinery listed under Article 33 before the matter is referred by any of the disputing parties to the Security Council;

(d) The movement of the dispute from one stage to the next should, as far as possible, be made within a specified time, in order that the dispute may be settled without undue delay.

14. If States are to solve their dispute by peaceful means then greater reliance has to be placed on the machinery and procedure established under Article 33.

15. In this respect the International Court of Justice plays a most important part. The influence and work of the Court would certainly be far more effective if members were to liberalize their attitude to the compulsory jurisdiction of the Court. There are instances where the reservations made by some members under Article 36 of the Court’s Statute are so wide as to leave the Court with no compulsory jurisdiction at all.

16. It is not here being suggested that States should, at the exclusion of all considerations, submit to the compulsory jurisdiction of the Court. It is difficult to believe, however, that all the interests of some States are so peculiarly vital that there is no room for the compulsory jurisdiction of the Court.

17. The question of extending the compulsory jurisdiction of the Court is vitally important in the pacific settlement of disputes. As to how it is possible for this to be done could possibly be the subject of special deliberations among members under the aegis of the United Nations.

18. Referring to paragraph 2 (c) above (the duty not to intervene in matters within the domestic jurisdiction of any State in accordance with the Charter), encroachment on the area of the domestic jurisdiction of a State can only be justified if it is done in pursuance of, or in keeping with, some rule of international law. For example, the changing factors affecting international society may necessitate an extension of United Nations activities to embrace matters formerly within the domestic jurisdiction of a State. In this connexion

<sup>10</sup> General Treaty for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928 (League of Nations, *Treaty Series*, vol. XCIV, 1929, No. 2137).

another State, acting in compliance with a request by the United Nations, may not be held to be intervening in the domestic jurisdiction of the other State concerned.

19. There is also the problem of who should determine what is domestic jurisdiction—and in some cases this is a difficult problem. It would be helpful if international decision in the form of a rule of international law could be made in respect of the known instances where the concept of domestic jurisdiction has been hotly contested.

20. There is urgent need for the clearest possible definition of "intervention", especially in regard to acts which may be of an indirect nature. Intervention usually takes the form of gratuitous interference, but then there is no reason why, in modern times, it should be considered limited to overt acts in terms of words or deeds.

21. Subversive action in all its manifestation is as much intervention as direct interference by words or deeds on the part of an external power.

22. The principle of "non-intervention in matters of domestic jurisdiction" would be considerably strengthened if subversive activities (organized or assisted by or on behalf of an external power) were included as part of the existing declared principle of international law.

23. Referring to paragraph 2 (d) above—the principle of sovereign equality of States—as States are equally sovereign only by reference to international law, it is only by international law that the status of "sovereign equality" should be affected.

24. It has always been considered inconsistent with the concept of the sovereign equality of States that they be considered bound by decisions to which they have not consented. In this connexion, the Covenant of the League of Nations and the Charter of the United Nations depart from the general rule. This has been done in response to the changing needs of international society.

25. There is need today for the continued "progressive" departure from the unanimity rule in regard to international decisions, particularly those of generally wide, international significance.

26. International law would tend to develop along more progressive lines if rules could be agreed upon whereby States would be considered bound by international decisions of great significance, provided these decisions are approved by the vast majority of States and their non-acceptance would create inconvenience to the international society. There is but little difference between this position and that in which, irrespective of a State's consent, it is considered bound by existing principles of customary international law, of a general nature.

27. Finally, there are areas of international law where new principles (as distinct from the extension of existing ones) may be evolved. For example, consideration could be given to:

(a) Under what circumstances (if any) should a State or Government, as a matter of obligation, be recognized as a member of international society by existing States.

(b) Whether it is possible to review international law as it is commonly understood to apply to neutrality with a view to harmonizing the concept of neutrality with the Charter of the United Nations. For example, the participation in United Nations peace enforcement

activities by a neutral State which is also a Member of the United Nations may, in fact, be recognized by other States as not inconsistent with the concept of neutrality. The position should be fully explored.

28. A new approach to the problems facing international law and a new approach in respect of the attitude of States to the peace and security of mankind are necessary. This new approach should be made on the common understanding that it is on peace and security based on a strong foundation of international law, that the survival of mankind rests.

#### Madagascar

[Original text: French]  
[8 March 1963]

1. The Malagasy Government fully approves the views expressed in this resolution, which embodies the principles that have always been the basis of Madagascar's attitude towards other nations.

2. The Minister for Foreign Affairs of the Malagasy Republic would nevertheless point out to the Secretary-General of the United Nations that sub-paragraphs (d), (e) and (g) of operative paragraph 1 of the resolution are not referred to again in operative paragraph 3 and therefore have not in practice been submitted to the Sixth Committee for study.

3. The Malagasy Government would particularly like "the principle of equal rights and self-determination of peoples" to be placed among the principles to be studied.

4. Self-determination constitutes, for the Malagasy Government, an essential element in relations among peoples; it is one of the most certain ways of discovering the real will of the peoples and, consequently, of avoiding further bitter disputes in the near future.

5. Because of its stand on self-determination, the Malagasy Government was unable to approve of the agreement concerning West Irian reached under the auspices of the United Nations. Attaching a people, without its consent and even despite its opposition, to another nation constitutes, in the view of the Malagasy Republic, a violation of the principle of self-determination which is all the more serious and ominous as the peoples of New Guinea and Indonesia have no point in common, whether racial, linguistic, traditional or historic.

6. The Minister for Foreign Affairs of the Malagasy Republic would therefore be pleased if the principle of self-determination were added, at the eighteenth session, to the other principles enumerated as topics for study in paragraph 3 of resolution 1815 (XVII).

#### Nigeria

[Original text: English]  
[19 July 1963]

1. The Government of the Federation of Nigeria, as co-sponsor of General Assembly resolution 1815 (XVII) of 18 December 1962, reaffirms its adherence to all the principles enumerated in the resolution and wishes that this item be placed on the provisional agenda of the eighteenth session of the General Assembly.

2. (a) Paragraph 3 (a) of the resolution—As regards the principle that States shall refrain from the threat or use of force against the territorial integrity or political independence of any State, Nigeria would



wish to add that the question of nuclear explosion is a violation of the territorial integrity of a State which may be affected by such an explosion.

(b) *Paragraph 3 (c) of the resolution*—Nigeria, while adhering to the principle that it is the duty of States not to intervene in matters within the domestic jurisdiction of any State, unreservedly condemns, in all its forms, political assassination as well as subversive activities on the part of neighbouring States or any other State.

3. For consideration at subsequent sessions, Nigeria would like to propose the following as principles of international law which should also govern friendly relations and co-operation among States in accordance with the Charter of the United Nations:

(a) The principle of self-determination for all colonial peoples;

(b) The principle of respect for the policy of non-alignment to any ideological or military power bloc adopted by a State;

(c) The principle of racial equality;

(d) The principle that ideological and warlike propaganda should be avoided in the conduct of international relations.

#### Poland

[Original text: English]  
[30 July 1963]

1. Recognizing the importance of the progressive development of international law in relations between States of different social and economic systems, the Polish Government considers the elaboration of legal principles concerning coexistence between them a highly purposeful measure.

2. The Polish Government is of the opinion that basing such principles on the Charter of the United Nations is a very positive fact since it emphasizes the permanent value of the Charter as the essential part of contemporary international law binding all States, both Members and non-members of the United Nations.

3. On the other hand, in view of a considerable lapse of time since the formulation of the Charter of the United Nations, there arises the necessity for a new look at some of its principles. Without aspiring to change the provisions included in the Charter it is appropriate to reaffirm, from the point of view of the needs of international life, those principles which, as norms of international law, would become the principles of friendly relations and co-operation among States.

4. Since fruitful measures in pursuit of this end were initiated by the adoption of resolution 1815 (XVII) on 18 December 1962, by the General Assembly of the United Nations, it would be well to take a further step and formulate new principles or develop existing ones with a view to their importance for the progressive development of international law.

5. It seems in this connexion that reference to the precisely elaborated Czechoslovak draft resolution A/C.6/L.505 would play an especially positive role.

6. Recognizing the appropriateness of the principles mentioned in operative paragraph 3 of resolution 1815 (XVII), the Polish Government wishes to pronounce its opinion as to their wording, and to present motions as to the formulation of further principles.

7. Considering the maintenance of world peace as the imperative requirement of our times one should emphasize the validity of giving priority to the principles of refraining from the threat or use of force in international relations and the principle of the peaceful settlement of international disputes (paragraphs 3 (a) and 3 (b) of the resolution). The inclusion of both principles is all the more appropriate as they are two sides of the same problem and contain elements facilitating the maintenance of peace and the elimination of acts of aggression.

8. Speaking of the principles enforced by the demands of contemporary life, one cannot ignore such a basic condition of maintaining peace and ensuring friendly relations and co-operation among States as the postulates of disarmament which remain in close relation to the former principles. Their meaning for the world is of such weight that they should take their due place in laying down the principle devoted to the problem of disarmament. There are also other considerations speaking for such a necessity.

9. The provisions of the Charter of the United Nations with regard to this problem, included in Article 26 of the Charter, speak only of "a system for the regulation of armaments" which is to contribute "to the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources".

10. In the era of powerful weapons of mass destruction this wording, dating from 1945, should be given a new emphasis by postulating general and complete disarmament.

11. Partial measures, e.g. creation of atom-free zones, should also take their place among other disarmament postulates. The suggested wording of the principle devoted to this problem is as follows:

"General and complete disarmament under international control constitutes the most effective guarantee of friendly relations and peaceful co-operation among States of different political and social systems. With a view to this, all States shall seek to reach agreement on general and complete disarmament under international control within the shortest time possible.

"Aside from the actions relative to the agreement on general and complete disarmament, States shall make every effort to realize measures facilitating and encouraging general and complete disarmament, especially those measures that would provide for the realization of disarmament in definite regions of great importance in the maintenance of world peace and security."

12. The other principles included in paragraph 3 of the resolution, require a more precise wording. This is especially so as regards the principle set forth in paragraph 3 (c) of the resolution, which reads as follows: "the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter".

13. Experience to date shows that the principle of the domestic jurisdiction of a State under Article 2, paragraph 7, of the Charter of the United Nations has been repeatedly used in the interests of the States possessing colonies to the disadvantage of the peoples liberating themselves from colonial rule. In connexion with this, the principle in paragraph 3 (c) should be laid down in the following way:

"States shall have the duty not to intervene in matters which are within the domestic jurisdiction of any other State, in accordance with the Charter. This principle shall not conflict with the resolution of the General Assembly relating to matters of decolonization, and, in particular with the Declaration on the granting of independence to colonial countries and peoples, of 14 December 1950 (resolution 1514 (XV))."

14. The principle of the sovereign equality of States, mentioned in paragraph 3 (d), also requires a more concrete elaboration of its contents in the light of the rights and duties of States as subjects of international law. It is most unfortunate that not all States as sovereign subjects of international law enjoy equal rights. An eloquent proof of this is the fact that the rights in the sphere of such an essential manifestation of sovereignty as free participation in international intercourse have been employed a most to exclude some States from participation in international conferences.

15. This also concerns a number of discriminatory acts barring a number of States from international intercourse.

16. The principle relating to the sovereign equality of States should, in this connexion, be worded as follows:

"Participation in the international community and in relations between States shall be based upon the principle of sovereign equality. States subjects of international law have equal rights and duties and, therefore, no political, economic, geographical considerations or other reasons shall limit the capacities of a State for full activity and free participation in international intercourse, including international conferences, multilateral agreements and international organizations."

17. Aside from the foregoing principles there are other legal principles having a great importance for peaceful and friendly co-operation among States of different political and social systems.

18. The principle concerning the right to self-determination of peoples, confirmed by the Charter of the United Nations as universally binding, has undergone a definite evolution since its formulation in 1945. The principle of self-determination has, in its development, become more and more explicit in the formulation of many resolutions adopted by the General Assembly of the United Nations as a result of growing successes in the struggle for national liberation and the breakdown of the colonial system.

19. The most distinct expression of it is to be found in the Declaration on the granting of independence to colonial countries and peoples, of 14 December 1960 (resolution 1514 (XV)).

20. Thus a significant step forward has been made as the Charter of the United Nations, recognizing the existence of non-self-governing territories and peoples (in Chapter XI), creating the Trusteeship System and setting forth methods and forms of its supervision and development (in Chapters XII and XIII), approached this problem from the point of view of the situation in 1945.

21. At the present moment, considering the problem of self-determination from the point of view of the current world situation, in which the existence of remnants of the colonial system is a survival hindering peaceful and friendly co-operation, the principle of self-deter-

mination should be laid down as a legal principle of coexistence. The suggested wording of this principle is the following:

"Every nation has the right to self-determination, including the creation of its independent and sovereign State; to free choice of its own political, social and economic system, and to full sovereignty over its national resources. States should approach this right of nations with utmost respect and help in its realization."

22. Another very essential problem of coexistence is the question of international trade exchange. As one of the purposes of the United Nations the Charter mentions the achievement of "international co-operation in solving international problems of an economic... character", (Article 1), and postulates "solutions of international economic problems" with a view to the creation of conditions of stability and well-being necessary for maintaining peaceful and friendly relations among nations (Article 55 of the Charter).

23. Far-reaching changes have been brought about in the world since the formulation of these postulates in 1945. The connexion between the maintenance of world peace and the development of international economic relations has become clearer and clearer.

24. The use of trade barriers of a discriminatory character by some States creates obstructions for the implementation of nations' rights to international trade exchange.

25. A very unfortunate thing is the application of limitations, and, in some cases, the imposing of bans on supplies of certain commodities, after agreements have been reached. Such practices not only impair economic relations, but also lead straight to the violation and repudiation of obligations assumed under treaties. It is also impossible to disregard the facts of subjecting the contraction or continuance of economic relations to political conditions or utilizing them as the instrument of political pressure.

26. Taking into consideration the fact that the use of economic discrimination undermines essential principles of international law as the principles of non-intervention and the sovereign equality of States, there should be a ban on such actions.

27. The Polish Government is of the opinion that the principles with regard to international trade exchange should be worded as follows:

"Every nation has the right to free international trade exchange which, in present conditions, creates the best possibility for the stabilization, well-being and social advancement of all peoples. In order to realize this right States shall, in their economic relations, apply the principles of equality, mutual benefit and mutual respect of interests. The use of economic discrimination, as—*sui generis*—an instrument of political pressure, shall be deemed a breach of the right to free international trade exchange."

28. Presenting its point of view with regard to the principles of international law relating to friendly relations and co-operation of States, in accordance with the Charter of the United Nations, included in operative paragraph 3 of resolution 1815 (XVII) of the General Assembly, as well as other suggested principles of international law—the Polish Government believes that their acceptance and use may constitute an essential contribution both to basing relations among

States upon respect for law and facilitating harmonious and friendly co-operation among them.

29. At the same time, the Polish Government is of the opinion that the principles submitted may in their present form constitute a contribution to the progressive development of international law and may create a basis for further systematic work on the enrichment of the progressive norms of international law.

#### Sierra Leone

[Original text: English]  
[8 March 1963]

1. The principles mentioned in operative paragraph 3 of the resolution are in line with Sierra Leone's foreign policy, which is based on respect for the equality, sovereignty and territorial integrity of all nations irrespective of size or wealth. The rule of law—both within the nation and between nations—must be paramount in the policies of all countries. There should be no interference in the internal affairs of other countries, but this should not prejudice the duty of one country to protest in any appropriate way against internal conditions in another which are inhuman or which violate the principles of the United Nations Charter.

2. Sierra Leone's foreign policy affirms that no non-African nation has any territorial claim over any part of African soil, and that every effort should be made to bring to an end colonial régimes in all parts of Africa. It is also agreed that war is not inevitable and should not be regarded as a means of settling international disputes, and that such disputes should be settled by peaceful means within the United Nations framework, where necessary.

#### Tanganyika

[Original text: English]  
[21 February 1963]

This Government is in entire accord with the sentiment expressed: it is our view that the time is over-ripe for putting these principles, which have been enunciated *ad nauseam*, into practice. The comment of the Tanganyika Government in this regard could best be expressed by the phrase "less talk, more action".

#### United Kingdom of Great Britain and Northern Ireland

[Original text: English]  
[17 July 1963]

1. It has always been the view of Her Majesty's Government that respect for the principles of international law is vital to international co-operation between States.

2. For this reason, Her Majesty's Government looks forward to a constructive and fruitful debate in the Sixth Committee at the eighteenth session of the General Assembly on this item. In particular it hopes that the debate will result in the reaching of solid agreement on the basic principles in question, as a result of which new possibilities may be opened for international law to play a wider and more important role in the regulation of international relations and in the peaceful settlement of international disputes.

3. Her Majesty's Government accordingly submits the following comments on two of the four specific subjects mentioned in paragraph 3 (a), (b), (c) and

(d) of resolution 1815 (XVII); they reserve the right to submit further comments on all the subjects in due course.

*The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered*

4. Her Majesty's Government has consistently advocated and supported the principle that international disputes should be settled by peaceful means and in accordance with the rule of law. It is not enough to regard the United Nations as dedicated exclusively to the proposition that international disputes should be settled by peaceful means. This is indeed the primary objective of the Organization, but it is essential to bear in mind that the Organization is equally dedicated to the maintenance and development of the rule of law. The principle now under consideration requires that States should settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered. It is not necessary here to emphasize the requirement that justice should not be endangered and that justice implies the application of the rule of law.

5. As the Secretary of State for Foreign Affairs, Lord Home, stated in his address at the 1134th Plenary meeting of the General Assembly on 27 September 1962:

"...the rule of law is a lesson we have learned from many mistakes and much suffering and it is only by submitting ourselves to the law that we can reconcile conflicting ambitions and serve the interests of progress."

6. There is some cause for encouragement in the progress which has been made in recent years in the field of the codification and progressive development of the substantive principles of international law. But can the same be said for the other essential element of the rule of law in the international sphere—namely, that there should be orderly, settled procedures for the resolution of international disputes according to law? Unfortunately, no. The machinery for the resolution of such disputes undoubtedly exists. There are the International Court of Justice, the Permanent Court of Arbitration, innumerable bilateral and plurilateral arbitral tribunals and a host of bilateral conciliation commissions. What is lacking in order to make the rule of law in the international sphere truly effective is the will to make use of these procedures.

7. A few statistics are sufficient to establish the seriousness of the position. As is well known, all States Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice. There are currently 111 States Members of the United Nations. Of these 111 Members, only thirty-seven have accepted the compulsory jurisdiction of the Court by making declarations under Article 36, paragraph 2 of the Statute of the Court; and only four of the thirty-five admitted to membership of the United Nations since 14 December 1955 have made such declarations.

8. Furthermore, it is equally well known that a number of declarations made by States under Article 36, paragraph 2 of the Statute of the Court have been made subject to such extensive and far-reaching reservations as to deprive these declarations of much of their value.

9. The combined effect of these facts is seriously to limit the compulsory jurisdiction of the Court in contentious cases. Simultaneously, there has been a significant falling-off in the number of cases referred to the Court for an advisory opinion by the organs of the United Nations and of the specialized agencies competent to request such opinions. Between 1922 and 1940, in the nineteen years of the effective existence of the Permanent Court of International Justice, some twenty-eight cases (of which one was withdrawn) were referred to the Court for an advisory opinion. Between 1946 and 1962, in the seventeen years during which the present Court has functioned, only twelve cases have been referred to the Court for an advisory opinion. Of these twelve cases, six were referred to the Court before 31 December 1950. Accordingly between 1 January 1951 and 31 December 1962 the General Assembly of the United Nations has seen fit to request an advisory opinion from the Court in only four cases, the other two cases having been referred to the Court by two of the specialized agencies (United Nations Educational, Scientific and Cultural Organization and the Inter-Governmental Maritime Consultative Organization).

10. These statistics manifest a marked decline in recent years in the use of judicial procedures. The trend is not, however, irreversible and Her Majesty's Government is encouraged to hope that the forthcoming study of the principle of peaceful settlement of disputes by the Sixth Committee will result in recommendations designed to stimulate increased and more effective acceptance of the compulsory jurisdiction of the Court and to promote greater use of judicial and arbitral procedures in general.

11. In particular, Her Majesty's Government is of the opinion that the United Nations should draw attention once again to the provisions of the Statute of the Court and should call upon all Member States to give serious consideration to the possibility of making declarations of acceptance of the compulsory jurisdiction of the Court under Article 36, paragraph 2 of the Statute; and that it should equally urge those Member States which have made declarations to re-examine those declarations with a view to cutting down and, if possible, removing certain of the reservations to which their declarations are made subject.

12. More generally, Her Majesty's Government believes that greater use could and should be made of the facilities for arbitration which can be made available by the Permanent Court of Arbitration. This Court has been in existence since 1902 but its machinery has been very little used. For cases which may not be wholly suitable for judicial settlement by the International Court of Justice, the more flexible machinery of the Permanent Court of Arbitration can be utilized, either to enable the parties to constitute an arbitral tribunal or to provide facilities for an arbitral tribunal or conciliation commission already appointed by special agreement between the parties. It will be recalled that, last year, Her Majesty's Government and the Government of Denmark agreed to make use of facilities provided by the Permanent Court of Arbitration for the purposes of the Commission of Inquiry appointed by agreement between the two Governments to conduct an investigation into the *Red Crusader* case.

13. Finally, Her Majesty's Government would suggest that the Sixth Committee should devote serious attention to the problem of the decline in the number of cases referred to the International Court of Justice

for an advisory opinion. The reasons for this decline are no doubt many and various, but it should be a matter for deep concern to all States interested in the maintenance and development of the rule of law in international relations that the organs of the United Nations and of the specialized agencies make so little use of their powers to request advisory opinions on legal questions from the Court.

#### *The principle of the sovereign equality of States*

14. In the opinion of Her Majesty's Government the principle of the sovereign equality of States is fundamental to friendly relations and co-operation between States, and fundamental to the United Nations. This is recognized in the United Nations Charter, where Member States bind themselves (Article 2), in pursuit of the Organization's purposes, to act on certain principles, the first of which is that the Organization is based on the principle of the sovereign equality of all its Members.

15. The principle embraces the two separate but mutually related concepts of the sovereignty and the equality of States. From acceptance of these two fundamental concepts, certain propositions follow. In this connexion Her Majesty's Government would recall that the United Nations Conference on International Organization, held at San Francisco in 1945, accepted that sovereign equality includes the following elements:

- (a) That States are juridically equal;
- (b) That each State enjoys the rights inherent in full sovereignty;
- (c) That the personality of the State is respected, as well as its territorial integrity and political independence;
- (d) That the State should, under international order, comply faithfully with its international duties and obligations.

Her Majesty's Government submits that it would be useful for the General Assembly in the debate at its eighteenth session to examine more fully the implications of these elements of sovereign equality.

#### *Yugoslavia*

[Original text: English]  
[9 July 1963]

1. The Government of the Socialist Federal Republic of Yugoslavia wishes, in compliance with operative paragraph 4 of General Assembly resolution 1815 (XVII) to offer certain general observations with regard to the consideration of "principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" at the Assembly's forthcoming session.

2. The terms of reference for the consideration of this question are defined in resolution 1815 (XVII) which provides for the study of these principles "with a view to their progressive development and codification, so as to secure their more effective application", and then goes on to list seven of these principles, four of which are singled out for examination at the eighteenth session of the General Assembly.

3. The purpose is thus the progressive development and codification of the principles of international law governing friendly relations and co-operation among States, i.e., their creative elaboration in the light of more recent trends and developments in the field both of international relations and of international law. This

will, therefore, require searching examination of their substance within the broader international context within which they have evolved and may be expected to evolve.

4. It will be observed that according to resolution 1815 (XVII) the General Assembly considers the progressive development and codification of these principles as an essential part of the effort towards their more effective application, upon which the maintenance and strengthening of world peace so largely depend. This is a fact which should be constantly borne in mind and which will demand a careful study of the extent to which the observance and non-observance of these principles have affected the course of international relations and have been a reflection thereof.

5. The four principles the General Assembly will be called upon to study at its next session (the prohibition of the threat or use of force in international relations, the peaceful settlement of disputes, non-intervention and sovereign equality of States), into the substance of which we do not intend to enter here, are quite clearly among the most essential to the growth of friendly and co-operative relations among States. While of the utmost significance in itself, each of these principles (as well as the other three principles quoted in resolution 1815 (XVII)) form part of a broader scheme governed by the same general goal—the maintenance and strengthening of world peace. It is this broader scheme and general goal which the Assembly should always have in mind, in the course of the successive steps towards the accomplishment of the important task which is the progressive development and codification of principles governing friendly relations and co-operation among States.

6. It is in the light of these general considerations that the Assembly should, in our opinion, approach the problem of the actual form in which the conclusions arrived at as a result of the consideration of this item should be set forth. These conclusions will naturally be embodied in the appropriate General Assembly resolutions which, it is to be hoped, will gradually merge into a more comprehensive and formal document. The precise nature of this document may be expected to emerge from the course of forthcoming General Assembly deliberations, as will an answer to the other questions that have been posed, such as that of possible further principles to be examined or of the sequence in which the examinations should take place. On these and other questions, the Yugoslav Government will state its position in due course.

7. In conclusion, the Government of the Socialist Federal Republic of Yugoslavia wishes to emphasize the very great importance it attaches to the successful pursuance of the endeavours that have now so happily been initiated and which may confidently be expected to have a growing and beneficial impact on both international relations and international law.

**DOCUMENT A/5470/ADD.1**

[Original text: English]  
[6 September 1963]

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COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

*Netherlands*

[Original text: English]  
[28 August 1963]

As to its general views with regard to this item, the Netherlands Government may refer to the interventions of the Netherlands representative in the Sixth Committee of the General Assembly at its seventeenth session. Following up the opinions expressed at that time, the Netherlands Government deems it expedient that special attention should be paid to paragraph 3 (b) of resolution 1815 (XVII), viz. the principle of peaceful settlement of disputes, and wishes to elaborate on a concrete suggestion made last year. This suggestion, which the Netherlands Government now presents in the form of a proposal, concerns the possibility of setting up a permanent centre for international fact-finding. The following explanatory considerations are submitted:

1. A study of international relations will reveal that there exist nowadays some thirty schemes for fact-finding, some of them set up within the framework of international organizations, others provided for by multilateral conventions. In the past, and particularly since the beginning of the present century, many fact-finding activities, either institutional or *ad hoc*, have been undertaken.

2. Fact-finding has proved that it fulfils an essential function in international relations, especially with regard to one or more of the following purposes:

(a) To establish that parties to a treaty are complying with their obligations, particularly if such compliance is not manifestly apparent to all the parties so that mutual trust may be jeopardized;

(b) To inspect the compliance by nationals of the parties with the objects of a treaty if such a police function can effectively be exercised only by international co-operation;

(c) To find out facts unknown or insufficiently known but essential as a basis for taking international action;

(d) To verify facts which are contested between parties in an international dispute and so to provide the conditions for reaching a peaceful settlement;

(e) To inquire into the factual aspects of complaints concerning the violation of internationally guaranteed rights of individuals.

3. In suggesting that some of such fact-finding schemes may profitably be combined, it is not intended to include and supersede all existing schemes in so far as they are specially adapted to the requirements of one particular organization or convention. The development of international courts also leaves the existence and the need for the institution of individualized arbitration unaffected, but an increasing number of international agreements in their provisions for the settlement of disputes have made use of the presence of the Permanent Court of International Justice and of its successor. It might therefore be conceived that in future cases where provision for fact-finding is contemplated use will be made of institutional arrangements already existing and experienced.

4. It is suggested that any central body as here envisaged be strictly limited to fact-finding, in view of



the hesitation States have shown in becoming subject to recommendations of international organs with wide terms of reference such as inquiry linked with conciliation.

5. It would also be in keeping with a cautious approach, after the model of the optional clause in the Statute of the International Court of Justice, to leave room for voluntary acceptance of the services of the fact-finding body. In addition to this the centre should be at the disposal of existing or future inter-governmental organizations and of international tribunals.

6. On the other hand, facts do not always speak for themselves. It is for an international authority of recognized standing to formulate as statements of fact of the highest attainable reliability, such information that has to be provided by the use of various methods and by the service of experts.

7. Once the principle of a fact-finding centre for general purposes is accepted it might appear not too difficult to agree on the composition of a body which would meet the requirements of objectivity and effectiveness and on its relationship with the United Nations.

8. There are different ways to study the desirability and practicability of a fact-finding centre as suggested. A first step may be to request the Secretary-General to prepare a study of all relevant aspects of the problem under consideration and to invite Member States to submit their views before the next session.

9. A draft resolution along the following lines might be considered:

*"The General Assembly,*

*"Recalling resolution 1815 (XVII) adopted 18 December 1962, and in particular its operative paragraph 3 where under (b) reference is made, as a topic for study by the General Assembly, to 'the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security are not endangered',*

*"Convinced that international practice has shown that an important contribution to the peaceful settlement of international disputes and to the prevention of such disputes can be made by provision for fact-finding within the framework of international organizations and in multilateral conventions,*

*"Expecting that in the future the complex nature of international relations will cause an increasing need of factual information,*

*"Considering that a number of fact-finding schemes might profitably be combined and that a centre for fact-finding so established might facilitate the solution of problems concerning fact-finding arising when international agreements on settlement of disputes or special clauses for such purposes in other agreements are made in the future,*

*"Contemplating that such a fact-finding centre should be at the disposal, not only of States and groups of States in so far as they voluntarily accept its competence, but also of inter-governmental organizations and international tribunals wishing to make use of its services,*

*"1. Invites Member States to submit in writing to the Secretary-General, before 1 July 1964, any views they may have on this item and requests the Secretary-General to communicate these comments to the Member States before the beginning of the nineteenth session;*

*"2. Requests the Secretary-General to study all the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session."*

*Philippines*

*[Original text: English]  
[22 April 1963]*

1. The Charter of the United Nations in Article 13, paragraph 1 a, calls upon the General Assembly to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification. The consideration therefore of the aforementioned item is a step in the direction pointed by the Charter. As it will undoubtedly help in reinforcing one of the cornerstones of the United Nations, it must be welcomed particularly by the small States.

2. For the Philippines, which in its Constitution "renounces war as an instrument of national policy, and adopts the generally accepted principles of international law as a part of the law of the Nation", the study of the principles outlined in the Assembly's resolution has a special appeal. The promotion of friendly relations and co-operation with other States and the settlement of international disputes by peaceful means and without endangering international peace and security are fundamental policies which are being strictly adhered to by the Philippine Government. Any discussion and exchange of views on said principles and any agreement that may be reached thereon will undoubtedly help in ushering a better atmosphere in international relations. The Philippine Government therefore endorses the aforesaid agenda item.

**DOCUMENT A/5470/ADD.2**

*[Original text: English]  
[25 September 1963]*

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COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

*Pakistan*

*[Original text: English]  
[8 July 1963]*

1. The principles quoted in operative paragraph 3 of the General Assembly resolution 1815 (XVII) are in their essentials embodied in the Charter. A further study and elaboration of these principles, with a view to their progressive development and codification, will help to promote friendly relations and co-operation among nations. The progressive development of international law is one of the means of achieving the objective of maintaining and strengthening international peace. In a world which is divided not only politically and ideologically but also between rich and poor nations and between developed and developing countries, lasting peace can be achieved only by active collaboration of

nations to promote friendly relations and co-operation between themselves not only in the political field but also in the economic, social, cultural, commercial, scientific and technological fields.

2. Friendly relations and co-operation among nations can only be established when States agree to settle their disputes by peaceful and legal means and respect the rights of other States. For this purpose it is highly important to strengthen the machinery for peaceful settlement of disputes by internationally recognized methods. One of the recognized methods of settlement of international disputes is through recourse to the International Court of Justice. The Government of Pakistan attaches the greatest importance to this method of resolving international disputes and considers that studies should be undertaken with a view to extending the compulsory jurisdiction of the International Court of Justice. In this connexion the Commonwealth countries could set an example by withdrawing their reservations in respect of the jurisdiction of the International Court with regard to inter-Commonwealth dispute. The Government of Pakistan has already withdrawn this reservation.

3. The Government of Pakistan attaches equal importance to the question of arbitral procedures and commercial arbitration.

4. The Government of Pakistan considers it inadvisable to burden the International Law Commission with more topics for codification in the near future. The Commission has been made responsible for surveying the whole field of international law and it should be left to the Commission, which is a technical body, to decide what topics to choose for codification. The General Assembly may, however, if it so desires, indicate the topics to which priority is to be attached. In the latter event, the Government of Pakistan considers that the following two topics should be added to the list of those to which priority is to be given:

- (a) Arbitral procedure;
- (b) The duty of all States to carry out their obligations under treaties and other sources of international law in accordance with the purposes and principles of the United Nations.

#### *Sweden*

[Original text: English]  
[7 August 1963]

1. By resolution 1815 (XVII) of 18 December 1962 the General Assembly decided to place the topic "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" on the provisional agenda of the eighteenth session in order to study four enumerated principles and to invite Member States to submit views or suggestions they may have on the item and particularly on the four subjects enumerated. Accordingly the Swedish Government has the honour to submit to the Secretary-General the following views and suggestions.

2. The Swedish Government finds it gratifying that the General Assembly has decided to broaden the effort to codify and develop international law and to do so without imposing further work upon the International Law Commission. While the Commission is already fully employed for a long time ahead with work on some fields of international law, it appears useful that

certain other fields be taken up for consideration by the Assembly.

3. The aim of this endeavour, as the Swedish Government sees it, should not be a new declaration of the rights and duties of States. While it is true that the Universal Declaration of Human Rights has had, and continues to have, a great impact, no corresponding general declaration is desirable as regards States, for which already a basic—and legally binding—document exists: the Charter.

4. As seems to have been widely recognized during the seventeenth session and to have found expression in resolution 1815 (XVII), the aim of the work should rather be to discuss, clarify, codify and possibly develop selected areas of the Charter and of customary international law. In doing so, it will be possible, of course, to take account of the practice of the General Assembly and other United Nations organs in the form of resolutions and otherwise. Any consensus that emerges may be embodied in conventions or declarations on specific points or areas.

5. Four subjects have been selected for study at present. Each of these deserves profound attention and prolonged discussion, if anything useful is to come of the work. They must be as thoroughly penetrated as the matters laid before the International Law Commission. At this preliminary stage it seems possible only to point at certain questions which ought to be considered in connexion with the various subjects, and to offer some provisional comments. More detailed views must await the first collective treatment of the matter in the Assembly.

#### *Prohibition of threat or use of force*

6. The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations, raises a number of most difficult questions of customary international law and of interpretation of the United Nations Charter and the practice under the Charter, e.g.:

(a) Is the expression "threat or use of force" confined to armed physical force, such as may be involved in military demonstrations, blockades and reprisals, or does it cover various types of economic coercion, subversion, revolutionary propaganda, etc., as well?

(b) What is the significance of the expression "in their international relations"?

(c) What bearing does Article 51 of the United Nations Charter—concerning the right to self-defence—have upon the principle formulated in Article 2, paragraph 4?

(d) What significance is to be attached to the circumstance that force is being used by one government upon the invitation of a government?

#### *Peaceful settlement of disputes*

7. The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered is of primary interest to many delegations. A survey of the records of the Sixth Committee of the General Assembly for the last two years will demonstrate that there is a readiness to seek development in this area. That there exists an awareness of the need

for such development is also evidenced in the 1961 USSR-United States of America joint statement of agreed principles for disarmament negotiations,<sup>11</sup> where it is declared that disarmament must be accompanied by the establishment of reliable procedures for the peaceful settlement of disputes. The logical corollary of the prohibition of other than peaceful means of settling disputes is, indeed, the existence of workable peaceful methods of settlement of the disputes. Chapter VI of the Charter offers a catalogue of methods to be employed. Experience has shown that further improvement in and development of these methods is desirable. The Swedish Government supports the suggestion made in the Sixth Committee of the General Assembly that the various procedures enumerated in Article 33 should be re-examined.

8. A survey of the kind contemplated should cover judicial as well as non-judicial means of settlement. In that connexion attention might be paid to a proposal advanced in the Sixth Committee at the seventeenth session for the establishment of a permanent fact-finding body.

9. The survey to be undertaken must further pay close attention to the possibility of promoting the use of judicial machinery for the settlement of disputes. An effort of this kind is much in line with the Charter, Article 36, paragraph 3 of which enjoins the Security Council to take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice. It also accords with the views expressed by a large number of delegations during the seventeenth session of the General Assembly. One object, which appears to enjoy very strong support, would be to find ways of persuading States to a wider and less restricted adherence to the optional clause of the Statute of the International Court of Justice. Such adherences would constitute modest steps towards the legal regulation of relations between States. The optional clause, it must be remembered, is but a poor substitute for the general and compulsory jurisdiction that many would like to see conferred upon an international court. It would seem then that that clause, at least, deserves to be utilized to the full and in the manner contemplated by its authors. It would further appear desirable to examine whether and under what conditions States which have so far remained negative to the use of the Court, could be induced to take a more progressive attitude.

10. As the Swedish delegation stressed at the seventeenth session of the General Assembly, it would seem natural that the continued codification of international law should be coupled with an increased use of judicial organs applying this law. It would be somewhat paradoxical, on the other hand, to urge further codification of international law and at the same time to stress the wider use of negotiation on the political and diplomatic level to settle disputes. Negotiations are always open to States as a method of solving differences. It is constantly used and should be used. Yet, that method may sometimes have certain disadvantages, especially for the smaller States. It is almost inevitable that the relative strength of the States will have an influence upon the outcome of the negotiations—often to the detriment of small and weak States. To draw up rules of procedure for negotiations to remedy this disadvantage would

hardly seem practicable. In the judicial method, on the other hand, the relative strength of the parties is completely irrelevant. It is, indeed, in the world of law, not in the political world, that States are equal.

#### *Non-intervention*

11. The duty not to intervene in matters within the domestic jurisdiction of States, in accordance with the Charter, must be examined together with the principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, as these rules may be found in part to overlap. Both the concept "intervention" and the expression "matters within the domestic jurisdiction of any State" require close examination. It may be questioned, in such an examination, whether any matter which is the object of rules of customary international law, or of treaties may be said to be legally outside all concern and action of the United Nations or of States.

#### *Equality*

12. The principle of sovereign equality of States is, as was pointed out by the Swedish delegation at the seventeenth session of the General Assembly, a political ideal and at the same time a juridical principle. As a political ideal it flows from the feeling of solidarity between men and nations and must increasingly lead to measures designed to reduce differences in material, social and cultural standards between groups and regions, and especially the gap between the underdeveloped and the industrialized world. The political principle of equality further entails mutual respect between nations for their respective economic, political and social systems.

13. The principle of equality in international law has its origin in the emancipation of nations from the supremacy of the church and of the emperor and their consequent emergence as sovereign and equal. The gist of this principle is that under customary international law all States have equal rights and obligations. In matters regulated by treaty nothing prevents an individual State, however, from claiming less than equality, and this is a most common feature in international organization. While the principle "one man, one vote" is fundamental and precious, there is no corresponding rule enjoining States forming an international organization by treaty, to provide for equality in voting strength of its members, regardless of their size or relative importance to the purpose of the organization. As is well known, under the Charter of the United Nations the great Powers are given a special status which is not accorded to other States. Under many other treaties and constituent instruments formulae of weighted voting are accepted by States. This is undoubtedly practical in many fields and often no regulation would have been attained but for such arrangements. These practices do not, however, easily lend themselves to codification.

14. It has been suggested that the validity of treaties might be affected by inequality in the relative political position of the parties. It is evident that States sometimes take advantage of their own military, economic or other strength to obtain treaties which to another, weaker party are repugnant, or less desirable. This is regrettable, and just as national laws on contract often seek to protect a weaker party against abuses of power by a stronger party, so international law and international organization should as far as possible offer the

<sup>11</sup> See *Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 19, document A/4879.*



weaker States protection against "unwanted" treaties. It would seem to be a dangerous doctrine, however, and one which has no foundation in present international law, to proclaim all such treaties invalid, and especially dangerous to leave it to either contracting party to judge whether or not a treaty is of the invalid type. Such a doctrine might severely undermine the respect for and reliance upon the rule that treaties must be observed—*pacta sunt servanda*—and might place much of present-day international co-operation on shaky ground. Even peace treaties, which most frequently are patently "unequal", and which may be entered into between a victor and a vanquished party are considered valid and binding under international law. What remedies, then, are possible?

15. Under present international law it is, of course, always open to a State party to a treaty which it considers unjust and unfair to seek the consent of the other party to a revision. If negotiations to that end prove unsuccessful, an appeal to the United Nations may be made. In spite of the absence of any specific article on the revision of treaties, that matter was discussed by the United Nations Conference on International Organization at San Francisco, and it appears that the framers of the Charter had particularly this question in mind when in Article 14 they conferred upon the General Assembly the authority to "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".

## DOCUMENT A/C.6/L.528

### Czechoslovakia: working paper

[Original text: Russian]  
[1 October 1963]

In order to contribute to the successful examination of this agenda item, the delegation of Czechoslovakia has decided to submit for consideration by the Sixth Committee the following desiderata as a possible basis for the Committee's work in implementing General Assembly resolution 1815 (XVII) on the above subject.

1. The present international situation and, in particular, the signature by over a hundred States of the Moscow Treaty<sup>12</sup> imposing a partial ban on nuclear weapon tests bear witness to the sincere and fervent longing of the world's peoples for the lessening of international tension and the strengthening of relations among States on the basis of the principle of peaceful coexistence for States with different social and political systems. In view of this, ever greater importance attaches to resolution 1815 (XVII), in which the General Assembly recognizes "the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom . . .". The Assembly's resolve to undertake a study of these principles "in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application" takes on still more topical significance.

2. A study of resolution 1815 (XVII) leaves no doubt that the ultimate purpose of working out specific important principles concerning the peaceful coexistence of States irrespective of differences in their social and political systems is the preparation of a compact document containing a statement of these principles and including a strong recommendation from the Assembly that all States should be strictly guided by them in their international relations. In this connexion it should be recalled that during the General Assembly's seventeenth session the Czechoslovak delegation submitted for consideration by the Sixth Committee a draft "Declaration of principles of international law concerning friendly

relations and co-operation among States",<sup>13</sup> and that the idea of preparing a document containing a statement of those principles in a compact form was supported by many delegations.

3. Thus the decision set forth in resolution 1815 (XVII), operative paragraph 3, sub-paragraphs (a), (b), (c) and (d), to undertake at the eighteenth session a study of certain principles—the inadmissibility of the use of force in international relations; the settlement of international disputes by peaceful means; non-intervention in the domestic affairs of States; and the sovereign equality of States—must be regarded, according to the letter and general spirit of the resolution, as a first step towards the preparation of the compact document already referred to: the general declaration of principles. This is also borne out by the expression, in the same resolution, of the intention to decide at the eighteenth session "what other principles are to be given further consideration . . .".

4. In the light of all the foregoing considerations, the Sixth Committee would be able to work with full efficiency at the General Assembly's eighteenth session if it adopted the following procedure:

(a) It should hold a general discussion, of two to three weeks' duration, on the question of formulating the principles of international law referred to in resolution 1815 (XVII), paragraph 3, sub-paragraphs (a), (b), (c) and (d) and, at the same time, on the question what other principles should be given further consideration in accordance with the final clause in paragraph 3 of the resolution.

(b) Not later than two weeks after the beginning of the general discussion, two working groups should be established: one to prepare a preliminary draft of the aforesaid four principles on the basis of the proposals made during the general discussion, and one to compile a list of other principles which should be given further consideration. Both working groups should be adequately representative. They should prepare their proposals and submit them to the Committee as early as possible so that it will be able to examine them at the eighteenth session.

<sup>12</sup> Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow 5 August 1963.

<sup>13</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75, document A/C.6/L.505.

(c) According to the progress which it proves possible to make at the eighteenth session, the Committee may wish to consider what additional measures can be taken to expedite the whole operation with a view to completing it, if possible, at the General Assembly's nineteenth session. At that session, on the basis of the specific principles formulated, the Sixth Committee could proceed with the preparation of a compact document in the form of a Declaration embracing all the principles of international law relating to the peaceful coexistence of States. This work would thus be com-

pleted in time for the beginning of International Co-operation Year and would represent a substantial contribution by the Assembly's Sixth Committee to the general effort to enhance the role of international law in relations among all States on the basis of peaceful coexistence.

The delegation of Czechoslovakia expresses the hope that a prompt decision in the matter along the lines indicated in this working paper may contribute to the success of the Sixth Committee's work at the current session.

#### DOCUMENT A/C.6/L.530

**Letter dated 10 October 1963 from the representative of Czechoslovakia to the President of the General Assembly**

[Original text: English]  
[14 October 1963]

1. I have the honour to enclose the letter of H.E. Dr. Lothar Bolz, Minister for Foreign Affairs of the German Democratic Republic as well as the statement by the Government of the German Democratic Republic regarding the consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

2. I would appreciate if you could arrange the circulation of both the letter and the statement as an official United Nations document in the A/- series.

(Signed) Jiří HÁJEK  
Permanent Representative of the  
Czechoslovak Socialist Republic  
to the United Nations

TEXT OF A LETTER DATED 23 SEPTEMBER 1963 FROM THE MINISTER FOR FOREIGN AFFAIRS OF THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC TO THE PRESIDENT OF THE EIGHTEENTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

1. I have the honour to forward to you a statement by the Government of the German Democratic Republic on the consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

2. I request you to bring this statement to the notice of all Member States of the United Nations in connexion with the consideration of agenda item 71 of the General Assembly.

(Signed) Lothar BOLZ

STATEMENT BY THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC ON "CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS" AT THE EIGHTEENTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY

1. The Government of the German Democratic Republic followed with great interest the debate on the agenda item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the

United Nations" at the seventeenth United Nations General Assembly. It welcomed the adoption of General Assembly resolution 1815 (XVII) of 18 December 1962 which provides for the continuation of the debate on this important subject.

2. The Government of the German Democratic Republic has noted with satisfaction that its statement on this agenda item addressed to the seventeenth session of the General Assembly, and made public by the Secretariat, met with the approval of many States and is of value as a useful contribution to the further codification of the principles of international law for peaceful coexistence.

3. The Government of the German Democratic Republic, whose policy has always been guided by the principles of the United Nations Charter, also held, after the seventeenth session of the United Nations Assembly, that it is of decisive significance for preserving and securing peace to affirm peaceful coexistence, especially in the relationships of the German Democratic Republic with the West German Federal Republic and West Berlin. Therefore, the Government of the German Democratic Republic has made further efforts to bring about at least a minimum of measures to ease dangerous tensions.

4. Thus, the Government of the German Democratic Republic has proposed the conclusion of an agreement of reason and good will with the Government of the West German Federal Republic on the one hand, and the West Berlin Senate on the other hand, which would apply the principles of peaceful coexistence submitted to the eighteenth General Assembly for further elaboration in international law to the specific situation in Germany. Moreover, the proposed agreements which would impose on their signatories the basic commitment to respect each other's form of government and social system and would provide for the renunciation of the use of force or threat of force in any form and would contain the explicit demand that the existing borders be respected. In making this demand, the Government of the German Democratic Republic considered that in the face of continuous provocations and attacks against the State frontier of the German Democratic Republic, which are tolerated, encouraged and even organized by those ruling in the West German Federal Republic and West Berlin, respect for the borders constitutes an essential condition for the implementation of peaceful coexistence in Germany.

5. Unfortunately, all relevant proposals of the Government of the German Democratic Republic submitted to the Government of the West German Federal Republic and West Berlin Senate have remained without response.

6. In this connexion the Government of the German Democratic Republic considers that the principles referred to in General Assembly resolution 1815 (XVII) of 18 December 1962 are priorities whose codification could result in a more exact definition of the corresponding principles of international law.

7. Particularly noteworthy is the further elaboration in international law of the principle of abstention from threat or use of force against the territorial integrity or political independence of any State. In this connexion, the Government of the German Democratic Republic recalls the proposal it submitted to the seventeenth session of the General Assembly of the United Nations for the conclusion of agreements between the existing military groupings not to resort to the use or threat of force against each other.<sup>14</sup> This commitment of the military groupings should, with due regard to the provisions of the United Nations Charter, be raised to become a general principle of international law. The Government of the German Democratic Republic reaffirms its view that especially the signing of a non-aggression pact between the member States of the North Atlantic Treaty Organization (NATO) and the member States signatories of the Warsaw Treaty would constitute an essential step forward in effectively enforcing the renunciation of the use of force. The Government of the German Democratic Republic also considers it necessary that reciprocal agreements between regional pact systems on the renunciation of the threat or use of force be open to accession also by non-aligned States, so as to increase the effectiveness of the ban on the use of force laid down in the United Nations Charter.

8. The Government of the German Democratic Republic holds the view that the codification of the prin-

<sup>14</sup> Document A/4504 (mimeographed).

ciples of international law must provide for arrangements regarding friendly relations among States so as to ensure that the international legal institute of recognition is not misused for purposes impairing co-operation among States. An improvement of the friendly relations among States as sought by the United Nations General Assembly, can be successfully achieved only if the principle of sovereign equality of all States effectively existing is strictly observed, not least with regard to their co-operation in international organizations.

9. In this connexion, the Government of the German Democratic Republic can but draw attention to the fact that the discrimination against its citizens wishing to travel to NATO States by the so-called Allied Travel Office, which is being illegally maintained in West Berlin, runs directly counter to the efforts to improve friendly relations among States and infringes upon the obligation for mutual respect of passport sovereignty in the interests of a business-like co-operation among States.

10. The Government of the German Democratic Republic notes with satisfaction that the conclusion of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water has led to progress in the further implementation of the principles of peaceful coexistence, and that it has also given important impetus to the further elaboration of those principles of international law which in General Assembly resolution 1815 (XVII) of 18 December 1962, on "The consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations", were regarded as priority for the eighteenth session.

11. The Government of the German Democratic Republic expresses the hope that the efforts to safeguard world peace which yielded a first partial success in the treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, will be successfully continued at the eighteenth session, through the further elaboration of important principles of international law, such as the principle of universality.

#### DOCUMENT A/C.6/L.531\*

#### Australia, Canada, Denmark, France, Malaysia and the United Kingdom of Great Britain and Northern Ireland: working paper

[Original text: English]  
[16 October 1963]

1. General Assembly resolution 1815 (XVII) of 18 December 1962 constitutes the basis of the work of the Sixth Committee on the subject of "consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations". Under this resolution, the Committee is to undertake "a study" of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter "with a view to their progressive development and codification, so as to secure their more effective application". The General Assembly accordingly decided to place the item on the provisional agenda of its eighteenth session "in order to study" four subjects: the threat or use of force; settlement of international

disputes by peaceful means; the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter; and sovereign equality of States.

2. It will be noted that resolution 1815 (XVII) calls for a study of these topics. This study would, in our view, best be carried forward in the following fashion. The four subjects should be discussed seriatim and in the order listed in the resolution. Each should be examined fully and in depth, taking into consideration the written comments already submitted by Governments. Each delegation desiring to do so would state its views as to the law of the subject under discussion, and, in the process, might wish to give particular attention to its own State practice on the subject. In this manner, light would be shed on the way in which States

\* Incorporating document A/C.6/L.531/Corr.1.

interpret and apply the law relating to these four subjects, and it may then be possible to discern more clearly the areas where doubts or difficulties may still exist concerning the application of the relevant principles. Such an exchange of views, conducted in a professional manner and in a progressive spirit, should make a positive contribution to the growth of mutual understanding among nations and would itself contribute to the clarification of international law.

3. This study cannot, in our view, be accomplished by a general and simultaneous discussion on all four topics, of two or three weeks' duration. A discussion conducted on this basis would be diffuse and lacking in direction and, at best, would tend to repeat that already held by the Committee during the seventeenth session.

4. It is clear, therefore, that the first order of business of the Committee should be an open and full exchange of views to elicit what consensus exists on each of the four topics. For this reason, no commitment can be undertaken, nor can procedural action usefully now be initiated, to prepare a draft declaration of the principles of international law underlying the four topics.

5. The working paper of Czechoslovakia (document A/C.6/L.528) envisages "the preparation of a compact document in the form of a Declaration embracing all the principles of international law relating to the peaceful coexistence of States". This proposal is not only procedurally inappropriate for the reasons already stated, but it is also substantively misplaced since "the principles of international law relating to the peaceful co-existence of States" is not on the agenda of the Sixth Committee.

6. Under resolution 1815 (XVII), the Committee is also to decide "what other principles are to be given consideration at subsequent sessions and the order of their priority". A decision as to these principles should not, in our view, be taken until the Committee has made significant progress in the consideration of the four topics before it.

7. Accordingly, the delegations of Australia, Canada, Denmark, France, Malaysia and the United Kingdom propose that the Committee should decide to study each of the four topics in turn without commitment, at this stage, as to the formulation of the results of that study, and that until its work is more advanced it should not decide what further topics are to be added to its agenda.

#### DOCUMENT A/C.6/L.546

#### Letter dated 6 December 1963 from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the Secretary-General

[Original text: English and French]  
[11 December 1963]

1. Under cover of his letter of 10 October 1963, the Permanent Representative of the Czechoslovak Socialist Republic to the United Nations ventured to request the circulation, as an official United Nations document, of a letter and a statement from the so-called German Democratic Republic. The letter and statement imply that there exists a Government other than that of the Federal Republic of Germany entitled to speak as the representative of the German people in international affairs.

2. There is no such State or Government. East Germany is merely an occupied portion of German territory. The so-called German Democratic Republic in East Germany is a régime imposed upon and not chosen by the population. The freely elected Government of the Federal Republic of Germany is the only Govern-

ment entitled to speak for the German people in international affairs.

3. We should be grateful if you would have this letter circulated as an official United Nations document.

(Signed) R. SEYDOUX  
Permanent Representative of France  
to the United Nations

Patrick DEAN  
Permanent Representative of the United Kingdom  
of Great Britain and Northern Ireland  
to the United Nations

Adlai E. STEVENSON  
Permanent Representative of the United States  
of America  
to the United Nations

#### DOCUMENT A/C.6/L.547

#### Letter dated 16 December 1963 from the representative of Czechoslovakia to the Secretary-General

[Original text: English]  
[16 December 1963]

1. In a letter dated 6 December 1963 and circulated as document A/C.6/L.546 the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations considered it appropriate to contest my right as a Permanent Representative of Czechoslovakia to the United Nations to circulate, as an official United Nations document, a letter and state-

ment from the Government of the German Democratic Republic—a sovereign State which for the time being is not yet a member of the United Nations (document A/C.6/L.530). In their letter of 6 December 1963 to the Secretary-General the Permanent Representatives of France, of the United Kingdom of Great Britain and Northern Ireland and of the United States of America to the United Nations attempted to deny the existence

of the German Democratic Republic as a sovereign State. It is an incontestable fact that the German Democratic Republic is the first State in German history which has completely done away with the unfortunate past, has fully implemented the provisions of the Potsdam Agreement of 1945 and has established truly peaceful and friendly relations with its Eastern neighbours.

2. I cannot but express my utmost surprise and disapproval in connexion with a move contesting a living reality—the existence of the two German States. To deny it would not only amount to the complete disregard of the facts of life but at the same time would produce harmful effects to the cause of peace and security in Europe as well as in the world at large. It is even more deplorable that the authors of the said letter

ventured to invoke, by implication, the ill-famed Hallstein Doctrine which, being contrary to the fundamental principles of international law, serves the purposes of expansionist and aggressive policy of militarist circles in the German Federal Republic pursuing objectives inconsistent with the interests of peace and peaceful coexistence among nations.

3. I should be grateful if you would have the present letter circulated as an official United Nations document before the eighteenth session of the General Assembly is concluded.

(Signed) Jiří HÁJEK  
*Permanent Representative of the  
 Czechoslovak Socialist Republic  
 to the United Nations*

### DOCUMENT A/C.6/L.548

**Note verbale dated 16 December 1963 from the representative of the Union of Soviet Socialist Republics to the Secretary-General**

[Original text: Russian]  
 [16 December 1963]

1. The Permanent Mission of the Union of Soviet Socialist Republics to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to make the following statement in connexion with the letter from the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America which was circulated as an official document of the United Nations General Assembly under the symbol A/C.6/L.546.

2. In accordance with a letter dated 10 October 1963 from the Permanent Representative of the Czechoslovak Socialist Republic to the United Nations, a letter and statement from the Government of the German Democratic Republic on the consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations were circulated as an official United Nations document (A/C.6/L.530). The opinions of the German Democratic Republic on such an important question are of great interest. The fact that the Government of the German Democratic Republic has expressed its views on the problem of the peaceful coexistence of States having different social and economic systems is fully in accordance with existing practice and the provisions of the Charter of the United Nations, under which every sovereign State not a Member of the United Nations indisputably has the right to co-operate with the States Members of the United Nations in applying the principles of the Charter. Consequently the circulation of the letter and statement of the Government of the German Democratic Republic on this question was in accordance with the customary procedure extensively followed in United Nations practice.

3. With respect to the assertion in the letter of the three Western Powers that the Government of the Federal Republic of Germany is the only Government entitled to speak for the German people in international

affairs, the Permanent Mission deems it necessary to state that an assertion of this kind is arbitrary in character and is entirely at variance with the facts. This assertion proves that the Western countries are setting out to encourage certain pretensions of the Federal Republic of Germany, which are an expression of the policy of revanchism and aggression.

4. As is well known, two sovereign States—the German Democratic Republic and the Federal Republic of Germany—were established long ago, and have been in existence ever since, in the territory of former Hitlerite Germany, which unleashed the Second World War and was destroyed in that war. Both the German Democratic Republic and the Federal Republic of Germany have the same status in international law, enjoy equal rights in international relations and bear equal responsibilities, and neither of these States is subordinate to the other. The Federal Republic of Germany, exercising authority within the borders of its own territory, cannot represent all Germany and, since there is no single Germany, cannot speak for another German State, just as the German Democratic Republic does not speak for the Federal Republic of Germany in international relations. The attempts of the Government of the Federal Republic of Germany unlawfully to arrogate to itself authority to speak on behalf of the German Democratic Republic have no political or legal foundation whatsoever and conflict with the generally accepted rules of international law.

5. The Permanent Mission consequently deems it necessary to reject most categorically the attempts made in the aforesaid letter of the three Western Powers to support the pretensions of the Federal Republic of Germany, which are utterly baseless.

6. The Permanent Mission requests that this letter be circulated as an official document of the United Nations General Assembly before the conclusion of the current session.

## DOCUMENT A/C.6/L.549

## Letter dated 16 December 1963 from the representative of Hungary to the Secretary-General

[Original text: English]  
[16 December 1963]

1. With reference to a letter dated 6 December 1963 from the Permanent Representatives of France, of the United Kingdom and of the United States to the United Nations addressed to you and circulated in document A/C.6/L.546, I have the honour to state the following:

2. As the Permanent Representative of the Hungarian People's Republic to the United Nations I strongly object to the contents of the above-mentioned letter and condemn its purpose because it is in profound contradiction to the norms of international law and the established working procedures of the United Nations.

3. The German Democratic Republic is a sovereign independent State, having all the criteria defined by international law to this effect. It should also be emphasized that for the first time in German history, this State has radically eliminated all policies of militarism and revanchism which have been a permanent cause of war danger in Europe and in the whole world.

4. The German Democratic Republic maintains a wide range of diplomatic relations with many countries including my own. It is constantly developing economic, cultural and other relations with a great number of countries on the basis of mutual respect and equality.

5. I have the honour to draw your attention to the fact that the letter in question constitutes a flagrant violation of a long time established practice of the United Nations, because it attempts to restrict the right of Member States to request the official circulation of documents from non-member States. It is an attempt which is clearly discriminatory and would hinder, at the same time, the diffusion of objective information among the Members of the United Nations.

6. I should be very grateful if you would have this letter circulated as an official United Nations document.

(Signed) KÁROLY CSATORDAY  
Permanent Representative  
of the Hungarian People's Republic to the  
United Nations

## DOCUMENT A/C.6/L.550

## Letter dated 16 December 1963 from the representative of Bulgaria to the Secretary-General

[Original text: French]  
[16 December 1963]

1. The contents of the letter dated 6 December from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the Secretary-General of the United Nations have greatly surprised us. We should like in the present letter to set matters straight.

2. The statements made in the above-mentioned letter in regard to the German Democratic Republic are devoid of any foundation and do not accord with the real situation created in Europe after the Second World War.

3. Contrary to what is stated in the letter from the three representatives, who ventured to question the existence of the German Democratic Republic, the latter is a sovereign State and is the only German State in Europe which is developing along completely democratic and peaceful lines.

4. Its Government, which has been freely elected, has the legitimate right to speak for the people of the German Democratic Republic. The German Democratic Republic has given several apposite proofs of its wish to live in friendship and co-operation with its neighbours and with all peoples of the world. That is why its Government enjoys great international prestige and why, despite the many obstacles raised by certain Western countries, it maintains diplomatic, economic and cultural relations with a large number of States throughout the

world. The German Democratic Republic, which follows a realistic policy of peace and co-operation and recognizes the fact of the existence of two German States in Europe, has on many occasions submitted proposals to the Government of the Federal Republic of Germany and to the Senate of West Berlin. The object of these proposals is the conclusion of agreements based on reason and good will, which would apply the principles of peaceful coexistence to the particular situation existing in Germany. Unfortunately all these proposals, whose implementation would have been in the interests not only of the German people but of all the peoples of Europe, have met with no response. This fact is yet a further proof of the militaristic and revanchist aims of the ruling circles in the Federal Republic of Germany which have been strongly condemned by world public opinion.

5. Since the letter contained in document A/C.6/L.546 was circulated as a United Nations document, I should be grateful if you would have this letter also circulated as an official document of the United Nations before the end of the eighteenth session of the General Assembly.

(Signed) M. TARABANOV  
Permanent Representative of the  
People's Republic of Bulgaria to  
the United Nations



## DOCUMENT A/C.6/L.551

**Note verbale dated 16 December 1963 from the representative of Poland to the Secretary-General**

[Original text: English]  
[16 December 1963]

1. The Permanent Representative of the Polish People's Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and with reference to the letter dated 6 December 1963, from the Permanent Representatives of France, of the United Kingdom of Great Britain and Northern Ireland and of the United States of America, wishes to state the following.

2. In the above-mentioned letter the Permanent Representatives of the three Western Powers ventured to question the very existence of the German Democratic Republic as well as its Government's right to speak as the representative of its people in international affairs.

3. The Permanent Representative of Poland received this letter, distributed as document A/C.6/L.546 of the General Assembly, with surprise. The existence of the German Democratic Republic, a State maintaining friendly relations with Poland and with many other countries, is unquestionable. Nor can it be refuted that the German Democratic Republic—a peace-loving State—plays an important role in international affairs.

4. The Polish People's Republic values highly the contribution made to the cause of peace in Europe by the German Democratic Republic—the first German State to pursue the policy of peaceful coexistence. It is a well-known fact that the German Democratic Republic makes considerable efforts to establish normal relations between the two German States and proposed

the conclusion of a treaty of good sense and good will between these States.

5. The efforts of the Western Powers to present the Federal Republic of Germany as entitled to speak on behalf of the German Democratic Republic is contrary to the principle of the sovereign equality of States. Such an attitude of the Western Powers could only foster the dangerous aspirations of the Federal Republic, its policy of revisionism and territorial expansion.

6. There is no provision in the United Nations Charter forbidding a sovereign State to communicate its views to this Organization. On the contrary, the spirit and letter of the Charter favour close co-operation of States non-members of the United Nations with the Organization in the implementation of its purposes. We consider therefore the publication of the statement of the German Democratic Republic attached to the letter of the Permanent Representative of the Czechoslovak Socialist Republic of 10 October 1963, a positive and commendable example of such co-operation.

7. For all these reasons the Polish Delegation rejects the allegations contained in the letter of the Permanent Representatives of three Western Powers, the text of which has been distributed as document A/C.6/L.546.

8. The Permanent Representative of Poland would be grateful if the Secretary-General would have this note circulated and published as a document of the present session of the General Assembly.

## DOCUMENT A/C.6/L.552

**Letter dated 16 December 1963 from the representative of Cuba to the Secretary-General**

[Original text: Spanish]  
[16 December 1963]

1. With reference to the letter of 6 December 1963 addressed to you by the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and circulated as document A/C.6/L.546, the delegation of Cuba cannot let this circumstance pass without calling attention to the fact that the representatives of those countries wish to deny the right of Member States to disseminate the authorized views of peoples and Governments on matters which not only concern the United Nations but are of basic importance to the cause of peace.

2. Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations is undoubtedly a subject of universal interest, upon which all views should be able to be expressed. Any exclusion, therefore, would vitiate the purposes aimed at in the discussion of this subject in the General Assembly's Sixth Committee.

3. The text of the letter of 6 December referred to above likewise constitutes an intolerable violation of

the rights of the German Democratic Republic, which has its roots in the results of the Second World War. This act is obviously inspired by the revenge-seeking policy, disturbing to world peace, of the Federal Republic of Germany.

4. The German Democratic Republic, with which my country maintains diplomatic relations and close economic, technical and cultural co-operation, is playing a part of prime importance in international affairs and, through its peace-inspired conduct of its foreign relations, merits the respect and recognition of all States.

5. In thus defending the right of the Permanent Representative of the Czechoslovak Socialist Republic to request circulation of the letter signed by His Excellency Dr. Lothar Bolz, Minister for Foreign Affairs of the German Democratic Republic, we are defending the right of all Member States to contribute, by such means as are in their power, to an improvement in the international atmosphere with a view to preserving world peace and security; and in proclaiming the right of the German Democratic Republic, supported by irrefutable facts, we are performing an act of justice

towards this unit of the German people which, victim of a gigantic international conspiracy on the part of the imperialist countries, is daily working out a higher destiny for itself and making a positive contribution to friendly relations and co-operation among States in accordance with the Charter of the United Nations.

6. I should be glad if you would have this letter circulated as an official United Nations document.

(Signed) Carlos LECHUGA  
Ambassador,

Permanent Representative of Cuba  
to the United Nations

#### DOCUMENT A/C.6/L.553

**Note verbale dated 16 December 1963 from the representative of the Ukrainian Soviet Socialist Republic to the Secretary-General**

[Original text: Russian]  
[16 December 1963]

1. The Permanent Mission of the Ukrainian Soviet Socialist Republic presents its compliments to the Secretary-General of the United Nations and in connexion with the letter dated 6 December 1963 from the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, circulated as an official document of the General Assembly (A/C.6/L.546), has the honour to make the following statement.

2. At the request of the Permanent Representative of the Czechoslovak Socialist Republic of 14 October 1963, a letter and statement from the Government of the German Democratic Republic on the consideration at the eighteenth session of the United Nations General Assembly of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations were circulated as an official United Nations document (A/C.6/L.530).

3. In this statement, the Government of the German Democratic Republic expressed its interest in the subject under review and stressed the decisive significance of preserving and securing peace and of establishing peaceful coexistence, especially in the relationships of the German Democratic Republic with the Federal Republic of Germany and West Berlin. In the opinion of the Government of the German Democratic Republic, the further elaboration of international law of the principle that States should refrain from the threat or use of force merited particular attention.

4. Thus the Government of the German Democratic Republic stated its views on international peace, peaceful coexistence and other principles laid down in the

United Nations Charter in accordance with normal United Nations procedure and practice.

5. In the letter mentioned above from the three Western Powers, the assertion is made that the Government of the Federal Republic of Germany is the only Government entitled to speak for the German people in international affairs. That is a far-fetched and groundless assertion, and merely bears witness to its authors' attempts to encourage the revanchist and aggressive pretensions of the Federal Republic of Germany.

6. It is well known that the existence of the German Democratic Republic as a subject of international law is in accordance with the universally recognized rules of international law.

7. The rights and responsibilities of the German Democratic Republic in international relations are identical with those of the Federal Republic of Germany. Each of these two German States exercises power only over its own territory, and neither of them can represent the whole of Germany. Neither of these States can speak for the other in international relations. The aspirations of the Government of the Federal Republic of Germany to assume powers to act on behalf of the entire German people in international affairs are without either political or legal foundation.

8. The Permanent Mission therefore emphatically rejects the attempts made in the letter of the three Western Powers to support the unlawful claims of the Federal Republic of Germany.

9. The Permanent Mission requests you to have this letter circulated as an official United Nations document.

#### DOCUMENT A/C.6/L.554

**Note verbale dated 16 December 1963 from the representative of Mongolia to the Secretary-General**

[Original text: English]  
[16 December 1963]

1. The Permanent Representative of the Mongolian People's Republic to the United Nations presents his compliments to the Secretary-General of the United Nations and in connexion with a letter dated 6 December 1963 from the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, circulated as an official United Nations document (A/C.6/L.546), has the honour to state the following:

2. The Permanent Representatives of France, of the United Kingdom and of the United States in their letter of 6 December 1963 addressed to the Secretary-General of the United Nations, in connexion with the circulation of Statement of the Government of the German Democratic Republic as an official United Nations document at the request of the Permanent Representative of the Czechoslovak Socialist Republic, in defiance of reality made a groundless assertion that



the Government of the Federal Republic of Germany was the only Government to speak for the German people in international affairs.

3. It is an undeniable fact that there exist two sovereign German States—the German Democratic Republic and the Federal Republic of Germany—with equal international status.

4. The Government of the German Democratic Republic, which represents the sovereign will and legitimate aspirations of its population, has full right to express its viewpoints on any international problems. The statement of the Government of the German Democratic Republic on the question of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter

is in full accord with established international practice and the provisions of the United Nations Charter.

5. The Permanent Representative of the Mongolian People's Republic deems it necessary to state that the above-mentioned letter of the three Powers is an attempt to encourage the far-reaching claims of the West German revenge-seekers which runs counter to the generally accepted norms of international law, and consequently it should be categorically rejected as such.

6. The Permanent Representative of the Mongolian People's Republic would be grateful if the Secretary-General of the United Nations could have this letter circulated as a United Nations document.

#### DOCUMENT A/C.6/L.555

**Note verbale dated 16 December 1963 from the representative of the Byelorussian Soviet Socialist Republic to the Secretary-General**

[Original text: Russian]  
[16 December 1963]

1. With reference to the letter addressed to you by the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, circulated as document A/C.6/L.546, the Permanent Mission of the Byelorussian Soviet Socialist Republic to the United Nations has the honour to state the following.

2. The assertions made in their letter by the Permanent Representatives of the three Western Powers to the effect that the Government of the Federal Republic of Germany is the only Government entitled to speak for the German people in international affairs are completely unfounded, arbitrary in character and at variance with the facts. As is well known, two sovereign States—the German Democratic Republic and the Federal Republic of Germany—were established long ago, and have been in existence ever since, in the territory of the former Hitlerite Germany. These two States have the same international status and enjoy equal rights in international relations. The attempts of the Government of the Federal Republic of Germany to arrogate to itself the right to speak on behalf of the German Democratic Republic have neither political nor legal foundation.

3. The letter and statement from the Government of the German Democratic Republic attached to the letter of 10 October 1963 from the Permanent Representative of the Czechoslovak Socialist Republic contain some very valuable ideas on the problem of the peaceful coexistence of States having different social and economic systems, ideas which merit the closest scrutiny. The circulation of these documents from the German Democratic Republic as a United Nations document is in accordance with the customary procedure and practice of the United Nations.

4. The Permanent Mission accordingly considers that the letter of 6 December 1963 from the Permanent Representatives of the three Western Powers constitutes an inadmissible attack upon the rights of the German Democratic Republic, and it wholly rejects both the assertions made in that letter, which are utterly baseless, and the unjustified attempts to impair the right of a State Member of the United Nations to secure the circulation of documents coming from States which are not Members of the United Nations.

5. The Permanent Mission would be grateful to the Secretary-General if he would have this note circulated as an official document of the United Nations.

#### DOCUMENT A/C.6/L.556

**Note verbale dated 16 December 1963 from the representative of Romania to the Secretary-General**

[Original text: French]  
[16 December 1963]

1. The Permanent Mission of the Romanian People's Republic to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to make the following statement with reference to the letter dated 6 December 1963 from the Permanent Representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America (A/C.6/L.546).

2. As is well known, there are in the territory of the former Germany two States: the Federal Republic

of Germany and the German Democratic Republic. It is astonishing, therefore, that the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America should have tried to deny this fact, which is incontestable on any grounds and from any quarter and to win acceptance for the view that the Federal Republic of Germany is alone entitled to speak for the whole German people. Such a step is entirely without justification, is unrealistic and shows a lack of vision.

3. The Permanent Mission of the Romanian People's Republic expresses its regret that the Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America have deemed it necessary to take a step which could

overcloud an atmosphere now favourable to understanding and international co-operation.

4. The Permanent Mission of the Romanian People's Republic requests the Secretary-General to be good enough to arrange for this note to be circulated as an official document.

## DOCUMENT A/5671

### Report of the Sixth Committee

[Original text: French and Russian]  
[13 December 1963]

#### INTRODUCTION

1. At its seventeenth session the General Assembly adopted, on 18 December 1962, resolution 1815 (XVII) entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations".

2. The operative part of that resolution read as follows:

"The General Assembly,

"...

"1. *Recognizes* the paramount importance, in the progressive development of international law and in the promotion of the rule of law among nations, of the principles of international law concerning friendly relations and co-operation among States and the duties deriving therefrom, embodied in the Charter of the United Nations which is the fundamental statement of those principles, notably:

"(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

"(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

"(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

"(d) The duty of States to co-operate with one another in accordance with the Charter;

"(e) The principle of equal rights and self-determination of peoples;

"(f) The principles of sovereign equality of States;

"(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

"2. *Resolves* to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application;

"3. *Decides accordingly* to place the item entitled 'Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United

Nations' on the provisional agenda of its eighteenth session in order to study:

"(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations;

"(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered;

"(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter;

"(d) The principle of sovereign equality of States; and to decide what other principles are to be given further consideration at subsequent sessions and the order of their priority;

"4. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1963, any views or suggestions that they may have on this item, and particularly on the subjects enumerated in paragraph 3 above, and requests the Secretary-General to communicate these comments to Member States before the beginning of the eighteenth session."

3. In accordance with operative paragraph 3 of resolution 1815 (XVII) the General Assembly, at its 1210th plenary meeting held on 20 September 1963, placed the item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" on the agenda of its eighteenth session and referred it to the Sixth Committee.

4. The Sixth Committee considered that agenda item at its 802nd to 825th meetings, from 29 October to 3 December, at its 829th meeting and at its 831st to 834th meetings, on 6, 9, 10 and 11 December 1963.

5. In accordance with operative paragraph 4 of resolution 1815 (XVII), eighteen Member States submitted in writing their views and suggestions on that item. The replies were published in documents A/5470 and Add.1 and 2.

6. A resolution entitled "Reduction of tensions and promotion of goodwill and mutual understanding; progressive development of international law," adopted by the Eighteenth Plenary Assembly of the World Federation of United Nations Associations held at New York from 9 to 14 September 1963, was circulated under the symbol A/C.6/L.535.

7. A selection of documents prepared by the Secretariat was circulated under the symbol A/C.6/L.537.

## PROPOSALS AND AMENDMENTS

8. Czechoslovakia submitted a working paper (A/C.6/L.528). That document provided for the establishment of two working groups after a general discussion of the principles enumerated in resolution 1815 (XVII): one to prepare a preliminary draft of the four principles in operative paragraph 3 of the resolution; the other to compile a list of other principles which should be given further consideration. The Czechoslovak working paper also suggested that the Committee should consider what additional measures could be taken to expedite the whole operation with a view to completing it, if possible, at the General Assembly's nineteenth session.

9. Another working paper was submitted by Australia, Canada, Denmark, France, Malaysia and the United Kingdom of Great Britain and Northern Ireland (A/C.6/L.531 and Corr.1). According to that working paper, the Committee would decide to study in turn each of the four topics enumerated in operative paragraph 3 of the resolution, without commitment at that stage as to the formulation of the results of that study, and would wait until its work was more advanced before deciding what further topics were to be added to its agenda.

10. A draft resolution (A/C.6/L.538 and Corr.1) was submitted by Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Cyprus, Ethiopia, Ghana, Guinea, India, Indonesia, Mali, Morocco, Nigeria, Somalia, Syria, Tanganyika, the United Arab Republic and Yugoslavia. They proposed, *inter alia*, the establishment of a special committee which would begin its meetings in the course of the current session with a view to drawing up proposals for the progressive development and codification of the four principles enumerated in resolution 1815 (XVII). The committee would report to the Assembly at its nineteenth session, when the Assembly would also consider the three principles in operative paragraph 1 of resolution 1815 (XVII), which had not been referred to it at the current session.

11. Another draft resolution (A/C.6/L.539) was submitted by Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Nicaragua, Peru and Venezuela. That resolution also called for the establishment of a special committee to study the four principles, but recommended that it should be composed of jurists of recognized competence in international law. It would start its work as soon as possible and report to the General Assembly at its nineteenth session.

12. Draft resolutions A/C.6/L.538 and Corr.1 and A/C.6/L.539 were later combined in a single text (A/C.6/L.541 and Corr.1 and Add.1 and 2) submitted by the co-sponsors of the two above-mentioned drafts together with Brazil, Chile, Iraq, Lebanon, Liberia, Mauritania, Mexico, Niger, Panama, Philippines, Sierra Leone, Thailand and Togo.

13. That draft resolution read as follows:

*"The General Assembly,*

*"Bearing in mind* paragraph 1 a of Article 13 of the Charter of the United Nations,

*"Recalling* its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961, and 1815 (XVII) of 18 December 1962, which affirm the importance of encouraging the progressive development of international law and its codification and making it a more effective means of furthering

the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations,

*"Having decided* in operative paragraph 2 of resolution 1815 (XVII) to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application, and accordingly to study at the eighteenth session the four principles enumerated in paragraph 3 thereof;

*"1. Decides* to establish a special committee of Member States to be appointed by the President of the General Assembly, taking into consideration the principle of equitable geographical representation and the necessity that the principal legal systems of the world should be represented, for the purpose of drawing up a report containing recommendations for the progressive development and codification of the four principles so as to secure their more effective application, taking into account in particular:

*"(a)* The practice of the United Nations and of States in the application of the principles established in the Charter;

*"(b)* The comments of Governments on this subject, in accordance with operative paragraph 4 of resolution 1815 (XVII);

*"(c)* The views and suggestions advanced by the representatives of Member States during the seventeenth and eighteenth ordinary sessions of the General Assembly;

*"2. Recommends* the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the said committee;

*"3. Requests* the Special Committee to start its work as soon as possible and to submit its report to the General Assembly at its nineteenth session;

*"4. Requests* the Secretary-General to co-operate with the Special Committee in its work, and to provide all the services and facilities necessary for its meetings, including: (a) a systematic summary of the comments, statements, proposals and suggestions of Member States on this item, (b) a systematic summary of the practice of the United Nations and of views expressed by Member States in the United Nations in respect of the four principles, (c) such other material as he deems relevant;

*"5. Decides* to place the item entitled 'Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations' on the provisional agenda of its nineteenth session in order first to consider the report of the Special Committee and secondly, to study in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII) the following principles:

*"(a)* The duty of States to co-operate with one another in accordance with the Charter;

*"(b)* The principle of equal rights and self-determination of peoples;

*"(c)* The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

"6. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1964, any views or suggestions that they may have on the principles enumerated in paragraph 5 above and further urges those Member States which have not already done so to submit by that date their views in accordance with operative paragraph 4 of resolution 1815 (XVII);

"7. *Requests* the Secretary-General to communicate the comments requested in sub-paragraph (a) above to Member States before the beginning of the nineteenth session."

14. Australia, Greece, Italy, Norway, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America submitted the following amendments (A/C.6/L.542) to draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2:

"1. Insert as a new first preambular paragraph:

"*Convinced* of the paramount importance of the Charter in the progressive development of international law and in the promotion of the rule of law among nations'.

"2. Substitute a comma for the colon appearing at the end of the third preambular paragraph and add, as a final preambular paragraph:

"*Considering* that the study contemplated has been initiated by the Sixth Committee at its eighteenth session and that the subsequent debate has made a useful contribution to that study'.

"3. In operative paragraph 1, replace the words: 'for the purpose of drawing up a report containing recommendations for the progressive development and codification of the four principles so as to secure their more effective application' by the words:

"for the continued study of the four principles with a view to their progressive development and codification so as to secure their more effective application, in accordance with resolution 1815 (XVII)."

Those amendments were withdrawn at the 833rd meeting after the introduction of the Lebanese oral amendment.

15. Poland, Romania and Czechoslovakia submitted an amendment (A/C.6/L.543) to draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2 by which the words "for the purpose of drawing up a report containing recommendations for the progressive development and codification of the four principles" in operative paragraph 1 would be replaced by the words "for the purpose of preparing draft formulations of the four principles with a view to their progressive development and codification". That amendment was withdrawn at the 833rd meeting after the introduction of the Lebanese oral amendment.

16. Jamaica and Madagascar also submitted an amendment (A/C.6/L.545) to draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2 proposing that the words "for the purpose of drawing up a report containing recommendations for" in operative paragraph 1 should be replaced by the words "in order, in accordance with Article 13 of the Charter, to draw up a report containing a study and recommendations for the purpose of encouraging". In view of the acceptance of the Lebanese oral amendment by the sponsors of the draft resolution, the representatives of Jamaica and Madagascar stated that they would not press for a vote on their amendment.

17. Lebanon submitted an oral amendment (833rd meeting) to draft resolution A/C.6/L.541 and Corr.1

and Add.1 and 2 proposing that that part of operative paragraph 1 beginning "...for the purpose of..." should be replaced by the words "...in order to draw up a report which would, for the purpose of the progressive development and codification of the four principles, so as to secure their more effective implementation, contain the conclusions of its study and its recommendations, taking into account in particular:..." That amendment was accepted by the sponsors of the draft resolution.

18. With respect to the financial implications of draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2, the representative of the Secretary-General made a statement to the effect that the convening of the special committee would not entail any additional expense if it held its meetings at Headquarters between 20 August 1964 and the opening of the nineteenth session of the General Assembly. If any State wished to invite the Committee to meet elsewhere it would, in accordance with resolution 1202 (XII), have to agree, after consultation with the Secretary-General as to their nature and possible extent, to defray the additional costs involved. In that event, the special committee could begin its work on approximately 15 June 1964.

19. Canada, Cyprus, Jamaica, Liberia, Mexico, the Netherlands, Pakistan and Sweden submitted a draft resolution (A/C.6/L.540 and Add.1 and 2) proposing, with reference to the principle that States should settle their international disputes by peaceful means, a study of the practice with regard to methods of fact-finding for the purpose of the progressive development of those methods. The draft resolution read as follows:

"*The General Assembly,*

"*Recalling* that in its resolution 1815 (XVII) the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered is mentioned as one of the principles to be studied at the eighteenth session,

"*Recognizing* the need to promote further development and strengthening of various means of settlement of disputes, as described in Article 33 of the Charter,

"*Considering* that in Article 33 of the Charter enquiry is mentioned as one of the peaceful means by which the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution,

"*Considering* further that enquiry, investigation and other methods of fact-finding are also referred to in other instruments of a general or regional nature,

"*Believing* that an important contribution to the peaceful settlement of disputes and to the prevention of such disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions,

"*Taking* into account that with regard to methods of fact-finding in international relations a considerable practice is available to be studied for the purpose of their progressive development,

"*Believing* that such a study might include the feasibility and desirability of establishing a special international body for fact-finding or of the assumption by an existing organization of fact-finding responsibilities complementary to existing arrange-

ments and without prejudice to the right of parties to any dispute to seek their own peaceful means of settlement of their own choice,

"1. *Invites* Member States to submit in writing to the Secretary-General, before 1 June 1964, any views they may have on this subject and requests the Secretary-General to communicate these comments to the Member States before the beginning of the nineteenth session;

"2. *Requests* the Secretary-General to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to any subsidiary organ that may be established at the eighteenth session in pursuance of the item 'Consideration of principles of international law concerning friendly relations among States in accordance with the Charter of the United Nations';

"3. *Requests* this subsidiary organ to include in its deliberations the subject matter as mentioned in the last preambular paragraph."

#### DISCUSSION

*General considerations, the Committee's terms of reference and the form which the results of its work should take*

##### *General considerations*

20. The representatives who spoke on this item stressed the great urgency of the question, perhaps the most important from the legal and political points of view with which the Sixth Committee had had to deal to date.

21. In the view of some representatives, it was important because the consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations was necessary for the consolidation of peace, the maintenance of friendly relations among States with different political, economic and social systems, and the promotion of co-operation among the members of the family of nations.

22. In the opinion of those representatives, the increasing headway being made in recent years by the policy of coexistence was an expression of the profound realities and compelling needs of the times and the only alternative to an all-devastating war. This policy was beginning to yield practical results; it had received positive demonstration in the Declaration contained in the final communiqué of the Bandung Conference of African and Asian States, held in April 1955; in the Declaration of the Heads of State or Government of the Non-aligned Countries, issued on the occasion of the Belgrade Conference, held in September 1961; and most recently in the Treaty banning nuclear weapon tests in the atmosphere, in outer space, and under water, concluded at Moscow on 5 August 1963, which was open to all States and to which more than 100 States had acceded. On its side the General Assembly had become increasingly conscious since 1960 of the broader scope given to international law and of the influence which international law and realities exercise on each other. This awareness had been expressed by the adoption of resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961 and lastly by resolution 1815 (XVII) of 18 December 1962, which had led directly to the present agenda item.

23. In the view of other representatives, the topic was important because it concerned four of the fundamental principles of the Charter on which the whole structure of the United Nations rested; it was important also because of its political and legal scope, and because of its possible consequences, immediate and in the future, on the Organization, the solidarity of its Members and their comprehension of their rights and duties.

24. Some representatives pointed out that the expression "principles concerning friendly relations and co-operation among States" embraced all the principles of international law formulated or confirmed by agreement between the socialist States and the capitalist States. In the various conventions or declarations adopted in recent years, at Peking, Bandung, Belgrade, Addis Ababa and elsewhere, those principles varied in number according to the degree of interest taken in them by each State.

25. Lastly, some representatives said that, as resolution 1815 (XVII) attested, the subject before the Committee was not peaceful coexistence—a matter which was rather political than legal—but friendly relations among States, which was a much broader theme.

26. Other representatives declared that the expressions "peaceful coexistence" and "friendly relations and co-operation among States" were synonymous, and that moreover this question of terminology was secondary.

27. Although nobody denied the importance of the subject, differences of view became apparent concerning the scope of the terms of reference given to the Sixth Committee by resolution 1815 (XVII) and the form which the result of the Committee's work should take.

##### *The Committee's terms of reference*

28. In the opinion of several representatives, the Committee's terms of reference under resolution 1815 (XVII) had their origin in Article 13 of the Charter, which stipulated that the General Assembly should initiate studies and make recommendations for the purpose of promoting international co-operation in the political field and encouraging the progressive development of international law and its codification. Operative paragraph 2 of resolution 1815 (XVII) is clear on this point.

29. In the view of some representatives, resolution 1815 (XVII) does not impose any obligation on the Committee other than to undertake a study of the four principles mentioned in operative paragraph 3—a study which in itself would contribute to the progressive development of the law. The Committee was therefore free to decide what effect should be given to this study. These representatives stressed the complexity of the question which called for thorough, careful and objective consideration relating both to the way in which Governments had interpreted and applied the Charter and to the meaning and evolution of the political, economic and social events which had occurred since the adoption of the Charter. Moreover, each principle should be considered thoroughly from every angle; it should be studied separately, for a simultaneous discussion of the four principles could only lead to confusion.



30. In the view of other representatives, the Committee's task was not only the study of the four principles enumerated in resolution 1815 (XVII) but their progressive development and codification, so as to secure their more effective application. The Committee was not a scientific association but a political organ, and it was expected to produce more than mere studies, however complete they might be. Moreover, although the principles of international law were expressed or implied in the Charter, that document did not provide for all details of the practical application of this doctrine. It could not anticipate the extent and shape of the changes which had taken place throughout the world during the last decade, and in particular the recovery of their independence by a very large number of countries. The need, in applying the essential principles of the Charter, to allow for the new and changed conditions had called for their creative elaboration. This process of creative elaboration had been going on all the time through resolutions, declarations, law-making treaties and bilateral and multilateral documents which sought to enunciate the principles of coexistence.

31. Some representatives contended that the expression "progressive development of international law" employed in resolution 1815 (XVII) had a general meaning and not the technical sense which it had in article 15 of the statute of the International Law Commission, namely, "the preparation of draft conventions on subjects which have not yet been regulated by international law or in regard to which the law has not yet been sufficiently developed in the practice of States". Similarly, "codification" was not used as meaning "the more precise formulation and systematization of rules of international law in fields where there already has been extensive State practice, precedent and doctrine", for the four principles were already to be found in the Charter.

32. The question before the Committee concerned not the codification or development of the international law in force but the application of that law. The Committee should determine first how the principles of the Charter were applied in relations among States. It would then be possible to determine whether the conduct of States in their relations with one another was influenced by the inadequacy or obscurity of the existing rules and to decide whether such rules could usefully be supplemented or corrected.

33. This point of view was rejected by several representatives who declared that operative paragraph 2 of resolution 1815 (XVII) was not at all ambiguous and that by the terms of this paragraph the Committee should work for the progressive development and codification of the principles of international law, that is to say, according to the definition in article 15 of the statute of the International Law Commission, for the preparation of draft conventions on subjects which have not yet been regulated by international law and for the systematization of rules of international law in fields where there already has been extensive State practice. In the opinion of these representatives, this definition did not exclude the idea of a declaration.

34. Some representatives said that under resolution 1815 (XVII) the Committee should also decide what other principles were to be given further consideration at subsequent sessions. Among these principles, representatives mentioned the three principles appearing in resolution 1815 (XVII) but not assigned for study at the eighteenth session, namely, (a) the duty of

States to co-operate with one another in accordance with the Charter; (b) the principle of equal rights and self-determination of peoples; and (c) the principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter.

35. Other representatives proposed also the principle of co-operation in economic, social and cultural fields, the principle of respect for the policy of non-alignment to any ideological or military bloc, the principle that ideological and warlike propaganda should be avoided in the conduct of international relations, and the principle of racial equality.

36. Several representatives considered that the study of other principles should not be initiated before the completion of the study of the first four principles.

#### *Form which the results of the work should take*

37. Several representatives declared that the result of the Committee's work should be embodied in a declaration, for the principles which the Committee had to study were so closely interrelated that to formulate them in isolation would be to divorce them from the context where they naturally belonged, thus depriving them of part of their substance. As the system the Committee had in mind would necessarily consist of prohibitive norms and co-operative, active and positive norms, which were complementary, there must be only a single document, as the Czechoslovak working paper (A/C.6/L.528) proposed.

38. In the opinion of these representatives, a declaration would offer many advantages, among them a better expression and more explicit statement, a more precise formulation and systematization, and better adaptation to contemporary needs of the law signified progressive development and codification, and that, in its turn, meant the improvement of the law. Such restatement and confirmation of the main principles of the maintenance and consolidation of peace and the peaceful coexistence of States having different economic and social systems corresponded to the present needs and demands of peoples all over the world, especially the smaller and weaker nations, which had of necessity to put their trust in law because their wealth and arms were not sufficient to defend their vital interests. A declaration would transfer to the international plane the regional Declarations of Bandung, Belgrade and Addis Ababa. Moreover, a declaration would give to the principles the desired legal and moral weight. Although a declaration set out in a General Assembly resolution does not bind States in the same way that an agreement binds the parties to it, the adoption of such a declaration nevertheless would have much greater force than that of a mere recommendation. It might not be considered, *prima facie*, as a formal source of law, but it might become one if recognized by States as a rule of international law and adopted by them in practice, in which case its provisions would become provisions of customary law.

39. Several representatives had put forward, as an additional argument in favour of the preparation of a declaration, the many precedents within the United Nations. They mentioned the Universal Declaration of Human Rights of 1948, the draft Declaration on rights and duties of States of 1949 (resolution 375 (IV)), the Declaration on the granting of independence to colonial countries and peoples of 1960 (resolution 1514 (XV)) and the Declaration on the elimination

of all forms of racial discrimination of 1963 (resolution 1904 (XVIII)).

40. Some representatives considered that the proposed declaration might be drafted between the present session and the twentieth session (1965), so that it would coincide with the United Nations Decade of International Law, mentioned in resolution 1816 (XVII).

41. Some representatives thought that the preparation of a declaration was only one step towards codification.

42. Other representatives were opposed to the preparation of a declaration of principles for the time being. They considered that because of the complexity of the question it was essential to exercise caution and not to make haste. It would be better to see what came out of the exchange of views on the subject before deciding on the final form in which the results of the work were to be expressed. This exchange of views would undoubtedly take a rather long time.

43. A large number of representatives were opposed to the preparation of any declaration, for resolution 1815 (XVII) was not a mandate to the Committee for the reformulation of the principles in the Charter. It need not entail the preparation of new codes or declarations relating to the principles mentioned, but should involve an analysis of these principles within the Charter, in which they were already embodied. It was unnecessary to rewrite the Charter or to restate, by way of recommendation, what the Charter contained by way of obligation. Such a procedure might weaken the scope of the legal obligations included in the Charter and accepted by Member States. The Charter should therefore remain intact. The four principles of resolution 1815 (XVII) were to be found in the Charter, and they could not be set down more precisely in a fashion which would be binding on Member States except by their amendment, that is to say, by amendment of the Charter.

44. In the opinion of these representatives there was no doubt that if the recommendations adopted at the conclusion of the study of the four principles added new elements and were not restricted to an interpretation compatible with the provisions of the Charter, the procedure of Article 13 could not be followed, for this Article contemplated only recommendations for the development or codification of international law and not the revision of the Charter. If the study disclosed gaps in the Charter, those gaps would have to be filled by the amendment procedure set out in Article 108.

45. Some of these representatives were even of the opinion that with reference to principles constituting the very foundation of the legal order of the United Nations, the procedure set out in Article 108 was not sufficient and that a review of the Charter, such as that contemplated in Article 109, would be necessary.

46. In reply, several representatives pointed out that the General Assembly on several occasions had interpreted the fundamental provisions of the Charter, especially in the Universal Declaration of Human Rights, resolution 1803 (XVII) on permanent sovereignty over natural resources, and resolution 1514 (XV) on the granting of independence to colonial countries and peoples. The Declaration in resolution 1514 (XV) could serve as an illustration and be of assistance to the Committee in its work. This Declaration summed up several other resolutions. It eliminated all the ambiguities left by Chapters XI, XII and XIII of the

Charter. It interpreted the principle of self-determination of peoples in keeping with the changes which had taken place since 1945. This document enriched the Charter, not by revising or amending it, but simply by interpreting it.

47. Some representatives stated that these arguments were not convincing, for in the areas covered by these declarations, the provisions of the Charter were few and very succinct and did not relate to fundamental points.

48. One representative proposed the drawing up of a "universal statute of peace" which might embody many of the rules which had been formulated, since the entry into force of the Charter, to strengthen international security—for example, some of the resolutions of the General Assembly.

*Debate on the four principles set out in resolution 1815 (XVII)*

*The principle of refraining from the threat or use of force in international relations*

49. Almost all representatives agreed that the prohibition of the threat or use of force in international relations had been the outcome of the development since the end of the nineteenth century towards a restriction on the use of force and of the replacement in international law of the notion *jus ad bellum* by *jus contra bellum* under the pressure of events and advances in military techniques and arms which endangered the very existence of mankind. That development had been marked by the 1899 and 1907 Hague Conventions for the Pacific Settlement of International Disputes, and the Covenant of the League of Nations. Representatives also referred to the contribution in that field of the Soviet Government's Decree of peace of 26 October 1917. Nevertheless, it was not until 1928 and the Briand-Kellogg Pact<sup>15</sup> that the principle of a prohibition of all wars of aggression was proclaimed for the first time. In consequence, the Charters of the Nürnberg and Tokyo International Military Tribunals set up in 1945 and 1946 had found the war criminals guilty of aggressive war in the Second World War. Finally, the authors of the United Nations Charter had gone still further and in Article 2, paragraph 4, had proclaimed a prohibition of the threat or use of force.

50. Some representatives stressed the importance of that principle and pointed out that Article 2, paragraph 4, had frequently been recalled in General Assembly resolutions, for instance in resolutions 192 (III) on the prohibition of the atomic weapon and on the reduction by one-third of the armaments and armed forces of the permanent members of the Security Council; 290 (IV) on the essentials of peace; 291 (IV) on the promotion of the stability of international relations in the Far East; 378 A (V) on the duties of States in the event of the outbreak of hostilities and 380 (V) on peace through deeds. The principle had also been proclaimed in a number of international instruments concluded since the war, such as the Charter of the Organization of American States (article 5),<sup>16</sup> the Pact of Bogotá (article 1),<sup>17</sup> the Bandung Declaration (principle 7), the Belgrade Declaration (chapter

<sup>15</sup> General Treaty for Renunciation of War as an Instrument of National Policy, signed at Paris, 27 August 1928 (League of Nations, *Treaty Series*, vol. XCIV, 1929, No. 2137).

<sup>16</sup> United Nations, *Treaty Series*, vol. 119 (1952), No. 1609.

<sup>17</sup> United Nations, *Treaty Series*, vol. 30 (1949), No. 449.

II) and the Charter of the Organization of African Unity (articles II and III).

51. Some representatives expressed doubts as to the desirability and even the feasibility of formulating a complete definition of the prohibition of the threat or use of force.

52. With regard to the problem of defining "force", which had been raised by several representatives, some stated that the term "force" should not apply only to military force, but also to force in any form, including its economic and political forms, because economic coercion could sometimes be more dangerous than physical force for the developing countries.

53. Other representatives thought that the word "force" in the specific context of Article 2, paragraph 4, of the Charter meant only physical force and armed force, and did not include the other forms of pressure, whether economic or political. They stated that the idea of economic aggression had been rejected in 1945 at the United Nations Conference on International Organization, held in San Francisco.

54. Some representatives thought, on the other hand, that the word "force" applied not only to regular forces, but also to irregular forces or armed bands operating against a State from bases within the territory of another State which tolerated their presence.

55. The definition of the threat of force should also include means of direct or indirect pressure exerted against the territorial integrity or political independence of a State and should be extended to cover the arms race. Some representatives even stated that the refusal of a coastal State to grant access to the sea to a landlocked State was a measure as dangerous as the threat of force.

56. Some representatives expressed the view that it should be stated that any advantage obtained by force, whether military, political or economic, would not be recognized.

57. Some representatives stated that the phrase "in their international relations" in Article 2, paragraph 4, raised a problem, for in the event of a revolt on the territory of a State, a group or community could claim international personality or statehood, and then any threat or use of force against the said community could be considered "international" and would fall under Article 2, paragraph 4.

58. Other representatives stated that the granting of assistance in ways of liberation did not constitute a violation of Article 2, paragraph 4, of the Charter. The Summit Conference of Independent African States, held at Addis Ababa in May 1963, had provided, *inter alia*, for joint action to promote the national liberation of peoples still living under the yoke of colonialism.

59. Several representatives emphasized the close and essential relationship between Article 2, paragraph 4, and Chapters VI and VII of the Charter, and particularly Article 39 on threats to the peace, breaches of the peace or acts of aggression, which went to prove that the function of interpreting and applying the principle prohibiting the threat or use of force was assigned by the Charter to the Security Council.

60. Several representatives emphasized that the prohibition of the use of force was absolute; the only possible exceptions were provided for by the Charter in Articles 42 (action decided on by the Security Council) and 51 (self-defence), and those exceptions should be interpreted *stricto sensu*.

61. In that connexion, some representatives stated that not only did Article 51 of the Charter provide for the legitimate use of force in exercise of the right of self-defence in the event of armed attack, but that Article 51 together with Article 2, paragraph 4, did not entirely replace and did not invalidate all the pre-existing rules of international law concerning the use of force in self-defence. Individual or collective self-defence against armed attack was an absolute inherent right.

62. That opinion was considered inadmissible by several representatives who believed it to be a retrograde step; in their view, limiting the interpretation of Article 2, paragraph 4 and widening the scope and meaning of Article 51 weakened the Charter by leaving room for the justification of the use of force in cases not provided for by the Charter, such as preventive war.

63. Several representatives expressed the opinion that the formulation of the principle of the threat and use of force, as given in the draft submitted by Czechoslovakia at the seventeenth session<sup>18</sup> was satisfactory and could serve as a basis for the formulation of that principle in a declaration.

64. Other representatives, on the other hand, believed that the formulation contributed nothing, because the principle was already covered by a complete rule of law set forth in Article 2, paragraph 4, of the Charter and there was nothing to be gained from changing its wording. That general rule was sufficient to cover many contingencies which a more precise and detailed rule might very well not provide for.

65. In common with the draft submitted by Czechoslovakia at the seventeenth session, some representatives attached particular importance to the prohibition of war propaganda and the problem of disarmament, a principle of law closely linked to the principle contained in Article 2, paragraph 4. They pointed out that signatories of the Charter had undertaken in Article 26 to formulate plans for the regulation of armaments and that several resolutions had already been adopted to that effect. Moreover, the Belgrade Declaration stated in detail what should be understood by general and complete disarmament. The notion embraced not only the elimination of armed forces, armaments, foreign bases, the manufacture of arms and the establishments and installations needed for military training, but also an absolute ban on producing, keeping and using nuclear, thermo-nuclear, bacteriological and chemical weapons and the elimination of the equipment and installations required for firing, guiding and using operationally weapons of mass destruction on national territories.

66. Other representatives, while subscribing to the political objective of disarmament, did not think that the Sixth Committee could, at least at the present stage, lay down rules concerning the legal obligation of States to disarm. Maintaining that the political objective created a legal obligation was tantamount to ignoring the pre-conditions for establishing a rule of law.

#### *The principle of the peaceful settlement of disputes*

67. The paramount importance of the principle of the peaceful settlement of disputes, set forth in Article 2, paragraph 3, of the Charter, was stressed by most representatives. Some stated that the principle of the peaceful settlement of disputes could be con-

<sup>18</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75, document A/C.6/L.505.



sidered as a mandatory and established norm of international law. As early as 1826 in Panama, Colombia, Central America, Peru and Mexico had signed a treaty providing for the peaceful settlement of disputes. Furthermore, that principle appeared in the Charter of the Organization of American States (article 21), the Belgrade Declaration (chapter III) and the Charter of the Organization of African Unity (articles III and XIX).

68. Some representatives pointed out that the above principle was a natural corollary to the prohibition of the use of force and that all the important international instruments which prohibited the threat or use of force obliged signatory States to settle their disputes by peaceful means. That obligation was as mandatory as the prohibition; moreover, the two were juxtaposed in Article 2 of the Charter, as also in the Briand-Kellogg Pact. The only choice open to States under the Charter was that mentioned in Chapter VI of the Charter, which should be read in conjunction with Article 2. Article 33 of the Charter specified the peaceful means which States could use in a given case: negotiation, enquiry, mediation, conciliation, arbitration or judicial settlement. The choice depended upon the nature of the dispute and the international context in which it took place.

69. Some representatives laid particular stress, as did the draft submitted by Czechoslovakia at the seventeenth session on the advantages of direct negotiations between States, a basic means which no State could reject unilaterally.

70. Other representatives expressed surprise that some countries which were the most fervent advocates of the codification of principles of international law concerning friendly relations and co-operation among States seemed to show no interest in the codification of the principles of the peaceful settlement of disputes. They maintained that to regard direct negotiations as the fundamental means of settling disputes, as was done in the Czechoslovak draft, was a nationalist and retrograde step which limited the means set forth in Article 33 to negotiation.

71. Several representatives expressed the opinion that States should have wider recourse to the International Court of Justice for the settlement of their disputes. In their opinion, it was difficult to avoid the influence of political factors in the peaceful settlement of disputes by non-judicial means, and that such a procedure was therefore imperfect from the standpoint of the rule of law; they regretted that only one-third of the States Members of the United Nations had accepted the optional clause of compulsory jurisdiction and that there were reservations which limited the Court's jurisdiction even further. Some representatives also expressed regret that execution of the Court's decisions depended entirely on the will of the parties and considered that such a situation was a fundamental defect, from the point of view of the rule of law, which should be corrected. Still other representatives wished to extend the jurisdiction of the Court to non-judicial disputes and, in that connexion, referred to the *ex aequo et bono* decisions taken under Article 38, paragraph 2, of the Statute of the Court.

72. Some representatives also stated that States should be encouraged to resort to the panel for inquiry and conciliation contemplated in General Assembly resolution 268 D (III). Certain representatives em-

phasized the role which the Security Council, the General Assembly, and the Secretary-General could play in the peaceful settlement of disputes.

73. Other representatives maintained that certain States were reluctant to submit their disputes to the Court because, on the one hand, geographical distribution and the representation of the world's principal legal systems in the Court were not satisfactory and, on the other hand, because the Court applied only the law of the so-called "civilized" nations in the formulation of which those States had not taken part.

74. Certain representatives contested those views, drawing attention to the recent improvement in the geographical representation of the seats in the International Court of Justice and to the fact that, furthermore, the impartiality of the judges could not be questioned since some judges had voted for rulings which were contrary to the interests of their own countries. In addition, the Court, far from being conservative, had in a large number of cases adopted a progressive and enlightened attitude.

75. A number of representatives held that it was impossible to conceive of a genuine system of peace without a treaty on the peaceful settlement of disputes for, when a dispute arose, it was not enough to apply one of the means of peaceful settlement specified in Article 33 of the Charter; the parties should know what means of recourse were available and should have reached a prior agreement on that point in a special legal instrument. Thus, at the Bogotá Conference, the American States had adopted the American Treaty on Pacific Settlement or the Pact of Bogotá, which contained provisions for the peaceful settlement of all disputes. Similarly, the European Convention for the Peaceful Settlement of Disputes, signed at Strasbourg on 29 April 1957,<sup>19</sup> and the Charter of the Organization of African Unity of 1963 provided for commissions of mediation, conciliation and arbitration. A general treaty based on regional experiences could offer a solution to the problem.

76. Some representatives were of the opinion that application of the principle of the peaceful settlement of disputes could be facilitated by the establishment of a specialized fact-finding body whose functions would be complementary to the arrangements already in operation for that purpose; that body would be available to the parties to future treaties or to existing treaties which had no fact-finding provisions as well as to international organizations and would not supersede existing effective machinery. In the case of very specialized inquiries of an economic or scientific nature, for example, the fact-finding centre could call upon an individual, body, commission or organization to carry out an inquiry. Those representatives pointed out that several international agreements, namely, those which had established the three European communities<sup>20</sup> and the European Convention for the Protection of Human Rights and Fundamental Freedoms,<sup>21</sup> provided for such bodies.

<sup>19</sup> United Nations, *Treaty Series*, vol. 320 (1959), No. 4646.

<sup>20</sup> Treaty instituting the European Coal and Steel Community (United Nations, *Treaty Series*, vol. 261 (1957), No. 3729. Treaty establishing the European Economic Community (United Nations, *Treaty Series*, vol. 298 (1958), No. 4300. Treaty establishing the European Atomic Energy Community (EURATOM) (United Nations, *Treaty Series*, vol. 298 (1958), No. 4301).

<sup>21</sup> United Nations, *Treaty Series*, vol. 213 (1955), No. 2889.

77. Other representatives maintained that the proposal to establish a fact-finding body constituted a first step towards a judicial or quasi-judicial settlement of disputes which would be compulsory and therefore unacceptable. Moreover, that proposal was not on the Committee's agenda and it should therefore not be discussed.

78. Some representatives pointed out that all disputes were not likely to affect the maintenance of peace to the same extent and that the flexibility of the Charter was reflected in the fact that it provided in Articles 14 and 34 and in Chapter VII for different measures to be taken by different bodies, according to the seriousness of the dispute.

79. Several representatives concluded that the Charter provided adequate legal and constitutional bases for productive diplomatic action; they mentioned the practical measures taken by the United Nations since its foundation, such as the organization of truces, the dispatch of commissions of observation, inquiry or good offices, its economic and social activities; and its action under Article 81 concerning the administration of a trust territory. Accordingly, they thought that here, too, it was useless and dangerous to seek to amend the Charter by devious means.

*The duty not to intervene in matters within the domestic jurisdiction of a State*

80. Some representatives referred to the fact that the principle of non-intervention in matters within the domestic jurisdiction of a State had until relatively recently been a political principle often proclaimed and applied in international relations.

81. Nevertheless, the majority of representatives recalled the efforts made by many States to clarify, formulate and codify the legal principle of non-intervention in the affairs of another State. The French Revolution had first recognized that principle by proclaiming it in its Constitution of 1791. The Latin American States had since 1848 made efforts to define and codify that principle. It was contained in the Convention on the Rights and Duties of States, adopted by the Seventh International Conference of American States, held at Montevideo in 1933.<sup>22</sup> It also appeared in article 15 of the Charter of the Organization of American States and had been reaffirmed at the Fifth Meeting of Consultation of Ministers of Foreign Affairs, held at Santiago in 1959. In addition, draft articles dealing with that principle would be submitted to the Inter-American Conference to be held at Quito in 1964.

82. The principle was also found in the Pact of the League of Arab States (article 8), the Bandung Declaration of 1955 (4th principle), the Belgrade Declaration of 1961 and the Charter of the Organization of African Unity (article III), adopted at Addis Ababa in 1963, in the Vienna Convention on Diplomatic Relations and Immunities (1961)<sup>23</sup> and the Vienna Convention on Consular Relations (1963).<sup>24</sup> It was an important item on the agenda of the Conference of the International Law Association, which was to take place at Tokyo in 1964.

83. Many representatives stated that the principle of non-intervention in the domestic affairs of a State

was inherent in the very spirit of the Charter and was an essential part of any system of coexistence. It derived from the principle of the sovereign equality of States and endorsed the right of self-determination of peoples.

84. Several representatives observed that two distinct questions were involved, namely, the competence of States with respect to the United Nations as set out in Article 2, paragraph 7, and the intervention of a State in the affairs of another State, which was covered more specifically in Article 7, paragraph 4.

85. Some representatives considered that the problem to be examined by the Committee related solely to the latter point.

86. Other representatives thought it necessary to recognize that what constituted interference in domestic affairs was essentially a matter of degree, since States could not be sealed off from one another or from the United Nations. The decisions of the United Nations and measures taken by States, even though they were within their rightful competence, often had implications for other States. Therefore, it seemed that the Committee's function was to determine, having regard to the interdependence of States in the modern world, those measures which were permissible and those which were not.

87. Some representatives pointed out that Article 2, paragraph 7, of the Charter contained ambiguous points which required clarification, such as which organ was competent to decide whether a question was or was not within the national competence of a State. The lack of a clear interpretation of that aspect of paragraph 7 had given rise to difficulties during the decolonization process.

88. Other representatives thought that it was not possible to give a precise meaning to Article 2, paragraph 7, for intervention was a concept which was as fluid and changing as life itself and defied all definition. They recalled that there were phenomena, such as aggression, which should preferably not be defined and that intervention in the affairs of another State was of a similar nature. Other representatives were of the opinion that the question of aggression should be re-examined in the light of possible violations of the principle of non-intervention.

89. In the view of other representatives, the doubts raised by Article 2, paragraph 7, could be dispelled only by revision of the Charter.

90. Some representatives held that the key question which remained unresolved was the precise definition of intervention. References were made to political, economic and even ideological intervention, the common feature of all three being their dictatorial effect, which deprived the State subjected to such intervention of its normal discretionary powers and could even go so far as to constitute a veritable usurpation by the interventionist State of the national powers of the State concerned. Examples of political intervention cited were attempts by a State to impose a particular constitutional or political system, armed attacks, political assassinations, seizures, violations of territorial integrity, the establishment of military bases in other States, the claiming of special privileges for nationals, and the fomenting or inciting of subversive activities. One of the most insidious forms of intervention, however, was interference in the economic affairs of States, as when the nationals of a State exerted pressure on their Government to intervene in order to protect their own

<sup>22</sup> League of Nations, *Treaty Series*, vol. CLXV, 1936, No. 3802.

<sup>23</sup> United Nations publication, Sales No.: 62.X.1., vol. II.

<sup>24</sup> United Nations publication, Sales No.: 63.X.2., vol. II.

private commercial or industrial interests in another State.

91. Other representatives pointed out that protection of the life and property of nationals was in keeping with international law and was an expression of the rights of sovereignty vested in every State.

92. Several representatives stressed the dangers of neo-colonialism, by means of which certain great Powers sought to violate the integrity of weaker countries through the exercise of over or disguised economic pressure.

93. Some representatives stated that attention should also be given to the possible forms of intervention: intervention by a single State, collective intervention and intervention by an international organization.

94. Another problem to be solved, in the view of some representatives, was the definition of matters which, under Article 2, paragraph 7, "are essentially within the domestic jurisdiction of any State". The present trend seemed to be towards a broader interpretation, for States were more and more taking on, under various forms of international obligations, activities—as in matters of human rights—which would formerly have been exclusively within their domestic jurisdiction.

95. Some representatives, lastly, held that study should be given to the question of how paragraph 7 had been and should be applied by the United Nations. The United Nations, it appeared, had followed a less formal course on that question than had the League of Nations.

#### *The principle of sovereign equality of States*

96. Several representatives expressed the view that the principle of sovereign equality of States laid down in Article 2, paragraph 1, of the Charter was a factor for stability in international relations and in the peaceful coexistence of States having different economic and social systems. It was the fundamental principle of the United Nations, and was the essential basis not only of relations between the United Nations and its Members but also of relations between States. Confirmation of that could be found in Article 78 as well as Article 2 of the Charter.

97. A number of representatives pointed out that at the United Nations Conference on International Organization in San Francisco it had been held that the term sovereign equality conveyed first, that States were juridically equal, secondly, that each State enjoyed the rights inherent in full sovereignty, thirdly, that the personality of the State was respected, as well as its territorial integrity and political independence, and fourthly, that the State should, under international order, comply faithfully with its international duties and responsibilities.

98. Various representatives observed that by virtue of that principle States had not only the same rights but also the same duties as subjects of international law and as equal members of the international community. The principle in question appeared not only in the United Nations Charter but in the Charter of the Organization of American States (article 6), the Bandung Declaration (principle 3) and the Charter of the Organization of African Unity (principle 1).

99. Some representatives stressed the point that the expression "sovereign equality" had two very important elements: the concept of sovereignty and that of equality.

100. On the subject of equality, a number of representatives stated that the equality envisaged in Article 2, paragraph 1, of the Charter should be construed as relating solely to the equality applicable to the juridical relations between Members of the United Nations within the Organization itself—to the consequences flowing from the fact of their membership in the United Nations. But Article 2, paragraph 1, provided for the formal juridical equality of all Member States—though the Charter admitted certain exceptions, such as the five great Powers' right of veto.

101. Those representatives considered that in dealing with equality as a principle one must not allow the positive aspects to blind one to the existence of restrictions; it was necessary to see how far equality existed among States, in the international community and in international organizations. Moreover, weighted voting systems were applied in the International Monetary Fund and in European organizations. Those exceptions to the rule, far from being harmful, had made it possible to extend friendly co-operation between States to new spheres.

102. Other representatives held that equality should be construed as signifying the right of all States, irrespective of their size and form of government, their economic or social systems or their level of development, to political and economic equality in the community of nations. All States should be able to participate on an equal footing in international life, more particularly in the creation of norms of international law, and should be given every assistance to achieve such equality, particularly in the economic field. The economic aspects of sovereignty thus acquired a particular significance in the contemporary world, and called for efforts to develop international law in that field.

103. So far as concerned sovereignty, some representatives pointed out that the content of that idea was constantly evolving, and was tending to lose some of its absoluteness as a result of the existence of international organizations. In particular, there was a trend towards a correlative approach to the articles on sovereignty and the provisions on human rights, which should be given close attention in the Committee's study.

104. Several representatives observed that attacks on the sovereign equality of States sometimes took subtle forms, as when a State was compelled to conclude an unequal treaty designed to bring it under the economic domination of another State. Such treaties were at variance with the Charter and an obstacle to friendly relations between States.

105. Certain representatives stated that in connexion with the principle of sovereign equality the Committee ought to give particular attention to the right of self-determination of peoples and the principle of the elimination of colonialism, as defined in paragraphs 14 and 15 of the draft resolution submitted by Czechoslovakia at the seventeenth session.

#### *Discussion on the procedure to be followed in dealing with the item*

##### *Question of friendly relations in general*

106. With respect to the procedure to be followed in dealing with the item several representatives said that they were in agreement with the proposals made in the Czechoslovak working paper (A/C.6/L.528).

107. Other representatives formally opposed that procedure, either because, in principle, they were against

the formulation of a declaration or because they considered the proposed procedure too hasty.

108. A large number of representatives preferred the procedure suggested in the working paper submitted by Australia, Canada, Denmark, France, Malaysia and the United Kingdom of Great Britain and Northern Ireland (A/C.6/L.531 and Corr.1) and several actually discussed seriatim the four principles referred to the Committee at the current session.

109. As the general debate progressed, it became apparent that the establishment of working groups during the current session would no longer be practicable in view of the short time remaining to the Sixth Committee in which to finish its work. The debate therefore shifted from the question of the procedure to be followed at the current session to the question of the procedure to be followed after the Committee had finished its work at the current session.

110. Most representatives were of the opinion that the Sixth Committee, composed of representatives of States, was an organ better qualified than, for example, the International Law Commission, composed of experts, to apply Article 13 of the Charter in the present case, for the matter in hand was the formulation of the four principles enunciated in resolution 1815 (XVII), the political importance of which was such that it could not be disregarded. Those representatives thought, however, that the Sixth Committee was too large a body to undertake the codification and progressive development of international law, which, in its initial stage, would require thorough studies and extensive research. It was therefore necessary to establish one or several working groups to meet during or between sessions of the Assembly. Each group should be representative not only of the principal legal systems of the world but also of the major political and social systems.

111. During the debate a general trend ultimately emerged in favour of the establishment of a special committee, the selection of whose members would be left to the President of the General Assembly.

112. Some representatives felt that that special committee should begin its work as soon as possible.

113. Other representatives wanted the special committee to meet before the end of the current session.

114. As far as the terms of reference of the special committee were concerned, some representatives were in favour of limiting them to a continuation of the study of the four principles which had been the topic of discussion at the current session, taking into account the practice of the United Nations, the observations of Governments and the views expressed and suggestions made at the current session. They observed that the debate at the current session had been fruitful but that it had shown that the consideration of principles was still in its initial stage and that more detailed studies were necessary. In that connexion the assistance of the Secretariat would be required in preparing documentation to facilitate the work of the special committee.

115. Other representatives considered that those terms of reference were insufficient and did not take into account the progress made at the current session. They proposed that the special committee should be instructed to draw up a draft declaration of the four principles in question.

116. A larger group of representatives, seeking a compromise solution between those two trends, thought that the special committee should formulate proposals

with a view to the progressive development and codification of the four principles in question so as to secure their more effective application in the light of United Nations practice, the observations of Governments and the views expressed and suggestions made at the current session.

117. Another compromise, acceptable to a larger group, would limit the function of the special committee to the preparation of a report containing recommendations which it would submit to the General Assembly at its nineteenth session. Finally, the General Assembly should likewise study at its nineteenth session the three principles set forth in resolution 1815 (XVII) which had not been studied at the current session.

118. Finally, a compromise acceptable to the Committee as a whole was reached on wording to the effect that the special committee would be required to "draw up a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations".

#### *Question of methods of fact-finding*

119. With reference to the proposal in draft resolution A/C.6/L.540 and Add.1 and 2 that a study of methods of fact-finding should be undertaken, several representatives stated that the matter should neither be considered by the Committee nor voted upon for it was not on the Committee's agenda. Nor should it be considered by the special committee, since the purpose of the study was the establishment of an international centre of inquiry; such an organ would be at variance with the Charter which specified what organs were responsible for the maintenance of international peace and security. The establishment of any organ for which no provision was made in the Charter was therefore unacceptable.

120. Other representatives rejected those arguments and observed that the study proposed by the eight sponsors of draft resolution A/C.6/L.540 and Add.1 and 2 was within the scope of the item under consideration and was in keeping with the spirit, if not the letter, of resolution 1815 (XVII) as it was designed to facilitate the peaceful settlement of disputes and to prevent disputes. Moreover, it fell within the terms of reference of the special committee to be established under resolution A/C.6/L.541 and Corr.1 and Add.1 and 2.

121. Certain representatives expressed the view that, under Article 22 of the Charter, the General Assembly was fully entitled to establish such subsidiary organs as it deemed necessary for the performance of its functions. They stated that the members of the international fact-finding body might well be chosen *ad hoc* from a panel of experts similar to that constituted by the Permanent Court of Arbitration.

122. Some representatives expressed the fear that the study which the special committee was being asked to undertake might distract it from its proper tasks, or, at least, might delay the latter, since attention was being focused on a specific point at the expense of the more general responsibilities with which the special committee was being entrusted.

123. The sponsors of draft resolution A/C.6/L.540 and Add.1 and 2 stated in reply that they were not seeking priority for the study of the problem by the special committee.

## VOTING

124. At its 833rd meeting, on 11 December 1963, the Sixth Committee voted on draft resolution A/C.6/L.541 and Corr.1 and Add.1 and 2, as orally amended by Lebanon, and adopted it unanimously (see paragraph 126, draft resolution I).

125. At its 834th meeting, on 11 December 1963, the Sixth Committee voted on the draft resolution A/C.6/L.540 and Add.1 and 2. The results of the voting were as follows:

(a) The Committee adopted, by 40 votes to 25, with 10 abstentions, the phrase "and to any subsidiary organ that may be established at the eighteenth session in pursuance of the item 'Consideration of principles of international law concerning friendly relations among States in accordance with the Charter of the United Nations'", in operative paragraph 2 of the draft resolution;

(b) The Committee adopted operative paragraph 3 of the draft resolution by 40 votes to 26, with 13 abstentions. The vote was taken by roll-call and the voting was as follows:

*In favour:* Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

*Against:* Afghanistan, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Chile, Cuba, Czechoslovakia, Ghana, Hungary, India, Indonesia, Iraq, Lebanon, Mongolia, Morocco, Nigeria, Poland, Romania, Syria, Tanganyika, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

*Abstaining:* Burma, Cameroon, Central African Republic, Colombia, Ethiopia, Ivory Coast, Kuwait, Libya, Mali, Mauritania, Niger, Saudi Arabia, Tunisia.

(c) The Committee adopted draft resolution A/C.6/L.540 and Add.1 and 2 as a whole by 45 votes to 14,

with 21 abstentions<sup>25</sup> (see below, paragraph 126, draft resolution II). The vote was taken by roll-call and the voting was as follows:

*In favour:* Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iran, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Philippines, Sweden, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

*Against:* Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Cuba, Czechoslovakia, Hungary, India, Indonesia, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia.

*Abstaining:* Afghanistan, Algeria, Burma, Cameroon, Central African Republic, Ethiopia, Ghana, Iraq, Ivory Coast, Kuwait, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Saudi Arabia, Syria, Tanganyika, Togo, United Arab Republic.

**Recommendations of the Sixth Committee**

126. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

*Draft resolution I*

CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

*Draft resolution II*

QUESTION OF METHODS OF FACT-FINDING

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

<sup>25</sup> The delegation of Morocco subsequently informed the Secretariat that Morocco wished to be included among the countries which had voted for the draft resolution.

**ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1281st plenary meeting, on 16 December 1963, the General Assembly adopted draft resolutions I and II submitted by the Sixth Committee (A/5271, paragraph 126). For the final texts, see resolutions 1966 (XVIII) and 1967 (XVIII), respectively, below.

**Resolutions adopted by the General Assembly**

1966 (XVIII). CONSIDERATION OF PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

*The General Assembly,*

*Bearing in mind* Article 13, paragraph 1 a, of the Charter of the United Nations,

*Recalling* its resolutions 1505 (XV) of 12 December 1960, 1686 (XVI) of 18 December 1961 and 1815

(XVII) of 18 December 1962, which affirm the importance of encouraging the progressive development of international law and its codification and making it a more effective means of furthering the purposes and principles set forth in Articles 1 and 2 of the Charter,

*Having decided* in paragraph 2 of resolution 1815 (XVII) to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application, and, accordingly,



to study at the eighteenth session the four principles enumerated in paragraph 3 thereof,

1. *Decides* to establish a Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States—composed of Member States to be appointed by the President of the General Assembly, taking into consideration the principle of equitable geographical representation and the necessity that the principal legal systems of the world should be represented—which would draw a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations, taking into account in particular:

(a) The practice of the United Nations and of States in the application of the principles established in the Charter of the United Nations;

(b) The comments submitted by Governments on this subject in accordance with paragraph 4 of resolution 1815 (XVII);

(c) The views and suggestions advanced by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

2. *Recommends* the Governments of the States designated members of the Special Committee, in view of the general importance and the technical aspect of the item, to appoint jurists as their representatives on the Special Committee;

3. *Requests* the Special Committee to start its work as soon as possible and to submit its report to the General Assembly at its nineteenth session;

4. *Requests* the Secretary-General to co-operate with the Special Committee in its work, and to provide all the services and facilities necessary for its meetings, including:

(a) A systematic summary of the comments, statements, proposals and suggestions of Member States on this item;

(b) A systematic summary of the practice of the United Nations and views expressed in the United Nations by Member States in respect of the four principles;

(c) Such other material as he deems relevant;

5. *Decides* to place an item entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations" on the provisional agenda of its nineteenth session in order to consider the report of the Special Committee and to study, in accordance with operative paragraphs 2 and 3 (d) of resolution 1815 (XVII), the following principles:

(a) The duty of States to co-operate with one another in accordance with the Charter;

(b) The principle of equal rights and self-determination of peoples;

(c) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter;

6. *Invites* Member States to submit in writing to the Secretary-General, before 1 July 1964, any views or suggestions they may have regarding the principles enumerated in paragraph 5 above, and further urges those Member States which have not already done so

to submit by that date their views in accordance with paragraph 4 of resolution 1815 (XVII);

7. *Requests* the Secretary-General to communicate to Member States, before the beginning of the nineteenth session, the comments requested in paragraph 6 above.

1281st plenary meeting,  
16 December 1963.

*The President of the General Assembly, in pursuance of paragraph 1 of the above resolution, appointed the members of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States (see A/5689).*

*The Special Committee will be composed of the following Member States: AFGHANISTAN, ARGENTINA, AUSTRALIA, CAMEROON, CANADA, CZECHOSLOVAKIA, DAHOMEY, FRANCE, GHANA, GUATEMALA, INDIA, ITALY, JAPAN, LEBANON, MADAGASCAR, MEXICO, NETHERLANDS, NIGERIA, POLAND, ROMANIA, SWEDEN, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED ARAB REPUBLIC, UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, UNITED STATES OF AMERICA, VENEZUELA and YUGOSLAVIA.*

#### 1967 (XVIII). QUESTION OF METHODS OF FACT-FINDING

*The General Assembly,*

*Recalling* that in its resolution 1815 (XVII) of 18 December 1962 the principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered is mentioned as one of the principles to be studied at the eighteenth session of the General Assembly,

*Recognizing* the need to promote further development and strengthening of various means of settling disputes, as described in Article 33 of the Charter of the United Nations,

*Considering* that, in Article 33 of the Charter, inquiry is mentioned as one of the peaceful means by which the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall seek a solution,

*Considering further* that inquiry, investigation and other methods of fact-finding are also referred to in other instruments of a general or regional nature,

*Believing* that an important contribution to the peaceful settlement of disputes and to the prevention of such disputes could be made by providing for impartial fact-finding within the framework of international organizations and in bilateral and multilateral conventions,

*Taking into account* that, with regard to methods of fact-finding in international relations, a considerable practice is available to be studied for the purpose of the progressive development of such methods,

*Believing* that such a study might include the feasibility and desirability of establishing a special international body for fact-finding or of entrusting to an existing organization fact-finding responsibilities complementary to existing arrangements and without prejudice to the right of parties to any dispute to seek other peaceful means of settlement of their own choice,

1. *Invites* Member States to submit in writing to the Secretary-General, before 1 June 1964, any views they may have on this subject and requests the Secre-

tary-General to communicate these comments to Member States before the beginning of the nineteenth session;

2. *Requests* the Secretary-General to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to the Special Committee on Principles of International Law con-

cerning Friendly Relations and Co-operation among States established under General Assembly resolution 1966 (XVIII) of 16 December 1963;

3. *Requests* the Special Committee to include in its deliberations the subject-matter mentioned in the last preambular paragraph of the present resolution.

*1281st plenary meeting,  
16 December 1963.*

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 71 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5689	Note by the Secretary-General	Mimeographed
A/C.6/L.535	Resolution adopted by the Eighteenth Plenary Assembly of the World Federation of United Nations Associations, held at New York, from 9 to 14 September 1963	Ditto
A/C.6/L.537	Selected background documentation prepared by the Secretariat	Ditto
A/C.6/L.538 and Corr.1	Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Cyprus, Ethiopia, Ghana, Guinea, India, Indonesia, Mali, Morocco, Nigeria, Somalia, Syria, Tanganyika, United Arab Republic and Yugoslavia: draft resolution	See A/5671, para. 10
A/C.6/L.539	Bolivia, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Nicaragua, Peru and Venezuela: draft resolution	<i>Ibid.</i> , para. 11
A/C.6/L.540 and Add.1 and 2	Canada, Cyprus, Jamaica, Liberia, Mexico, Netherlands, Pakistan and Sweden: draft resolution	<i>Ibid.</i> , para. 19
A/C.6/L.541 and Corr.1 and Add.1 and 2	Afghanistan, Algeria, Bolivia, Brazil, Burma, Cambodia, Cameroon, Ceylon, Chile, Colombia, Costa Rica, Cyprus, Ecuador, El Salvador, Ethiopia, Ghana, Guatemala, Guinea, India, Indonesia, Iraq, Ivory Coast, Lebanon, Liberia, Mali, Mauritania, Mexico, Morocco, Nicaragua, Niger, Nigeria, Panama, Peru, Philippines, Sierra Leone, Somalia, Syria, Tanganyika, Thailand, Togo, United Arab Republic, Venezuela and Yugoslavia: draft resolution	<i>Ibid.</i> , para. 13
A/C.6/L.542	Australia, Greece, Italy, Norway, Turkey, United Kingdom of Great Britain and Northern Ireland and United States of America: amendments to document A/C.6/L.541 and Corr.1 and Add.1 and 2	<i>Ibid.</i> , para. 14
A/C.6/L.543	Czechoslovakia, Poland and Romania: amendment to document A/C.6/L.541 and Corr.1 and Add.1 and 2	<i>Ibid.</i> , para. 15
A/C.6/L.545	Jamaica and Madagascar: amendment to document A/C.6/L.541 and Corr.1 and Add.1 and 2	<i>Ibid.</i> , para. 16





**Agenda item 72: Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law\***

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Sixth Committee*, 826th to 828th, 830th and 834th to 836th meetings; and *ibid.*, *Plenary Meetings*, 1281st meeting.

**DOCUMENTS A/5455 AND ADD.1 TO 6**

**Comments received from Governments of Member States and from international organizations and institutions**

**DOCUMENT A/5455**

[Original text: Chinese, English, French,  
Italian and Spanish]  
[25 July 1963]

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**NOTE BY THE SECRETARY-GENERAL**

1. By resolution 1816 (XVII), adopted at its 1196th plenary meeting on 18 December 1962, the General Assembly: (a) urged Member States to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law; (b) requested the Secretary-General, together with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report on the results of such study to the General Assembly at its eighteenth session; (c) decided to include in the provisional agenda of its eighteenth

session an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law".

2. The Secretary-General is at present engaged in the preparation of the report requested by the above resolution. The report will be circulated in the near future, before the opening of the eighteenth session of the General Assembly. For the convenience of Member States he is now circulating the present document relating to consultations with Member States and international organizations and institutions active in the field of international law.

3. The Secretary-General, in a letter dated 20 March 1963 (No. LE/112/1), invited any general observations the Governments of Member States wish to make on the subject of the above-mentioned resolution. Also, in order to facilitate the preparation of the report called for by the resolution, the Secretary-General invited replies to a questionnaire requesting information on specific points. The text of the questionnaire was as follows:

"1. What are the programmes of training and dissemination, including seminars, grants and exchanges of teachers, students and fellows, and exchanges of publications in the field of international law which are at present being carried out or which are planned to be carried out in the near future in your country? Please answer in as specific terms as possible.

"2. Does your Government wish to obtain assistance from abroad, or arrange exchanges with other countries, in order to promote the execution of programmes mentioned in question 1? If so, what are the facilities at present available in your country, and what supplements to them must be furnished from abroad, by assistance or by exchange? In particular, is your Government interested in assistance or exchange in regard to activities in the field of international law such as the provision and training of teachers; lectures; seminars; grants and fellowships for study or research abroad; training and refresher courses; obtaining books and publications; establishment of standards of teaching; other forms of co-operation to promote the teaching, study, dissemination and wider appreciation of international law?

"3. What forms of assistance can your Government give to other countries in the execution of their programmes of training in and dissemination of international law? Does your Government have existing aid programmes which could be used to make arrangements for the kinds of training envisaged by the resolution, and if so, what are they?

"4. What are the non-governmental sources of assistance in your country which could help the training and dissemination programmes of other countries?

"5. What, in the view of your Government, should the United Nations, UNESCO and other related agencies do towards the establishment and development of programmes of training in and dissemination of international law? How should such activities be financed?

"6. What are the views of your Government with regard to the possible proclamation by the General Assembly of a United Nations Decade of International Law? What are the means, apart from training

programmes in international law, by which such a Decade could have practical effects?"

Both the general observations and the replies to the questionnaire were requested by 15 June 1963.

4. By 15 July 1963 replies had been received from the Governments of Afghanistan, Austria, Canada, China, Colombia, Czechoslovakia, France, Honduras, Italy, Luxembourg, Niger, Nigeria, Norway, Pakistan, Poland, Senegal, Sudan and Sweden.

5. The Secretariat also requested fourteen international organizations and institutions active in the field of international law to comment on resolution 1816 (XVII) and to submit to the United Nations before 1 July 1963 any proposals and suggestions towards achieving its purpose. It also invited any indication on the part of each of these organizations and institutions as to what contribution they would be prepared to make in order to implement the programme for promoting the teaching, study, dissemination and wider appreciation of international law. The following organizations and institutions were addressed: the Asian-African Legal Consultative Committee, The Hague Academy of International Law, the Institute of International Law, the International Academy of Comparative Law, the International Association of Democratic Lawyers, the International Association of Lawyers, the International Association of Legal Science, the International Association of Political Sciences, the International Bar Association, the International Commission of Jurists, the International Law Association, the International Maritime Committee, the League of Arab States and the Organization of American States.

6. By 15 July 1963 replies had been received from the Asian-African Legal Consultative Committee, The Hague Academy of International Law, the Institute of International Law, the International Association of Democratic Lawyers, the International Association of Legal Science and the International Political Science Association.

7. The replies of Governments and international organizations and institutions are reproduced below. Any additional replies that may be received will be reproduced as addenda to the present document.

#### I. COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

##### *Afghanistan*

[*Original text: English*]  
[1 May 1963]

1. During the discussion of resolution 1816 (XVII), Afghanistan strongly supported the idea of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law. As a matter of fact, Afghanistan proposed at the sixteenth<sup>1</sup> and seventeenth<sup>2</sup> sessions of the General Assembly, that for the purpose of wider dissemination of international law, the United Nations should proclaim a Decade of International Law, during which Member nations should pledge themselves not to resort to arms and try to solve their disputes by pacific means prescribed under the Charter and international law. The Secretary-General should be asked to prepare a study on how the prin-

<sup>1</sup> *Official Records of the General Assembly, Sixteenth Session, Sixth Committee, 714th meeting, para. 29.*

<sup>2</sup> *Ibid., Seventeenth Session, Sixth Committee, 762nd meeting, para. 21.*

ciples of international law, particularly those relating to peace and international co-operation, can be made acceptable to Member nations for the settlement of their disputes.

2. Under this study steps should be taken to strengthen the Office of Legal Affairs of the United Nations by increasing the number of experts and appropriations. The International Law Commission should also be strengthened by providing it with more preparatory work and by giving it more time for its meetings. A stronger Codification Division is also needed in order to speed up the work of codification and the progressive development of international law as envisaged in the Charter.

3. During the Decade the International Court of Justice should be strengthened and the compulsory jurisdiction of the Court should be accepted by Member nations. There should also be a better composition of the Court in order to give it wider representation of various civilizations and legal systems.

4. The governmental and non-governmental organizations in the field of international law such as the Asian-African Legal Consultative Committee, the Latin American Commission of Jurists, the International Law Association and all its national branches, should devote themselves during the Decade to the study of the urgent topics which would serve the strengthening of international law and world co-operation.

5. Exchanges of teachers, professors and students of law under the auspices of the United Nations and under bilateral arrangements should take place, and fellowships and scholarships should be awarded by international organizations as well as by governmental and private bodies for outstanding students of law and for teacher training. Seminars on a wider scale should be arranged in every part of the world, particularly in Asia, Africa and Latin America, in order to train more legal personnel. During the Decade annual provisions should be made under the regular programme of technical assistance for training legal personnel of the less developed countries. This provision could be similar to the one for the Training Programme for Foreign Service Officers which was approved by the Technical Assistance Committee at its 230th meeting on 15 December 1960. Such a programme, in view of the good results obtained by the United Nations in the Foreign Service Officer Programme, would prove useful to the developing countries which are striving to bring social and legal changes to their countries. This will not be possible without having capable and qualified legal personnel. The Expanded Programme of Technical Assistance and UNESCO should extend their assistance during the Decade.

6. The exchange of legal books and the establishment of legal libraries, and the wider dissemination of legal literature including the legal work of the United Nations, i.e., the work of the Office of Legal Affairs as well as that of the International Law Commission, and the work of the International Court of Justice, is necessary.

7. At the seventeenth session of the General Assembly, Afghanistan took the initiative in proposing the idea of the proclamation of a Decade of International Law, because it is strongly believed that the solution to the grave problems that confront humanity can be achieved only by strengthening the principles of international law and by creating a strong psychological atmosphere in

the world for obtaining world peace through the observance of international law.

8. Having stated these general observations on resolution 1816 (XVII) relating to "Technical Assistance to promote the teaching, study, dissemination and wider appreciation of international law", the Permanent Mission of Afghanistan will be glad to send its comments on the questionnaire attached to the above-mentioned communication, although the Permanent Mission believes that the general observations cover most of the questions.

*Austria*

[Original text: English]  
[9 July 1963]

*Reply to question 1*

According to the law concerning the studies of law and administrative science in Austria international public law is an obligatory subject. A Chair of international public law and the necessary scientific staff is provided at each faculty of law, and lectures on the subject are included in the schedule. The minimum of lectures for which a law-student must enrol is five lessons a week and two hours of seminars a week during one semester.

The exchange programme for professors and students as well as for scientific publications concerning international law are organized in accordance with the existing exchange programmes.

*Reply to question 2*

Austria is basically interested in all forms of help and support aimed at spreading the knowledge of international public law and at promoting instruction and research in this particular field.

*Reply to question 3*

Austria participates in different international exchange programmes for promoting professors and students. The Austrian Government would be interested in widening the basis of these exchange programmes as well as those for scientific publications.

A special assistance programme as mentioned in the second sentence of paragraph 3 of the questionnaire does not exist at present in Austria.

*Reply to question 4*

There are several private associations and foundations in Austria for the promotion of scientific activities in general. They also support scientific research in the field of international public law, grant scholarships, facilitate the printing of publications concerning international law and sometimes provide the necessary literature for studies.

*Reply to question 5*

According to the Austrian point of view the most valuable United Nations contribution to the promotion of instruction programmes and the dissemination of knowledge in the field of international law could be achieved by supporting, materially as well as morally, already existing institutions of high scientific reputation and esteem. Such institutions are The Hague Academy of International Law, the Institute of International Law and the International Law Association. The United Nations could also organize congresses in order to create a possibility for an exchange of ideas and opinions between professors and those who apply inter-

national law in practice. On these occasions special topics could be discussed and treated. Fellowships for research on a wider scale could be provided and the existing fellowships for studies in the field of human rights could be increased. The United Nations could further establish under its aegis institutions devoted to specialized studies such as the law of outer space and the rights of minorities. Official publications of the United Nations such as the United Nations *Treaty Series*, yearbooks, *Repertory of Practice of United Nations Organs*, conference records and reports of the International Court of Justice could be distributed on a wider scale free of charge to institutions of Member States such as universities and specialized institutes which are primarily concerned with the dissemination of international law.

Proposals concerning measures and assistance by the United Nations are also valid for the specialized agencies within their field of work.

#### *Reply to question 6*

Austria welcomes the idea of the proclamation of a United Nations Decade of International Law. All measures mentioned under question 5 would, in the opinion of the Austrian Government, be appropriate for the success of such a Decade.

#### *Canada*

[Original text: English]  
[20 June 1963]

1. The Canadian Government is inclined to the view that the steps which the United Nations and its agencies ought to take for the promotion of initiative in the field should be integrated, where possible, in the general programme of technical assistance already under way and should be adjusted, as far as possible, to the requirements of individual countries.

2. The views of the Canadian Government are explained further in the annex hereto which contains its answers to the questionnaire submitted with the Secretary-General's Note under reference.

#### ANNEX

#### *Reply to question 1*

Although no training in international law has been provided in Canada so far on behalf of the United Nations or its specialized agencies, some assistance of a specialized nature has been provided under the Colombo Plan, whereby four trainees have attended for various periods the Institute of Air and Space Law of McGill University in Montreal. In addition, a student from Jamaica is at present engaged in the study of international relationships—including international law—under the Commonwealth Scholarship and Fellowship Plan, at the University of Toronto.

It is planned to continue this type of training in response to requests from the countries receiving assistance under Canadian bilateral aid programmes. (See reply to question 3 below.) An initiative contemplated by the University of British Columbia for 1964 will contribute to the dissemination of one aspect of international law: the proposed Conference on River Basin Development, the agenda of which will include international law as well as technical and other aspects of this subject. One contribution to the dissemination of the knowledge of international law is the regular distribution abroad of the principal publications of the Department of External Affairs of Canada—namely, the Canada Treaty Series, which contains the texts of bilateral and multilateral agreements binding on Canada—and the monthly bulletin *External Affairs*, which reports on developments in the international field, including conferences and activities involving various aspects of the law of nations.

#### *Reply to question 2*

The Canadian Government naturally views with sympathy the promotion of co-operation in various forms in the dissemination of international law, but it does not have any specific requirement at present for assistance from abroad nor is it contemplating any particular programme in this field. (See, however, reply to questions 1 and 3.)

#### *Reply to question 3*

As indicated above, the Canadian Government is prepared to continue making available within the over-all terms of the bilateral programmes of economic assistance in which Canada participates, scholarships and fellowships providing training in international law at Canadian universities, especially in air law. Canadian bilateral aid programmes at present consist of

- The Commonwealth Scholarship and Fellowship Plan;
- The Special Commonwealth Africa Aid Programme;
- The Canada—West Indies Aid Programme;
- The Commonwealth Technical Assistance Programme;
- Programme of Assistance to French-speaking Countries in Africa;
- The Colombo Plan.

These various plans make possible also the extension of some advisory assistance within limitations, where developing countries may have made specific requests; within the same terms of reference, it would be possible to contemplate providing a few advisers or university teachers in international law who could serve in developing countries.

The Canadian Government is also prepared to lend assistance to the United Nations and its specialized agencies in attempting to place, under other international aid programmes, trainees in international law in Canada as well as to recruit Canadian advisers in this field.

#### *Reply to question 4*

The principal locale for the teaching of international law in Canada is found in some of the leading universities of the country. These are situated in: Ottawa (University of Ottawa); Montreal (McGill University; University of Montreal); Toronto (Osgoods Hall; University of Toronto); Vancouver (University of British Columbia); Edmonton (University of Alberta); Saskatoon (University of Saskatchewan); London (University of Western Ontario); Winnipeg (University of Manitoba); Kingston (Queen's University); Quebec City (Université Laval); Fredericton (University of New Brunswick); and Halifax (Dalhousie University). These institutions may be in a position to offer assistance to other countries in the field of international law within the framework of the regular curriculum of their law faculties. The Canadian Universities Foundation could also be considered as a source of possible assistance in this content.

In addition the Canadian branch of the International Law Association contributes to the dissemination of international law by organizing lectures and other events in the main cities of Canada and by arranging the participation of Canadian lawyers at the international conferences of the Association. It has also sponsored recently the setting up of a Canadian International Law Yearbook, the first issue of which is expected to appear shortly.

#### *Reply to question 5*

Experts concerned with these matters will meet this summer in Ottawa at a seminar to be convened by the Canadian National Commission for UNESCO. It is hoped that as a result of the deliberations of this group it may be possible to forward additional information in answer to this question.

In the meantime, the tentative views of the Canadian Government on the inquiry under reference are generally in the sense that any training and programme of studies in the field of international law should be undertaken within the broad scope of the various aid and technical assistance programmes which have already served to assist developing nations in this and other fields of knowledge. The activities of the programme for the provision of operational, executive and administrative personnel (OPEX) are an example of this. In so far as receiving

countries may require assistance in the field of international law, the programme in question should be arranged or altered so as to provide whatever particular form of help in this particular subject is needed by individual countries.

In this regard, it is to be assumed that the United Nations will continue to call upon the expert assistance, where required, of UNESCO and any other agency which may be in a position to provide some of the services needed. Finally, it should not be forgotten that the studies of the International Law Commission constitute a most valuable contribution to the dissemination of international law and its better appreciation in the world.

The decision of the United Nations to publish a Juridical Yearbook pursuant to General Assembly resolution 1814 (XVII) of 18 December 1962, will also, when carried out, obviously assist in the achievement of the purposes of United Nations resolution 1816 (XVII).

#### *Reply to question 6*

The proclamation of a United Nations Decade of International Law is a significant proposal probably deserving of further study. Its effective implementation may be exposed to the disadvantages resulting from the current tendency to a proliferation of similar schemes in other fields of international activity which might reduce the impact of an international law decade.

A perhaps more practical project which would be less ambitious and more easily capable of early implementation is the inclusion of legal topics in the programme of the forthcoming International Co-operation Year. It may be worth while to bring to the attention of the committee in charge of the preparations for the I.C.Y. the possibility of including in its activities the publicizing of United Nations resolutions and international agreements to which full effect has not been given, the value of the International Court of Justice for international co-operation as an ideal instrument for the solution of international disputes. Encouragement might also be given, through the use of existing United Nations publications intended for wide distribution, of a better understanding by the public of what international law is, how it works, and its usefulness in the peaceful settlement of international conflicts.

#### *China*

[Original text: Chinese]  
[14 June 1963]

#### *Reply to question 1*

Programmes of training and research in the field of international law are being carried out in various universities and institutions of higher learning in China. One of the major centres for research in and teaching of international law is the National Cheng Chih University, which includes the Institute for the Advanced Study of Foreign Affairs and the Department of Foreign Affairs. Research projects on problems of international law are undertaken in the Institute. Courses on the law of nations are required of all undergraduate students of the University who major in foreign affairs, law, political science, public finance, international trade, or any of the oriental languages.

#### *Reply to question 2*

The national universities in China have an adequate teaching staff in the field of international law. They are also equipped with a quite complete collection of basic works and publications on the subject. However, library resources will have to be expanded to meet the needs of advanced studies. Foreign scholars would be most welcome to assist in the teaching of international law in China, if such assistance can be financed by appropriate international organizations or private foundations.

#### *Reply to question 3*

The Ministry of Education is responsible for the arrangements to assist foreign scholars and students who come to China to teach or study international law. Three United States professors have recently given lectures at the Institute for the Advanced Study of Foreign Affairs. Their expenses were borne by the United States Department of State. Several students from the United States of America, the Republic of Korea, Malaya and Thailand have completed studies and earned degrees at the Institute for the Advanced Study of Foreign Affairs and the Department of Foreign Affairs of the National Cheng Chih University. These foreign students received scholarships granted by the Ministry of Education.

#### *Reply to question 4*

It would be a most worth-while project for Chinese scholars to help carry out the training and research programmes of other countries. They would probably be very much interested in doing so. The Chinese Government is prepared to give the necessary assistance to facilitate such an undertaking, so long as the work of teaching and research in China itself will not be adversely affected.

#### *Reply to question 5*

It is suggested that the United Nations, UNESCO and other public and private institutions interested in the study of international law should send, on a regular basis, books and periodicals published by them to the libraries of universities and other institutions of higher learning in China so that students and faculty members there may have ready access to such publications. This would be a most helpful measure, involving little expense.

#### *Reply to question 6*

A United Nations Decade of International Law appears to be a highly significant step for the dissemination of international law, for it may arouse public interest in international law and thereby promote the rule of law in the international community and contribute to the realization of the purposes of the United Nations.

#### *Colombia*

[Original text: Spanish]  
[11 June 1963]

1. The Government of Colombia regards resolution 1816 (XVII), adopted by the United Nations General Assembly on 18 December 1962, as highly significant.

2. It believes that it would be useful to establish a broad and comprehensive programme for the teaching and dissemination of international law in all its aspects to be developed in a ten-year period, as provided in the above-mentioned resolution. Such a programme might be carried out through UNESCO, with the participation of representatives of the governmental and private universities now engaged in international studies in the States Members of the United Nations.

3. The replies to the questionnaire attached to the Secretary-General's note are as follows:

#### *Reply to question 1*

Studies and research in international law are being carried out in Colombia:

(a) In the Institute for International Studies, attached to the Advanced School of Public Administration, which is a Government-operated school in Bogotá. The programme of studies is attached hereto.

(b) In the Institute for International Studies, attached to the Jorge Tadeo Lozano District University of Bogotá. This is a private university. The programme of studies is also attached.

(c) At regular courses and seminars in private international law in all the faculties of law in the country. Some of them offer special courses in the history of diplomacy.

#### Reply to question 2

The economic facilities available would depend on the budgets of the public and private universities and of the Advanced School of Public Administration, to which reference has been made. In connexion with the questions under this item, the Government of Colombia is definitely interested in receiving financial assistance so that it may co-operate in the programmes cited.

#### Reply to question 3

It would be difficult for the Government of Colombia to provide any economic assistance; it would depend, in each case, on the budgets referred to in the preceding paragraph. Any other facilities might be included in a particular programme in accordance with the aims and purposes of the Assembly resolution.

#### Reply to question 4

Such assistance would come mainly from non-governmental sources such as the University of America, the University of Xavier, the University of the Andes, to mention the main ones. The last-named has close and permanent contacts with universities in the United States.

#### Reply to question 5

By the establishment of fellowships in specialized universities, exchange of teachers and experts, and by extending customs facilities of all kinds to permit the exchange of publications relating to international law.

#### Reply to question 6

The Government of Colombia is in favour of proclaiming a United Nations Decade of International Law.

#### PROGRAMME OF STUDIES OF THE INSTITUTE FOR INTERNATIONAL STUDIES AT THE ADVANCED SCHOOL OF PUBLIC ADMINISTRATION

##### First Year

##### First Semester

1. Constitutional law and Colombian public administration
2. Public international law I
3. Colombian diplomatic history I
4. American political geography
5. International trade I
6. English or French

##### Second Semester

1. Colombian diplomatic history II
2. Public international law II
3. General diplomatic history
4. World political geography
5. International trade II (Colombian problems)
6. Specialized Spanish

##### 7. English or French

Seminars on: Colombian relations with the American continent, with the European nations, with Asia, Africa and Oceania; Colombian economic policy

Student attendance at one seminar each semester shall be compulsory.

##### Second Year

##### First Semester

1. Public international law II
2. Private international law I
3. American international law I
4. International trade III (Free-trade areas and economic communities)
5. Commercial and maritime law
6. Specialized Spanish
7. English or French

##### Second Semester

1. American international law II
  2. Private international law II
  3. International organizations
  4. Comparative constitutional law
  5. Office practice
  6. Specialized Spanish
  7. English or French
- Seminars on: consular and notarial diplomatic practice; technique for the negotiation of agreements and treaties; Colombian economic policy and the Common Market; law of the sea; space law.

Student attendance at one seminar each semester shall be compulsory.

#### PROGRAMME OF STUDIES OF THE INSTITUTE FOR INTERNATIONAL STUDIES AT THE JORGE TADEO LOZANO DISTRICT UNIVERSITY

##### First Semester

Subject	Hours per week
History of Colombia I.....	2
General diplomatic history.....	2
Political theory .....	2
Public international law I.....	2
Sociology .....	2
Papal law .....	2
Advanced Spanish and drafting of documents..	2
Seminar .....	1
Languages .....	5
	20

##### Second Semester

History of Colombia I.....	2
Colombian international policy.....	2
Public international law II.....	2
Geography .....	2
Economics .....	2
American international history.....	2
American international law.....	2
Seminar .....	1
Languages .....	5
	20

##### Third Semester

International trade .....	2
Constitutional law .....	2
Colombian international policy II.....	2
Private international law I.....	2
Consular law .....	2



<i>Subject</i>	<i>Hours per week</i>
Diplomatic law .....	2
World politics .....	2
Seminar .....	1
Languages .....	5
	20

#### *Fourth Semester*

International organizations .....	2
History of economic theory.....	2
Comparative constitutional law.....	2
History of culture.....	2
Colombian positive international law.....	2
American markets .....	2
Psychology .....	2
Seminar .....	1
Languages .....	5
	20

Students who successfully complete this two-year course receive a diploma of studies in international law and diplomacy.

#### *Czechoslovakia*

[*Original text: English*]  
[11 July 1963]

1. The primary task on which the efforts of all nations throughout the world should be focused is the elimination of war from the life of mankind and the safeguarding of peaceful coexistence of States irrespective of their differing social and economic systems. The significance and intrinsic value of international law resides under prevailing conditions in its capacity to render a great contribution to the attainment of this goal. In order to become an effective instrument for the protection and enhancement of peaceful coexistence, international law should be progressively developed, codified and strictly observed by all States, and should also be given the widest possible dissemination. Maximum care should be given also to research in it and to the training of specialists and students.

2. The Czechoslovak Government therefore welcomed the discussion on the questions of the study, wider appreciation and dissemination of international law in connexion with the consideration of the basic legal principles of peaceful coexistence at the seventeenth session of the General Assembly. The Czechoslovak delegation also voted in favour of the General Assembly resolution 1816 (XVII), recommending Member States to undertake broad programmes of training in the field of international law aimed at the promotion of the practical application of international law. It is precisely this activity of Member States which is considered to be one of the effective ways towards the progressive development of international law and the promotion of friendly relations and co-operation among States. The Czechoslovak Government considers the discussion of this question in the Sixth Committee and the resolution adopted by the seventeenth session of the General Assembly on technical assistance to promote teaching, study, dissemination and wider appreciation of international law as a successful first step on the road whose further direction and target should be outlined by the eighteenth session of the General Assembly.

3. States Members of the United Nations should orientate their further actions and assistance in this

field to the dissemination, teaching and study of international law as a complex of general norms governing relations of peaceful coexistence and co-operation among States with different economic and social systems or being at different stages of economic or cultural development. Due attention should be paid to the significant contribution of the newly established States toward a progressive development of existing international law.

4. The Czechoslovak Government regards the idea of proclaiming a United Nations Decade of International Law, which was mentioned in resolution 1816 (XVII), as useful and topical. The Decade would not only make possible the wide dissemination of international law as an instrument in the development of friendly relations and co-operation among all States; it would also make it possible to expedite the codification of the principles of international law concerning peaceful coexistence and of other important spheres of international law.

5. Any programmes in this field should therefore stress measures aimed at a deeper knowledge and strengthening of the principles of peaceful coexistence whose consistent application is a necessary condition for attaining the objectives laid down by the Charter of the United Nations. It would be useful for this purpose to recommend all national and international organizations and institutions active in the field of international law that in their plans for teaching, scientific research and dissemination they should pay primary attention to legal problems having an immediate impact on the safeguarding of peace and international security and international co-operation.

6. In planning and implementing other measures, the United Nations should pay attention to the necessity of guiding technical assistance in the field of international law in the developing countries with a view to the training of national civil servants especially for the foreign service, educationists and scientific workers and the education of the public in the basic questions of international law. The principles on which the granting of technical assistance should rest must include full attention to the real needs of the developing countries and must exclude any interference in their internal affairs, and any diversion of the assistance for political interests.

7. The preparation, organization and implementation of the most varied forms of dissemination, teaching, study and technical assistance in the field of international law should be entrusted to the Governments of all States and to the respective national and international governmental and non-governmental organizations and institutions, in particular the United Nations Educational, Scientific and Cultural Organization. The United Nations itself should concentrate on the co-ordination of the activities of the Member States and the above-mentioned organizations and institutions in the field. In the implementation of all these programmes due representation of the main legal systems of the world should be secured.

8. UNESCO might initiate various programmes aimed at an all-round publicity for and dissemination of international law, or might participate in such activities. It could, for example, organize courses of international law in different countries with the co-operation of national institutions and organizations, while paying special attention to the new States. It might also establish a model comprehensive library of international law and help the developing countries to establish their



own libraries of this kind. It might, among other things, help in publishing significant scientific works in world languages.

9. All Governments should devote more attention in their countries to the dissemination, teaching and study of international law as an effective instrument of international understanding and co-operation. Those States which in this sphere have available highly qualified experts, facilities and means should grant technical aid to the developing countries also in the field of international law with a view to consolidating their independence and promoting their all-round development.

10. The Czechoslovak Socialist Republic contributes and will contribute as best it can assistance to the developing countries in the field of international law, aimed at the consolidation of the independence of these countries and at accelerating their economic and social development, paying due regard to the concrete requirements and wishes of these countries.

11. For the purpose of granting assistance in the field of international law, the Czechoslovak Government is prepared to continue to send, on request, to the developing countries its experts, scientific workers and university teachers to lecture on international law and furnish expert assistance.

12. Another form of Czechoslovak assistance to the developing countries is the sending of publications on international law to their universities and scientific institutions, especially works dealing with the problems these countries face and with the progressive development of general international law. The Czechoslovak scientific libraries exchange publications in the field of international law with all interested foreign institutions.

13. Students from the developing countries study international law at the Faculties of Law of the Charles University in Prague and the Comenius University in Bratislava and at the University of 17 November in Prague or at the Institute of State and Law of the Czechoslovak Academy of Science. They may study as postgraduate students of international law according to individual plans for the period of one to two years to attain the scientific degree of Candidate or Doctor of Legal Sciences or as ordinary students at the faculties of law where they take an extensive course in international law.

14. The Czechoslovak governmental and non-governmental bodies and institutions grant foreigners, especially from the developing countries, scholarships for study at the University or for a postgraduate study of various specializations, including international law.

15. In submitting these general observations of the Czechoslovak Government on the General Assembly resolution 1816 (XVII) we wish to advise you that the Czechoslovak position will be expounded in detail in the course of the consideration of this matter at the eighteenth session of the General Assembly.

*France*

[Original text: French]  
[20 June 1963]

*Reply to question 1*

As far as the organization of the study of international law in France is concerned, there are periodic exchanges of teachers between the various French Faculties of Law and Faculties of Law abroad, includ-

ing the exchange of teachers of international law. These visits of teachers usually include one or two conferences.

The Institute of Higher International Studies (Institut des Hautes études internationales), which was founded in 1921 and is attached to the Faculty of Law in Paris, regularly avails itself of the services of foreign teachers. Every year a number of internationalists—usually five or six of an average total staff of fifteen to seventeen teachers—are invited to give a series of five to six-hour courses at the Institute.

The very diversity of the teachers who are called upon to teach at the Institute—and who change every year—gives their audience an opportunity of coming into contact with prominent personalities representing the various legal systems and schools of international law. This feature is not to be disregarded, in view of the fact that half of the student body (which at present numbers from 150 to 200) consists of foreign students, including a relatively large proportion of Asians and Africans.

In the provinces, the various faculties of law provide the normal tuition in that subject for the bachelor's and doctor's degree. A centre for international studies is being established at the Poitiers Faculty of Law and is to open in November 1963.

A system of fellowships granted on a very liberal scale both by the French Government and by foreign governments enables any foreign student wishing to do so to pursue his studies in international law in France, either at the Institute of Higher International Studies or in the faculties of law (State doctorate in public law, university doctorate in public international law).

*Reply to question 2*

With regard to the assistance that France might require in this field, it might be in the form of grants and fellowships for study or research abroad, as also the supply of books and publications.

*Reply to question 3*

So far, no specific programmes to assist other countries in the execution of their programmes of training in and dissemination of international law have been contemplated.

*Reply to question 4*

Since in France higher education is organized or supervised by the State, the sources of assistance are essentially governmental.

*Reply to question 5*

It is difficult to reply to this question, since training in and the dissemination of a scientific branch of instruction cannot be carried out in the same way in all the countries concerned, and consequently are not subject to the same standards or requirements.

*Reply to question 6*

The proclamation by the General Assembly of a United Nations Decade of International Law would probably enable the field of international law to be developed and the interest attaching to its study to be enhanced. It seems difficult, however, to determine beforehand the means whereby such a Decade could have practical effects, without first consulting the specialized scientific bodies (the International Law Commission, the Institute of International Law, the Aca-

demy of International Law, the International Law Association, the American Society of International Law, and so forth.

*Honduras*

[Original text: Spanish]  
[16 May 1963]

1. The Government of Honduras has always conducted its international relations in strict compliance with international law and, in particular, has adhered to the following principles: that all States must abstain, in their international relations, from the threat or use of force against the territorial integrity or political independence of any State or group of States; that States must resolve their international disputes and differences through established peaceful means (a principle which my Government has many times had occasion scrupulously to observe); that States must not intervene in questions which fall within the domestic jurisdiction of any other State, as laid down by the United Nations Charter and the Inter-American System; and that there must be self-determination for peoples and sovereign equality for States.

2. My Government respects the Charter of the United Nations, because it practices tolerance and desires to live in peace with all peoples as good neighbours.

3. However, my Government recognizes the importance of maintaining and strengthening international law, particularly now that the world is experiencing serious international crises which are brought about mainly by the clash of two diametrically contrasting systems of government and which can precipitate us into a thermo-nuclear war. We therefore consider it urgent to achieve the progressive development of international law, so as to strengthen peace on the basis of freedom, equality and social justice and thus to promote peaceful relations among States, regardless of the differences between them or of the relative stages of their political, economic and social advancement.

4. My Government realizes that we have still not yet achieved a stable international peace and that international law must be progressively developed in order that its noble aims may be more effectively achieved.

5. We welcome the possibility of proclaiming a United Nations Decade of International Law which will encourage the world's peoples, at all levels, to participate in a programme designed to reinforce the substance of international law and to provide indications for its progressive development. The Government of Honduras would contribute all its facilities for the implementation of such a programme, which it realizes would, in all probability, supply the peoples with a clearer picture of their responsibility for international peace.

In reply to the questionnaire, I have the honour to state the following:

*Reply to question 1*

Our contribution concerning programmes of training, including seminars and exchanges of teachers, students and publications in the field of international law has so far been small. However, should a United Nations Decade of International Law be proclaimed, Honduras would support it resolutely and would draw up a general programme which would give more practical expression to the results thus far achieved in this field.

*Reply to question 2*

To remedy the deficiencies of the reply to question 1, my Government would provide all possible facilities with a view to obtaining assistance and securing exchanges regarding activities in the field of international law, such as the training of teachers, lectures, seminars, grants and fellowships for study abroad, training and refresher courses, the obtaining of books and publications, the establishment of standards of teaching, and the study and wider appreciation of international law.

*Reply to question 3*

So far, my Government has not been able to offer any form of assistance to other countries in the execution of their programmes of training in and dissemination of international law, mainly owing to lack of sources for such assistance.

*Reply to question 4*

The lack of sources of assistance also applies to non-governmental organizations.

*Reply to question 5*

In our opinion, the United Nations, UNESCO and other related bodies should be responsible for co-ordinating the establishment and development of programmes of training in and dissemination of international law. Such activities could be financed by setting up a special budget from funds already existing within the United Nations, UNESCO and other related bodies.

*Reply to question 6*

My Government has already stated that, upon the proclamation of the United Nations Decade of International Law, programmes should be drawn up in each Member State with particular emphasis on the progressive development of international law, through seminars, conferences, exchanges of teachers, students and publications, etc.

*Italy*

[Original text: Italian]  
[11 July 1963]

*Reply to question 1*

The study and teaching of international law have long been traditional in Italy, and this is reflected in the university curricula. Subject matter relating to international law is, of course, taught primarily within the framework of such academic disciplines as public international law, private international law and international organization (without prejudice, however, to the latter's autonomous status). In addition, however:

(a) International law is taught as a regular subject in the Law Faculties at Bari, Bologna, Cagliari, Camerino, Catania, Florence, Genoa, Macerata, Milan (State University and Catholic University), Modena, Naples, Padua, Palermo, Parma, Pavia, Perugia, Pisa, Rome, Sassari, Siena, Trieste and Turin;

(b) International law is also taught in the Political Science Faculties at Florence, Padua, Pavia, Perugia, Rome and Milan (Catholic University) and in the doctoral courses in political science at Bari, Cagliari, Catania, Genoa, Messina, Naples, Palermo, Pisa, Siena, Trieste and Turin;

(c) International law is taught in the Economics and Business Faculties at Messina, Parma, Rome and Turin;

(d) Private international law is taught in the political science faculty at Florence and the Law Faculty at Milan;

(e) There is a chair of international organization in the Political Science Faculty at Rome, and the subject is also taught at Bari (Law Faculty, temporary chair) Florence (Law Faculty, optional course), Milan (Law Faculty, temporary chair) and Padua (Law Faculty, temporary chair; Political Science Faculty, temporary chair).

The study and dissemination of international law is carried on not only at universities but also through various other instrumentalities, of which the following may be cited as examples:

(a) Many chairs of international law have been instrumental in setting up university institutes which, operating within the separate faculties, engage in research and prepare documentation in connexion with teaching activities (e.g., the Institute of International and Comparative Law of the Law Faculty of the State University of Milan);

(b) The distinguished scholars in the field of international law who belong to the Institute of International Law are active as individuals; the participation of Italian scholars in the work of the International Law Association is comparable in some ways, even though of a different character;

(c) The highly regarded Italian Institute of International Law is once again functioning as a centre for meetings of scholars in the field of international law; various other organizations, including in particular the Italian Society for International Organization (SIOI) and the Institute for the Study of International Politics, encourage studies directly relating to international law;

(d) Scholarly journals and periodicals also promote the study and dissemination of international law; among these may be mentioned the *Rivista di Diritto Internazionale* (International Law Review), *La Comunità Internazionale* (The International Community), the *Annali di Diritto Internazionale* (Annals of International Law), *Comunicazioni e Studi* (Communications and Studies), *Jus Gentium* and the *Revista di Diritto Europeo* (European Law Review).

Italy would welcome an expanded international exchange of scholars in order to promote both teaching and—in particular—research in the field of international law.

#### Replies to questions 2 and 3

As regards the suggestions put forward in paragraph 2 of the questionnaire, we propose the following order of priority based on the relative importance of these various types of activities in promoting the study of international law in Italy:

(a) The provision of grants and fellowships for study or research abroad;

(b) The provision of books and publications within the framework of comprehensive international exchange programmes; in the case of Italy, this could be accomplished through a chain of libraries working in conjunction with the network of depository libraries which receive the publications of the United Nations and its affiliated organizations;

(c) The organization of lectures and seminars along the lines of similar activities already undertaken by various Italian associations, in particular the Italian Society for International Organization, at which

scholars in the field of international law (especially university teachers of international law) would have an opportunity for fruitful exchanges of ideas with one another and with representatives of contemporary trends in internationalist thought in other countries;

(d) As regards training and refresher courses, it would be less a matter of organizing new courses than of strengthening existing ones through wider participation by highly qualified foreign teachers and personnel of international organizations; in this connexion, Italy would be prepared to formulate proposals for a comprehensive programme of training and post-university refresher courses drawn up, by subject and locality, in co-operation with organizations having wide experience in that field.

Italy is, on the other hand, less interested in the establishment of standards of teaching, not only because it has a long tradition in the teaching of international law but also—and above all—because the various faculties and even individual teachers wish to retain the independence which they now enjoy in determining the content and presentation of courses in international law.

With general reference to the question of exchanges of persons, we feel that it would be desirable to provide more fellowships for the purpose of enabling qualified young people to attend courses at The Hague Academy of International Law.

With regard to the organizing of lectures and seminars, we would point out that highly qualified personnel of international organizations could, by giving lectures and presenting papers, play an extremely valuable part in promoting wider study of the influence of international organizations on the domestic legislation and policy of States, on the codification of laws and on the development of international law.

The foregoing observations indicate what sort of facilities Italy can provide for foreign students who desire further training in international law. More specifically, the Italian Government has granted fellowships to foreign students, some of whom have received degrees in law and political science with international law as their special subject. In addition, it has made teachers of international law available to foreign Governments, such as that of Somalia, for the purpose of conducting university-level courses. These two types of activities could be expanded in the future, and programmes along these lines are now under consideration.

Consideration could also be given to the possibility of sending specialized publications dealing with international law to various countries, especially those where the Italian language is more widely known. However, plans along these lines are not yet ready for implementation.

#### Reply to question 4

Available non-governmental sources of assistance to the training and dissemination programmes of other countries are indicated in the reply to question 1 above. Valuable co-operation could also be given by the university institutes. It should be noted that the Italian Society for International Organization and the Italian Institute of International Law are considering the possibility of holding a number of symposia during the academic year 1963-1964 at which scholars in the field of international law and heads of study and research organizations could engage in informal discussions on potential non-governmental sources of assistance.

*Reply to question 5*

We think it preferable that assistance programmes in the field of international law should be prepared by expert groups set up by agreement between the United Nations and UNESCO, with broad participation by non-governmental organizations possessing proven experience in university-level teaching. This should not exclude the possibility of financial participation by foundations which operate at the international level.

*Reply to question 6*

The proclamation of a "United Nations Decade of International Law" appears, of course, to be a promising idea, provided that it is preceded by the formulation of specific programmes or, at all events, by thorough study of the objectives to be sought and of the available means. In our view, a primary objective of the Decade should be to utilize the experience of international organizations for a comparative study of current thinking in the field of international law in the light of the requirements of an international community which is passing through a phase of intensive and dynamic internal change.

*Luxembourg*

[Original text: French]  
[20 May 1963]

1. The Government of Luxembourg wishes to draw special attention to the practical results, of interest for the study and development of international law, which have been achieved on the basis of the treaty instituting the Benelux Economic Union and its annexes, signed at The Hague on 3 February 1958 between Belgium, the Netherlands and Luxembourg,<sup>3</sup> and of the treaties instituting the European Communities between the Federal Republic of Germany, Belgium, France, Italy, Luxembourg and the Netherlands—the treaty instituting the European Coal and Steel Community, signed in Paris on 18 April 1951,<sup>4</sup> the treaties establishing the European Economic Community,<sup>5</sup> the European Atomic Energy Community<sup>6</sup> and the convention relating to certain institutions common to the European Communities, signed at Rome on 25 March 1957.<sup>7</sup>

2. Courses on the above-mentioned treaties and institutions are given each year at the Faculty of Comparative Law of the International University of Comparative Sciences, which has its headquarters in Luxembourg. The Government of Luxembourg makes available, to students from States Members of the United Nations, fellowships enabling them to follow the courses of this Faculty of Comparative Law.

*Niger*

[Original text: French]  
[10 June 1963]

*Reply to question 1*

No programmes have been planned.

*Reply to question 2*

By obtaining books and publications.

*Reply to question 3*

Does not apply to Niger at present.

*Reply to question 4*

No sources of assistance.

*Reply to question 5*

They might possibly grant fellowships to students of law. Financing by the United Nations, UNESCO or other international bodies.

*Reply to question 6*

Any action taken in the field of international law is bound to promote better understanding between States and nations.

*Nigeria*

[Original text: English]  
[1 July 1963]

*Reply to question 1*

The Ministry of Justice of the Federal Government of Nigeria has in the past decade been pursuing a vigorous programme of training for its officials. Suitably qualified members of the staff of the Ministry have been sent abroad and more are being sent annually to undergo advanced legal studies in international law.

Textbooks, journals, draft codification on specific topics, treaty series, reported cases and other publications on international law subjects are available in the library of the Federal Ministry of Justice.

It is expected that the faculties of law of the University of Ibadan, the University of Nigeria at Nsukka, the University of Ife and the University of Lagos, will in the near future include international law as one of their subjects.

The Nigerian Institute of International Affairs, which is an independent, non-official, non-political and non-profit-making body, has as one of its aims and objects, to provide and maintain means of information on international questions and to promote the study and investigation of international questions by means of conferences, lectures and discussions, and by the preparation and publication of books, records, reports or otherwise as may seem desirable.

The International Commission of Jurists, with the permission of the Nigerian Government, held a conference in Lagos, Nigeria, in 1961 on the "Rule of Law".

Another international conference—on "World Peace through Law"—was held in 1961 at Lagos, Nigeria, by the American Bar Association, with the permission and active participation of the Nigerian Government.

*Reply to question 2*

The Government of the Federation of Nigeria is interested in assistance in the field of international law for the training of teachers; grants and fellowships for study or research abroad; training and refresher courses; obtaining books and publications and other forms of co-operation. The universities would welcome the secondment of academic staff from overseas universities to the various faculties concerned with international law.

*Reply to question 3*

The Government of the Federation of Nigeria is willing and able to provide necessary accommodation and other facilities for holding conferences and seminars on matters relating to international law.

There are no existing aid programmes which could be utilized for the kinds of training envisaged by the relevant General Assembly resolution.

<sup>3</sup> United Nations, *Treaty Series*, vol. 381 (1960), No. 5471.

<sup>4</sup> *Ibid.*, vol. 261 (1957), No. 3729.

<sup>5</sup> *Ibid.*, vol. 298 (1958), No. 4300.

<sup>6</sup> *Ibid.*, vol. 298 (1958), No. 4301.

<sup>7</sup> *Ibid.*, vol. 298 (1958), No. 4302.

*Reply to question 4*

No indigenous non-governmental source of assistance but the Ford Foundation, Rockefeller Foundation, the Carnegie Endowment for International Peace and the Council of Legal Education in the United Kingdom help in this field.

*Reply to question 5*

In pursuance of the purpose of encouraging the progressive development of International Law and its codification under Article 13, paragraph 1 a. of the Charter, the United Nations, UNESCO and other related agencies, in collaboration with the Government of the Federation of Nigeria, might explore the possibility of establishing a Department of International Legal Studies in one of the Nigerian universities. The financing of such a department could form the subject of an agreement between the United Nations and the Federal Government. The United Nations and its educational agencies can aid the realization of this project by the award of scholarships and bursaries for study in universities which have well-developed departments of international law.

*Reply to question 6*

The Government of the Federation of Nigeria considers the possible proclamation of a United Nations Decade of International Law an excellent idea which should commend itself to all States which proclaim belief in world peace through law.

Apart from training programmes in international law it might be advisable to invite eminent members of the International Law Commission and the International Court of Justice to deliver an annual lecture on "The progressive development of international law and its codification". Such a lecture could be held in the territories of States Members of the United Nations in rotation and the published version could be distributed at a reasonable fee by the United Nations Secretariat.

The date on which the proposed resolution is adopted could be observed as "International Law Day" by Member States in their universities and institutions of legal education.

The programme of the "International Law Day" should include demonstration of practical examples of attempts by the great Powers to settle important international issues through the International Court of Justice at The Hague.

*Norway*

[Original text: English]  
[12 July 1963]

1. The competent Norwegian authorities have studied the questions dealt with in General Assembly resolution 1816 (XVII) and would like to draw the Secretary-General's attention to the activities of the The Hague Academy of International Law. In the opinion of the Norwegian authorities, this Academy might be regarded as a model of efficient international work to promote the study and dissemination of international law.

2. The Hague Academy is an independent institution headed by independent persons representing many different countries, who have contributed widely to the dissemination and development of international law. Scholars of jurisprudence, practising lawyers, foreign servicemen, and students of law of all nationalities

attend the Academy in an atmosphere of friendship and mutual understanding. First-class lecturers, who are specialists in their respective fields, represent, as do the students, the major systems of law.

3. Any action taken by the United Nations aimed at promoting the teaching, study, dissemination, and wider appreciation of international law, should, in the opinion of the competent Norwegian authorities, include measures aimed at supporting The Hague Academy, so as to make it possible to extend its activities. It is also natural to regard the organization of the Academy and its particular way of teaching as a model of development of new international institutions upon which the United Nations might confer the task of making international law an active guideline for international life through the teaching of the international philosophy of law.

*Pakistan*

[Original text: English]  
[28 June 1963]

The Government of Pakistan supported General Assembly resolution 1816 (XVII) of 18 December 1962, relating to "Technical Assistance to promote the Teaching, Study, Dissemination and wider appreciation of International Law", both in the Sixth Committee as well as in the General Assembly. It is convinced that the diffusion of the knowledge of international law by all possible means will go a long way in achieving the objectives of the Charter.

*Reply to question 1*

At present there does not exist any programme of training or exchange of publications in Pakistan.

*Reply to question 2*

We wish to obtain assistance from abroad for training suitable persons through grants of fellowships for study and research abroad in the field of international law. This is especially necessary, because, owing to our membership of several international law bodies, we are required to participate in their meetings which are also attended by persons well-versed in international law.

*Reply to question 3*

We are not in a position to give aid to other Governments in the execution of their programmes of training in international law. We do not have any existing aid programmes.

*Reply to question 4*

No non-governmental sources of assistance are available in Pakistan.

*Reply to question 5*

The United Nations, UNESCO and other related agencies could grant fellowships for the establishment and development of programmes of training in international law. The sponsoring body might fix a rough estimate for the training period abroad, ranging from six months to one year, for at least two of our nominees initially. The expenses, depending on the period and the country where the training is to be given, might be determined and financed by the United Nations or its related agencies.

*Reply to question 6*

It would be a good idea if the General Assembly declared a United Nations Decade of International

Law. This would be an effective method of strengthening the role of international law. Such a declaration, by drawing the attention of the peoples to the importance of international law is likely to produce a good psychological effect on their minds and, in the long run, better appreciation of the rule of law in the field of international relations.

### *Poland*

[Original text: English]  
[21 June 1963]

1. The Constitution of Poland in its preamble declares that one of the main goals of Poland's activity in the international sphere is "to strengthen friendship and co-operation among nations based on the alliance and brotherhood that unite the Polish nation with all peace-loving nations of the world in their common endeavour to bar aggression and consolidate world peace". Having this in mind the Polish Government, fully aware of the positive results that the knowledge of international law may have to the development of peaceful coexistence of States, has always made considerable efforts to promote the teaching and study of international law, in particular to popularize it among university students. The study and dissemination of international law is financed wholly by the State.

#### *Didactic activity*

2. International law is a curriculum course at eight university Law Faculties and in an abridged form it is also taught at some other institutions of higher learning. Since it is an obligatory course, each student has to take an oral examination after its completion. Lectures in international law, of two hours' duration each, are given weekly in the third year at the law faculty—university studies last five years in Poland—and comprise: history of international law, sources of international law, subjects of international law, territory in international law, population of States, organs of international exchange, international organizations, international exchange, settlement of international disputes, and the law of war. This basic course is being supplemented by lectures on particular subjects, provided by individual faculties and devoted to the advanced study of some selected subjects or institutions of international law.

3. Aside from the Chairs of international law, under the auspices of which such lectures are given, separate Chairs and departments of history of diplomacy and international relations, Chairs of air law, international law of communications, international trade law, and the like, exist at some academic schools.

4. Independently of the general course and monographic lectures, a class of two hours weekly is conducted by instructors at all law faculties, with a view to deepening knowledge gained during lectures or from the analysis of documents and agreements. In addition to the main course, professors conduct special discussion groups during the third year of studies and hold seminars for fourth and fifth year students. These discussions are attended by those who take a special interest in international law or make it a subject of their LL.M. dissertations. Finally, most faculties organize seminars for post-graduates who work for their doctorates. Participation in the seminar is a prerequisite for obtaining a university permit to start Ph.D. research.

5. Universities and research institutions also organize public lectures which in different communities

popularize the effects of their research as well as the basic institutions of international law. Lectures of this kind are held at the foregoing institutions and at different clubs, recreation halls, work establishments and usually evoke considerable interest. Frequent publications in literary weeklies and in popular scientific periodicals also constitute a form of dissemination and wider appreciation of international law. Some scientific institutions provide information on their research plans and current activities through their organs—for example: the Institute of Law in its organ "The State and Law"—or through the so-called chronicles of research events.

#### *Research activity*

6. Research work on international law is conducted partly by universities, but mainly it is concentrated in research institutes. A national research plan now implemented in Poland contains also sections on research in the field of international law—the subject of research being: "Legal aspects of peaceful coexistence; coexistence in economic relations".

7. Co-ordination of the national research plan, and to a great extent its implementation, rests with the Institute of Law of the Polish Academy of Sciences. The Institute conducts complex research, laying particular emphasis on the synthetic elaboration of such questions as: the problem of nationalization, immunity of the State in international economic relations, recognition in international law. Results of complex research are also published as monographs.

8. Research groups consisting either of full-time employees and diplomats or of those employed in other research centres—for example: the Institute of International Affairs in Warsaw—are being established to explore individual problems of international law. At present there are four such groups at work in the Institute of Law of the Polish Academy of Sciences:

A group examining the problem of foreign trade monopoly and immunity of the State in international economic relations,

A group working on the problem of international economic and social organizations,

A group dealing with questions of trade between capitalist and socialist countries,

A group working on the legal problems of disarmament.

9. A separate group examines the legal aspects of relations with developing States. The Institute of Law co-ordinates research on legal questions of the peaceful coexistence of States conducted by some universities—Wroclaw, Lublin and Warsaw Universities. The University of Poznan, in collaboration with the Western Institute in Poznan and the Institute of International Affairs in Warsaw, specializes in German problems, so important for Poland.

10. The Institute of Law of the Polish Academy of Sciences plays a significant role in documentation research. In the field of international law the Institute currently works on documents of the so-called Western European communities—the Common Market, European Coal and Steel Community, European Atomic Energy Community, Organisation for Economic Co-operation and Development, and the international economic organization of socialist States—the Council for Mutual Economic Assistance.



*International co-operation*

11. The Polish Academy of Sciences, which administers the Institute of Law, attaches considerable importance to the development and intensification of international co-operation in all fields of sciences, international law included. Numerous bilateral and multilateral agreements on mutual research activity, exchange of experience and opinions, serve this purpose. They achieve good results both in regard to mutual research work and the exchange of publications, documents and the like. The exchange of research workers is also one of the very useful forms of co-operation—student exchange is exclusively conducted by the Ministry of Higher Education. The Polish Academy of Sciences and the Ministry of Higher Education run such an exchange in different forms—reciprocal home-to-home exchange, fellowships, visiting scholars. During their visit abroad scholars study the research plans of the institutions visited, the legal system of the country, the achievements and results of research work carried out there, and deliver lectures and hold discussions.

12. This form of co-operation is constantly developing. Thus, within the past several years the Institute has played host to the following professors: P. S. Romaszkin of the USSR, M. Bartos of Yugoslavia, E. Korowin of the USSR, J. Stajnow of Bulgaria, W. Durdieniewski of the USSR, P. Guggenheim of Switzerland and W. Korecki of the USSR, Ch. Rousseau, S. Bastid of France, H. Rolin of Belgium, R. Ago of Italy and many others. They all participated in meetings, discussions and gave lectures.

13. In the field of the exchange of publications, the Documentation and Information Centre of the Institute, as well as other academic libraries, exchange their publications with a number of co-operating libraries abroad.

*Conclusions*

14. Both from the point of view of political and educational advantages, all types of assistance in promoting the dissemination of international law should be welcomed and fully supported. The mutual understanding of political reasoning based on contemporary international law, and learned dialogues, which might lead towards mutual rapprochement and the elimination of prejudice, constitute one of the effective methods of implementing the principle of peaceful coexistence.

15. It is not advisable, therefore, to restrict such action to temporarily fixed limits such as the Decade of International Law or other periodic events; contemporary international law is constantly developing. Hence its popularization and the informing of public opinion should be continuous. It should be stated also that scholarships and other forms of exchange at the disposal of the United Nations and its specialized agencies constitute but a small percentage of ways and means of developing international co-operation.

16. As far as the proposed United Nations Decade of International Law is concerned, it seems that the Decade might be used in order to:

Organize a series of international meetings and discussions attended by scholars and professional diplomats and devoted to the development tendencies of international law;

Develop, under the auspices of the United Nations, the mutual exchange of research workers, who might deliver lectures on various problems of international law in different research centres;

Improve and make more effective co-operation in the exchange of legal and research literature and facilitate the mechanical and organizational forms of this exchange;

Organize, in particular, the exchange of scholars coming from the newly independent countries of Asia and Africa;

Promote the dissemination of international law by all media of information—Press, radio and television;

Grant scholarships to students;

Popularize the works of the United Nations International Law Commission and of other United Nations organs concerning the codification of public international law.

*Senegal*

[Original text: French]

[10 June 1963]

*Reply to question 1*

In 1963-1964 the Faculty of Law and Economics of the University of Dakar will offer the following courses in the field of international law, chiefly for candidates for the *licence en droit*:

First year: "International institutions"; three hours weekly for six months.

Third year: "Public international law"; three hours weekly for one year and one and a half hours of practical work a week.

Fourth year: "Main contemporary political problems"; three hours weekly for one year (this course may deal with "international relations since 1870"). "European organizations"; three hours weekly for one semester. "Law of the former French territories and of co-operation"; three hours weekly for one semester, with one-and-a-half hours of practical work a week.

Subject to the allocation of funds: "International relations of the African countries"; three hours weekly for one semester.

In 1963-1964 the Faculty of Law and Economics of Dakar will offer the following courses for the diploma of advanced studies in public law required of doctorate students:

"Public international law"; twenty-five hours during the year and at least ten tutorials of one-and-a-half hours each.

"International organizations" (similar time-table).

During the academic year 1962-1963, the following are to be presented to a jury of professors under the chairmanship of Mr. A. Cocatre-Zilgien:

(a) A dissertation for the diploma of advanced studies in political science (former system), to be presented by Mr. Doudou Thiam, Minister for Foreign Affairs of Senegal, who is already a Doctor of Laws, on "The foreign policy of the newly independent African States";

(b) A thesis for the degree of Doctor of Laws, to be presented by Mr. Jacques Hubert, on "The external relations of the newly independent African States; practical problems raised by their creation: Senegal".

Courses on international subjects (e.g., the international economy) are also given by the Faculty of Law and Economics at Dakar as part of the curriculum for the *licence* and doctorate in economics.

The curriculum of the Institute of African Administrative Studies of the Faculty of Law and Economics



(oral and correspondence courses for officials of all French-speaking countries) includes a course on "International law" and a course on "The public law of the former French territories" (second stage); the director of the Institute is Mr. André Cocatre-Zilgien.

The Senegal National School of Administration is an establishment of higher education which, while attached to the Presidency of the Republic of Senegal, carries on its work in the premises of the Faculty of Law and Economics of Dakar. It is directed by Mr. Cocatre-Zilgien, a Professor of that faculty.

Since the beginning of the academic year 1962-1963 this school has included a diplomatic section, with numerous courses (some 400 hours in six months of theoretical studies), e.g., on "International law", "International organizations", "Diplomatic relations from 1648 to 1870 and from 1870 to the present day", "Diplomatic law and practice", "Consular law and practice", "Bilateral and multilateral assistance and co-operation", etc.

These theoretical courses, which will be accompanied by a good deal of practical work, will be followed by several months' study in France or abroad. At present the diplomatic section of the school is being attended by three regular students, one a woman; all three students hold a *licence en droit* or a *licence ès lettres*.

On the recommendation of Mr. Decottignies, Dean of the Faculty, and Professor Cocatre-Zilgien, Mr. Seydou Sy, Assistant at the Faculty of Law of Dakar, has been granted a scholarship for the 1963 session by Mr. Hambro and the Board of the Dag Hammarskjöld Centre at The Hague Academy of International Law.

It should be possible to organize a symposium at Dakar in 1964 on the contributions made by the new African States to the development of international law; this would be held under the auspices of the Association of Attenders and Alumni of The Hague Academy of International Law (AAA), or of UNESCO, or of the Institute of International Law; the idea was suggested by Mr. Cocatre-Zilgien and approved by Mr. Doudou Thiam. The Faculty of Law at Dakar would be glad to make its premises available for such a symposium.

#### *Reply to question 2*

The Faculty of Law and Economics of Dakar is seldom informed in time of scholarship opportunities available to its graduates at The Hague Academy of International Law. In view of the distance, such scholarships should be accompanied by an allowance to cover the round-trip journey.

So far as we know, no African sponsored by the Faculty of Law of Dakar, even one holding a *licence* in law has ever been recruited by any international organization connected with the United Nations as an international official, or even as an intern, or has even been granted a fellowship of the most minor type by such an organization, as would have been desirable.

The Faculty of Law of Dakar, and especially the National School of Administration would welcome French-speaking lecturers who have specialized in questions concerning international organizations, to direct seminars at the expense of the United Nations and UNESCO.

Certain works such as the reports of judgements of the Permanent Court of International Justice and the International Court of Justice, the *Repertory of Practice*

of *United Nations Organs*, the *Treaty Series* and other important documents issued by the United Nations should be addressed direct and free of charge to the Faculty of Law at Dakar and to the National School of Administration.

#### *Reply to question 3*

The Director of the National School of Administration is prepared to welcome Africans other than Senegalese to the diplomatic section of his institution: financial assistance from the United Nations would be most desirable.

The Faculty of Law of Dakar offers courses, including courses in international law, for others besides Senegalese students.

#### *Sudan*

[Original text: English]  
[25 June 1963]

#### *Reply to question 1*

Our programme at the present time is that of giving students a chance; at the expense of the Government, to study international law in universities of foreign countries, favouring mostly British universities. For the future we intend to establish and maintain a Department in the Attorney-General's Chambers, to be known as the Department of International Law. Its primary function would be to advise the Government in matters of international law, and its secondary function would be to train students and officials and to disseminate a knowledge of international law.

#### *Reply to question 2*

Our Government wishes to obtain assistance from abroad, or arrange exchanges with other countries in order to promote the execution of the programmes mentioned above. Our Government, as it is now doing, can pay the expenses and allowances of students in study courses abroad, and also provide reasonable funds for obtaining books and publications for local libraries.

#### *Reply to question 3*

Our Government has no aid programme extended to other countries.

#### *Reply to question 4*

We have no non-governmental sources of assistance.

#### *Reply to question 5*

It is suggested that the United Nations and UNESCO should consider the possibility of granting scholarships for the training of lawyers, especially from the newly independent countries. It may also be expedient to sponsor seminars and allot grants for the purpose of research work. As to financing, it is suggested that a special fund to which all States may be invited to contribute should be established.

#### *Reply to question 6*

Such a proclamation should be welcomed by all nations. One of its main objectives should be to acquaint non-lawyers as well as municipal lawyers with the achievements of this body of law in the international field and to reaffirm its authority. The co-operation of national bodies of lawyers and unofficial organizations should be sought towards this objective. It is also suggested that the activities of the International Law Commission should be intensified and further publicized.

*Sweden*

[Original text: English]  
[24 June 1963]

1. No special programmes in this field are at present undertaken in Sweden apart from the regular study of international law at the universities.

2. The role of the United Nations, UNESCO and other related agencies in the development of programmes of training in and dissemination of international law could be more easily considered when Members have made their needs and wishes known. If a general programme were to be drawn up within the United Nations and its specialized agencies the Swedish Government would be prepared to investigate in which way Sweden could suitably co-operate.

3. In this connexion it might be mentioned that fellowships for study or research in international law could be granted within the regular fellowship and scholarship programme of the Swedish Agency for International Assistance.

4. With regard to the possibility of proclaiming a United Nations Decade of International Law the Swedish Government favours a more modest label for the programme to be undertaken.

## II. COMMENTS RECEIVED FROM INTERNATIONAL ORGANIZATIONS AND INSTITUTIONS

### *Asian-African Legal Consultative Committee*

[Original text: English]  
[19 June 1963]

1. There can hardly be two opinions about the significance of the importance of United Nations General Assembly resolution 1816 (XVII) which has as its object the strengthening of international law and ensuring that it is applied in relations among nations. There has been for some time a general awareness of the role of international law in relations between nations, and the significance of this development is evident from the fact that Governments increasingly place reliance on rules of international law in support of their actions. This has particularly been so since the establishment of the United Nations. The resolution of the General Assembly therefore appears to be both timely and appropriate.

2. It appears to us that as a first step towards the strengthening of international law, it is necessary to ensure that the rules of conduct which nations may be expected to observe are such as to command universal respect. International law has often suffered from the fact that many of its rules were nebulous, and there has hardly been any sanction behind the observance of these rules. There has also been a feeling in some of the African and Asian countries that international law was a product of the West and many of its prevailing concepts needed re-examination in the light of the emergence of new nations in the world community. In order to strengthen international law, it may therefore be necessary to examine existing rules in this context, and give them shape by means of codification and progressive development taking into account the views of the world community. It is indeed the International Law Commission of the United Nations is engaged in such a task. The Commission, however, meets only for a comparatively short period once a year. Moreover, the information and observations received from Gov-

ernments on the Commission's work are not always prompt, and in some cases somewhat sketchy. The individual members of the Commission who act as experts are also not in a position to state the official views of the various countries. Whilst it is important that the codification and progressive development of international law with a view to strengthening it should be carried out mainly by the International Law Commission, it is necessary that proper assistance should be given to the Commission through authoritative sources. This can, in our opinion, be best achieved through the promotion of inter-governmental regional organizations which would have as their object the examination of matters under consideration by the International Law Commission from the regional point of view, and to have their recommendations placed before the International Law Commission at appropriate times. It appears that there is already such an organization in the Americas, namely, the Council of Jurists within the Pan American Union. The Asian-African Legal Consultative Committee, which was established in 1956 is also engaged in this work and it will be the endeavour of this Committee to help substantially the International Law Commission and the United Nations in the task of the progressive development and codification of international law. This Committee, whose permanent secretariat is located at New Delhi, is engaged in the examination of subjects which are being considered by the International Law Commission and also certain specific subjects which have been referred by the member countries of the Committee. The secretariat in its study is assisted by contributions made by member countries, and the Committee has been fortunate in having before it the authoritative views of the Governments of the participating countries which are expressed through their representatives at the annual session of the Committee. It has therefore been possible for this Committee to express considered views on various subjects of international law after duly taking into account the official views held by the Governments concerned.

3. We believe that regional organizations of this kind, if set up in other parts of the world, would also be of great assistance towards achieving this goal. Governments individually can assist in this matter, but it would appear to be difficult for an individual Government to contribute much as it would necessitate the setting up of separate sections for this purpose. Moreover, a Government can only give its individual view without the assistance of the views of other countries. Inter-governmental regional organizations would afford a better solution since by having a common secretariat which would be solely devoted to this work, matters would be greatly facilitated and the costs to be borne by individual Governments would be minimized. Regional organizations of this nature would also provide a forum for discussion between a group of Governments which would enable them to formulate their views in the light of such discussion. Non-governmental agencies or associations have played an effective role in the past in the elucidation and development of international law. Their work would in future remain equally important and their recommendations entitled to respect as being the recommendations of experts and independent bodies of lawyers. There may, however, be a risk about a lack of realism in their recommendations since the recommendations of such bodies may not necessarily reflect the views of Governments which in matters of international law would appear to be of paramount

importance because it is through the practice and usage of nations that international law has to be developed.

4. In addition to the strengthening of international law itself it is necessary to ensure that States apply the recognized rules of conduct in their relations *inter se*. The problem has perhaps to be approached from two aspects. The first is to create respect for international law in the members of Governments and Government officials and to convince them of the necessity of the observance of such rules in inter-State relations in their mutual interest. The second is to educate public opinion in favour of the observance of rules of international law so that Governments are obliged to abide by international law under pressure of public opinion in their own country. So far as the first aspect is concerned, it may be noted that many of the Governments today have established specialized Legal Sections in their Foreign Offices which goes to show that Governments are generally aware of the need for observing international law. The United Nations has also contributed largely towards this realization. The Sixth Committee of the General Assembly already affords an opportunity for governmental legal experts to meet periodically. Nevertheless it may be desirable for governmental experts to meet periodically on a regional basis to discuss specific problems of international law of mutual interest. Such meetings of Foreign Office lawyers could perhaps be organized within the framework of regional organizations as suggested above. The Asian-African Legal Consultative Committee would be prepared to help in this regard if such an idea appeals to the United Nations. It is understood that the American Society of International Law is contemplating a meeting of legal advisers.

5. As regards educating public opinion this can be done through the efforts of Governments themselves, through the regional Information Centres of the United Nations and non-governmental organizations. It may be of interest to note that international law, which was practically unknown in Asian and African countries, has already attracted the attention of people particularly in countries where a democratic form of government exists and where public opinion can be regarded as an important factor. The number of societies dealing with international law established in recent years and the courses of studies on international law introduced in universities illustrate the general interest in the subject of international law. The United Nations, through its Information Centres, could perhaps assist in the work in the same way as it does in regard to teaching about the United Nations. The United Nations Associations in various countries could also perhaps assist in this regard.

6. It may be possible for the Asian-African Legal Consultative Committee to take up specific projects on a regional basis on behalf of the United Nations if it is so desired in the matter of the dissemination of international law in African and Asian countries.

#### *The Hague Academy of International Law*

[Original text: English]  
[14 June 1963]

1. In my capacity of President of the Curatorium of The Hague Academy of International Law I should like to express my highest appreciation of the attitude which has been taken by the General Assembly in this matter, and I am sure that all my colleagues in the

Curatorium of the Academy fully share this opinion. The idea of proclaiming a United Nations Decade of International Law, dedicated to the dissemination of international law also has my full approval.

2. The Hague Academy of International Law certainly is a well-known institution, which has now behind it forty years' activity in teaching and research in international law, interrupted only by the years of the Second World War.

3. The Academy is now in a situation which makes it highly necessary to obtain substantial financial support. To this end the Presidents of the Administrative Council and of the Curatorium are addressing ourselves, on behalf of the Academy, to UNESCO on this matter. As we do it in our common letter to UNESCO I beg to submit to you in this letter the following information concerning the organization of the Academy, its claims, and its financial situation.

4. The objects which the Academy aims at achieving are the study and teaching of public and private international law and related sciences. The teaching is directed towards a profound and impartial examination of the problems arising out of international juridical relations. The Academy does not have a permanent staff of professors; each year a Curatorium, which is responsible for the scientific administration of the institution and comprises twelve members of different nationalities, chooses persons whose qualifications seem to it to guarantee that the subjects chosen are approached at a sufficiently high level. The teaching is done in French and in English; the courses take eight weeks; the courses are divided into two series, the first being mainly devoted to private international law and the second to public international law. The lectures are given to audiences which already have a certain knowledge of international law but wish to perfect themselves in it.

5. A diploma can be obtained by showing a profound knowledge of international law before a jury of Academy professors.

6. The reputation of the Academy's activities has been rising and spreading steadily ever since it first opened its doors in 1923. Each year the number of students from almost sixty countries is about four hundred.

7. The Academy's aim is not only to run an institution where scientific studies can be concentrated, but also to organize annual international gatherings for the promotion of mutual understanding and of friendship between young people from all parts of the world. Contact between the professors and the students is achieved without difficulty thanks to the seminars, a feature very popular with the students.

8. Since 1957, thanks to grants from the Rockefeller Foundation, the courses have been followed by conferences at a research centre, in which a limited number of students (sixteen French-speaking and fifteen English-speaking students) participate. The chief aim of the research centre is to make the participants familiar with the different methods of research, rather than to try to provide them with a deeper knowledge of the subjects dealt with.

9. This year the activities of the Academy have again been extended. The Academy's annual courses have been preceded by a series of conferences held with financial aid from the Dag Hammarskjöld Minnesfond in Stockholm. These conferences were attended by

about fifteen young civil servants or university students who already are or who will be employed in the foreign services of Asian and African countries which have recently become independent. University professors from various countries held courses there. The subjects covered in these courses were also dealt with in a seminar led by a Norwegian professor with one French-speaking and one English-speaking assistant. This seminar lasted six weeks.

10. The Research Centre and the Dag Hammarskjöld seminar are not the financial responsibilities of the Academy; they have their own financial resources. Nevertheless, the continued existence of the Academy with its summer courses is essential to these two sources of supplementary teaching.

11. At present the future of the Academy is in the balance. It has been able to continue until now thanks to a considerable grant from the Ford Foundation. It has now been informed that this grant will not be continued after 31 December 1965.

#### *Institute of International Law*

[Original text: French]  
[22 April 1963]

1. In the absence of Professor Paul Guggenheim, Acting Secretary-General of the Institute of International Law, I have the honour to acknowledge with thanks receipt of your letter No. LE/112/1 of 2 April, with two annexes.

2. The question which you raise will be brought to the attention of the Bureau of the Institute, which is to meet next September and I shall inform you of any conclusions it may reach.

#### *International Association of Democratic Lawyers*

[Original text: French]  
[19 June 1963]

1. The International Association of Democratic Lawyers, which was founded in 1945 for the purpose of co-operating in the achievement of the objectives of the United Nations Charter and developing mutual understanding and good will among lawyers of all countries, entirely shares the wish expressed by the General Assembly of the United Nations for a wide dissemination of the principles of international law with a view to facilitating the development of friendly relations and co-operation among States.

2. The Association endorses the suggestion that the United Nations should institute a decade dedicated to the dissemination of the principles of international law.

3. The International Association of Democratic Lawyers has already published in the *Review of Contemporary Law* or in the form of brochures, many works relating to problems of public and private international law, such as the prohibition of weapons of mass destruction, disarmament, peaceful coexistence, neutrality, the law of outer space, the nationalization system, the international payments system, the international bill of sale etc., and has systematically disseminated them to University, Bar and public libraries throughout the world.

4. The Sixth Congress of the International Association of Democratic Lawyers (Brussels, 1956) included a Committee on Public International Law and a Committee on Private International Law, while the agenda of the Seventh Congress (Sofia, 1960) included the item "The legal aspects of neutrality".

5. Our Association is at present preparing a publication designed to respond to the appeal made in General Assembly resolution 1815 (XVII) for the development and codification of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.

6. The International Association of Democratic Lawyers would consider contributing to the implementation of the programme for the teaching of international law put into effect by the Secretary-General of the United Nations and the Director-General of UNESCO in the following ways:

(a) The publication of studies dealing with the questions of international law included in the programme;

(b) The organization of discussion groups or by participation in study groups organized within the framework of the programme;

(c) Making the services of lecturers and teachers available to the United Nations and UNESCO;

(d) Participation in television or radio programmes.

#### *International Association of Legal Science*

[Original text: English]  
[25 April 1963]

1. Our Association welcomes General Assembly resolution 1816 (XVII) and will be pleased to co-operate in the programmes which may be decided by the United Nations including a United Nations Decade of International Law.

2. It seems, however, that efforts should be made, not only towards the dissemination of international law, but also towards a broadening of its scope. It has often been pointed out that the grave economic disequilibrium of the world is a danger to peace. Entire obedience to a law which would crystallize the present situation or even appear to crystallize it cannot be expected. On the other hand, it would certainly be useful to try to formulate rules and to set up machinery which would give satisfaction to the reasonable expectancies of the developing countries, help towards the promotion of a more satisfactory situation and of a more real order. If an international new deal is at present necessary, it should, like the American New Deal, be mainly human and economic in its purposes; but it certainly should also be legal in its formulation. To be more concrete, researches should certainly be pursued in the direction illustrated by Professors Clark and Sohn.

3. Let me assure you again that our Association is anxious to co-operate in your efforts.

#### *International Political Science Association*

[Original text: English]  
[4 June 1963]

1. I can only give you an interim reply setting out the general attitude of our Association. We have a meeting of our Programme Committee and also of our Executive Committee in September and unless I hear from you that it will then be too late, we will send you the fuller views of the Association after these meetings.

2. The International Political Science Association is deeply interested in teaching and research in the whole field of international relations. Just as in the sphere of national government we would consider that constitutional law should be taught alongside the history,

politics and administration of the governmental system, so at the international level we would very much wish to put international law in a similar wide context.

3. The main activities of the Association are the holding of international meetings and the undertaking of research by co-operation between scholars in different countries. We will be most happy to co-operate in any scheme which the United Nations may decide to develop. It would be most helpful for our meetings in September if you could indicate any particular lines of policy or enquiry you might like this Association to consider.

4. There is only one point which I must make. As you probably know, we get only a comparatively small grant from UNESCO and any marked increase in our activities would require some additional finance.

### DOCUMENT A/5455/ADD.1

[Original text: English, French and Spanish]  
[12 August 1963]

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#### I. COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

##### *Afghanistan\**

[Original text: English]  
[25 July 1963]

1. Afghanistan is in need of an increased number of Afghan experts in the field of international law. To fulfil this objective Afghanistan has taken the following steps:

(a) Among the staff of the College of Law of Kabul University there are two full and one part-time professors of international law. In addition, under an agreement reached between the University of Kabul and the *Faculté de Droit* of Paris, a French professor is also engaged in the teaching of international law. Furthermore, there are two assistant professors who at present have been sent abroad for higher study.

\* General observations by Afghanistan are given in document A/5455. The present observations were submitted in reply to the questionnaire transmitted by the Secretary-General to Member States on 20 March 1963.

(b) There are five outstanding students in their final year at the College of Law of Kabul University, and it is the intention of the Government that they should be trained in the field of international law.

2. *Training.* In the third and fourth years of the College of Law of Kabul University, among other subjects, a complete course on international law and international organization is included. To give further strength to this programme, the College of Law intends to add during the third and fourth years seminars and courses for discussions in the field of international law, and special attention is to be paid to students who will be sent abroad for further training.

3. *Libraries.* Although the libraries of the College of Law of Kabul University and the Ministry of Foreign Affairs contain some legal materials, there is not enough for scientific research and basic study of international law. Therefore, Afghanistan is in need of books and materials dealing with legal subjects, and aid in this respect from the United Nations, Member States, or private institutions is welcomed.

4. Afghanistan is in need of highly qualified professors of international law and would appreciate the help of the United Nations in obtaining their services. These highly qualified professors could also advise the College of Law in the selection of students to be sent abroad for higher study.

5. The Government of Afghanistan believes that during the United Nations Decade of International Law, comprehensive and practical texts on international law, for the use of universities and students of law, should be published by a group of eminent international lawyers under the auspices of the United Nations and UNESCO, to be translated in all languages, for the further dissemination and wider appreciation of international law. Afghanistan, for its part, will take steps to translate such texts into its own languages (Persian and Püshtoo) for the use of its law students.

6. The Government of Afghanistan expresses its warmest support (as it did at the seventeenth session of the General Assembly, in proposing such a Decade), for the proclamation of a Decade of International Law, as detailed in its Note of 1 May 1963.

#### *Argentina*

[Original text: Spanish]  
[16 July 1963]

##### *Reply to question 1*

Public international law is taught in all Argentine law faculties, including those at State operated and those at private educational institutions. In some there are special seminars on the subject, which in many cases are part of the course leading to a doctorate in law.

The Faculty of Economic, Political and Social Sciences of the Universidad Nacional del Litoral (National University of the Coast) has a School of Diplomacy which has arranged a number of special courses and seminars on public international law. Other private universities have recently established schools of diplomacy. The National Foreign Service Institute, which comes under the Ministry of Foreign Affairs, is active in this field.

All these institutions exchange their publications, many of which maintain a very high standard. The School of Diplomacy of the Universidad del Litoral publishes the *Revista de Derecho Internacional y Cien-*



*cias Diplomáticas* (Review of International Law and Diplomacy).

Argentina is not participating in any international programme covering grants or exchanges of teachers, although the national universities are carrying out a large-scale fellowship programme under which many of the recipients are sent to study at foreign institutions. It should be noted that education at Argentina's national universities is free.

*Reply to question 2*

The Argentine Government would fully support the broad objectives of a programme of the kind indicated in the question and considers the exchange of teachers, students and publications on international law with other countries to be of particular value in the dissemination of this important subject of study.

In particular, it would be useful to promote periodic visits by teachers of international law to major world centres for the purpose of bringing their knowledge up to date, and it is most essential to establish a system whereby the country's principal libraries on international law could keep up to date by acquiring the latest books and publications.

*Reply to question 3*

The Argentine Government could, on the basis of a previously agreed programme, make the facilities of the national universities available to other countries. There are at present no aid programmes of that nature in connexion with the study of international law.

*Reply to question 4*

The non-governmental institutions which could assist the training and dissemination programmes of other countries are our private universities, some of which employ noted teachers of international law.

*Reply to question 5*

The entire programme relating to this matter and to the objectives set out in resolution 1816 (XVII) should, generally speaking, be on a multilateral basis, operating through the various United Nations agencies, principally UNESCO, which has already done work in the field of comparative law. However, bilateral projects should not be ruled out, since they are often more flexible than those of a multilateral nature.

In our opinion, the United Nations agencies should begin by making a comprehensive study of the existing needs of the developing countries in this connexion and then decide which agency is to be responsible for carrying out, or at any rate co-ordinating, the programme.

Once world-wide needs have been ascertained, it will be possible to determine what type of programme can be carried out and what type of country would benefit from it. Some countries have to send students abroad to study international law; other more advanced countries merely need to have teachers seconded or exchanged; finally, there are some which need no more than an intensive programme for the exchange of publications. Hence, it is impossible to determine what the United Nations and UNESCO can do in this connexion without first making a careful study of what is needed.

The programme should be financed by contributions from the most economically advanced countries with a view to the further promotion of international peace and security.

*Reply to question 6*

Individual Governments and the United Nations should make a continuing effort to promote international law as a means of regulating relations between States and other subjects of international law.

The proclamation of a United Nations Decade of International Law, similar to the United Nations Development Decade, would allow too long a period for the attainment of a permanent objective and might well hinder its attainment through loss of momentum. This interesting project should be executed within a shorter period of time, possibly one year, during which all Governments could carry out an intensive campaign, with all means at their disposal, to disseminate knowledge of international law.

The practical success of the proposed Decade can best be ensured by the actual conduct of States, which are responsible for seeing that international law is fully effective. Their efforts to make their conduct conform to international legal standards are the best contribution they can make to the dissemination of international law and the creation of public confidence in it.

*Cameroon*

[Original text: French]  
[12 July 1963]

*Reply to question 1*

Nil.

*Reply to question 2*

Assistance from abroad—particularly from English-speaking countries—would be desirable.

The teaching of law in Cameroon at the present time is generally oriented towards the comparative approach. Although international law is not taught, the study of comparative law calls for knowledge of several national legal systems, and the University would like to develop this knowledge by recruiting bilingual lecturers with Anglo-Saxon legal training. Methods of paying for this will have to be worked out. The organization of lectures and seminars along the same lines is also desirable.

As to the teaching of international law as such, the University's needs in connexion with its present programmes are already as much as it can cope with.

*Reply to question 3*

Nil.

*Reply to question 4*

Nil.

*Reply to question 5*

Set up and finance specialized chairs and provide personnel. Provide fellowships.

*Reply to question 6*

It seems to us that the General Assembly should concern itself with more urgent questions, such as education and economic and social development.

*Denmark*

[Original text: English]  
[23 July 1963]

1. The Danish Government appreciates the efforts to extend the teaching of international law in order

to promote the dissemination and knowledge of the same.

2. As to the teaching of international law in Denmark it may be mentioned that the Danish higher schools deal only slightly with international law, namely in disciplines and as history and social sciences, but a planned new approach, which is supposed to start in 1967, will also include international as well as constitutional law.

3. Both our universities have international law on their programmes. For the law students one course in international law is compulsory. Besides courses in international law, courses are usually offered in international organization.

4. However, courses are given in the Danish language only, and it is possible to admit only a limited number—and only after individual selection by the universities—of foreign students and scholars to study international law in Denmark and to give them the special assistance necessary unless they are sufficiently acquainted with the Danish language to follow the regular courses.

5. The Danish Government finds it most useful to establish wider possibilities for students of international law to go abroad for research in international law—and also to so-called economically less developed countries. Another practical means to promote the understanding and use of international law, and in order to obtain as objective a treatise as possible, as proposed by the University of Copenhagen, might be the preparation by the United Nations of a textbook on international law intended for universal use.

#### Ghana

[Original text: English]  
[26 July 1963]

1. The Faculty of Law of the University has a well-developed programme of instruction including a three-year, non-professional Bachelor of Arts (Honours) in Law and a two-year, professional Bachelor of Laws degree. A competent teaching staff of about fourteen is mainly Ghanaian, with smaller representation from the United States of America and Britain. In the academic year 1963-1964 when the entire five-year programme will be operational, there will be approximately 150 students in the Faculty. Most of these students are Ghanaian; other countries represented are Nigeria, Nyasaland, South West Africa and Cameroon.

2. Included in the syllabus for the B.A. (Honours) in Law is a course in public international law, covering the traditional problems of customary and conventional international law as well as selected aspects of the structure and operation of international organizations. The Law Library includes a basic collection of texts and periodicals dealing with international law. Steps are also being taken to make Balme Library, the general University Library, a United Nations depository.

3. The Faculty of Law is keenly aware that beyond the needs for basic instructional programmes there is a pressing urgency to create facilities for research in many legal areas relevant to Africa's development. Plans have therefore been formulated within the University for the creation of a Centre for Advanced Legal Studies. The guiding principle in this planning is that such a facility should have a broad West African interest and should draw support not only from Ghanaian sources but also from other Governments and Universities in

West Africa as well as Foundations and international agencies.

4. It is contemplated that the Centre would support and carry out research in many legal areas but with recognized emphasis in African law, constitutional law and public international law. The heart of the Centre will be an adequate research library to support the empirical field investigations required in many areas. In addition to a permanent resident research staff, it is hoped that provision can be made for stipends for visiting research scholars, who will be provided with office space and clerical assistance.

5. The proposed Centre would cater for the needs of Ghana and would permit the development of programmes for doctoral degrees in law in the University of Ghana. The Faculty of Law is deeply committed, however, to the view that the urgent problems of concern to legal scholarship are not circumscribed by the present national boundaries in Africa. If problems are dealt with functionally, research efforts will readily cross such boundaries. While the result of scholarly inquiry cannot be dictated by political considerations, it seems inevitable that the results of soundly planned research will provide the building blocks with which workable structures of international co-operation and integration in Africa will be constructed.

6. Substantial financial support beyond that available within the University's budget must be found if the proposed Centre is to become a reality. A preliminary approach to an international Foundation will also be made in the near future. Assistance organized and channelled through the United Nations could be vital to the success of the Centre. In addition to monetary grants to be used for the general purposes of the Centre, the following types of assistance might be considered by the United Nations:

(a) Provision of books and documents for the research library;

(b) United Nations Fellowships to enable research scholars to carry out their work in the Centre: while many of these scholars would be African, the Fellowships should not be so limited;

(c) Facilitation of visits by distinguished scholars for relatively short periods; such visitors might offer lectures to a wide range of interested persons in Ghana as well as provide stimulation for the resident Faculty and research staff;

(d) Sponsorship of conferences, in which the Centre would participate, involving scholars and public officials from many parts of Africa on the variety of international legal problems raised by African development;

(e) Assistance in identifying problems with which the research programme of the Centre should be concerned.

7. The Government of Ghana considers the proclamation of a United Nations Decade of International Law a good idea and would support it in principle.

#### Greece

[Original text: English]  
[1 August 1963]

Greece is, in principle, interested in obtaining technical assistance to promote the study, dissemination and wider appreciation of international law and would favour exchanges of teachers, students, and publications in this field. Her attitude would be further determined by the eventual decisions of the General Assembly with



respect to financial and other matters connected with this problem.

### Israel

[Original text: English]  
[30 July 1963]

#### Teaching

(a) In the Faculty of Law of the Hebrew University of Jerusalem, international law is a compulsory subject for all undergraduate law students. It is taught within the framework of a one-year course (General Introduction to International Law), consisting of three hours per week, which are supplemented by regular tutorials as well as by weekly two-hour seminars extending over two terms.

(b) A number of students have, in the past, chosen international law as their field of specialization, submitting the extended papers which are required as part of the curriculum, for the law degree at the University. Some of them have also pursued post-graduate studies in international law, either in Jerusalem or abroad.

#### Research

2. While some facilities for advanced research exist in Israel—making use of the collection of library and documentation resources in the country which is largely adequate for research requirements on certain subjects—it is a fact that on various occasions in the past research students and members of the Hebrew University academic staff wishing to undertake research abroad were unable to do so because of a lack of grants and fellowships. Conversely, the shortage of funds is also preventing the Hebrew University from broadening the scope of teaching and research in international law.

#### Library facilities

(a) The relatively limited facilities of university libraries are in part to be attributed to the limited financial means which are at their disposal. Nevertheless, every effort is made to keep them reasonable supplied with necessary publications, new and old (including periodical literature) in this field.

(b) A special United Nations room has been set up at the National and University Library and it contains, apart from a nearly complete collection of the documents and publications of the United Nations and the various specialized agencies, a considerable number of League of Nations publications.

(c) A few standard books on international law and related subjects are to be found at the Tel Aviv branch of the Hebrew University's Law Faculty which has been set up recently and is currently in the process of development.

(d) The National and University Library, Jerusalem, is linked through an exchange of publications scheme with a number of libraries and institutions of higher learning abroad. Among the books exchanged through this scheme there may also be found publications in the sphere of international law.

(e) The library of the Ministry of Foreign Affairs possesses a large number of books and other materials on international law topics, as well as a collection of League of Nations, United Nations and specialized agencies documents and publications. This library also contains a useful set of reports of international arbitrations and important serial publications of documents, although this is incomplete, especially for the earlier series.

#### Publications and visiting lecturers

4. (a) A volume of studies in public international law, in the Hebrew language, was published by the Faculty of Law of the Hebrew University in 1961, in memory of the late Sir Hersch Lauterpacht. Various articles on international law subjects have also been published in other periodicals and publications (such as in *Hapraklit*, organ of the Israel Bar Association; *Scripta Hierosolymitana*, published by the Hebrew University). There are also a number of other books and pamphlets dealing with questions of international law in the Hebrew language, but financial stringency is a deterring factor in developing this literature. Questions of international law of general interest are being adequately covered in the general Hebrew Encyclopaedia, of which sixteen out of a planned thirty-two volumes have already been published.

(b) A number of visiting lecturers have been invited to deliver lectures on international law topics under the auspices of the Hebrew University of Jerusalem, and some of these have been subsequently published in book form. The Israel Branch of the International Law Association also arranges for talks by foreign and local lecturers on topical problems of international law.

5. Consistent with its belief that the development of international law is an important means for safeguarding international peace, this Government wishes to express its general support in principle for the proposal to proclaim a United Nations Decade of International Law dedicated to the dissemination of international law. Such a decade could be utilized, *inter alia*, for an intensified study of international law, and in particular of the law of the United Nations and other international organizations and institutions, as well as of those branches of international law which have direct relevance to the maintenance of peace. This Government reserves its right to comment more fully when the proposals regarding the concrete steps which the sponsors of this proposal have in mind are made known.

### Lebanon

[Original text: French]  
[31 July 1963]

The replies will be given in the same order as the questions.

It must be noted, by way of introduction, that international law is taught only at Lebanon's three Faculties of Law.

The level of introduction is fairly elementary: so far as the French-language Faculty of Law is concerned the courses are those for the *Licence en droit* in accordance with the official syllabus in France, and in the other two Faculties, which are Arabic language (University of Lebanon and Arab University); the courses again are of the same type and in the same tradition. There is one exception however: the Doctorate courses given at the French-language Faculty of Law naturally include a special course in advanced international law. In other words, the absence of study and research centres specially devoted to international law in all its aspects is keenly felt in Lebanon, which, by reason of its historical traditions and of the place it occupies in various fields, is naturally inclined to revivify, in the vast sphere of contemporary law, the currents of international life which constantly nourish it and determine its particular character. In the light of this dilemma, some suggestions are made in con-

nexion with the replies to the various points of the questionnaire.

*Reply to question 1*

Unfortunately—as regards what has been done, or rather what has not been done, up to now—the reply can only be what has been stated above. As to the future, nothing is in prospect at the present time; no projects and no plans appear to be in sight. Everything has still to be planned—and carried out.

*Reply to question 2*

This question, coming after the reply given to question 1, calls for a suggestion which, it is to be hoped, will not be academic:

(a) The Lebanese Government, which is engaged in the immense task of reconstructing the State and strengthening its social foundations, could not but embark upon international studies with a view to disseminating a genuinely international spirit, based on the idea of law, among the *élite* and among all classes of its population, which is remarkable for its vitality and permeated with individualism.

(b) Thus, the whole programme of activities outlined in question 2 could be systematically—and above all progressively—applied. However, it presupposes the establishment of adequate machinery. For a start, we would suggest: the creation of a university-level Institute of International Studies; the formation of a Lebanese International Law Association; the publication of a quarterly International Law Review, which from the outset should be an organ of such standing as to command a hearing in international circles. It will have to be possible to use all three languages—Arabic, French and English—in these three projects.

(c) In Lebanon the study of international law would have a specific character whose elements would be derived from the contemporary Arab world and its history and from the special features of Lebanon's own history; in particular, an effort would be made to centre research about two axes which are in no way divergent but on reflection would seem to be complementary: the systems of international law which have succeeded one another in the Middle East, and in the first place that of Islam; the restoration of the Arab countries to the current of international life through the channel of law.

*Reply to question 3*

As to the first part of the question, in view of what has just been said it does not seem possible, as things now stand, for Lebanon to give assistance to other countries. In a few years perhaps, after the training of specialists with the appropriate intellectual equipment, it might be in a position to disseminate the ideas and methods of international law in neighbouring lands.

*Reply to question 4*

Assistance—albeit insufficient—could be given to the Arab countries by those who, in Lebanon, have a permanent connexion with the science of international law.

*Reply to question 5*

Our suggestion could be put in two ways:

(a) Internationally recognized specialists experienced in techniques which could result in the establishment of institutions of the kind proposed under question 2 should be delegated by the United Nations and UNESCO for a relatively short period of time for the purpose of initiating the desired movement;

(b) The proposed institutions should from the start be made a part of the Faculty of Law, Arabic Section, of the University of Lebanon, which in the years ahead will turn out to be the natural training-ground of Lebanese jurists;

(c) These institutions should be financed in equal parts by the United Nations and UNESCO on the one hand and by the Lebanese Government on the other—like the International Committee for the Translation of Representative Works, which has been operating in Lebanon since 1948.

*Reply to question 6*

We can but applaud the proposal for the proclamation by the General Assembly of a United Nations Decade of International Law—a great project which would mean for Lebanon a serious and sustained effort to improve its standing in the promotion of international law.

The means, apart from training programmes in international law, by which such a Decade could have practical effects, might be derived from modern information techniques: broadcasts, symposia, school programmes, films, etc.—a considerable undertaking which, especially if it is to extend over several years, would call for very careful planning.

*Romania*

[Original text: French]  
[2 August 1963]

The Government of the Romanian People's Republic considers that the adoption of measures to promote the teaching, study, dissemination and wider appreciation of international law will help to bring about a better knowledge of the norms of international law needed to promote friendly relations and co-operation among States.

*Reply to question 1*

In the Romanian People's Republic particular attention is given to the study, dissemination and wider appreciation of international law. With a view to creating cadres well-grounded in this field, the educational system provides for the teaching of international law in the following higher institutions: faculties of legal sciences, faculties of commerce in the institutes of economic sciences, and translators' departments in faculties of philology. International law is also taught in post-university courses for the training of diplomatic personnel.

With a view to intensifying the knowledge of international law acquired in university courses, scientific groups devoted to international law are organized in all faculties of legal sciences where students present papers and discuss problems in their field of study.

To train persons for the Candidate Degree (in international law) there are post-university courses and scientific research programmes (for a period of four or five years, called the *aspirantura* in Romanian) to which are admitted Romanian and foreign graduates in the legal sciences.

At present, young people from various countries are enrolled in post-university courses in international law in the Romanian People's Republic. There are likewise young Romanian graduates studying international law abroad.

The dissemination and wider appreciation of modern international law are fostered by the studies and scientific works published by the many specialists in this field.

These are published either as separate works in book form, or else in the law journals put out by professional and specialized bodies in the Romanian People's Republic (*Legal Studies and Research*, published by the Academy of the RPR, Romanian People's Republic; *University Annals—Legal Sciences series*; *New Justice*, published by the Association of Jurists of the Romanian People's Republic, etc.).

These journals are distributed, by exchange, to more than 150 institutes in over forty countries. The countries with which the journals are exchanged include: Algeria, Belgium, Brazil, Bulgaria, Czechoslovakia, Switzerland, France, German Democratic Republic, Federal Republic of Germany, Italy, Yugoslavia, Japan, Mexico, Poland, Netherlands, Sweden, United States, Hungary, USSR, etc.

#### *Reply to question 2*

The Romanian People's Republic possesses facilities for the teaching, study, dissemination and wider appreciation of international law, and would like to develop scientific and educational relations in the field of international law with other countries. With this in view, the following arrangements could be made to promote the wider dissemination of international law: exchange of fellows, conferences and international gatherings, exchange of specialists and specialized publications, translation of specialized literature into Romanian and translation of the most important Romanian works on international law into the main world languages.

#### *Reply to question 3*

The Government of the Romanian People's Republic could help other countries to develop the study and wider appreciation of international law by granting scholarships in Romania and holding international specialized conferences in Romania.

Internships for young research workers in international law could also be provided in the Romanian People's Republic, and specialists in international law could be sent to universities in the less developed countries.

#### *Reply to question 4*

In the Romanian People's Republic, the Association of Jurists and the Law Research Institute of the Academy of the Romanian People's Republic are non-governmental bodies dealing with problems of modern international law.

#### *Reply to question 5*

The United Nations and UNESCO could make a more substantial contribution to the dissemination and wider appreciation of international law. Under their auspices and with their financial support as well as the financial help of other organizations, scientific relations in and a better understanding of the field of international law could be encouraged. Thus, it would be possible to hold conferences and international meetings, exchange specialists, publish studies and translate important works on international law into the main world languages. Such activities could be financed by voluntary contributions from Member States.

#### *Reply to question 6*

The possible proclamation by the General Assembly of a United Nations Decade of International Law would make a larger contribution to the dissemination and wider appreciation of the subject.

In order to make the Decade of practical use, a plan might be drawn up comprising recommendations that Governments should hold scientific symposia with the participation of international law specialists from other countries, publish studies on international law in specialized journals, etc.

#### *Sierra Leone*

[Original text: English]  
[30 July 1963]

#### *Reply to question 1*

There are no programmes or training etc. in the field of international law. However, Fourah Bay College hopes to have a law school which is expected to provide training in international law in the near future.

#### *Reply to question 2*

Until the new law school referred to above is started, it is difficult to say what kind of assistance from abroad will be sought.

#### *Reply to question 3*

It is unlikely that any help can be offered at present.

#### *Reply to question 4*

Fourah Bay College, the University College of Sierra Leone, is one possible source of assistance.

#### *Reply to question 5*

This is a matter of policy but the participation of UNESCO etc. in the establishment and development of programmes of training and dissemination of international law depends largely on the availability of funds which should come from Member States of the United Nations. The United Nations ought to direct its resources towards the co-ordination or research work undertaken by the various universities of the world. This may help in promoting a greater measure of uniformity in rules and principles of international law.

#### *Reply to question 6*

This is also a matter of policy but such a proclamation must be welcomed by all lovers of peace.

#### *United States of America*

[Original text: English]  
[22 July 1963]

#### *A. General observations*

1. General Assembly resolution 1816 (XVII) constitutes, in the view of the Department of State, a constructive response to the needs of the international community, particularly of the developing States. A principal benefit of the resolution should be, in the first instance, a determination of requirements for the teaching, study, dissemination and wider appreciation of international law. Upon determination of those requirements, resources can be mobilized to meet them.

2. While this survey is most effectively undertaken by the United Nations and the United Nations Educational, Scientific and Cultural Organization, it does not follow that the implementation of programmes to satisfy

the requirements which the survey reveals should in all, or even in most, cases be undertaken by those organizations. To the extent available, national governmental and private resources should, in the view of the Department of State, be fully employed.

3. It is to be hoped that, in response to the stimulus of the Secretary-General's inquiry, there will result a widespread and sustained improvement in the teaching, study, dissemination and appreciation of international law. There is a need, particularly in the developing States, for the training of a cadre of international lawyers who will staff the legal offices, and inform the policies, of the world's Foreign Offices. There is the necessity of wider dissemination of international law and broader participation in its progressive development. Possibilities for the growth of United Nations publications in international law are discussed in the annexed answers to the questionnaire. The problem of promotion of the teaching, study, dissemination and wider appreciation of international law is, however, not a problem confined to the United Nations or to developing countries. In other countries as well, there is room for considerable progress.

4. Among steps which might well be considered is the publication of digests of international law which would, among other things, survey the State practice of the Government concerned. The digests of international law which have been successively published by the Department of State since 1877 have been a pioneer and progressive effort whose latest expression is *Whitman's Digest of International Law*. In the view of the Department of State, the publication of digests by other Governments would be a signal contribution to making available to international legal scholarship and practice the raw material of international law. In this connexion, the Department is gratified to note that there is now in a stage of advanced preparation a *British Digest of International Law*. It should be noted, in a related vein, that there is published in the United Kingdom, under the auspices of the *International and Comparative Law Quarterly*, a periodic survey and comment on "The Contemporary Practice of the United Kingdom in the Field of International Law", an example which has been followed by the *American Journal of International Law* in its quarterly publication of *Contemporary Practice of the United States Relating to International Law*. Such surveys of contemporary practice might equally be published in other countries.

5. The Department's comments on a programme of United Nations international legal publications are set forth in its answers to the questionnaire. It may be added that, apart from United Nations publications, consideration might well be given to the expansion and reproduction of existing, standard works of international law. For example, *International Law Reports*, formerly known as the *Annual Digest and Reports of Public International Law Cases*, which begin with the year 1919, might profitably be pushed back to cover the years beginning with 1900. Steps to reproduce distinguished publications like *The British Year Book of International Law*, which have been out of print, are to be welcomed, and might well be extended to cover other works, particularly those which are not now available to the law libraries of developing countries.

6. The concern of The Hague Academy of International Law, with which American philanthropic interests have been identified from its beginnings, with the training of nationals of developing States is particularly to

be commended. It is a source of gratification that a foundation bearing the name of Dag Hammarskjöld is associated with this programme of the Academy. Consideration might in addition be given to the initiation of a winter session of the Academy which might be especially designed to assist in meeting the needs of nationals of developing countries.

#### B. Replies to the Secretary-General's questionnaire

##### Reply to question 1

Programmes of training, student and faculty exchange, international conferences, and publication in the field of international law are conducted principally by private and state colleges and universities, by private professional societies, and individuals, and are supported by the resources of such colleges, universities, and individuals and by grants from private educational foundations.

##### Training

Training in international law is offered at three levels: first at the undergraduate level, in political science departments of colleges and universities; secondly, at the graduate level, in political science departments of universities; and thirdly, as part of professional training at law schools.

Approximately 250 colleges and universities offer courses in international law in their political science departments. Approximately fifty additional institutions offer combined courses in international law and organization. The undergraduate student seeking a bachelor's degree in arts, and sometimes in sciences, often takes one or two courses in international law. Methods of training include lectures, seminars, and individual research.

Graduate students of political science may concentrate their studies in international law. Such training is primarily designed for persons who are engaged in or who intend to pursue careers in the diplomatic service or in teaching. The graduate student's programme is generally adapted to his particular research interests and concentrates on individual study, supplemented by seminars and conferences with professors. Universities with notable graduate programmes in international law include: American University, University of California, Columbia University, Cornell University, Duke University, Fletcher School of Law and Diplomacy, Georgetown University, University of Michigan, Princeton University, University of Southern California, Stanford University, University of Virginia, and University of Washington.

Approximately eighty state and private law schools offer courses in international law. International law courses are normally available to both candidates for a degree of bachelor of laws (LL.B.) and candidates for graduate law degrees. (In the United States, candidacy for an LL.B., the professional law degree, requires possession of a bachelor's degree in arts or sciences or its equivalent.) Most law schools offer LL.B. degree candidates only a small number of international law courses, although at some institutions a more complete and concentrated international law programme is offered. Concentration in international law is available to candidates for the LL.M. or S.J.D. degree at most large law schools. Law schools are currently giving increased emphasis to public international law. Broad

international law programmes attempt to relate public and private international law and the international dimensions of municipal law. Courses, seminars, and teaching materials deal with public international law, legal problems of international organization, international transactions, problems of doing business abroad, comparative law, and conflict of laws. At least fourteen law schools have comprehensive international law programmes: University of California (Berkeley), University of Chicago, Columbia University, Cornell University, Harvard University, University of Pennsylvania, Southern Methodist University, Stanford University, University of Texas, Tulane University, and Yale University. Harvard Law School offers an especially comprehensive programme of international legal studies, which includes more than a score of courses in public international law, international organization, international transactions, comparative law and conflicts of laws. Its programme in international taxation, which emphasizes the problems of developing countries, has published a series of studies of the tax systems of a number of States, and trains foreign government officials in tax administration. Other law schools with substantial international law programmes include: University of California (Los Angeles), Duke University, George Washington University, Georgetown University, University of Illinois, Rutgers University, Syracuse University, and the University of Washington. Most foreign students attend law schools in the United States as graduate students, and are free to concentrate their studies in international law. Many law schools maintain scholarship programmes for foreign scholars, and programmes to support research in international law by scholars of whatever nationality, whether student or faculty.

*Student and faculty exchange and international conferences*

(a) *Law Schools*

Every law school with an active international law programme is involved in student and faculty exchange programmes. Certain illustrative programmes are summarized below:

*The University of California (Berkeley)* and the University of Cologne, Germany, have a co-operative programme for exchange of teachers and scholars and for joint research.

*Columbia University* maintains a co-operative programme with the University of Leyden, the Netherlands, under which Columbia professors participate in programmes on American law at the University of Leyden. A research project on public international development financing relates to the legal aspects of development financing.

*The University of Chicago* offers a programme for students holding law degrees from countries of the British Commonwealth and a programme leading to a graduate degree from Chicago or the home university of the foreign student. A research and teaching project concerns the laws of new nations in Africa.

*Cornell University.* Scholars representing various legal systems participate in seminars concerned with general principles of law recognized by major legal systems.

*Duke University.* The Commonwealth Studies Centre is engaged in studies of the law and institutions of the member countries of the British Commonwealth. The

World Rule of Law Centre conducts research and engages in publication on legal problems of world order.

*Harvard University.* As noted above, the programme in international taxation concentrates on the training of foreign officials. Particularly large numbers of foreign students study at Harvard Law School, and members of the faculty have lectured in various countries, including India, Japan, Poland, United Arab Republic, United Kingdom and the USSR. Students of the Law School operate an exchange programme for placement of American law graduates with foreign law firms and placement of foreign law graduates with American firms.

*Southern Methodist University* operates co-operative programmes with the University of Chile Law School, the Institute of Comparative Law, and the School of Law at the National University of Mexico.

*Stanford University* operates a programme directed particularly towards India, Pakistan, and Ceylon, and brings government lawyers and law teachers from those countries to Stanford for training in United States law.

*The University of Washington* has inaugurated a programme relating to Japanese legal studies and has also engaged in co-operative programmes with the University of British Columbia, Canada.

*The University of Wisconsin* is studying land reform problems in Latin America and trains Latin American officials in legal as well as other aspects of land reform.

Several programmes are operated jointly by a number of law schools. The project for the staffing of African institutions of legal education and research, under the auspices of the Institute of International Education, recruits teachers in the United States to serve on the staffs of African law schools. The Maxwell School of Public Administration at Syracuse University administers a co-operative programme which, on request, sends lawyers to serve in certain government positions in developing countries. Harvard University, the University of Michigan, and Stanford University have engaged in a joint programme with Japanese universities involving the exchange of students, teachers and judges.

(b) *Professional societies and foundations*

The following is a partial list of activities of American professional societies and foundations relating to programmes of training and dissemination in the field of international law:

*The American Society of International Law* has established study programmes under which research fellowships are awarded for studies of international problems of federalism, legal aspects of space activities, and the legal environment for foreign investment.

*The American Bar Association Committee on World Peace through Law* has convened four regional conferences of lawyers to consider legal problems of international order, and, in July, 1963, a large number of lawyers from some 100 countries came together at Athens in a Conference on World Peace through Law.

*The Asia Foundation* finances travel and other expenses of Asian lawyers and scholars studying in the United States, attending conferences, or observing scholarly and professional programmes, and has sponsored conferences of law teachers from Asian countries. The Foundation has also provided some American scholars for teaching assignments in Asian countries. Through a grant to the American Society of

International Law, the Foundation has made it possible for Asian students in the United States to attend meetings of the Society.

*Carnegie Corporation of New York.* Among recent grants in international law studies are grants to the American Society of International Law, and to Columbia University for the work of the United States Commission on International Rules of Judicial Procedure.

*Carnegie Endowment for International Peace.* Among recent activities of the Endowment are: a survey of the teaching of international law abroad; sponsorship of meetings of international law scholars from the Americas to consider methods of improving teaching and research in international law in the Americas; and sponsorship of conferences of Asian teachers of international law.

*The Ford Foundation* has been a major supporter of programmes in international law studies. Most of its grants to law schools have included funds for fellowships for students and scholars from other countries. The Foundation has provided support for institutions in other countries, such as the Indian Law Institute and Indian School of International Studies (for visiting professors in international law), Burma Law Institute, the Egyptian Society of International Law, the University of Istanbul, University of Cologne, The Hague Academy of International Law, and the International Law Association, and has supported American organizations such as the American Society of International Law, the American Law Institute (for a restatement of United States foreign relations law), the American Bar Association Committee on World Peace through Law, the American Bar Foundation, and the American Association for the Comparative Study of Law. The Foundation has administered a programme of Law Faculty Fellowships which enable law teachers to undertake research on problems of foreign, comparative, and international law. The Ford Foundation has also given financial support to the publication of *International Law Reports*, which are edited in England by Mr. E. Lauterpacht, and to the publication of a *British Digest of International Law*.

*The Rockefeller Foundation* has provided funds to American law schools for fellowships for students from Africa and has supported research projects sponsored by the International Law Association.

#### *Publications*

The leading periodical publication in the United States on public international law is the *American Journal of International Law*, published by the American Society of International Law. This publication is exchanged with seventy legal publications in other countries. The Society also publishes *International Legal Materials*, a collection of current legal documents. Under recent grants, the Society has made gift memberships and subscriptions to individual scholars and libraries in Asia, Africa and Latin America. The leading periodical publication on comparative law is the *American Journal of Comparative Law*, published by the American Association for the Comparative Study of Law. Law reviews or law journals of law schools include articles on international law, and student international law societies at colleges and universities publish bulletins which include scholarly articles. Among other publications are reports of the proceedings of professional meetings, symposia, and conferences held

under the auspices of professional societies, universities, and research organizations. A substantial number of books in the field of international law are published annually in the United States. Source material for international legal scholarship and practice, is, in addition, published by the Department of State, for example, in its *Treaties and other International Acts*, documentary collections, and *Digests of International Law*, the latest version of which, *Whitman's Digest of International Law*, commenced publication in 1963.

#### *Reply to question 2*

The Department of State believes that General Assembly resolution 1816 (XVII) is primarily directed to the needs of developing States with respect to the teaching, study, dissemination and wider appreciation of international law. Accordingly, the United States Government does not seek, in pursuance of that resolution, to obtain assistance in promoting the execution of the programmes referred to in question 1. Moreover, as indicated in the reply to question 1, programmes of training and dissemination of international law in the United States are carried on primarily by State (as distinguished from federal) and private universities, non-governmental professional societies, and foundations. Exchanges with other countries in order to promote the execution of the programmes described above can best be arranged directly with such State and private universities, professional societies, and foundations. The United States Government favours the most active participation and co-operation by United States institutions and nationals in such exchanges.

#### *Reply to question 3*

Among the needs in this sphere of certain of the developing countries are two: first, the training of persons professionally competent in international law to advise foreign ministries, and secondly, the education of private members of such national communities to cope with problems of international law and transactions and, more generally, to play their full role among an informed citizenry. These needs in turn require more, and more highly trained, teachers in international law and relations and related fields, education of students so that they may be in a position to benefit from such teaching, and improved library facilities. It is in areas such as these that the United States Government or private American institutions may be of assistance to developing States in the promotion of their programmes of training in and dissemination of international law.

The United States Government has existing aid programmes which could be used to make arrangements for the kinds of training envisaged by General Assembly resolution 1816 (XVII), notably the provision of teachers of international law. The international programme of the Bureau of Education and Cultural Affairs of the Department of State provides grants to individuals and institutions of learning. By mutual consent of the Government concerned, the Department of State conducts each year educational and cultural exchanges involving approximately 2,000 United States citizens and 6,000 citizens from more than 120 foreign countries and territories. Grants are awarded for purposes of consultation and observation in specialized fields, and for study, teaching, university lecturing, and advanced research. Under this programme, American lawyers have conducted seminars and lectures in international law abroad.



*Reply to question 4*

Reference is made to the reply, to question 1, which sets forth non-governmental and State sources of assistance, notably colleges and universities, professional societies, and foundations.

*Reply to question 5*

An appropriate and valuable function of the United Nations, UNESCO, and other related agencies is precisely the inquiry undertaken by this questionnaire. A detailed survey of the needs of developing countries, as reflected in their responses to question 2, will facilitate the satisfaction of those needs through private, national and international efforts. The United Nations may wish to conduct further surveys from time to time, to ascertain what progress is being made in training in and dissemination of international law.

The United Nations programme for the provision of operational, executive and administrative personnel (OPEX) constitutes a readily adaptable avenue of technical assistance to developing States in the sphere of international law. United Nations provision of legal advisers requested and approved by host States for assistance in improving the legal services of their foreign ministries might well be established as an element of that programme. Such on-site training and assistance involves no absence of valuable national officials of developing countries from their governmental duties and, accordingly, is of double benefit to developing States.

A programme of advanced training in international law and organization, of an interne character, might be provided by the Office of Legal Affairs at United Nations Headquarters, in which a small number of selected foreign ministry personnel would serve temporarily with that Office. After a period of work, observation, and training, possibly supplemented by advanced university instruction, or training at The Hague Academy of International Law, lawyers from developing countries would return to the service of their Governments with increased professional knowledge and skill.

The publications of the United Nations and the specialized agencies make a notable contribution to the literature of international law. These extremely valuable publications must be sustained, and, in some cases, consideration should be given to their development. The *Pleadings, Oral Arguments, Documents* of the International Court of Justice should be published in both English and French, as are its *Reports of Judgments, Advisory Opinions and Orders*. Equally, the contents of the *Yearbook of the International Law Commission* should be published in both languages. The *Reports of International Arbitral Awards* should be pushed back to cover awards earlier than those rendered since the First World War. The indices to the United Nations *Treaty Series* should be brought up to date. The new *Juridical Yearbook of the United Nations* should not only cover current years, but all past years of United Nations history, particularly in its index to discussions and decisions of an international legal character in the United Nations and the specialized agencies. The *Repertory of Practice of United Nations Organs* should be kept as current as possible.

At the same time, steps should be taken to ensure that all States which have gained independence since

the founding of the Organization have been provided with appropriate official documentation. Every foreign office library should, for example, possess a set of the volumes of the documents of the United Nations Conference on International Organization, San Francisco, 1945, as well as selected official publications of the years when each State was not a member of the Organization.

In the view of the Department, such programmes of survey, training and publication are particularly well suited to the United Nations system. Programmes which, in the view of the Department, the United Nations should avoid, are those which offer undue benefit to highly trained nationals of developed countries, and those which lead to competition in the propagation of particularistic approaches to international law. Programmes of United Nations action should not impinge upon or displace existing activities of national Governments and non-governmental institutions and foundations. Co-operative effort between programmes recommended by the Secretary-General and those carried forward by existing institutions, like The Hague Academy of International Law, should be carefully considered in accordance with resolution 1816 (XVII), which requests a study of possible assistance through the United Nations system "and other channels".

United Nations survey and publishing activities should continue to be financed as they currently are. The provision of legal advisers to foreign ministries, and the training of foreign office officials at United Nations Headquarters, should be financed in accordance with existing technical assistance arrangements. Possibilities of financial support by foundations for certain clearly defined projects should, however, be explored, and the Secretary-General should be authorized by the General Assembly to approach such foundations to that end.

*Reply to question 6*

In the view of the Department of State, the proclamation by the General Assembly of a United Nations Decade of International Law would be unprofitable. There is a danger that such a proclamation would give rise to undue expectations by attaching a rubric such as "Decade of International Law" to a programme which will, at least in so far as elements of it may be financed by United Nations sources, be modest, and whose processes will be unspectacular. More than this, the problems of a more effective international law transcend those of a decade.

## II. COMMENTS RECEIVED FROM INTERNATIONAL ORGANIZATIONS AND INSTITUTIONS

*League of Arab States*

[Original text: English]  
[15 July 1963]

I have much pleasure in informing you that, apart from the Arab League member States' reactions to the questions addressed to them, these States have, on joining the League and signing the Treaty of Mutual Defence and Economic Co-operation, demonstrated their wish to carry into effect the purpose of General Assembly resolution 1816 (XVII) to disseminate international law and enhance its prestige.



The Arab League is a regional organization having specific general principles, chief among which are the consolidation of peace in its part of the world, and co-operation among member countries in the fulfilment of the aims enumerated in the charter of the League which are identical to those embodied in the United Nations Charter in general and to the provisions of Article 52 relating to regional organizations in particular.

The charter of the Arab League and the treaty of joint defence and mutual economic co-operation include a number of principles of general international law which are universally recognized and fully accord with international custom under the auspices of the United Nations Charter.

The Arab member States undertake to observe these principles in their reciprocal relations within the framework of the Arab League. Some of these principles are:

1. Prohibition of war and prevention of recourse to force to settle disputes arising among member States. This is duly emphasized by article 5 of the charter, and the League Council is authorized under article 6 to decide the necessary measures to be taken to stop aggression.

Article 1 of the Treaty of Mutual Defence and Economic Co-operation stipulates that member States are willing to maintain peace and try to remove by peaceful means causes for international differences both in their mutual relations and in their dealing with other countries.

Article 2 of the Treaty of Mutual Defence and Economic Co-operation allows member States to take steps to repel aggression and offer assistance to the country exposed to attack to restore peace and security in pursuance of the terms of Article 52 of the United Nations Charter and notify the Arab League Council and the United Nations Security Council of the repulsion of aggression and the measures taken.

2. *International arbitration*: Article 5 of the Charter stipulates international arbitration as a means of solving international disputes which may arise among member States of the Arab League. It also stipulates that the arbitration verdict passed in the event of resort to the League Council remains valid and legally binding.

3. *International judicature*: The charter of the Arab League provides for the setting up of an Arab Court of Justice to deal with disputes among member countries (article 11 of the charter).

4. Co-operation with international bodies established to ensure peace and security and regulate economic and social relations (article 3 of the charter). In addition to the terms of the charter of the Arab League and the Treaty of Joint Defence and Economic Co-operation, the League has concluded a number of conventions and treaties which serve international law and disseminate its terms among the nations. Of these agreements, I cite the following examples:

*“Agreement relating to Writs and Letters of Request*

“This aims at facilitating litigation and ensuring equality between litigants by the adoption of a unified system of serving writs. It also aims at simplifying legal commission proceedings in Arab League member countries to enable the Court to take whatever steps it may think appropriate to ensure justice.

*“Reciprocal enforcement of Judgements Agreement*

“The object of this agreement is to unify the means of carrying into effect the final judgements passed by the law courts of one member State for execution in another.

*“Extradition Agreement*

“This agreement deals with delivery by one member State to another of fugitives from justice to allow them to collaborate closely together in the eradication of crime and the pursuit of criminals. It is the conviction of member States that if this is a “must” in territories situated far apart from each other it is much more so among adjoining countries especially at this very time of exceedingly rapid means of communications.

*“Nationality Conventions*

“The purpose of these two conventions is to ensure uniformity in the provisions of nationality legislation in force throughout Arab League member States to remove any contradictions in such legislation, avoid dual nationality and reduce to an absolute minimum cases of lack of nationality.

*“Convention on the Privileges and Immunities of the League of Arab States and its appendix*

“This convention is drawn up in pursuance of the terms of article 14 of the charter of the Arab League with intent to define and arrange privileges and immunities accorded to the Arab League, its employees, State delegates and experts. Besides, this emphasizes the idea of world organizations and their recognition in the sphere of international relationship which necessitates the granting of such privileges and immunities as are required to guarantee their impartiality and enable them to carry out their functions.

*“Resolution on passports*

“The point in this resolution is to unify all sorts of passports at present in use in the Arab League member States in so far as colour, size and contents are concerned, also the privileges and immunities enjoyed by holders of diplomatic and special passports, pending the time when citizens of the Arab world are able to move freely throughout Arab League member States without having to carry any passports whatsoever.

*“Conventions on Arab International Organization for Social Defence against Crime*

“Through the medium of its three Bureaux, namely the Crime Combat Bureau, the Criminal Police Bureau and Narcotics Bureau, this Organization endeavours to study the causes of crime and means of fighting it, the handling of criminals and the ensuring of smooth collaboration among the Criminal Police throughout the Arab countries, and combating narcotics.”

In sending to you this brief account of the role the Arab League plays in fostering and raising the prestige of the principles of international law in its international relations, the Secretariat-General hereby expresses its willingness to take part in all spheres to which you may invite it for the dissemination and wider appreciation of international legal principles.

As to the last paragraph of your letter, I would inform you that the Arab League does not at present possess the means to participate actively in this programme, though probably its member States may.

*United Nations Educational, Scientific and  
Cultural Organization*

[Original text: French]  
[18 July 1963]

1. Our budget for the financial year 1963-1964 contains no provision which would enable us in the near future to make a contribution to the programme of assistance which you wish to submit to the General Assembly of the United Nations.

2. I am, however, happy to be able to inform you that the Director-General has decided to initiate a publication dealing with the teaching of international law. This publication will set forth the results in an international inquiry which has been entrusted to a competent non-governmental organization. It will be undertaken with the collaboration of a number of rapporteurs selected from among the nationals of countries belonging to different schools of scientific thought and will include studies on the teaching of international law in the countries considered.

3. A rapporteur of internationally-recognized scientific standing will draw general conclusions from the national reports. He will endeavour to trace the development of the teaching of international law and will analyse the problems it sometimes raises. A highly useful outline of the organization and programmes of various institutions of higher education which are considered representative might be given in an annex. The inquiry will be begun before the opening of the United Nations General Assembly but cannot be completed before 1964.

4. The Director-General will, moreover, most assuredly give his closest attention to the conclusions and decisions reached by the General Assembly in regard to the programme of assistance that are submitted to him for his consideration.

**DOCUMENT A/5455/ADD.2**

[Original text: English]  
[17 September 1963]

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I. COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

*Canada\**

[Original text: English]  
[30 August 1963]

*Further views in reply to question 5 of the questionnaire*

In the views of experts who met in Ottawa on 25 and 26 July 1963 at a seminar convened by the Canadian

National Commission for UNESCO, concurred in by the Canadian Government, the United Nations should give consideration to:

1. Recalling periodically to the attention of Member States General Assembly resolution 137 (II) and 176 (II) of 17 and 21 November 1947, respectively, concerning the teaching of international law and the development of widespread consciousness as to the role of law in national and international communities.

2. Calling upon intergovernmental and voluntary organizations concerned with social sciences and law to consider ways and means of achieving the objectives outlined in General Assembly resolution 1816 (XVII) of 18 December 1962, e.g., the development of programmes of teaching and the dissemination of knowledge as to international law and to send to the Secretariat periodic reports on the progress of their efforts in these fields.

3. Continuing to publicize the United Nations Charter and the efforts made both under United Nations auspices and regionally in the field of human rights as important aspects of modern international law.

4. Giving more emphasis to the role and the importance of international law in its own information activities.

5. Ensuring that its own publications, dealing with subjects of international law, e.g., the United Nations *Treaty Series*, the proposed *Juridical Yearbook*, those of the International Court of Justice and the International Law Commission be made available quickly to national agencies (foreign offices, law schools, universities and central libraries) concerned with international law.

6. Including international law subjects in the programme of studies to be undertaken by the proposed United Nations Institute for Training and Research, recommended in General Assembly resolution 1827 (XVII) of 18 December 1962.

7. Inviting the Secretariat to study the possibility of undertaking additional studies on subjects of current or potential importance in the field of international law.

8. Informing Member States periodically of the results of the action recommended above.

The United Nations should consider inviting Member States to:

1. Arrange whenever possible for publications recording their activities in the field of international law.

2. Whenever possible open their archives to specialists and researchers so that national attitudes in regard to current problems may be fully documented, thus assisting in the process of codification and development of international law.

3. Take further measures at the earliest possible date to encourage the teaching of international law in all its phases, including its development and codification, in the universities and higher educational institutions of each country or to initiate such teaching where it is not yet provided as previously recommended, in General Assembly resolution 176 (II) of 21 November 1947.

4. Submit periodical reports concerning national developments in regard to the teaching and dissemination of knowledge of international law.

\* A reply by the Government of Canada to the Secretary-General's letter and questionnaire of 20 March 1963 is contained in document A/5455. In its reply to question 5 the Government

of Canada indicated its intention to forward additional information in answer to this question. That additional information is contained in the present document.

5. Provide facilities within their bilateral aid schemes for the study and practical training in international law.

6. Encourage the exchanges of professors of international law and private publication with other countries as part of their cultural exchange programmes and the holding of seminars and other programmes to disseminate the knowledge of international law.

The United Nations should consider inviting UNESCO to:

1. Urge member countries to review carefully the role assigned to the teaching of law and in particular of international law in developing balanced programmes of educational and national development.

2. Extend its documentation center facilities, exchange of persons programmes, and other UNESCO activities to include international law.

3. Issue a list of standard reference works on international law, and when items on this list are not readily available, to take appropriate steps to promote their re-edition.

4. Investigate the possibility of holding seminars on international law involving the participation of foreign legal advisers, private practitioners and professors so that they can mutually benefit from their varied experience in this field.

#### *Indonesia*

[Original text: English]  
[3 September 1963]

#### *General observations*

1. In considering General Assembly resolution 1816 (XVII) it is pertinent to distinguish between (a) international law as an academic discipline and (b) the application of international law in relations among States. The academic understanding of international law is the necessary groundwork for preparing its effective application in State intercourse. That being so, however, the extent of its application will depend in final analysis upon the willingness and the actual ability of States to submit themselves to the authority of that body of customary and treaty rules constituting international law.

2. It follows, therefore, that the programming of the implementation of the above resolution will have to consider two levels of operation. The first level is academic and the programming must consequently be designed to acquire a greater store of scientific knowledge about the dimensions of international law. The second level of operation should popularize and evoke a wider appreciation of international law among the peoples of the world. The latter, which may be conveniently called "the public level programme" and which will have as its objective the creation of a sense of recognizing the necessity, is an absolute pre-condition for enhancing an internationally collective willingness to adhere to the express rules of law.

3. Since reference has been made to resolution 176 (II) of 21 November 1947 it is desirable that the programming of resolution 1816 (XVII) should take into consideration the work that has been initiated since the adoption of resolution 176 (II). The progress of the work as well as the difficulties encountered since 1947 will undoubtedly facilitate the drafting of the implementation programmes of resolution 1816 (XVII).

4. It is further desirable that a comprehensive survey should precede the drafting of programmes implementing resolution 1816 (XVII). The survey should

include a description of the present state of international law both in its public understanding aspect and its potentialities as a science.

5. It is recommended that the General Assembly appoint a committee to draft the actual implementation programmes of resolution 1816 (XVII) composed of outstanding individuals with interdisciplinary backgrounds (e.g., international lawyers, political scientists, educators, psychologists, economists, sociologists). To ensure that the needs of the developing countries are duly taken into account it is further recommended that at least half of the total members be representatives of the developing countries although membership of the committee is on an individual basis. The committee's terms of reference should include:

(a) Evaluation of the present status of international law as a force in maintaining international peace and order;

(b) Formulation of effective programmes at the academic level including an efficient flow of information and ideas between universities and research institutes (see paragraph 2 above);

(c) Formulation of effective programmes at the public level (see paragraph 2 above);

(d) Proposal to set up regional institutes for international law.

6. The proclamation of a United Nations Decade of International Law is strongly supported on the condition that the act of proclaiming it is accompanied by an internationally supported programme of action at both the academic and the public level covering the Decade.

7. Finally, it is suggested that the term "technical assistance" should in no way be construed as a one-way traffic proposition. Technical assistance should in this context also mean providing opportunities for outstanding nationals from the developing countries to present their knowledge and particular experience to the world at large.

#### *Replies to the questionnaire*

##### *Reply to question 1*

So far no operational programme has been designed to promote the study and the exchange of publications in the field of international law except some efforts on an incidental basis. International law is traditionally taught in Indonesia as part of the law curriculum at law schools attached to universities although the subject was also taught at the Foreign Service School of the Ministry of Foreign Affairs (dissolved) and some schools of social and political sciences. Case-study methods are little in use and no special publication is available at present. Furthermore, there is evidence that not all individuals who have studied international law are at present directly engaged in the advancement of the study and research of international law. At a recent Conference of Schools of Law (1962) a proposal was submitted for setting up a centre of international law which to date has not been followed up.

##### *Reply to question 2*

The Government is interested both in obtaining assistance from abroad and arranging exchanges with other countries. Physical and financial facilities not requiring foreign currency may be provided domestically, but an active operational programme must be supplemented by the provision of experienced teachers

from abroad, foreign study grants, fellowships, and library and other educational material. As a preliminary measure it is recommended that a refresher course be held regionally such as is already undertaken by the various UNESCO regional offices for scientific co-operation. The refresher course should be attended by nationals from the region who have studied or taught international law and who are committed to promote its study and research either directly or indirectly.

*Reply to question 3*

The Government through its Ministry of National Research may consider the possibility of holding such a refresher course for the benefit of the South East Asia region. Other assistance that may be provided consists of fellowships for research in the field of the history of international law in Indonesia with particular reference to the law of the sea.

*Reply to question 4*

At present there is little possibility of helping the training and dissemination programmes of other countries through non-governmental sources.

*Reply to question 5*

It is recommended that regional programmes be initiated by the Governments concerned in co-operation with the United Nations, UNESCO and related agencies. Under their co-operative auspices a regional research institute for international law should be established to be attended by promising scholars and professionals from the region and staffed by outstanding nationals from the region and from abroad. The research institute should also make provision for advanced training and a periodical exclusively devoted to the study of international law. A regional documentation centre for international law could be attached to the research institute. Such activities should be financed by contributions from the Governments of the region, the United Nations and other agencies, and interested non-governmental organizations.

*Reply to question 6*

As suggested in paragraph 6 above, the proclamation of a United Nations Decade of International Law needs to be accompanied by an effective operational programme of action covering the period. Other than training programmes and active academic and research endeavours it is desirable that the dissemination of international law not be limited to adults but also be extended to the youth. The introduction of mock conferences based upon actual cases of international law, mock courts, and national or regional competition in the writing of subjects related to international law can be effectively initiated at the high school level or college. The Decade will have practical effect if and when, through the use of modern educational methods, public acceptance of the recognition of its necessity becomes a reality. In short, the main feature of the Decade should be a serious attempt at making international law through effective academic and public programmes what sociological jurisprudence calls "living law".

*Iraq*

[Original text: English]  
[29 July 1963]

*Reply to question 1*

A general course on public international law and another general course in private international law are

being taught at present in the College of Law, University of Baghdad.

*Reply to question 2*

The Government of Iraq is most certainly interested in receiving assistance with regard to activities in the field of international law such as the provision and training of teachers; lectures; seminars, grants and fellowships for study or research abroad; establishment of standards of teaching and wishes to participate in other forms of co-operation to promote the teaching, study, dissemination and wider appreciation of international law.

*Reply to question 3*

Unfortunately such programmes are non-existent at present.

*Reply to question 4*

No such sources are available at present.

*Reply to question 5*

We have no comment to make on this point at present.

*Reply to question 6*

Apart from training programmes a Decade of International Law could, in our opinion, have a practical effect through the arranging of lectures to the public on the subject. Such lectures could have a great impact if they were given by radio and television.

## II. COMMENTS RECEIVED FROM INTERNATIONAL ORGANIZATIONS AND INSTITUTIONS

### *International Academy of Comparative Law*

[Original text: English]  
[25 August 1963]

1. The Academy is indeed engaged in the discussion of international law and in education regarding it. While the Academy's principal concern is with a comparison of municipal law, its congresses have always included panel discussions of currently interesting topics in the fields of international public and private law. You are undoubtedly aware of the nature of these congresses which have been held at intervals of five years, the last one having been the VI Congress, held at the University of Hamburg in August, 1962. The general reports have been published, and the reports from scholars on the law of their own States have often appeared as special issues of the journals of comparative law published by their centres of comparative law.

2. In considering the assistance that might be given to the Academy by the United Nations in furthering education in international law, it occurs to me that our major need is for sufficient funds to assist scholars from the developing countries to attend our congresses, as well as younger scholars from established regions where funds are inadequate to pay travel costs for junior men and women. While the congresses have always been well attended, the representation from the developing areas has been small, and those who attend from other areas have tended to be the prominent scholars to whom funds are available from their universities or from foundations.

3. The Academy plans to inaugurate a series of annual "round-tables" limited to its membership, which cannot be larger than forty persons plus a smaller

number of associate members. The first of the "round-tables" will take place in Paris in November 1963.

*International Association for the Teaching of  
Comparative Law*

[Original text: English]  
[26 August 1963]

1. In the years since the founding of the Faculty at Strasbourg, the Faculty has reached a large number of students from many countries and every continent. Our professors come from an equally large number of countries and represent many different systems of law.

2. The courses do not include the traditional ones taught by The Hague Academy, but they relate closely to them. Thus, there are courses in many aspects of the international communities and in the comparison of municipal law without which international public law can no longer be studied.

3. Scholarships are granted to our students by many of their Governments, but there is still need for more aid for students from the developing countries.

**DOCUMENT A/5455/ADD.3**

[Original text: English]  
[25 September 1963]

C O N T E N T S

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I. COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES	

*Finland*

[Original text: English]  
[5 July 1963]

*Reply to question 1*

International law is taught in Finland at the Universities of Helsinki and Turku where, in addition to lectures, seminars and group studies of juridical cases are arranged. A number of Finnish scholars and students used to attend international seminars on international law, e.g., at The Hague Academy of International Law and similar courses in Austria, France, Switzerland, etc. In recent years the University of Helsinki has invited visiting lecturers from foreign universities, while Finnish professors and other scholars have similarly lectured abroad.

Since teaching in international law in Finland is given mainly in Finnish, and to some extent in Swedish, foreign students have been able only exceptionally to follow this teaching. This seems to place limitations on the possibility for Finnish universities to arrange scholarships for students from countries desirous to receive such assistance.

Scholarly articles on subjects within the field of international law have been published mainly in legal periodicals, such as *Lakimies*, *Defensor Legis* and *Tidskrift utgiven av Juridiska Föreningen i Finland*. No periodical publication dealing explicitly with international law is at present published in Finland. Ex-

change of publications is being carried out between Finnish and foreign specialists.

*Reply to question 2*

Exchange of teachers and students with foreign universities is carried out to a satisfactory extent within the means now available for this purpose. Close co-operation exists particularly with the other Scandinavian countries, which is gradually leading to a co-ordination of the curricula. The Universities of Helsinki and Turku have indicated that they are interested in expanding their present exchange of books and publications with other universities and libraries.

*Reply to question 3*

A possible form of assistance could be for Finnish scholars to give lectures in other countries; seminars in international law might also be held in Finland. The Government of Finland does not, however, have at present any aid programme which could be utilized for this purpose.

*Reply to question 4*

The National Group of the International Law Association, the Institute of International Law, the Institute for Comparative Jurisprudence and the Political Science Association of Finland, all of them non-governmental, might be in a position to render assistance in the carrying out of training and dissemination programmes.

*Reply to question 5*

The activities of the United Nations and the specialized agencies for the unification and development of international law ought to be continued and, where possible, extended. The United Nations Conferences on the Law of the Sea, on Diplomatic Intercourse and Immunities and on Consular Relations are specific instances of the practical progress made in the codification of international law, which ought likewise to be continued with the fullest possible co-operation of the International Law Commission.

Seminars on specific questions of international law would also be useful, as well as measures facilitating the publication and dissemination of literature on international law. Such activities, when undertaken by the United Nations and UNESCO, should be financed through their regular budgets.

*Reply to question 6*

If carefully prepared and organized a United Nations Decade of International Law could contribute significantly to a wider appreciation and application of international law. The Government of Finland would very likely support such a proposal if provisions are made to meet these conditions.

*United Kingdom of Great Britain and  
Northern Ireland*

[Original text: English]  
[11 September 1963]

*Reply to question 1*

Attached is an appendix of replies from all except two of the law schools and institutions in the United Kingdom concerned with the study of international law. These replies have been collected and digested by the British Institute of International and Comparative Law, to which the Government of the United Kingdom are indebted both for this work and for valuable comments on the other questions in the United Nations



questionnaire, which have greatly assisted in the preparation of the present answers. The appendix also includes information with respect to the University of Sheffield extracted from the University's Handbook for 1963; and with respect to the International Law Fund provided by its Secretary.

*Reply to question 2*

The Government of the United Kingdom does not wish to obtain assistance from abroad, but believes that further exchanges with other countries would be useful. Many law faculties in the United Kingdom would welcome the sponsorship by the United Nations of a larger number of visiting lawyers able to speak from first-hand experience of legal work being done elsewhere. The British Institute would welcome the development of United Nations seminars on the pattern of those held by the Division of Human Rights to include discussion of the more urgent problems of contemporary international law as a valuable means of facilitating exchange between governmental and academic lawyers in the field.

*Reply to question 3*

The Government of the United Kingdom is promoting an annual course for the training of lawyers starting in Government service, which will include international law as one of its principal subjects. Assistance from United Kingdom Government funds will be available to many countries sending students to this course.

Apart from the assistance described above Her Majesty's Government does not give direct assistance to other countries in the execution of their programmes of training in the dissemination of international law. However, overseas and British students at universities and colleges are assisted from public funds on a wide scale. Students of international law may benefit from grants from public funds in common with students of other subjects.

*Reply to question 4*

Universities and colleges and public funds provide scholarships and other awards or grants to help university students on a large scale. Most of the scholarships awards or grants are not earmarked specifically for students of international law. However, as will be seen from the appendix some are so earmarked, for example, by the University of Cambridge and the British Institute of International and Comparative Law. The International Law Fund (for further details see appendix) has, over the past five years, encouraged higher education in international law among Government officials in new States, and it has given grants to officials from Nigeria, Sierra Leone and Tanganyika to pursue such studies in England. It has also made grants to The Hague Academy of International Law for the award of scholarships to persons wishing to take the diploma examination of the Academy, and grants have been made to the Indian Society of International Law for the purpose of enabling it to develop its International Law Library.

The Society of Public Teachers of Law has recently set up a committee of law teaching in Africa, and it is to be hoped that this committee will pay special attention to problems with the teaching of public international law. Further information on the work of this committee may be obtained from Dr. A. N. Allott of the School of Oriental and African Studies, University of London, W.C.1.

*Reply to question 5*

It is a matter for consideration what the United Nations or UNESCO and other related agencies should do towards the establishment and development of programmes of training in the dissemination of international law.

If such activities were to be undertaken, they might most profitably be directed towards:

(a) Promoting exchanges of international law teachers and seminars of such teachers;

(b) Giving university teachers and selected post-graduate students of international law opportunities to visit the United Nations and the specialized agencies to work for short periods as legal officers or assistants;

(c) To wider and elaborate schemes, such as the United Nations Internship Programme enabling young persons who may contemplate careers in international organizations, to have a brief first-hand look at the structure and working of such organizations;

(d) To encourage wider and better publicity for matters pertaining to international law, such as the *Reports of Judgments, Advisory Opinions and Orders* of the International Court of Justice, through the Press and similar media.

Her Majesty's Government believes that the Special Fund and the funds of the Expanded Programme of Technical Assistance should be made primarily responsible for financing such activities with assistance as appropriate from private institutions and individuals, who may wish to make contributions towards the achievement of the purposes of General Assembly resolution 1816 (XVII).

*Reply to question 6*

International law has a vital role to play in every age and decade, not only in the preservation of world order but in the furtherance of the social and economic advancement of peoples. In the view of the United Kingdom Government, therefore, the proclamation of a United Nations Decade of International Law would be open to some objection if it took a form which in any way gave the impression that all that is needed with regard to international law is that special attention should be given to it during the next ten years. However, with this reservation, Her Majesty's Government supports the proposal for the proclamation of a Decade of International Law for more than one reason.

First, the strength and effectiveness of any system of law depend to a considerable extent on the degree to which its rules are accepted and supported by public opinion within the community in which it operates. International law has in the past suffered from being regarded too much as a matter of concern only to foreign offices and to a limited circle of specialist lawyers; and in consequence it has too often not had that measure of general support from world opinion which is necessary for its effectiveness. Secondly, the emergence of a large number of new States during the post-war period, by giving a much broader basis to the political structure of the world community, has underlined the need for the rules of international law to have the widest possible recognition and support amongst the peoples of the world. Thirdly, the arrival of the nuclear age, other tremendous advances in science and technology and the rapid expansion of international intercourse have both created new fields for the operation of legal rules and intensified the need for a

stronger system of law in the international community. For reasons such as these, it is believed that the proposed proclamation would serve a valuable purpose if it led to a wider recognition among peoples of the significance of international law in the modern world.

The means by which the Decade might be given practical effect might include the following:

(a) The promotion of the understanding of the significance of international law by the means indicated in the reply to question 5 and by other means, for example, through the United Nations Associations in the various countries and by communications addressed to the professional organizations of lawyers in each country;

(b) Intensification of the efforts to carry out the programmes of the International Law Commission and other organs of the United Nations for the codification or progressive development of international law in the fields assigned to them, and more especially treaties, State responsibility, State succession, special missions, the relations between States and inter-governmental organizations, outer space and the legal aspects of disarmament;

(c) In connexion with sub-paragraph (b), further efforts to make available, and to facilitate the study of, the basic source materials of international law, e.g., through the project for a United Nations Juridical Yearbook, by encouraging the publication of regular national surveys of practice, by the preparation of a repertoire of United Nations practice dealing with international law and by other technical aids to study such as legal bibliographies of the United Nations and the specialized agencies;

(d) Assistance to such of the new States as may need it in establishing good working libraries of international law and in training teachers of international law;

(e) An appeal to those Member States which have not yet become parties to general multilateral treaties, and more especially law-making treaties, concluded under the auspices of the United Nations, to reconsider their position with a view to completing the steps necessary for them to become parties.

APPENDIX

The following appendix gives a summary of information received from University Law Faculties and other bodies concerned with the study of public international law. Where views or opinions are expressed, they are those of particular individuals and are not to be attributed to the institution, faculty, or university concerned.

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UNIVERSITY LAW FACULTIES OR DEPARTMENTS

ABERDEEN (Department of Jurisprudence, The University, Old Aberdeen)

Public international law is a three-term course of two lectures a week, which a student may take in any one of his three years, but which he normally takes in the third year. It is not a compulsory subject, but in fact most students take it as one of their options. An Honours Degree, in four years, has only just been instituted and in the new regulations provision has been made for a student to choose two papers in advanced public international law out of a total of seven. (This option has not been offered since the departure of Dr. Ian MacGibbon.)

BELFAST (Faculty of Law, The Queen's University, Belfast 7)

Public international law is taught as an optional third year or fourth year subject for the Honours LL.B. course. The syllabus covers the whole field of the law of peace and certain aspects of the law of international institutions and organizations. Special emphasis is placed on the law of the United Nations and the European Communities. From time to time, post-graduate work is undertaken for the degree of LL.M. (two years) and plans are in hand for the establishment of a Diploma course (one year) in international studies which would be open to graduates from the United Kingdom or overseas. Library facilities are fairly good and are at present undergoing considerable expansion in this subject.

BIRMINGHAM (Faculty of Law, The University, Birmingham 15)

International Law is a compulsory first-year subject for LL.B. students and is examined as part of the intermediate examination where it is one of five papers. First year students attend two hours lectures a week and these are supplemented by supervisions. The syllabus covers the law of peace, but not the law of war or neutrality. Roughly a third of the lectures are devoted to the United Nations, the International Court of Justice and the various agencies and regional organizations. The rest are concerned with the traditional principles of international law.

It is possible for a student to pursue a course of study in international law for his LL.M. but post-graduate students until now have been almost entirely English students and there has been no demand for international law, though we anticipate that such a demand might arise, or be stimulated, in the future.

Each year on average a Birmingham law student attends the summer course at The Hague Academy of International



Law. Three of the present staff of the Birmingham Law Faculty have international law as one of their main interests and at least one lecturer elect is a specialist in the subject. There is no shortage of people able and willing to teach international law.

The University Law Library contains most of the basic works on International Law including full sets of reports of the Permanent Court of International Justice and the International Court of Justice, the *American Journal of International Law* and the *British Year Book of International Law*, and most of the major textbooks and treatises. However, it is a considerable financial problem to keep abreast of the continued new publications and financially impossible for us to obtain such things as the League and United Nations Treaty series. This is perhaps the biggest problem in attempts to expand the teaching and study of International Law in Birmingham.

#### BRISTOL (Faculty of Law, The University, Bristol)

All students taking the LL.B. Honours course are required to take a paper in public international law. Candidates for the ordinary LL.B. degree may offer a paper in this subject, as may candidates taking law as part of the B.A. General (Honours) course. The present graduating class in LL.B. Honours is about sixty.

Post-graduate work in public international law for the LL.M. degree (two years) is encouraged but the number of candidates is very small. The University considers applications in this respect from overseas candidates but has found that many are insufficiently qualified to be accepted. The Faculty regrets that the number of openings for actual work in international law is restricted and that opportunities for post-graduate study abroad are infrequent.

The international law section of the Library is the best equipped of all the law sections and is adequate for most undergraduate purposes. A small fund is available from which more specialized books for graduate students may be purchased. There are, however, serious gaps in the periodicals and documents sections which may be beyond the resources of the Library to fill for some time.

#### CAMBRIDGE (Faculty of Law, The University, Cambridge)

An introductory course to international law and institutions forms part of a compulsory paper in the Law Qualifying Examination I taken at the end of the first year of residence. It is defined as follows:

"...The State and the system of States. The place of war in international law. A brief history of war and neutrality. The legal organization of international society; history of international organizations. The League of Nations and the United Nations. Modern non-political organizations. The International Court. The United Kingdom and the Commonwealth in international law and organization."

A full course of public international law forms the subject of a compulsory paper in part I of the Law Tripos (normally taken at the end of the second year of residence). The subject-matter is defined as follows:

"The paper will contain mainly questions on the law of peace, including settlement of disputes, and international organization. Questions will not be set on the details of the law of war and neutrality."

A paper similar to that in Law Tripos I may be taken as an option by a candidate for Law Tripos part II who has not taken that paper previously (i.e., a candidate who has turned to law from some other subject in his third year).

The same paper forms a compulsory subject for Law Qualifying Examination II which is taken by men who have changed to law after one year in another subject (e.g., mathematics part I or economics part I or classic part I—all of which may be taken at the end of one year's residence).

Section D of the examination for the LL.B. degree—a post-graduate degree usually taken in the fourth year of residence—consists of the following papers:

- The law of peace
- International organization and institutions

- Law of disputes, war and neutrality
- Conflict of laws

A diploma in international law is available to research students who satisfy the examiners on a thesis on some approved subject of international law. The thesis should not exceed 20,000 words. The intention is to provide a training in research and in writing a major article of the kind that might be published in a reputable journal. The candidate is required to have resided for one academical year.

A certificate of advanced study in international law is offered to candidates who diligently pursue a course of advanced study in international law for one year and are classed in an examination which is the same as that for the LL.B. degree, except that a special subject in international law or relations may be substituted for the paper in conflict of laws. This is intended to provide mainly for the foreign student who cannot spare time for the two years of residence required for the LL.B. degree but who wants advanced training in international law.

A thesis in international law may be presented for the degrees of M. Litt. and Ph.D.

A version of the certificate course is being specially designed for the training of legal advisers in developing countries. This will, it is expected, be married to some extent with the London course organized by the Department of Technical Co-operation. But whereas the London course is intended for legal advisers generally, the Cambridge course (with some of the London course added) is intended for legal advisers who intend to specialize in international law.

#### Instruction

Formal teaching is provided by the University in all examination subjects. Colleges also provide "supervision" in international law for all undergraduates taking the subject.

LL.B. and certificate candidates in international law may attend a weekly seminar in addition to lectures. There are also discussion classes.

All research students have a supervisor of their research appointed by the University. Research students also take part in a weekly seminar and there is an international law club which meets in the evenings to hear and discuss papers in international law and also has some social meetings.

#### Scholarships and prizes in international law

The Whewell scholarships in international law are offered every year to candidates of sufficient merit who distinguish themselves in an examination, the principal part of which is the same as the examination for the LL.B. Value is one hundred pounds. Two or more may be awarded or none depending upon the standard of the entry.

The Arnold McNair scholarship is offered every year if a candidate of sufficient merit presents himself. It is intended for third year Tripos candidates of distinction who intend to spend a fourth year in the advanced study of international law. Value is one hundred pounds.

The Humanitarian Trust studentship is offered every year and amounts to four hundred pounds and travel expenses. It may be awarded to a candidate from any other University but is intended mainly to attract foreign students who want to research in international law at Cambridge.

The Hersch Lauterpacht Fund is being subscribed at the moment and it is certain that it will endow at least a yearly prize in international law and possibly more.

#### Exchanges

There has been a good deal of exchange with teachers of international law through, e.g., British Council schemes and United States schemes.

The new scheme for secondment to universities in the Commonwealth is receiving the approval and co-operation of this University.

Periodicals and Journals in international law are exchanged against the *Cambridge Law Journal* by the Squire Law Library.

Professor R. V. Jennings adds the following note:

"Our principal need, quite clearly, is for funds to build up the graduate and research sides of international law, in teachers and books and equipment. The emphasis in Cambridge is traditionally on undergraduate courses and we have a lot of ground to make on the graduate side.

"Our international law library is probably the best outside London and the University Library is a Library of Deposit for the United Nations. Nevertheless we would need to spend a lot of money to catch up with many Law Libraries in the United States or in The Hague or Geneva."

DURHAM (Faculty of Law, King's College, Newcastle upon Tyne, 1)

In October 1964, public international law (the law of peace) will be introduced for the first time as an optional subject in the third year, of the LL.B. Honours course. The degree of LL.M. (two years) is open to students who have been admitted to an approved first degree in law in any university. Candidates are required to present a thesis embodying the results of research on any legal subject approved by the Board of the Faculty of Law. The degrees of LL.D. and Ph.D. are open to candidates presenting either a published work or a thesis on any legal subject approved by the Board of the Faculty of Law. A one-year diploma course is under consideration.

Staff exchanges and visits are organized usually on an *ad hoc* basis but no such exchanges or visits have been made in the recent past by International Lawyers.

The International Law Fund has recently made a grant, which has been matched by King's College itself, to build up the International Law section of the Library. It will, however, not be possible to purchase such materials as United Nations publications unless further funds are forthcoming.

EDINBURGH (Department of Public Law, University of Edinburgh, Old College)

The ordinary course in public international law is at present offered as an optional subject for the degrees of M.A. and B.Com. as well as for the ordinary LL.B. and the LL.B. with Honours. The course is an elementary one, extending over two terms only, the spring term and the (much shorter teaching) summer term. It consists of two lectures per week, supplemented by weekly tutorials; and it covers, within the scope of the time available, an historical introduction, most of the traditional topics of the law of peace, the concept of neutrality, the laws of war, international tribunals, and elements of the law of international organizations.

For the degree of LL.B. it constitutes an ordinary qualifying course, despite its brevity. For the degree of B.Com. it constitutes a qualifying half course, and combined with elements of jurisprudence it constitutes a qualifying course in public law for the M.A. degree.

It is hoped that from October 1964 this course will be expanded to two or three lectures per week over three terms supplemented by tutorials, to allow both more comprehensive treatment of topics and time for student reading which is hardly available under the present system.

The class is taken by only a small proportion of students—twenty in 1962-1963, including two non-graduating students from the United States of America. One indirect compulsory element has disappeared since the recent decision of the Faculty of Advocates in Scotland which reversed their decision of some five years ago, requiring a pass in public international law for admission to the Scots Bar (an LL.B. is, provided it includes certain subjects specified by the Faculty of Advocates, accepted in the place of Bar Examinations).

*Public international law (Honours)* is one of the subjects which may be taken by a candidate for the recently instituted degree of LL.B. with Honours. A separate course was offered for this purpose and was taken for the first time by one student

in 1962-1963. On the basis of the little preliminary evidence so far available, it appears likely that a fair proportion of intending honours students may choose this course, although the number of honours candidates is expected to remain at a modest level for some little time to come. Honours candidates may take two subjects less than is prescribed in the curriculum for the three-year ordinary LL.B., and to these they add, on a higher level, six further courses (one of which may be public international law (Honours)), not necessarily or even probably connected in any way, the whole degree extending over four years.

The work for the honours course is done almost entirely through the medium of tutorials, meeting twice a week throughout the three terms—in a way, a modified and small-scale version of the case and materials method. Candidates will be expected to have covered previously the ordinary, or some similar, course in Public International Law. The syllabus at present covers (a) aspects of the law of international organizations, and particularly the United Nations, and (b) current problems in general international law, so far as they appear important and instructive, paying due regard to the programme, present and future, of the International Law Commission.

On the post-graduate level supervision is offered for the degree of Ph.D. in the field of international law—one candidate is currently working for that degree. The degree of LL.D. may also be awarded. A number of applications to study for the Ph.D. degree are received annually from abroad, but they have lacked merit for one reason or another.

The Law Library's holding of books and periodicals on international law will soon, it is hoped, be adequate for undergraduate work. The National Library of Scotland is situated nearby, including the Advocates' Library—and it is possible to make up some of the deficiencies by reading there. The National Library, for example, carries a complete set of United Nations Official Records, whereas the University Library has none except the ILC Yearbook.

Seminars, grants, exchanges, etc. Lack of staff and funds have barred possibilities of teacher exchanges in the field of international law, welcome and useful though these would be. . . . The Department of Civil and Comparative Law has two civilian system visitors annually for substantial periods of time. Similar reasons, plus the fact that there may be only one post-graduate student in the field, preclude the holding of seminars either in this University or, for that matter, in the four Scottish universities combined. The situation constitutes a sad lack of opportunities to exchange ideas and information. Funds are apparently available for the few students interested enough to attend The Hague Academy or European seminars and courses in related subjects. For staff, funds are available for travel (limited to the United Kingdom, and not including subsistence) to two conferences per annum only.

EXETER (Faculty of Law, The University, Exeter)

Public International Law is taught as a compulsory subject to LL.B. Honours students in the second year of their course, and as an optional subject to students reading for a General or Combined Honours degree. The syllabus covers "substantially the whole field of public international law including international institutions". Occasional public lectures are given by members of the staff and students are encouraged to attend related courses abroad. (e.g., at The Hague Academy or Strasbourg.)

GLASGOW (Faculty of Law, University of Glasgow, 63 Hillhead St., Glasgow, W.2)

This Faculty gives a general and elementary course in public international law extending for two hours per week over three terms. Students are given a general introduction to the law of international institutions and the body of legal rules applying between States.

HULL (Department of Law, The University, Hull)

Public International Law is taught only in the third year of the LL.B. or B.A. (joint law) courses. It is an optional

subject and about fourteen students elect to follow it each year. As yet no one has offered International Law for either an LL.M. or Ph.D. thesis but several Hull students have moved on to other universities to pursue studies in this subject.

#### LEEDS

Public international law is taught as a compulsory subject in the third year of the LL.B. Honours course. The syllabus is currently divided between general principles of international law and the law of international organizations. Post-graduate work in this field is possible with respect to the LL.M. course (two years). This is at present a "dissertation" degree but regulations may be changed shortly so that this becomes an "examination" degree with a choice of subjects which will include public international law. The Faculty operates a teaching exchange system with the staff of an American University Law School, and during the last academic year, the American visitor has been engaged in teaching for the LL.B. Honours course in international law.

#### LIVERPOOL (Faculty of Law, The University, Liverpool 3)

The subject of public international law has been taught in this Faculty for many decades. The subject is an optional subject for the Honours LL.B. degree.

Some five years ago, the University established a diploma in international law.

The Faculty has no regular established programme for grants and exchanges of teachers, students and fellows, nor for exchanges of publication in the field of international law.

Developments are conditioned by the general state of the University's finance and there are priorities of an urgent nature which press on all available University resources.

The University has been generous in assisting our lecturer in international law with financial aid to attend international law schools and conferences on the Continent.

The financial restrictions involve the employment of the lecturer in international law in lecturing and tutoring in other subjects of the curriculum and consequently he cannot devote anything like his full time to the subject. The institution of a lectureship specifically and exclusively devoted to the subject would certainly forward his research work in it.

The available financial resources are restrictive of acquisitions for the Faculty Library. The Faculty would certainly welcome aid by way of grants for the extension of our Library on International Law and by way of gifts of works on that subject.

The number of students who would wish to have grants and fellowships for study or research abroad for any extended period of time is not likely to be regular or large for some years ahead, but the availability of one or two fellowships of that kind would certainly be welcomed and it would be a help if the Faculty could aid students more to attend summer schools on the Continent, particularly during the long vacation.

#### UNIVERSITY OF LONDON

KING'S COLLEGE (Faculty of Laws, King's College, Strand, London, W.C.2.)

Public International Law is taught as an optional subject to students in the third year of the LL.B. course. About twelve students usually take this course: of two lectures a week. Seminars on "The Law of War and Neutrality" and on "The History of International Law" are held for post-graduate students (in their fourth or fifth year) who are reading for the LL.B. degree. These seminars are of one hour a week.

Since law teaching in the University of London is organized on an inter-collegiate basis, students are encouraged to attend courses in international law given in the other colleges, and students from the other colleges are welcomed to the lectures and seminars given by Professor R. F. Graveson, Colonel G. J. A. D. Draper and Mr. J. G. Collier in King's College.

LONDON SCHOOL OF ECONOMIC AND POLITICAL SCIENCE (Houghton Street, Aldwych, London, W.C.2.)

#### Undergraduate courses

International Law is taught as an optional subject for the degrees of B.Sc. (Econ.) and LL.B. There are also extensive courses on International Relations available for those students who choose that subject as their special subject in part II of the B.Sc. (Econ.) degree.

#### Postgraduate courses

Supervision is provided for candidates taking the degree of Ph.D. whose dissertation is on a question of international law. Candidates for the degree of M.Sc. (Econ.) may also largely specialize in international law, if they wish. At a lower level, international law may also be studied by candidates either for the Academic Postgraduate Diploma (awarded by the University of London) or for the Certificate in International Studies (awarded by the London School of Economics and Political Science itself).

Most of the postgraduate teaching in international law is given for the benefit of candidates taking the degree of LL.M. Such candidates must either write a thesis (which may be on a question of international law) and the examination papers; or else four examination papers and no thesis. Examination papers may be taken in the following international law subjects:

- (a) Law of international institutions.
- (b) International economic law.
- (c) International law of the sea.
- (d) International law of war and neutrality.
- (e) History of international law.
- (f) Air law.

In subjects (a) and (c) instruction is given at the London School of Economics itself; in the other subjects instruction is given to L.S.E. students at other Colleges of the University of London, by arrangement.

LL.M. students are allowed complete freedom to choose as many (or as few) international law subjects as they wish. They may select their two (or four) subjects, as the case may be, from a comprehensive list of nearly thirty subjects.

A substantial majority of LL.M. students taking international law subjects come from overseas.

UNIVERSITY COLLEGE, LONDON (Faculty of Laws, Gower Street, London W.C.1.)

#### Undergraduate courses

International Law is taught at University College, London, as an optional subject for the LL.B. and B.Sc. (Econ.) degrees. In addition to the formal lectures and tutorial classes, students attend classes in current problems of international law.

The following options on the borderline between international law and international relations are also available to B.Sc. (Econ.) students:

- International institutions
- Sociology of international law

#### Postgraduate courses

In addition to providing for the supervision of Ph.D. students, the Faculty of Laws offers courses leading to the Academic Postgraduate Diploma in Law and the LL.M. degree.

The following options in international law are available to Academic Diploma students:

- Elements of international economic law
- Law of international institutions

The international law options available to LL.M. students are as follows:

- Air law
- History of international law
- International economic law

International law of the sea  
Law of international institutions

Seminars are conducted throughout the session in all of the above subjects.

The Faculty of Laws is also responsible for supervising the studies of M.Sc. (Econ.) students specializing in international law or relations.

LONDON INSTITUTE OF WORLD AFFAIRS (Faculty of Laws, Gower Street, London, W.C.1.)

Courses are organized by the London Institute of World Affairs in preparation for the Diploma in International Affairs of the Extra-Mural Department of the University of London. Of the six subjects which are studied during the two-year course three are particularly relevant for students of international law:

International law (taken in the first year)  
International economic law (taken in the second year)  
International institutions (taken in the second year)

These full-time courses are taken by approximately seventy students per annum, the vast majority of whom are overseas students.

Advanced courses leading to the Associateship of the London Institute of World Affairs are also available for the specially selected students. The course consists of at least one session's work on a thesis under the supervision of the Director or a teacher appointed by him. The student may, with the Director's approval, choose an international law subject as the subject of his thesis.

MANCHESTER (Faculty of Law, The University, Manchester, 13.)

The international law of peace and war is compulsory for the second year students LL.B. The number of students in this year is eighty. Three courses are also offered in international organizations; but mainly for students for a Diploma in International Law and for the Faculty of Economics and Social Sciences.

The diploma in international law requires full time attendance of post-graduates and involves a dissertation of 20,000 words, an examination in the law of peace and war and in one other subject which might be either private international law or international organizations, or problems of expropriation in international law. This diploma is a useful means of testing capacity for further research, either for the LL.M. by thesis or for the Ph.D. The Ph.D. requires two further years after the diploma and a seminar is run every week in which post-graduate students meet the Professor and lecturer concerned. The first few meetings deal with the technique of research and thereafter with current problems and with subjects being studied by members of the group who are subjected to the supervision of their supervisor and the criticism of their colleagues.

In the year 1962-1963, the seminar consisted of some eight research students. Two Ph.D.'s have been awarded, one LL.M., and two diplomas in international law. Next year, the seminar will consist of six persons, all beyond Master's level. The group of six is regarded as the optimum and most satisfactory number.

The Schill lectures are given annually on international law, and each year a volume of these lectures is published by the Manchester University Press. So far, three Schill lectures have been published and arrangements have been made for four other sets of lectures to be published. Two other books have been published on international law since 1959 and two more are going through the press.

NOTTINGHAM (Department of Law, University Park, Nottingham)

In this Law Department, public international law is taught in the final year of the LL.B or B.A. (Law) courses and is an optional subject. Research may be undertaken in this subject for the degrees of LL.M. or Ph.D.

OXFORD (Faculty of Law, The University, Oxford)

Public international law is an optional subject for the Bachelor of Arts degree in Jurisprudence (B.A.) but the great majority of students take it. In the examination for the Bachelor of Civil Law degree (B.C.L.) there is a paper, which is also optional, on the organization, jurisdiction and practice of the International Court of Justice and its contributions to international law.

Postgraduate work for a diploma in law, or for the degrees of Bachelor of Letters (B. Litt.) or Doctor of Philosophy (D.Phil.) may also be undertaken in the form of a written thesis on some approved topic of international law. In addition the examination for the degree of Bachelor of Philosophy (B. Phil.) conducted by the Faculty of Social Studies, contains an optional subject on the function of law in the International community which is taken by a few candidates.

Instruction in international law in the University is carried on by means of tutorial teaching, lectures and seminars. Students working for a Bachelor of Arts degree in Jurisprudence receive tutorial teaching, usually in pairs, and a general course of lectures is given each year principally for them. Other courses of lectures on particular topics of international law are also given each term. The main syllabus for the B.A. paper consists of the law of peace, the law governing the use of force and the settlement of disputes, and the general structure, powers and principles of the United Nations Organization.

A seminar is conducted for one term in each year on the International Court of Justice and for each individual working for the Diploma, B. Litt. or Doctorate, a supervisor is appointed whose task it is to guide his work throughout the preparation of his thesis.

Interest in international law is also encouraged by means of an informal 'club' which meets usually twice a term to hear and discuss talks on topics concerned with international law given by, for example, government or international officials or practising lawyers.

The new University Law Library is expanding its holdings in the field of international law and the number of college tutors with an especial interest in international law has been increased as a result of recent appointments.

ST. ANDREWS (Faculty of Law, Queen's College, Dundee)

Public international law is a compulsory subject for the LL.B. degree. It is usually taken in the first year of study and includes the main doctrines of the law of nations with particular reference to the international law of peace. A knowledge of the leading decisions of the Permanent Court of International Justice and of the International Court of Justice is required. Tutorials are held and essay writing forms part of the curriculum. A few students have attended summer vacation courses at Strasbourg and this is encouraged. Library facilities are fairly good and widely used.

UNIVERSITY OF SHEFFIELD (Faculty of Law)

Public international law forms part of the final examination for the first law degree (LL.B.).

SOUTHAMPTON (Faculty of Law, The University, Southampton)

Public International Law is a compulsory subject in the second year of the first degree (LL.B.) course in law. The syllabus covers the law of peace and also certain aspects of the law of war and neutrality. Particular attention is given to the "United Nations system" in action. Students are encouraged to attend vacation courses abroad (e.g., at The Hague).

Students proceeding, after graduation, to read for higher degrees have in a number of recent instances elected to specialize in international law.

Library resources are adequate for undergraduate purposes and (thanks in part to a grant from the International Law Fund) include a reasonable nucleus of material for more advanced study. But the collection needs building up to an extent which is beyond our unaided capacity at the present stage.

Considerable emphasis has been placed on international law (as also on comparative law) in the early years of the development of the Law Faculty at Southampton, and it is hoped that this will in due course be reflected in appropriate senior appointments in this field.

UNIVERSITY COLLEGE OF WALES (Department of Law, 11 Marine Terrace, Aberystwyth)

Through the Wilson Department of International Politics which was established at the end of World War I by the late Lord Davies this college has long made provision for the study of international relations. The fact that there is at Aberystwyth a copyright library in the National Library of Wales is also an important asset in this connexion.

International law has always formed an essential and obligatory part of the curriculum of the Aberystwyth Law School and all law graduates take international law and are examined in it. Teaching takes the form of lectures, tutorial classes and seminars. Students of international politics attend these courses, which are also open as optional subjects for students in the Faculty of Arts who include law in their scheme of study.

A new Faculty of Social Studies is now being established at the College, and this will no doubt greatly increase the number of students who will want to study international law.

Among those who have taught international law here recently are Dr. Kenneth R. Simmonds, now Assistant Director of the British Institute of International and Comparative Law, Professor N. Dunbar, now Dean of Law in the University of Tasmania, and Mr. H. Calvert, and they have all published work in this field.

The Law Library has an international law section and subscribes to the leading international law periodicals. The International Politics Library contains a great amount of source material, as does the National Library of Wales.

#### INSTITUTIONS

BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW (1, Temple Gardens, Temple, London E.C.4)

The Institute was founded in 1958 to bring together and to continue and expand the work of The Grotius Society (founded in 1913) and The Society of Comparative Legislation (founded in 1894). The Institute provides a centre for studying the practical application to current problems of public and private international law, as well as comparative law.

The Institute is an independent foundation supported by charitable bodies as well as by the subscriptions of its members. It is receiving generous contributions from The Wolfson Foundation, The Barnett Shire Charitable Foundation and the Gulbenkian Foundation. Membership is open to all interested in the Institute's work and more than a third of its members are drawn from countries overseas. It is a primary purpose of the Institute to encourage close co-operation between academic and practising lawyers, and members of the Institute are in fact drawn from the judiciary practising lawyers, law teachers and students of law, as well as from the legal representatives of industry and government.

The Institute has a Council of Management, of which the Chairman is The Right Honourable Lord Denning, and three sections of the Advisory Board concerned respectively with public international law (Chairman: The Right Honourable Lord Shawcross), private international law (Chairman: The Honourable Mr. Justice Karminski) and comparative law (Chairman: The Right Honourable Lord Justice Diplock).

The Public International Law Section of the Advisory Board has, apart from the Chairman, the following members:

M. K. Bathurst, C.M.G., C.B.E., D.C.L.	Sir Gerald Fitzmaurice, K.C.M.G., Q.C.
Professor A. H. Campbell	Professor A. L. Goodhart, M.B.E., Q.C.
G. I. A. D. Draper	
J. N. S. Fawcett	C. W. Jenks, LL.D.

Professor R. Y. Jennings	Sir Francis Vallat, K.C.M.G., Q.C.
Professor D. H. N. Johnson	
E. Lauterpacht	Professor Sir Humphrey Waldock, C.M.G., O.B.E., Q.C., D.C.L.
F. A. Mann, LL.D. Dr.Jur.	
Lord McNair, C.B.E., Q.C., LL.D., D.C.L.	The Honourable Mr. Justice Wilberforce
Olive Parry, LL.D.	

The Institute has a professorial staff, consisting at present of a Director, two Assistant Directors (concerned respectively with public international law and commonwealth law), a part-time consultant on European law with special reference to the European communities, and a part-time librarian and assistant general editor. The Assistant Director (public international law) is Dr. K. R. Simmonds.

The survey which follows is limited to the activities of the Institute in the field of public international law, but it will be appreciated that other work of the Institute often closely touches on public international law, in particular with regard to its many meetings, conferences and publications on the law of the European Communities.

#### *Activities of the British Institute in the field of public international law*

##### *Publications*

The Institute publishes the *International and Comparative Law Quarterly*. The general editor is Norman S. Marsh, Director of the Institute and there are three specialist editors concerned respectively with public international law, private international law and comparative law. The editor (public international law) is Professor D. H. N. Johnson. The *Quarterly* which now incorporates "The Grotius Society Transactions" has in recent years been greatly expanded and now runs to approximately 350 pages per issue with additional substantial supplements. It has a wide circulation to individuals, institutions and government departments throughout the world. The following topics specifically in the field of public international law have been covered by articles, notes or special supplements in the years 1961 to 1963:

(a) In 1961—recent developments in the Ethiopia-Somaliland dispute; international protection against nuclear risks; European courts of human rights (the Lawless case); The International Court of Justice (Honduras v. Nicaragua); Anglo-Scandinavian Agreements concerning the Territorial Sea and Fishing Limits; Vienna Convention on Diplomatic Relations; Charter and interchange of aircraft and the Warsaw Convention; International constitutional law; the legal work of the Council of Europe; space law and space politics; encouragement and protection of investment in developing countries; interference with ships on the high seas; the Convention relating to the status of stateless persons; the right of an individual to sue under a treaty.

(b) In 1962—the Secretary-General of the United Nations; state immunity; growth and movement of international law; state succession under the law and practice of the International Monetary Fund; the individual before tribunals exercising international jurisdiction; the Soviet Union, the neutrals and international law in the Second World War; special régimes and pre-emptive activities in international law; political offences, war crimes and extradition; the English tradition in international law; the Proch Vihear Temple case (ICJ); the political and legal status of Kuwait; the Eichmann trial; Bizerta and the unequal treaty theory; effects and repercussions of the European Convention on Human Rights; the concept of the contiguous zone; the Sino-Indian boundary question in international law; the proper law of crime in international law; the rationale of diplomatic immunity; developments in the legal machinery of the United Nations; the United Nations Convention on the Reduction of Statelessness.

(c) In 1963—the law and practice of the International Monetary Fund with respect to "Stand-By arrangements"; IMCO—the first four years; the constitution of the Maritime Safety Committee of IMCO; transformation or adoption of



international law into municipal law; the legal limitation upon the employment of weapons by the United Nations Force in the Congo; state succession to treaties in the Commonwealth; the principles of treaty interpretation and their application by the English Courts; validity of acts of State under international law; the legal aspects and political significance of the Soviet concept of coexistence; the liability of operators of nuclear ships; the fixing of boundaries and international boundary rivers; the Dutch as neutrals in the Seven Years' War; flags of convenience; the exhaustion of procedural remedies in the same court; the critical date; the Indian Extradition Act, 1962; the Enahoro case; the Republic of China in the United Nations; legal aspects of disarmament.

*The International and Comparative Law Quarterly* also regularly reviews books in the field of public international law.

The Institute, jointly with the International Law Fund, has given financial support to the preparation of "The contemporary practice of the United Kingdom in the field of international law". As a result of a grant by the International Law Fund the first two numbers of this survey, which had previously appeared in *The International and Comparative Law Quarterly*, were published as separate publications by the Institute in December 1962 and July 1963 covering the period January 1-June 30, 1962 and July 1-December 31, 1962.

The Institute has also arranged for the publication under its auspices of a series of authoritative books in its fields of interest. The first volume dealing with public international law which is due to appear in 1963 is a "Collection of British decisions on International Law". The Institute has given financial support towards the preparation of this work which is being carried out in conjunction with work on the British Digest of International Law under the direction of Dr. Clive Parry.

#### Meetings and conferences

The Institute organizes meetings at which lectures are given on topics within its general sphere of interest. The following lectures dealing specifically with public international law have been given in the period 1961 to 1963: The training of lawyers for work in international organizations; the Eichmann trial; legal aspects of the Berlin problem; legal limitations upon the employment of weapons in the Congo; the Troika principle in international organizations; contracts between a State or State agency and a foreign company; the Advisory Opinion of the International Court of Justice in the United Nations assessment case; International claims—recent American practice; the legal aspects and political significance of the Soviet concept of coexistence; legal aspects of disarmament.

Among the conferences organized by the Institute which were particularly concerned with public international law may be mentioned that held on 28 and 29 September 1961 with regard to "The encouragement and protection of investment in developing countries" which was widely attended by lawyers from the United Kingdom and overseas and by the representatives of international organizations; the Institute also co-operated with the David Davies Memorial Institute in holding a conference on various aspects of international law in July 1962 and it is organizing a conference in Edinburgh in December 1963 on the law of the sea, recent developments in the law of the Charter and on the work of the International Law Commission.

#### Research

The Public International Law Section of the Advisory Board, at meetings during the years 1962-1963, initiated a number of projects of research in the field of public international law. These include the indirect implementation of international conventions by national statutes; insurance subrogation and the nationality of claims in international law; and the possibility of publishing a one-volume work on the foreign relations law of the United Kingdom and the pattern afforded by *Halsbury's Laws of England*.

The Institute has appointed Mr. P. B. Fairest as a research fellow to assist Dr. Clive Parry in the preparation of the *British Digest of International Law* which is being prepared under the direction of Dr. Clive Parry with the support of the

International Law Fund. The fellowship is held jointly with an International Law Fund research fellowship at Trinity Hall, Cambridge, and its tenable for three years, terminating in 1965.

The Institute has appointed Dr. Gillian White as a research fellow in international law in respect of her association with the preparation of the above-mentioned survey of "The contemporary practice of the United Kingdom in the field of international law", by Mr. E. Lauterpacht.

The first appointment to a British Institute Overseas Research Fellowship to the value of £1,000 was made in 1962. The purpose of the fellowship is to enable a lawyer from an overseas country to pursue a year's course of advanced study in international law in a recognized institution in the United Kingdom. In 1962 there were ninety-nine applications from twenty-nine countries, the successful candidate being Mr. Wasfi El-Nimer, Judicial Adviser to the Government of Bahrain. The fellowship was again offered in 1963 when there were seventy-four applications from twenty-six countries. The fellowship was on this occasion awarded to Mr. V. Gyeke-Dako of Ghana and the *proxime accessit* candidates were, in order of merit, Dr. Vida Cok of Yugoslavia and Mr. Antonios Andronikou of Cyprus. In 1962 the Institute was successful in placing some of the more meritorious candidates for whom it had unfortunately no available funds, with British institutions. In 1963 the Institute has made a special award of £200 each to the two *proxime accessit* candidates and hopes that it will be able to secure the acceptance of these and some other deserving candidates with institutions in the United Kingdom. The Institute is deeply impressed by the need for further facilities for training in international law and by the world-wide interest shown in the single fellowship which it has been able to offer. It would increase the number of such fellowships if financial resources became available.

#### Library

The Grotius Library, mainly in the field of public international law, is available for the use of members at the headquarters of the Institute, and, by special arrangement with the Institute of Advanced Legal Studies, members can make use of their extensive library at 25 Russell Square, London W.C.1.

COUNCIL OF LEGAL EDUCATION (7 Stone Buildings, Lincoln's Inn, London, W.C.2)

In the Inns of Court School of Law, Professor R. Y. Jennings lectures twice a week throughout the educational year on public international law. This subject is one of the four subjects in section 5 of the Bar Final Examination and to encourage Bar students to do well in it a prize of £25 (or books to the value not exceeding £10) is offered at each examination to the candidate, under 25 years of age, whose paper is most deserving of commendation.

About one-third of the candidates who take the Bar Final Examination offer public international law and they are drawn from all parts of the British Commonwealth (225 at Trinity Examination).

#### BRITISH YEAR BOOK OF INTERNATIONAL LAW

The *Year Book* is published by the Oxford University Press under the auspices of the Royal Institute of International Affairs, Chatham House, 10, St. James's Square, London, S.W.1. It was founded as an independent journal in 1920 and has been produced under the auspices of the Royal Institute of International Affairs since 1921.

The *Year Book* is edited by Professor Sir Humphrey Waldock and Professor R. Y. Jennings; the editorial committee is composed of Lord McNair (chairman), Dr. M. E. Bathurst, Dr. G. C. Cheshire, Mr. J. E. S. Fawcett, Sir Gerald Fitzmaurice, Dr. C. W. Jenks, Professor D. H. N. Johnson, Dr. F. A. Mann, Dr. J. H. C. Morris, the Rt. Hon. P. J. Noel-Baker, Dr. C. Parry, Sir Francis Vallat, Sir Richard Wilberforce, Professor B. A. Wortley and Lord Wright.

The *Year Book* is now in its thirty-eighth year of issue and a comprehensive *index* to the first thirty-six volumes has just been prepared by Mr. J. G. Collier and was published in July, 1963.

In addition to learned articles and notes on public and private international law, the *Year Book* contains summaries of decisions of British courts and reviews of books in these fields. The *Year Book* also regularly contains reprints of the texts of international documents, accounts of British and American practice, and annotations and commentaries on significant international judicial and arbitral decisions.

In the 1961 volume (vol. 37) of the *Year Book*, for example, there are *inter alia* major articles on "Sir Hersch Lauterpacht—the scholar and judge" by Sir Gerald Fitzmaurice, "The interpretation of plurilingual treaties by international courts and tribunals" by Dr. J. Hardy; "State contracts in international law" by Professor R. Y. Jennings; "The use of force in self-defence" by Dr. I. Brownlie; "Legal limits to the use of force by sovereign States: United Nations Practice" by Dr. R. Higgins; "The Court of the European Communities: judicial interpretation and international organization" by J. F. McMahon and "United Nations Forces: some legal problems" by Finn Seyersted.

THE DAVID DAVIES MEMORIAL INSTITUTE OF INTERNATIONAL STUDIES (Thorney House, 34 Smith Square, London, S.W.1.)

The Institute's work on the public international law side has so far been confined to convening four international law conferences, the last in collaboration with your Institute, in 1956, 1958, 1960 and 1962, and setting up three study groups, one on the legal implications of a United Nations Force, chaired by Sir Frank Soskice, one on the law of outer space, chaired by Professor R. Y. Jennings, and the third on the peaceful settlement of international disputes, chaired by Professor Sir Humphrey Waldock.

The study group on the law of outer space has already published a draft code of rules on the exploration and uses of outer space and is currently occupied with a similar note dealing with experiments which might cause large-scale changes in the environment of the earth. Arising out of its work the possibility of the establishment of a Journal of Air and Space Law has been mooted, but this is still in the preliminary stages.

In addition a number of articles have appeared from time to time in the Journal of the Institute, *International Relations*.

CITY OF LONDON COLLEGE (Moorgate, London, E.C.2.).

Summer courses in international law are organized annually under the direction of Dr. C. M. Schmitthof. The programme includes a basic course, which every student is required to take, on topics of private and public international law and the new law of Europe and an alternative course at the option of the student (i.e., either international business law or case studies in public international law). At the end of the course an examination is held and the successful candidates are awarded diplomas or certificates. The courses are arranged primarily for lawyers and law students from abroad, but are also suitable for English students.

HOLBORN COLLEGE OF LAW, LANGUAGES AND COMMERCE (Red Lion Square, London, W.C.1.).

A course of lectures in public international law (one hour per week during the academic year) is given for students taking the optional subject in part II of the Bar Final examinations. (See Council of Legal Education.)

#### INTERNATIONAL LAW FUND

The International Law Fund was established in 1955 for the purpose of promoting the development of international law, in particular by encouraging education and research in the subject, and by furthering the preparation and publication of basic source materials. The trustees of the Fund are Lord McNair, Lord Shawcross and Sir Gerald Fitzmaurice. The secretary of the Fund is Mr. E. Lauterpacht of Trinity College, Cambridge.

The Fund is supported in its activities by grants from industry in the United Kingdom, other countries in Europe and the United States of America. In addition, it has received special support from the Ford Foundation for particular projects.

In the field of education, one of the most important activities of the Fund has been over the past five years to encourage higher education in international law among Government officials in the new States, and it has given grants to officials from Nigeria, Sierra Leone and Tanganyika to pursue such studies in England. It has also made grants to the Council of Legal Education in England to enable the Council to introduce public international law as a subject of examination in the Bar Final Examinations, and to The Hague Academy of International Law for the award of scholarships to persons wishing to take the Diploma Examination of the Academy. In addition, a number of grants have been made to Universities in the United Kingdom and to the Indian Society of International Law for the purpose of enabling these various bodies to develop their libraries of international law.

As regards the encouragement of the publication of basic materials, the Fund has taken the initiative in stimulating the various "surveys" of current State practice which are now beginning to appear. It was responsible for the preparation of the first of these surveys, namely, that for the United Kingdom, edited by Mr. Lauterpacht, and it has made grants to the *American Journal of International Law* and to the *Journal du droit international* (Clunet) to encourage the preparation of American and French surveys. It has also made grants to assist in the publication of the *International Law Reports*. It has also been responsible for securing the large funds and providing the administration needed for the preparation of the *British Digest of International Law* now proceeding under the direction of Dr. Clive Parry.

#### DOCUMENT A/5455/ADD.4

[Original text: English]  
[4 October 1963]

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#### COMMENTS RECEIVED FROM GOVERNMENTS OF MEMBER STATES

##### Cyprus

[Original text: English]  
[20 September 1963]

1. Besides the replies to the Secretary-General's questionnaire, which are annexed hereto, and in relation to them, the Ministry of Foreign Affairs of the Republic of Cyprus wishes to make the following general observations:

2. The Ministry of Foreign Affairs of the Republic of Cyprus feels that international law is so vital to the very existence and effectiveness of the world Organization and the advancement of its aims, that its promotion has rightly been made the subject of particular attention by the General Assembly.

3. If an effective world legal order, based on justice, is to be established and maintained, then all Member States should make their contribution, which should be in earnest and continuous, for the elaboration and development of international law.

4. At the moment, the Republic's contribution cannot be great, in view of the lack of means, enough trained specialized personnel and library facilities. It is, therefore, realized that effective and serious work cannot be done:

(a) Unless there is specialization in international law of a number of Government officers (at this stage)



carefully selected. There is no doubt that these officers cannot be trained in Cyprus, but they have to be sent to well-known university centres like Paris, London, The Hague, etc., for the purpose. With the emergence of Cyprus as a State and with its growing participation in international life, the need has arisen for a body of experts in international law and affairs, upon whom the Government may rely for expert guidance and advice. The Ministry of Foreign Affairs has no doubt whatsoever about this need, if the Republic of Cyprus is to play a serious role in the world of today; and

(b) Unless there exists in Cyprus a good library on international law affairs, comprising all the major works in the field and subscribing to the main international law periodical publications. This second requirement is no less important than the first. It is in this respect that Cyprus wishes to obtain immediate assistance. The Ministry of Foreign Affairs of the Republic of Cyprus wishes to emphasize the Republic's need of books and other publications and it is of the opinion that an official programme of requests, through the United Nations, should be established, towards both the United Nations directly and towards other organizations of international standing, for the supply of all or most of the available main publications. The Ministry of Foreign Affairs of the Republic of Cyprus believes that it is around the nucleus of a good library that Cyprus and other developing countries can hope to concentrate specialized personnel; and

(c) Unless there is understanding of the problem and its requirements by the Governments of developing countries and willingness to advance its speedy solution.

5. At the international level much can be done by the organization of seminars on international law, particularly for developing countries, like the one held in June to July 1963 at The Hague, by the Dag Hammarskjöld Foundation.

6. The Ministry of Foreign Affairs of the Republic of Cyprus suggests that such seminars could well be organized to take place in Cyprus, for the reasons explained in the attached answers to the relevant questionnaire of the United Nations; but it is imperative that some parallel provision should be made for the creation of conditions mentioned in paragraph 4 (a) and (b) above.

7. The Ministry of Foreign Affairs of the Republic of Cyprus believes that a suggestion which the United Nations may well consider, is to create, under its auspices, a permanent centre for the study of international law, with special reference to the law of the United Nations, which could be attended by specialized scholars from all over the world. It would be a kind of a world university on a specialized subject, and such an institution would, the Ministry maintains, contribute much to the creation of an effective international legal order based on justice.

8. Finally, the Ministry of Foreign Affairs of the Republic of Cyprus wishes to emphasize its suggestion, made also in the particular answer to the relevant questionnaire, of working for the acceptance by all States of the optional clause for the compulsory jurisdiction of the International Court of Justice.

#### ANNEX

##### *Reply to question 1*

Owing to the fact that Cyprus is a newly independent country with very limited resources and does not have a university,

there does not exist, for the time being, any programme of training and dissemination of international law in our country, except for the programme of the Office for Cultural Development which provides, *inter alia*, for the invitation to Cyprus of lecturers on international law, with a view to their giving public lectures on specified subjects and holding lecture seminars, which are, however, very rare.

Some articles on international law, written by Cypriot lawyers and international law fellows, appear now and then in various publications and newspapers.

From 4 June to 13 July 1963, Cyprus participated, through the Secretary of the Ministry of Foreign Affairs, in the Dag Hammarskjöld Seminar on International Law at The Hague Academy of International Law. The contribution of the Cyprus participant and of the other participants and lecturers will be circulated to those interested in Cyprus, both in Government and other circles.

The Cyprus Government's opinion is that seminars of this kind should continue, because they help the training in and dissemination of international law, particularly in newly independent countries, and they assist these countries in contributing to the development of international law, a principle accepted and encouraged by the United Nations. Such seminars are closely connected with the emergence of many new States, which could and should be afforded the opportunity of making their contribution in the international law-making processes.

There should be established in Cyprus a body or association of lawyers and other fellows interested in international law, with a view to disseminating and developing international law, through lectures, meetings, articles and other publications on international law in Cyprus.

This body or association may more specifically take and promote the initiative of grants and exchanges of teachers, students and fellows, and exchanges of publications in the field of international law.

##### *Reply to question 2*

Our Government is interested, in view of the above, in obtaining assistance from abroad or arranging exchanges with countries, in order to promote the execution of the programmes envisaged in the proposal contained in the last two paragraphs of the reply to question 1.

As we have stated in the reply to question 1, there are at present no facilities available in our country.

In particular our Government is interested in assistance at this stage, in regard to activities in the field of international law such as the provision and training of teachers; lectures; seminars; grants and fellowships for study and research abroad; training and refresher courses; obtaining books and publications (this should be emphasized).

##### *Reply to question 3*

It should be already clear from what has been stated in the replies to questions 1 and 2, that our Government will not in the immediate future be in a position to give effective assistance to other countries in the execution of their programmes of training in and dissemination of international law.

One possible way of offering assistance, however, in these programmes on a multilateral basis, undertaken by the United Nations or other international bodies or foundations, is for these programmes, particularly international law seminars, to be held in Cyprus, especially in cases where these seminars are held for the benefit of the newly-independent countries of Africa and Asia. Cyprus offers an ideal place for such seminars, since it lies at the cross-roads between Africa, Asia and Europe from where lecturers and instructors will primarily, for the time being, be supplied. Cyprus can also provide ample and satisfactory accommodation for the participants and for the holding of meetings and, provided that it is enriched through some assistance, our international law library in Nicosia will offer an ideal place for such seminars. Cyprus' policy of non-alignment offers a neutral area for such impartial seminars. On the other hand Cypriot jurists, who are many though not yet organized in the form of a body or association for the purpose of promoting international law, will be able to give

lectures on international law, e.g., our Attorney-General, a well-known jurist, may be invited for this purpose.

*Reply to question 4*

The answer to this question can be drawn from what has already been stated in the above replies.

*Reply to question 5*

The United Nations, UNESCO and other related agencies may organize programmes of the kind undertaken by the Dag Hammarskjöld Foundation mentioned in the reply to question 1 above and may also undertake the publication of writings, and studies on international law which are of current interest to the international community in general and the newly independent countries in particular, i.e., especially on those subjects which appear to be as yet unsettled and controversial.

In organizing these programmes care should be taken to avoid any duplication or overlapping of efforts, bearing in mind that some institutions or foundations are already working in some way on these subjects. In short, the United Nations, UNESCO and other related agencies should try in these programmes to fill the gaps which exist at present in such programmes, either in quality or quantity.

Such programmes may be financed partly through the already existing funds of the United Nations and/or these agencies and partly through the proportionate contribution of States. Additional contributions may be arranged to be given by some foundations interested in the subject, such as the Ford Foundation and the Carnegie Endowment.

*Reply to question 6*

The Cyprus Government supports the idea of the proclamation by the General Assembly of the United Nations of a United Nations Decade of International Law.

Apart from training programmes in international law, the said Decade could have practical effects, if the United Nations sets, as some of its relevant targets: (a) The ratification and/or accession by the Member States to all the treaties already concluded under the auspices of the United Nations; (b) the adoption, for example, of the two draft covenants on human rights—the draft Covenants on Civil and Political Rights and the draft Covenant on Economic, Social and Cultural Rights—and the finalization of the law of treaties and other multilateral agreements, the revision and/or accession by all States to the optional clause on the compulsory jurisdiction of the International Court of Justice, etc.; (c) the progressive codification of international law, might prove a dynamic target of this Decade; (d) the evolution of international law by means of a dynamic approach in interpreting it will contribute greatly towards its development.

*Ireland*

[Original text: English]  
24 September 1963]

The Government of Ireland believe that resolution 1816 (XVII), adopted by the General Assembly on 18 December 1962, is a constructive step towards the achievement of friendly relations and co-operation among States and they await with anticipation the report of the Secretary-General which the resolution requests.

In reply to the specific question raised in the letter of the Secretary-General of 20 March 1963 (No. LE/112/1), the Government wish to reply as follows:

*Reply to question 1*

Courses in training in international law are available in the Constituent Colleges of the National University of Ireland and in Dublin University. International law is a subject for the degree of B.C.L. in the National University and the degree of Legal Science in Dublin University. Courses of study for higher degrees in international law are also available. Interna-

tional law is also a subject in the course at the King's Inns for the qualification of Barrister-at-Law. No established programme exists in Ireland for seminars, grants, exchanges of students, etc. in the field of international law only. Students and graduates in law from other countries come to Ireland for training in specific fields of law, e.g., draftsmanship, and technical legal assistance has been given to developing countries by lending them qualified personnel. Furthermore the law has recently co-operated with the United Nations in its scheme for fellowships in human rights. It would appear doubtful if such arrangements could be extended to cover training in international law.

The legal journals published in Ireland carry from time to time articles on aspects of international law and are circulated to appropriate bodies outside the country. There is, however, no journal of international law as such. At present Ireland, in common with other Council of Europe countries is studying the question of the publication of digests of national State practice in the field of public international law.

The committee on Irish and comparative law meets at regular intervals to read papers and hear views on problems of comparative law.

*Reply to question 2*

The Government of Ireland is anxious to co-operate fully in promoting the teaching, study, dissemination and wider appreciation of international law. As has been pointed out, an exchange of legal personnel between Ireland and other countries already takes place although not strictly in the field of international law. A survey will be carried out to see in what way the existing system might be extended to cover this field but it is not anticipated that the results will be encouraging since there is no practical method of training for international law in Ireland such as exists for example in other fields, e.g., training in a solicitor's office, in the Office of the Attorney-General or of the Parliamentary Draftsman. Owing to the small numbers engaged in Ireland in teaching international law, an exchange of teachers may prove difficult but the Government would be prepared to consider the holding of seminars on this subject in Ireland.

*Reply to question 3*

The programmes of assistance already in operation in Ireland do not, as already emphasized, cover the field of international law as such. However as indicated in the preceding paragraph a survey of the position will be executed to see if the existing assistance programmes can be extended. The Government consider that the report of the Secretary-General in response to resolution 1816 (XVII) should be of great assistance to Governments in clarifying how best the problem can be approached.

*Reply to question 4*

There are at present no non-governmental sources of assistance in Ireland for this project.

*Reply to question 5*

The Government of Ireland consider that the development of programmes of training in and dissemination of international law should come within the ordinary programmes of technical assistance of the United Nations. Technical assistance already covers a wide field. There are programmes for advice in aspects as

varied as energy transport and statistics and training of economists. It seems appropriate that technical assistance programmes should be extended to cover training and studies in international law. Inquiries such as those about to be undertaken by the Director-General of UNESCO in connexion with the proposed publication dealing with the teaching of international law should prove an invaluable help in assessing individual countries' needs in the matter. Inquiries should also be pursued in the various countries as to library facilities; in this connexion official United Nations publications dealing with international law might be made freely available to universities and other institutions where international law is taught. The Government of Ireland considers that in the United Nations itself training facilities in international law might be made available for a limited number of students or graduates. These facilities might take the form of scholarships which would enable the recipients to work for a limited time on the legal side within the Secretariat and at the same time attend such lectures on the subject as might be made available.

In so far as concerns the well-established existing institutions such as The Hague Academy of International Law, the Government thinks that they should play an essential role in implementing the ideas behind resolution 1816 (XVII). The experience of such institutions should be a great asset and the programmes would probably be best implemented by a full utilization of the facilities which such institutions already provide and a consideration of how existing facilities might be expanded. Such an expansion would appear to be preferable to the creation of new institutions which would entail heavy expenditure.

*Reply to question 6*

The Government has considered with interest the stimulating proposal for a Decade of International Law. In the absence of more precise details it cannot comment fully on this proposal. It would, however, have some doubts as to the precise value to international law of the proposal and as to the appropriateness of the suggested period. The period of ten years would appear to be at once perhaps too extensive and yet not extensive enough. It is possible to envisage a successful intensive effort over a period of say two to three years in which great emphasis might be laid on the importance of international law and of its development to the community. Some of the impetus gained in such a period would, however, inevitably be lost if the effort is called for over a period as long as ten years. On the other hand if a steady rate of progress is achieved there is no reason why it should not be extended to a period longer than ten years.

**DOCUMENT A/5455/ADD.5**

[Original text: English]  
[18 October 1963]

COMMENTS RECEIVED FROM GOVERNMENTS OF  
MEMBER STATES

*Trinidad and Tobago*

[Original text: English]  
[5 October 1963]

The Government of Trinidad and Tobago is convinced that technical assistance aimed at promoting

the teaching, study and wider dissemination of the principles of international law is a worth-while undertaking which should receive the support of all nations.

International law plays a vitally important role in world affairs today, and should be the basis on which all disputes between the nations are settled.

Unfortunately, the international legal system has not achieved the same stage of development as municipal legal systems. The result of this has been that international law fails to achieve that degree of effectiveness which is desirable and is regarded by many nations as a mere body of theory which they may regard or disregard as they choose. With that wider appreciation of the scope and purposes of international law which can be achieved by the teaching, study and dissemination of its principles one may hope that before long all international disputes will be settled without recourse to war.

The Government of Trinidad and Tobago fully supports the objects of the resolution.

Replies to the questionnaire attached to the Secretary-General's Note (No. LE/112/1) are as follows:

*Reply to question 1*

There are no local programmes for training in international law. Other countries have offered scholarships and other training facilities. The Government of Trinidad and Tobago appreciates the assistance received and hopes in due course of time to be able to offer help to others where possible.

*Reply to question 2*

Assistance is urgently required but there are at present no facilities available for exchange in the field of international law. The Government of Trinidad and Tobago would welcome any assistance that can be given in this regard.

*Reply to question 3*

Trinidad and Tobago is unable at present to render such assistance.

*Reply to question 4*

None.

*Reply to question 5*

This Government suggests that a United Nations special fund be established for use in financing training schemes in the general area of international law. Countries that already have their own training programmes and facilities, could also be asked to participate in a United Nations programme by making some of their own facilities available to others, or extending these where they are already available.

*Reply to question 6*

This should be welcome. The United Nations could invite the co-operation of such bodies as the International Commission of Jurists. The United Nations could promote visits to various countries by eminent authorities in international law and could encourage Governments to arrange for seminars in international law for parliamentarians of various countries.

**DOCUMENT A/5455/ADD.6**

[Original text: Russian]  
[14 November 1963]

COMMENTS RECEIVED FROM GOVERNMENTS OF  
MEMBER STATES:

*Union of Soviet Socialist Republics*

[Original text: Russian]  
[7 November 1963]

The Soviet Union, which follows a consistent policy of peaceful coexistence, favours strict observance of the rules of international law and the strengthening of international legality in relations between States: it therefore supports General Assembly resolution 1816 (XVII) concerning technical assistance to promote the teaching, study, dissemination and wider appreciation of international law, provided that such assistance is furnished on a basis of equality and without interference in the domestic affairs of States.

*Reply to question 1*

In the Soviet Union, international law curricula provide for the study of such subjects as public international law, private international law and the history of international law. International law is taught, by both the lecture and the seminar method, at all law institutes, at the law faculties of State universities, at the Patrice Lumumba University of the Friendship of Peoples, and at various other higher educational establishments in the liberal arts field. For students wishing to specialize in international law, lectures to supplement the basic curriculum and special seminars are conducted each year on such individual questions of international law as international maritime law, diplomatic and consular law, and the legal aspects of United Nations activities.

All Soviet students, including those attending law schools, are entitled to free tuition. Students at all higher educational establishments, including those attending law institutes, receive a State grant.

*Reply to question 2*

Since Soviet higher educational establishments have qualified professors of and instructors in international law on their staffs, the Soviet Union does not require assistance in the form of specialized foreign personnel to teach international law.

*Reply to question 3*

The Soviet Union assists other countries in the study of international law by training their undergraduate and graduate students at Soviet law schools and other higher educational establishments in the liberal arts field; it also engages in exchanges of international law specialists under bilateral agreements with interested States. If the Governments concerned so desire, the Soviet Union can provide assistance in the study of international law by admitting undergraduate students, trainees and graduate students to Soviet law schools and other higher educational establishments in the liberal arts field and by sending professors and instructors from Soviet higher educational establishments to other countries.

*Reply to question 4*

Among the public organizations which are in a position to assist foreign countries in the teaching of international law are the League of Soviet Societies for Friendship and Cultural Contact with Foreign Countries, the Soviet Association for Co-operation with the United Nations, the All-Union "Knowledge" Society and the Soviet International Law Associations.

*Reply to question 5*

One of the primary purposes of United Nations and UNESCO technical assistance in disseminating knowledge of international law and in developing programmes for the teaching of it should be to enable the newly independent States to build up their own body of specialists in international law. Action to promote bilateral inter-State exchanges of undergraduate students, graduate students and teachers of international law would be a useful contribution to the achievement of the objectives of resolution 1816 (XVII). It would be advisable, in this connexion, to explore the relevant experience and practice of States as well as other possible forms of United Nations assistance in the dissemination of knowledge of international law. Assistance of this kind could be financed through the Expanded Programme of Technical Assistance, without any additional expenditure.

*Reply to question 6*

The competent Soviet authorities take a favourable view of the proposed proclamation by the General Assembly of a United Nations Decade of International Law, and consider that such a Decade would have positive results.

**DOCUMENT A/5585\*****Report of the Secretary-General**

[Original text: English]  
[29 October 1963]

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**Introduction**

1. In the course of the discussion at the seventeenth session of the General Assembly by the Sixth Committee of item 75 of the Assembly's agenda, namely the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations, Ghana and Ireland submitted a draft resolution<sup>8</sup> the main purpose of which was to request that a study be made by the Secretary-General of the means by which Member States could be aided in undertaking and developing programmes of training and exchange in international law. Afghanistan and Belgium submitted amendments to the draft resolution.<sup>9</sup> Several sub-amendments were

proposed to the Afghanistan amendment, accepted by the sponsor and incorporated in a set of revised amendments.<sup>10</sup> The draft resolution, containing these amendments, was adopted unanimously by the Sixth Committee and by the General Assembly on 18 December 1962. The text of the original draft resolution and of all the amendments proposed to it are contained in the report of the Sixth Committee of 14 December 1962.<sup>11</sup>

2. Under the terms of resolution 1816 (XVII), the General Assembly:

"1. *Urges* Member States to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law;

<sup>8</sup> *Official Records of the General Assembly, Seventeenth Session, Annexes*, Agenda item 75, document A/C.6/L.510.

<sup>9</sup> *Ibid.*, documents A/C.6/L.514 and A/C.6/L.516.

<sup>10</sup> *Ibid.*, document A/C.6/L.514/Rev.1.

<sup>11</sup> *Ibid.*, document A/5356, paras. 74-85.



"2. *Requests* the Secretary-General, together with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report on the results of such study to the General Assembly at its eighteenth session;

"3. *Decides* to include in the provisional agenda of its eighteenth session an item entitled 'Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law.'"

3. In the debate preceding the adoption of resolution 1816 (XVII), Member States welcomed the idea underlying the resolution. The view was generally expressed that once international law was more widely known and accepted, international relations and co-operation would certainly be improved. A better knowledge of international law would be a factor for peace. It was also explained that the purpose of the proposed resolution should be to develop the idea of resolution 176 (II) of 21 November 1947, on teaching of international law, which had not been fully implemented and was no longer consonant with contemporary needs. A fuller account of the proceedings of the Sixth Committee on this subject is to be found in the report of the Sixth Committee of 14 December 1962<sup>12</sup>, and in the summary records of the 753rd to the 774th meetings of the Sixth Committee.

4. Pursuant to resolution 1816 (XVII), the Secretary-General, by a letter (No. L.E/112/1) and attached questionnaire of 20 March 1963, invited Member States to supply information and comment on:

- (1) Their general views regarding resolution 1816 (XVII);
- (2) The national programmes of training and exchange at present being carried out or planned by them;
- (3) Their interest and needs in obtaining assistance from abroad and the possibility for their granting assistance and carrying out exchange;
- (4) The non-governmental sources in their countries which could help the training and dissemination programmes of other countries;
- (5) The possible role and the activities of the United Nations, UNESCO and other related agencies in this respect, including ways and means of financing any eventual programme;
- (6) The idea of a United Nations Decade of International Law and means toward achieving its practical effects.

The text of this questionnaire and the replies received have been circulated in documents A/5455 and Add.1 to 6.

5. Fourteen international organizations and institutions were also addressed by the Secretariat in order to explore the possibility of taking advantage of other channels through which Member States could be aided

in establishing and developing their programmes. These organizations and institutions were provided with the text of resolution 1816 (XVII) and a brief background of it, as well as with the text of the questionnaire sent to Member States. The organizations and institutions which were addressed are as follows: the Asian-African Legal Consultative Committee, The Hague Academy of International Law, the Institute of International Law, the International Academy of Comparative Law, the International Association of Democratic Lawyers, the International Association of Lawyers, the International Association of Legal Science, the International Association of Political Science, the International Bar Association, the International Commission of Jurists, the International Law Association, the International Maritime Committee, the League of Arab States, and the Organization of American States. The replies received are contained in documents A/5455 and Add.1 and 2.

6. The above consultations were agreed upon with the Director-General of UNESCO, who has been informed of their results. Furthermore, UNESCO has submitted a statement on a publication on the teaching of international law which it is already undertaking and which will be a valuable contribution to the programme. The text of this statement is to be found in document A/5455/Add.1.

7. Under the terms of resolution 1816 (XVII) the Secretary-General has studied ways in which Members could be aided in their national programmes of training and exchange in the field of international law through the United Nations and other channels and which would strengthen the practical application of international law. The results of this study are set out in the present document, as follows:

Chapter I is devoted to an analysis of various proposals and suggestions made during the seventeenth session of the General Assembly and in the course of consultations with Member States and international organizations and institutions;

Chapter II is concerned with the suggestion of instituting a decade dedicated to the dissemination of international law;

Chapter III sets out, for the consideration of the General Assembly, suggestions by the Secretary-General for a possible programme of assistance and exchange in the field of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law. This chapter also contains a summary of the Secretary-General's proposals.

Annex I reproduces a statement by UNESCO on the degree to which it would be able to participate in the programme suggested in chapter III;

Annex II sets out an interim statement of financial implications.

#### **I. Proposals, suggestions and information submitted by Member States and international organizations and institutions**

8. During the seventeenth session of the General Assembly some representatives suggested the establishment of legal libraries, exchanges of students and teachers, the grant of fellowships, the exchange of publications, the organization of seminars on international law, and liaison with independent specialized bodies as practical methods of achieving the aims of

<sup>12</sup> *Ibid.*, document A/5356, paras. 74 and 95.

resolution 1816 (XVII). Certain representatives also stressed the need to specify the standards to which the teaching of international law should conform.

9. In addition to statements made during the seventeenth session of the General Assembly a number of Member States and international organizations and institutions submitted various proposals, suggestions and information in response to the Secretary-General's letter (No. LE/112/1) and questionnaire of 20 March 1963, which is described in paragraphs 4 and 5 above. All the replies received from Governments and organizations and institutions stress the role that international law should play in strengthening friendly relations and co-operation among States and indicate interest in promoting its study, dissemination and development. The replies also provide much useful information on national programmes of training as well as information on possibilities for bilateral co-operation. Detailed information on the organization of the study of international law in their respective countries has been supplied by various Governments, including those of Afghanistan, Argentina, Canada, Colombia, France, Ghana, Iraq, Israel, Italy, Poland, Romania, Senegal, the United Kingdom and the United States of America (see A/5455 and Add.1-3).

10. The information received from international organizations and institutions presents a picture of their activities and prospects for broad international co-operation. UNESCO has indicated (see A/5455/Add.1) that it has in the course of preparation a comparative study of the teaching of international law, which may contain an outline of the organization and programmes of various representative institutions of higher education. The Hague Academy of International Law sent a detailed account of the objects of the Academy, of its financial position and of its activities in teaching and encouraging research in international law, as well as in organizing meetings of persons interested in this subject from all over the world. The League of Arab States provided a list of the spheres in which the League has sought to encourage the development of international law or of international agreements on legal questions.

11. The detailed views, suggestions and proposals expressed by Member States and organizations and institutions as to the means and forms of a programme of assistance and exchange in the field of international law are summarized in the remainder of this chapter under the following headings: A. Seminars; B. Training and exchange of students, teachers and fellows; C. Advisory services of experts; D. Provision of legal libraries and exchange of books; E. Co-operation and contact with bodies outside the United Nations; and F. Comments and suggestions for financing any programme eventually adopted.

#### A. SEMINARS

12. Seminars are explicitly mentioned in operative paragraph 1 of resolution 1816 (XVII) as the first constituent of broad programmes of training in the field of international law, to be undertaken by Member States and aided, under operative paragraph 2 of the resolution, through the United Nations system and other channels. During the discussion preceding the adoption of the draft resolution by the Sixth Committee, the idea of the organization of seminars was supported by the delegations of Afghanistan, Ghana,

Ireland and, on another item of the agenda, by Austria. The idea was further supported in their written comments by many Governments, including those of Afghanistan, Argentina, Austria, Canada, Cyprus, Honduras, Finland, Iraq, Italy, Nigeria, Poland, Romania, Senegal, the Sudan and the United Kingdom (see A/5455 and Add.1-4).

13. The purpose of seminars and other similar meetings was specified by the representative of Ghana, one of the two co-sponsors of the draft resolution, to enable experts in international law to exchange views and to work together for its improvement. He noted that the cost of such meetings, would no doubt be high, but the expense need not be a hindrance if the meetings helped to bring peace nearer. The representative of Afghanistan similarly considered the organization of seminars as one of the methods of developing international law which offered great advantages. Speaking on another item on the agenda of the seventeenth session (item 76), the representative of Austria also suggested that United Nations seminars be arranged from time to time to foster the preparatory work of the International Law Commission.

14. The Government of Afghanistan in its written comments observed (see A/5455) that seminars should be arranged in every part of the world, particularly in Asia, Africa and Latin America in order to train more legal personnel. The Government of Poland proposed (*ibid.*) the organization of a series of international meetings and discussions attended by scholars and professional diplomats and devoted to the development tendencies of international law. The Canadian Government suggested (*ibid.*) inviting UNESCO to investigate the possibility of holding seminars on international law involving the participation of foreign legal advisers, private practitioners and professors so that they can mutually benefit from their varied experience. The United Kingdom Government replied (see A/5455/Add.3) that the British Institute of International and Comparative Law would welcome the development of United Nations seminars on the pattern of those held by the Department of Human Rights to include discussion of the more urgent problems of contemporary international law as a valuable means of facilitating exchange between governmental and academic lawyers. The Government of Argentina considered (see A/5455/Add.1) that it would be useful to promote periodic visits by teachers to major world centres for the purpose of bringing their knowledge up to date. The Government of Italy took the view (see A/5455) that lectures and seminars could be organized along the lines of similar activities already undertaken by various Italian associations, and that they would provide scholars in this field with opportunities for fruitful exchange of ideas. It recommended also that highly qualified personnel of international organizations should give lectures and present papers.

15. The Government of Cyprus supported (see A/5455/Add.4) the organization of seminars for the benefit of the newly independent African and Asian countries, which could and should be afforded the opportunity of making their contribution in the international law-making processes. Senegal suggested (see A/5455) that a symposium might be organized at Dakar in 1964 on the contribution made by the new African States to the development of international law. The Faculty of Law at Dakar would be glad, it was said, to make its premises available for such a



symposium. The Governments of Cyprus, Finland, Ireland and Nigeria also offered facilities for the holding of seminars in their countries.

#### B. TRAINING AND EXCHANGE OF STUDENTS, TEACHERS AND FELLOWS

16. The exchange of students, teachers and fellows is mentioned in resolution 1816 (XVII) as a further constituent in the undertaking of broad programmes of training in international law by Member States. During the seventeenth session of the General Assembly such exchanges were supported by the delegations of Afghanistan, Ireland, Peru, by the representative of UNESCO, and, in written comments, by various Governments including those of Afghanistan, Argentina, Cameroon, China, Colombia, Cyprus, Czechoslovakia, Denmark, Finland, Ghana, Greece, Iraq, Lebanon, Nigeria, Poland, Romania, the Sudan, the United Kingdom and the United States of America (see A/5455 and Add.1-4).

17. The majority of Member States commenting on this topic appear to be of the view that exchanges should be undertaken by Member States pursuant to national or bilateral programmes, and, where necessary, with the assistance of the United Nations and other international organizations and bodies.

18. Great importance has been attached to the granting of scholarships and fellowships. The representative of Ireland, when introducing draft resolution A/C.6/L.510 at the seventeenth session, proposed the granting of scholarships for the training of jurists. The representative of Peru was of the view that fellowships and financial assistance to the most brilliant scholars would provide a strong stimulus in the teaching of international law.

19. General support for exchanges was expressed in the written comments sent to the Secretariat. In particular, the Government of Afghanistan proposed (see A/5455) that exchanges of teachers, professors and students of law should take place under the auspices of the United Nations and under bilateral arrangements. It also expressed the view that fellowships and scholarships should be awarded by international organizations as well as by Governments and private bodies to outstanding students of law for purposes of teacher training. The Government of Cameroon felt (see A/5455/Add.1) that the United Nations and UNESCO should provide funds and personnel for university departments of international law. The United Kingdom Government stated (see A/5455/Add.3) that assistance from its funds would be available to many countries sending students to its annual course for the training of lawyers starting in Government service, which will include international law as one of its principal subjects. The Governments of France, Nigeria and Italy supported (see A/5455) the idea of assistance in the form of grants and fellowships for study and research abroad, and the Government of Italy indicated that it would welcome an expanded international exchange of scholars. The Government of Argentina expressed its willingness (see A/5455/Add.1), on the basis of previously agreed programmes, to make the facilities of its national universities available to other countries.

20. The Czechoslovak (see A/5455) and the United States Governments (see A/5455/Add.1) recommended the provision of technical assistance in the field of international law in the developing countries

with a view to training national civil servants, particularly for the foreign service. The Czechoslovak Government suggested that assistance should also be provided for training teachers and research workers, and for educating the public in the basic questions of international law. The Government of Pakistan proposed (see A/5455) the granting of fellowships for the establishment and development of programmes of training in international law for periods ranging from six months to one year, and indicated its wish to nominate candidates for such fellowships. The Government of Poland suggested (*ibid.*) the development of mutual exchange of research workers under the auspices of the United Nations and the exchange of scholars coming from the newly independent countries of Asia and Africa. The universities of Nigeria, as stated in the observations of the Nigerian Government (*ibid.*), would welcome the secondment of academic staff from overseas universities. The Government of Cameroon expressed an interest in obtaining lectures with Anglo-Saxon legal training to assist in teaching comparative law. The Government of the Sudan suggested (*ibid.*) that the United Nations and UNESCO should consider the possibility of granting scholarships for the training of lawyers, especially from the newly independent countries. Senegal stated (*ibid.*) that its Faculty of Law at Dakar would welcome French-speaking lecturers specialized in questions concerning international organizations, to direct seminars at the expense of the United Nations and UNESCO. Ghana indicated (see A/5455/Add.1) that it would welcome attendance by United Nations fellows at its proposed University Centre for Advanced Legal Studies. Indonesia offered fellowships (see A/5455/Add.2) for research in the field of the history of international law in Indonesia with particular reference to the law of the sea. Romania stated (see A/5455/Add.1) that it could help other countries by granting scholarships of internships at its universities.

21. The United States Government considered (*ibid.*) that a programme of advanced training in international law and organization, of an international character, might be provided by the Office of Legal Affairs at United Nations Headquarters, in which a small number of allotted foreign university personnel would serve temporarily with this Office. The Government of Ireland considered that training facilities in international law in the United Nations might take the form of scholarships for a limited number of students which would enable them to work for a period of time on the legal side within the Secretariat while also attending such lectures as may be made available. The United Kingdom extended this proposal to the specialized agencies also and suggested to further widen and elaborate schemes, such as the United Nations Internship Programme, for persons who may contemplate careers in international organizations.

22. The representative of UNESCO observed during the seventeenth session of the General Assembly that the assistance of UNESCO might take the form of expert missions, fellowships and refresher courses and that UNESCO could consider enlisting the cooperation of the International Law Association, particularly in the holding of refresher courses at universities and specialized institutions. The Czechoslovak Government suggested that UNESCO might initiate various programmes aimed at an all-round publicity for and dissemination of international law, or might

participate in such programmes. In this connexion, UNESCO might organize courses on international law in different countries with the co-operation of national institutions and organizations, while paying special attention to the new States.

23. The Government of Afghanistan proposed in its written comments that annual provisions should be made under the regular programme of technical assistance for training legal personnel of the less developed countries and that this provision could be similar to the one for the Training Programme for Foreign Service Officers which was approved by the Technical Assistance Committee at its 230th meeting on 15 December 1960.

24. The Government of Indonesia recommended (see A/5455/Add.2) the setting of regional refresher courses, the establishment of a regional research institute for international law, with provision for advanced training, and a regional documentation centre for international law attached to the research institute. It indicated the possibility of setting up such a refresher course for the benefit of the South-East Asia region. The Government of Cyprus suggested (see A/5455/Add.4) the creation, under the auspices of the United Nations, of a permanent centre for the study of international law, with special reference to the law of the United Nations, to be attended by specialized scholars from all over the world. It also supported assistance through training and refresher courses.

25. The Italian Government stressed (see A/5455) that it would be less a matter of organizing new courses than of strengthening existing ones through wider participation of highly qualified foreign teachers and personnel of international organizations. At the same time Italy offered to formulate proposals for a comprehensive programme of training and post-university refresher courses, drawn up by subject and locality, in co-operation with organizations having wide experience in that field. The United States Government suggested (see A/5455/Add.1) the initiation of a winter session of The Hague Academy which might be especially designed to assist in meeting the needs of nationals of developing countries.

#### C. ADVISORY SERVICES OF EXPERTS

26. The role of expert assistance, in any eventual programme to implement resolution 1816 (XVII), was not discussed in detail at the seventeenth session of the General Assembly. However, a few Member States have expressed an opinion on such assistance in their written comments. The Government of Colombia, for instance, proposed (see A/5455) the exchange of teachers and experts in multilateral programmes of training in and dissemination of international law. The Government of Canada expressed willingness (*ibid.*) to recruit its nationals as advisers in this field. The Government of Romania did likewise. The Czechoslovak Government also informed the Secretary-General that it was prepared to send to the developing countries on request its experts, research workers and university teachers who would lecture on international law and furnish expert assistance. The Government of Lebanon (see A/5455/Add.1) expressed interest in obtaining the assistance of experts in establishing a university level Institute of International Studies, forming a Lebanese International Law Association and publishing a quarterly International Law Review. UNESCO, as already mentioned, stated that its assistance might

also take the form of expert missions. The United States Government considered that provision by the United Nations of legal advisers, requested and approved by host States, for assistance in improving the legal services of their foreign ministries might well be established as an element of the United Nations programme.

27. Several Member States, including Iraq, Thailand and the USSR, stressed the need to define the standards on which the teaching of international law should be patterned, a subject which might fall within the scope of expert assistance. Italy, however, taking into account its own experience in teaching of international law, felt that the various faculties and individual teachers should retain their independence in determining the content and presentation of courses in international law.

#### D. PROVISION OF LEGAL LIBRARIES AND EXCHANGE OF BOOKS

28. Exchanges of publications in the field of international law were expressly mentioned in resolution 1816 (XVII). The idea of such exchanges has been supported by various Governments, including those of Afghanistan, Argentina, Austria, China, Colombia, Cyprus, Czechoslovakia, Finland, France, Ghana, Indonesia, Ireland, Italy, Niger, Nigeria, Poland, Romania, and the United States of America (see A/5455 and Add.1-4).

29. Some Member States stressed the need for a better knowledge of the work of the International Law Commission and the International Court of Justice. To this end, the Government of Poland, for one, proposed (see A/5455) to improve and make more effective co-operation in the field of exchange of legal and research literature and to facilitate the technical and organizational form of this exchange. The Government of Colombia suggested extending customs facilities of all kinds to permit the exchange of publications relating to international law.

30. The Government of Czechoslovakia considered (*ibid.*) that UNESCO might establish a model comprehensive library of international law, help the developing countries in establishing their own libraries of this kind, and provide further assistance by publishing significant works in world languages. The Government of Canada suggested (*ibid.*) that the United Nations should consider inviting UNESCO to extend certain of its activities to include international law, that it ought in this respect issue a list of standard reference works on international law, and when items on this list are not readily available, to take appropriate steps to promote their republication. The Danish Government transmitted a proposal of the University of Copenhagen (see A/5455/Add.1) that the United Nations prepare a textbook on international law intended for universal use, and the Government of Cyprus extended this proposal (see A/5455/Add.4) to the publication of studies on international law which are of current interest to the international community in general and the newly independent countries in particular. The Government of Romania stated (see A/5455/Add.1) that one of the means by which the United Nations and UNESCO could contribute to the dissemination and wider appreciation of international law would be by arranging for the translation of important works on international law into the main world languages.

31. A number of suggestions in this respect have been made by the United States Government (*ibid.*), including the publication of digests of international law which would, among other things, survey the state practice of the Government concerned as well as the expansion and reproduction of existing standard works of international law, development of the publications of the United Nations and the specialized agencies and their publication in other languages, and the provision of official documentation to new States. The Government of Italy informed the Secretary-General (see A/5455) that the provision of books and publications, within the framework of comprehensive international exchange programmes, could, in the case of Italy, be accomplished through a chain of libraries which receive the publications of the United Nations and its affiliated organizations. The Governments of Afghanistan and Cyprus stated (see A/5455/Add.1 and 4) that their libraries required further legal materials and indicated that, in this respect, they would welcome aid.

32. The Government of Canada proposed (see A/5455) continuing to publicize the United Nations Charter, and the efforts, both under United Nations auspices and regionally in the field of human rights, as important aspects of modern international law. It also suggested giving more emphasis to the role and the importance of international law in United Nations information activities and considered that encouragement be given, through United Nations publications, to a better understanding by the public of what international law is, how it works and on its usefulness in the peaceful settlement of international conflicts. In the opinions of the Governments of Austria, Canada and China (*ibid.*), Ireland (see A/5455/Add.4) and Senegal (see A/5455) steps should be undertaken to ensure that publications of the United Nations (United Nations *Treaty Series*, *Yearbooks*, *Repertory of Practice of United Nations Organs*, conference records, reports on International Arbitral Awards, reports of the International Court of Justice) are made available to a greater extent to institutions responsible for the dissemination of knowledge of international law. The United Kingdom Government suggested (see A/5455/Add.2) the encouragement of a wider and better publicity for matters pertaining to international law, such as judgements and opinions of the International Court of Justice, through the Press and similar media.

#### E. CO-OPERATION AND CONTACTS WITH BODIES OUTSIDE THE UNITED NATIONS

33. In resolution 1816 (XVII), the General Assembly expressed the opinion that assistance to Member States could be granted not only through the United Nations but also through other channels.

34. The representative of Peru stated at the seventeenth session of the General Assembly that it would be advisable to establish links between the different legal systems of the world, and to that end to call upon various international organizations such as the League of Arab States, the Inter-American Council of Jurists, and the Asian-African Legal Consultative Committee. Other delegations considered it advisable to form contacts with independent bodies specializing in the study of international law to help to extend the knowledge of international law. Some of them recommended the encouragement of teaching establishments such as The Hague Academy of International Law.

35. In their written comments the Government of Austria suggested (see A/5455) that the United Nations support scientific institutions such as The Hague Academy of International Law, the Institute of International Law and the International Law Association. The Government of Ireland also thought that the programmes would probably be best implemented by a full utilization of the facilities of existing institutions, such as The Hague Academy and through consideration of how existing facilities might be expanded, instead of creating new institutions which would entail heavy expenditure. The Government of Norway has expressed the opinion (*ibid.*) that any action taken by the United Nations in this respect should include measures aimed at supporting The Hague Academy. This would make it possible for the Academy to extend its activities. The Government of Italy felt (*ibid.*) that it would be desirable to provide more fellowships to enable qualified young people to attend courses at the Academy.

36. The United States expressed the view at the seventeenth session of the General Assembly, that technical assistance from the United Nations and UNESCO for training in international law should be complemented by that of Governments, universities and private foundations. In its written comments the United States Government again expressed the view (see A/5455/Add.1) that national governmental and private resources should be fully employed to the extent that they are available. The Government of Canada suggested that the United Nations should give consideration to calling upon inter-governmental and voluntary organizations concerned with social sciences and law to consider ways and means of achieving the objectives of resolution 1816 (XVII) and to send to the Secretariat periodic reports on the progress of their efforts. The Government of Czechoslovakia stressed (see A/5455) that the preparation, organization and implementation of most varied forms of the dissemination, teaching, study and technical assistance in the field of international law should be entrusted to the Governments of all States and to the respective national and international governmental and non-governmental organizations and institutions, in particular UNESCO, and that the United Nations itself should concentrate on the co-ordination of these activities. It also stressed that in the implementation of all these programmes due representation of the main legal systems of the world should be secured.

37. The Government of Argentina was of the view (see A/5455/Add.1) that a programme to achieve the objectives set out in resolution 1816 (XVII) should, generally speaking, be on a multilateral basis, operating through various United Nations agencies, principally UNESCO. However, it also stated that bilateral projects should not be ruled out, as they are often more flexible than multilateral arrangements. The Government of Sierra Leone stated (*ibid.*) that the United Nations ought to direct its resources towards the co-ordination of research work undertaken by the various universities of the world. The Government of Cyprus took the view (see A/5455/Add.4) that the United Nations, UNESCO and other related agencies should try to fill the gaps which exist at present in the programmes of institutions and foundations active in this field.

38. The Government of Indonesia considered it desirable (see A/5455/Add.2) that a comprehensive

survey precede the drafting of programmes to be undertaken pursuant to resolution 1816 (XVII) and recommended that the General Assembly should appoint a committee entrusted with this task, composed of outstanding individuals with training in a variety of related spheres, where at least half the total members would be representatives of the developing countries. The Indonesian Government also proposed possible terms of reference for the committee.

39. The Asian-African Legal Consultative Committee recommended (see A/5455) the promotion of inter-governmental regional organizations which might give assistance to the International Law Commission in its task of codifying and progressively developing international law. In the view of the Committee, preference should be given to inter-governmental regional organizations, rather than non-governmental agencies or associations, as the recommendations of the latter may not necessarily reflect the view of Governments. The Secretariat of the League of Arab States expressed the willingness of the League (see A/5455/Add.1) to participate in any sphere for the dissemination of international law which the United Nations might suggest.

40. Most of the international organizations and institutions which replied to the Secretary-General's letter have shown interest in participating in a United Nations programme in this field by taking up specific projects on a regional basis, by the organization of discussion or study groups, by making available the service of lecturers and teachers, etc. Some of them are also willing to increase their present activities. A few of them indicated, however, that this increased activity and co-operation would require additional finance.

#### F. PROPOSALS AND SUGGESTIONS REGARDING THE FINANCING OF THE PROGRAMME

41. The question of the financing of any programme eventually approved by the General Assembly was not dealt with in resolution 1816 (XVII). However, during the discussion of draft resolution A/C.6/L.510 in the Sixth Committee, at the seventeenth session, the representative of Afghanistan suggested that the Expanded Programme of Technical Assistance, the regular programme and the Special Fund might join forces and that the co-operation of Governments, regional organizations and the International Court of Justice should be secured. The representative of the United States considered that any future programme of technical assistance in international law might, and probably should, involve organs of technical co-operation of the United Nations but he did not wish for a decision on the nature of financing of the programme to be taken at that session. The representative of the United Kingdom and some others did not think that technical assistance extended to the legal matters referred to in the draft resolution.

42. The Secretary-General requested a reply from Member States on how such activities should be financed, and some of them have expressed detailed opinions on it in their written comments. The Government of Canada suggested (see A/5455) that any training or programme of studies in the field of international law should be undertaken within the broad scope of the various aid and technical assistance programmes which have already served to assist developing nations in this and other fields of knowledge and that the activities of the programme for the provision of opera-

tional, executive and administrative personnel (OPEX) were an example of this. The Government of Canada went on to say that, in so far as receiving countries might require assistance in the field of international law, the programmes in question should be arranged or altered so as to provide whatever particular form of help in this field is needed by individual countries. The Government of Ireland also considered (see A/5455/Add.4) that the programmes should come within the ordinary technical assistance programmes of the United Nations which already cover a wide field (e.g., programmes for advice in aspects as varied as energy, transport and statistics and training of economists). The United States Government suggested further (see A/5455/Add.1) that the United Nations survey and publishing activities should continue to be financed as at present and that the provision of legal advisers to Foreign Ministries or the training of Foreign Office officials at United Nations Headquarters should be financed in accordance with existing technical assistance arrangements. The United Kingdom believed (see A/5455/Add.3) that the Special Fund and the Expanded Programme of Technical Assistance should be made primarily responsible for financing such activities.

43. In the view of the Governments of Pakistan (see A/5455) and Cyprus (see A/5455/Add.4), the expenses, depending on the period and the country where the training is to be given, may be determined and financed by the United Nations or its related agencies, and, furthermore, in the opinion of the latter, also partly through the proportional contribution of the States involved. The Governments of the United States, Cyprus, Italy and the United Kingdom did not exclude the financial participation of foundations, and the United Kingdom stated (see A/5455/Add.3) that the participation of individuals who might wish to make contributions towards the achievement of the purpose of resolution 1816 (XVII) should not be excluded. In the view of the Government of Argentina (see A/5455/Add.1) the programme should be financed by contributions from the most economically advanced countries. According to the Government of Honduras (see A/5455) such activities could be financed by setting up a special budget from funds already existing within the United Nations, UNESCO and other related agencies.

44. The Government of the Sudan proposed (*ibid.*) the establishment of a special fund to which all States might be invited to contribute. The Government of Romania believed (see A/5455/Add.1) that the programme should be financed by voluntary contributions. In the view of the Government of Finland (see A/5455/Add.3), such activities, when undertaken by the United Nations and UNESCO, should be financed through their regular budgets. The Government of Sierra Leone expressed a similar opinion (see A/5455/Add.1). The Government of Lebanon stated (*ibid.*) that certain projects should be financed in equal shares by the United Nations or UNESCO and by the State receiving assistance.

## II. United Nations Decade of International Law

45. In resolution 1816 (XVII) the Secretary-General was also requested to study the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law. At the seventeenth session of the Assembly a certain divergence of opinion had been expressed in respect

of the proposal to institute such a Decade. Some delegates believed that this would be a very effective way to strengthen the role of international law. Others, however, considered the proposal premature. The present chapter contains a summary of the views of Governments and international organizations and institutions on the subject of a Decade, and certain suggestions by the Secretary-General.

#### A. SUMMARY OF THE VIEWS OF MEMBER STATES AND OF INTERNATIONAL ORGANIZATIONS AND INSTITUTIONS

46. In inviting written comments from Member States, the Secretary-General requested their views in respect of a Decade of International Law and, in particular, their views on the means, apart from training programmes in international law, by which such a Decade could have practical effects. The majority of States which sent replies to the questionnaire supported the general idea of proclaiming a Decade. Afghanistan, Cyprus, Czechoslovakia, Honduras, Indonesia, Iraq, Israel, Italy, Poland, Romania, the Sudan and the United Kingdom also explained in some detail what should be the means by which such a Decade could have practical effect (see A/5455 and Add.1-4).

47. Apart from seminars, training programmes, and exchanges of teachers, experts and publications, the following suggestions were particularly stressed. During the Decade:

(a) Member States should pledge themselves not to resort to arms and try to solve their disputes by pacific means (Afghanistan);

(b) The work of codification and progressive development of international law should be speeded up (Afghanistan, Cyprus, Czechoslovakia, United Kingdom), to this end the International Law Commission should be strengthened by providing it with more preparatory work and by giving it more time for its meetings, and the Office of Legal Affairs of the Secretariat should be increased (Afghanistan), the two Covenants on Human Rights should be adopted and the Law of Treaties and other multilateral agreements finalized (Cyprus);

(c) Compulsory jurisdiction of the International Court of Justice should be accepted by Member States and the composition of the Court should be improved (Afghanistan, Cyprus);

(d) The United Nations, Governments and non-governmental organizations should study the principles of international law with a view to strengthening international law and world co-operation (Afghanistan), in particular the study of the law of international organizations and other branches of the law relevant to the maintenance of peace should be intensified (Israel);

(e) The attention of the public at large should be drawn to the importance of international law through the use of modern information techniques in order to bring about a better appreciation of the rule of law in the field of international relations (Indonesia, Lebanon, Sudan);

(f) Deeper knowledge and strengthening of the principles of peaceful coexistence should be stressed by any programmes in this field (Czechoslovakia);

(g) It should be recommended to all national and international organizations and institutions active in the field of international law that they should pay primary attention to legal problems having an immediate impact

on the safeguarding of peace and international security and co-operation (Czechoslovakia);

(h) The experience of international organizations should be utilized for a comparative study of current thinking in the field of international law in the light of the requirements of an international community which is passing through a phase of intensive and dynamic internal change (Italy);

(i) Members of the International Court of Justice and the International Law Commission should be invited to deliver annual lectures on the progressive development of international law and its codification in rotation in Member States and published versions of such lectures should be distributed (Nigeria);

(j) The date of the adoption of the resolution establishing the Decade should be observed as "International Law Day", the programme of which should include demonstration of practical examples of attempts by the great Powers to settle important international issues through the International Court of Justice at The Hague (Nigeria);

(k) Publications, prepared by a group of eminent international lawyers, should be issued under the auspices of the United Nations and UNESCO for the use of universities and students of law, and should be made available in all languages (Afghanistan), and the works of the International Law Commission and of other organs active in the field of codification of international law should be popularized (Poland, Sudan).

(l) The proclamation of a Decade should be accompanied by an internationally supported programme of action on both the academic and the public levels covering the period, the main feature being a serious attempt at making international law, through effective academic and public programmes, what sociological jurisprudence calls "living law" (Indonesia);

(m) An appeal should be made to those Member States which have not yet become parties to general multilateral treaties, and more especially law-making treaties, concluded under the auspices of the United Nations, to reconsider their position with a view to completing the steps necessary for them to become parties (United Kingdom, Cyprus);

(n) The evolution of international law by means of a dynamic approach in interpreting it would contribute greatly towards its development (Cyprus).

48. Support for the proclamation of the Decade has been expressed by most of the international organizations and institutions which replied to the Secretariat's communication.

49. Some Governments expressed reservations regarding the proclamation of the Decade. The Government of Sweden informed the Secretary-General (see A/5455) that it favoured a more modest label for the programme to be undertaken. The Government of Poland did not deem it advisable (*ibid.*) to restrict actions in promoting the dissemination of international law to temporarily fixed limits, although it proposed certain measures for which the Decade might be used. In the view of the Government of Canada (*ibid.*), the idea probably deserves further study. Its effective implementation, however, may be exposed to the disadvantage resulting from the current tendency to a proliferation of similar schemes in other fields of international activity which might reduce the impact of an international law decade. The Government of Came-



room was of the opinion (see A/5455/Add.1) that the General Assembly should concern itself with more important questions, such as education and economic and social development. The United States Government also took the view (*ibid.*) that the proclamation of a Decade would be unprofitable. There was a danger that such a proclamation would give rise to undue expectations by attaching a rubric such as "Decade of International Law" to a programme which would, at least in so far as elements of it might be financed by United Nations sources, be modest, and whose processes would be unspectacular. The United States Government also suggested that the problems of a more effective international law transcended those of a Decade. The Government of Argentina was of the view (*ibid.*) that the proclamation of a Decade would allow too long a period for the attainment of a permanent objective and thus might well hinder its attainment through loss of momentum. It therefore suggested that the project should be executed within a shorter period of time, probably one year, during which Governments would carry out an intensive campaign to disseminate knowledge of international law. The Government of Ireland also expressed some doubts (see A/5455/Add.3) as to the precise value to international law of the proposal and as to the appropriateness of the suggested period. In its view it would be possible to envisage a successful intensive effort over a period of two to three years and if a steady rate of progress is achieved it could be extended to a period longer than ten years.

#### B. SUGGESTIONS BY THE SECRETARY-GENERAL

50. The Secretary-General has studied the question of proclaiming a Decade of International Law in the light of the comments he has received, certain of which are summarized in the preceding section of the present chapter. It is clear from the diverse suggestions which have been advanced that there are many elements which might form part of such a Decade and numerous ways by which the primary aim of such a Decade, in giving a particular impetus to the development of and growth of respect for international law, might be achieved. Because of the diverse nature of the comments received, the Secretary-General believes that the Members of the General Assembly should have a further opportunity at the eighteenth session to reach a consensus before any concrete proposals are arrived at. Nevertheless, it would appear to him that, to the extent permitted by available financing, it is possible to reconcile a programme of teaching, study and dissemination of international law with the primary aim of a Decade.

51. While the efforts to improve the teaching, study and dissemination of international law must be continuous and extend beyond any particular number of years, the General Assembly could periodically combine its efforts for such improvement with certain of the other elements proposed for inclusion in a Decade of International Law. In other words it might set targets which it would be desirable to achieve within particular time periods. At one session it might consider ways and means by which the number of acceptances of the compulsory jurisdiction of the International Court of Justice might be increased. At another it might study possibilities for making international law more widely known to the general public, and arrive at recommendations to this effect to be carried out within a given time. It might also consider the extent to which particular proposals for inclusion in a Decade might be achieved

through other available channels. Certain of the proposals would appear to bear a close relationship to the future work of the International Law Commission, and to the study by the Sixth Committee of principles of friendly relations and co-operation among States. Other proposals, as the Canadian Government has pointed out (see A/5455), might be included in the programme which the General Assembly will consider at its eighteenth session for an International Co-operation Year (A/5561) and the Sixth Committee might wish to make recommendations to this effect.

### III. Outline for an initial programme of assistance and exchange in the field of international law

#### A. DEFINITION OF THE PRIMARY ROLE OF THE UNITED NATIONS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)

52. From the information provided to the Secretary-General, as summarized in chapter I of this report, and as set out in document A/5455 and the addenda thereto, it would appear that many States have already established programmes of training in international law, available not only to their own nationals but also to students and scholars from other States. Certain organizations and institutions also have training and other facilities open on a wide geographical basis. Some of these training programmes and other facilities enjoy world-wide recognition. Furthermore, the exchange of people active in this field, or studying subjects of international law, has increased considerably in recent years, especially on a bilateral or regional basis. Any United Nations and UNESCO activity should therefore be designed so as to avoid duplication or the taking over of programmes at present sponsored by States or other international institutions and bodies. The terms of resolution 1816 (XVII) also make it clear that the primary role of the United Nations and UNESCO should be to encourage the development of national programmes and of bilateral or regional assistance, and to provide a centre for co-ordinating and aiding programmes which could not be fully implemented without the support of the United Nations and UNESCO. The role of these two organizations, in this respect, could be of particular use to the developing countries, interested in establishing their own national programmes of training and in increasing the number of their own personnel with a wide education in this field.

53. In addition, the Secretary-General and UNESCO, in accordance with the wish of Member States and various international organizations and institutions, as evidenced by the information summarized in chapter I of the present report, would be prepared to undertake to initiate their own limited programmes of assistance and exchange. These programmes could supplement the activities of co-ordination and assistance mentioned in the previous paragraph.

54. It is the purpose of the present chapter to bring to the attention of the Assembly, for its consideration, certain suggestions which might be of use in recommending a United Nations and UNESCO programme along the lines just indicated. Part B of the chapter contains detailed suggestions on the primary role of the United Nations and of UNESCO in seeking to encourage and co-ordinate existing programmes. Part C is concerned

with a moderate initial programme of direct assistance and exchange which might be undertaken by the United Nations and UNESCO. Part D deals with co-operation and assistance of Member States and of organizations and institutions in carrying out the programme. Part E contains a summary of the Secretary-General's recommendations. The exact extent to which the elements comprising the above programme would be undertaken by the Secretary-General or by UNESCO, or by both, would be subject to later arrangements arrived at by the Secretary-General and UNESCO in the light of the programme eventually approved by the Assembly and the views expressed by Member States on the apportionment of various parts of it between the United Nations and UNESCO. The paragraphs of the present chapter which follow must therefore be read subject to the foregoing proviso. The extent to which UNESCO believes at present that it would be able to participate in various parts of the programme is indicated in annex I to this report.

**B. THE ENCOURAGEMENT AND CO-ORDINATION OF EXISTING PROGRAMMES BY THE UNITED NATIONS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION**

55. The initial impetus in encouraging existing programmes has already been given by the General Assembly which has urged Member States, in operative paragraph 1 of resolution 1816 (XVII), to undertake broad programmes of training and exchange. Most of the States and international organizations and institutions which have replied to the Secretary-General's request for information have responded positively to this appeal. A number of recommendations for further activities in this respect are contained in, for example, the reply of the Canadian Government (see A/5455/Add.2). Member States have also indicated some of the ways and means by which the impetus already given may be maintained and further developed by the United Nations and UNESCO. To this end the Secretary-General believes that the Assembly might wish to consider implementing some or all of the suggestions which follow and which have been prepared in the light of the information furnished to the Secretary-General.

*(a) Compilation of information on training and special programmes in international law*

56. While various opportunities already exist for students and scholars to study international law, or to participate in the consideration of international legal problems, at universities and institutions outside their home countries such opportunities might be more widely publicized and more extensively utilized if information regarding them could be collected and compiled, on a periodic basis, and made available to all Member States for their own use and for the use of their institutions of learning. Consequently UNESCO might be requested by the Assembly to collect from Member States detailed information on training offered by their universities and scientific institutions in international law.

57. Such information might encompass not only a description of the courses or other programmes offered but also details of available scholarships and other financial assistance, particularly for foreign students, the qualifications required of candidates for admission to the courses or other programmes and for receiving scholarships or financial assistance, and the procedures to be followed in applying for any of the foregoing.

It might likewise cover details of special seminars, discussions, conferences and other programmes offered by States or organizations and institutions in any particular year.

58. The foregoing information, after compilations, could be circulated yearly to all Member States for distribution in their territories and might also be published and made available to the general public. In this connexion it will be recalled that, as mentioned in paragraph 10 above, UNESCO is already preparing a comparative study on the teaching of international law which may contain an annex outlining the organization and programmes of various representative institutions of higher education. This annex should prove a useful source in compiling some of the information mentioned in the present paragraph. The value of such compilations along the lines just mentioned would depend, of course, upon the full co-operation of Member States and their institutions of learning in supplying the necessary information. Should the Assembly decide to recommend that it be undertaken it might be on a provisional basis, subject to review in due course in the light of experience of its value.

*(b) Encouragement of fellowship programmes*

59. In connexion with the proposal just made, the Assembly might also consider steps to encourage fellowship programmes through the United Nations and UNESCO. The Assembly could invite Member States to offer fellowships for foreign students for long or short term studies at their universities or research centres. The Secretary-General or UNESCO would be requested to compile and to transmit to Member States the requisite information on action taken by States on this invitation. If Governments granting fellowships so request, the Secretary-General or UNESCO might assist in channelling to them applications for those fellowships, it being for the Governments concerned to decide which applications should be accepted.

*(c) Encouragement of the exchange by Member States of teachers, experts, students and publications*

60. The General Assembly might wish to call upon Member States to consider the inclusion, in their programmes of cultural exchanges, of provision for the exchange of teachers, students, experts, books and other publications in the field of international law. In this context, Member States might have brought to their attention the usefulness of agreements between universities and scientific institutions of two or more countries on the direct exchange of fellows and publications. While this could be embodied initially in a resolution, the possibility also exists of requesting the Secretary-General and UNESCO to keep this field of activity under review, and to include information on it in the compilations envisaged in paragraphs 56 to 58 above, or in periodic reports to the Assembly.

61. The Secretary-General and UNESCO might further be requested to compile and keep up to date, for distribution to Member States, a list of teachers and experts in international law, or particular branches thereof, who might be available on request to assist other countries, subject to suitable financial arrangements between the countries concerned. Requests for the provision of teachers and experts might also be channelled through the United Nations and UNESCO, for transmission to countries having available teachers or experts, in accordance with the wishes of the requesting State.



Once again, the success of this undertaking will depend upon the co-operation of Member States in providing the necessary information, and in responding favourably to requests for assistance.

(d) *Encouragement of the study by other organizations or institutions of legal problems of particular interest to the United Nations*

62. The General Assembly might also consider the possibility of action designed to encourage the study, by other organizations and institutions, of legal problems of particular interest to the United Nations. In this respect, the Secretary-General might inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems, or which are otherwise of particular interest to the United Nations so that such organizations can include them in their own programmes of work. The Sixth Committee might itself like to recommend a list of such topics both for study and for inclusion on the agenda of conferences, symposia, seminars, training courses and other meetings initiated by other international organizations and institutions. Recommendations arrived at in this respect would be transmitted to the organizations and institutions concerned.

(e) *Other forms of assistance in furthering the aims of General Assembly resolution 1816 (XVII)*

63. In addition to the foregoing, the Assembly could weigh the possibility of requesting the Secretary-General and UNESCO to perform certain other services for Member States, at their request, such as rendering advice on appropriate material and its availability for inclusion in legal libraries, exploring the possibilities of obtaining the translation into as many languages as possible of standard works on international law, and acting generally as a clearing-house for information on matters relating to the teaching and dissemination of international law.

C. PROGRAMME OF DIRECT ASSISTANCE AND EXCHANGE BY THE UNITED NATIONS AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

64. As indicated in paragraph 53 above, in addition to measures for encouraging and co-ordinating existing programmes, the Secretary-General and UNESCO, in accordance with the wishes of Member States and various international organizations and institutions, would be prepared to undertake to initiate their own limited programmes of direct assistance and exchange. The extent to which such programmes may be developed will depend upon the wishes of Member States and upon available financial and other resources both inside and outside the United Nations and UNESCO. The support of Member States and outside organizations and institutions, independent of the resources of the United Nations and UNESCO, may be of particular value and importance in this respect.

65. On the basis of the replies he has received from Governments and international organizations and institutions it would appear that the General Assembly might wish to give consideration to recommending a programme of direct assistance and exchange involving some or all of the suggestions set out below under the headings: (a) seminars; (b) training and refresher

courses; (c) fellowships; (d) advisory services of experts; and (e) other forms of assistance and exchange.

(a) *Seminars*

66. Seminars of experts, either on a regional or world-wide basis, might be organized and sponsored directly by the United Nations to discuss problems of international law of importance to the Organization, particularly in instances where it has not been possible, under the arrangements envisaged in paragraph 62 above, to have such problems placed upon the agenda of other organizations and institutions for study and discussion. The replies of Governments and international organizations and institutions have indicated considerable interest in such seminars.

67. The organization of seminars gives rise to various questions which the Assembly may wish to take into account, such as their purposes; their frequency and duration; the number and selection of participants; the selection of topics; the selection of location; and the undertaking of preparatory work and the publication of records. The answers to these questions may vary, depending on a number of factors to be assessed at the time when it is proposed to hold the seminar.

68. *Purposes of seminars.* Seminars might help to further the aims of resolution 1816 (XVII) in a number of ways. They could provide an opportunity for eminent scholars and senior national officials to discuss and to seek to reach a consensus on important problems of international law. Where the topics selected are already on, or proposed for inclusion in, the agenda of the Sixth Committee or the International Law Commission, the proceedings of such seminars could furnish a useful element in the preparatory work of these two bodies. The contacts established at seminars and afterwards maintained between persons active in the same field, and coming from various parts of the world, might further serve to foster other purposes of resolution 1816 (XVII) such as arrangements for the exchange of teachers, students, fellows and publications.

69. *Frequency and duration.* As regards the frequency of seminars sponsored by the United Nations, consideration could be given to their organization perhaps once every two or three years, or on an *ad hoc* basis when it is felt that a particularly useful purpose could be served by convening such meetings. Factors to be taken into account will be the cost of such seminars and the availability of funds and other facilities from both United Nations and other sources. The duration of seminars will have to be long enough to permit the fullest exchange of opinions and would therefore probably be between two to three weeks depending upon the subject selected.

70. *Number and selection of participants.* It has been the consistent experience of the Organization that seminars are most successful when they are sufficiently restricted in size to permit a very free and informal exchange of views. In United Nations practice, therefore, participation is usually limited to between ten and thirty persons. Meetings larger than this usually take the form of symposia, or if on a global basis, of conferences. In selecting participants in seminars various factors will have to be weighed. Participants should be experts, thoroughly familiar with the topics to be discussed. Their selection would either be on a regional basis, where a regional matter is to be discussed, or a world-wide basis, with the principal legal systems and doctrines represented where the topic is of general

interest. While participants might be nominated by Governments, their eventual selection could be made by the Secretary-General acting on the advice of a Committee of Secretariat experts. Apart from the actual participants in a seminar, observers might be invited from interested international organizations and institutions.

71. *Selection of topics.* The choosing of a topic for a particular seminar would depend upon the urgency and timeliness of that topic, its general or regional interest, the degree to which it is already the subject of study and discussion both in and outside the Organization and its importance to the Governments of Member States and to the United Nations. In selecting it, attention would naturally have to be paid to the extent to which it is relevant to the work of the Sixth Committee or of the International Law Commission. Topics already on the agenda of these bodies might be chosen, or other subjects of general interest. Possible subjects might be certain legal aspects of the principles of friendly relations and co-operation among States, basic principles of international law, the legal problems of international rivers, the legal aspects of international trade, and standards of teaching of international law, etc. The selection of topics might be made by the Sixth Committee, or by the Secretary-General in consultation with the Sixth Committee and, where appropriate, any host Government or other sponsoring organization.

72. *Selection of location.* The choice of a particular location for a seminar would depend in large measure on the extent to which States or other organizations would be prepared to offer facilities and financial assistance. When such offers are not forthcoming, regional seminars might also be held at the regional offices of the United Nations, while those convened on a wider basis might meet at United Nations Headquarters or at the European Office.

73. *Preparatory work and the publication of records.* Adequate preparation for a seminar would require, apart from decisions on the foregoing questions, the issue of working papers which could be drafted by expert consultants. Such working papers form the essential basis for discussion, in addition to any papers which participants might themselves submit. The actual proceedings of the seminar would, in turn, be compiled by the Secretariat and, depending upon the topic, submitted, as required, to the Sixth Committee, the International Law Commission, Member States or other international bodies interested in the particular field concerned.

#### (b) *Training and refresher courses*

74. The replies of Governments and international organizations and institutions have indicated that training and refresher courses are another element which the United Nations and UNESCO might undertake in seeking to implement resolution 1816 (XVII) and to supplement the activities of Member States and international organizations and institutions in this field. As in the case of seminars, the establishment of training and refresher courses gives rise to certain preliminary questions, which the Assembly may wish to bear in mind, such as their purposes; their frequency, geographical scope, and duration; the selection of location; the number of participants; the selection of lecturers and participants; fellowships for participants; the selection of topics and the publication of lectures.

75. *Purposes of training and refresher courses.* Training and refresher courses could offer teachers or

advanced students an opportunity of enlarging their point of view through instruction from recognized authorities on international law who would be drawn from the main legal systems of the world. Experience gained in such courses would be of assistance to participants in initiating or strengthening national teaching programmes in international law, and might be of particular value to new or developing States as a factor in training their own specialists and setting up their own national teaching programmes.

76. *Frequency, geographical scope and duration.* In view of their essentially instructional nature and the need for a certain measure of continuity if they are to be of the most benefit to the largest number of people, training and refresher courses might best be organized on a periodic rather than an *ad hoc* basis. Consideration could be given to perhaps holding them once every two or three years at different locations. To permit those attending the courses to benefit fully from them, the courses would have to run for three to four weeks or possibly for longer.

77. Such courses might be organized on either a regional or a global basis. In view of the universality of international law, there are obvious advantages to the organization of courses on a global basis. However, if such a basis is adopted, it would be necessary, for financial reasons, to strictly limit the number of participants from each geographical region. Regional courses would, in appropriate cases, permit the needs and problems of particular areas to be taken into full account. Difficulties in selection of participants would also be lessened if the geographical scope is restricted, thus reducing the potential number of applicants.

78. *Selection of location.* Organization of training and refresher courses on a global or regional basis would also be a factor relevant to a choice of their location, as would be any offers by States or organizations and institutions of facilities and financial assistance. As far as possible, furthermore, such courses should be given at places offering adequate library facilities for the participants.

79. *Number of participants.* The considerations relevant to the limitations in size of seminars do not apply equally to training and refresher courses, where the determining factors will be available financial resources and the adequacy of other facilities. Such factors might limit courses to between 30 to 45 persons.

80. *Selection of lecturers and participants.* Selection of lecturers and participants would have to be on the basis of certain established principles. Lecturers might be chosen by the Secretary-General, acting on the advice of a Secretariat committee and UNESCO, from among the most competent scholars and recognized experts in the field which any particular course seeks to cover. To provide adequate instruction and a wide range of views it would seem desirable to select three or four lecturers for each course who, apart from their other duties, could serve as instructors in seminars and discussion groups dealing with various aspects of the subjects making up the course.

81. Participants most likely to benefit from training and refresher courses would appear to be young teachers or Government officials, selected so as to provide as wide a geographical representation as possible from the region concerned. Candidates for these courses from the developing countries might be given special consideration, in view of the needs of those countries. As regards their selection, particularly where regional courses are en-

visaged, one possibility would be for each Government within the region in which the course is held to nominate from one to three persons to participate.

82. *Fellowships for participants.* The cost to the United Nations and UNESCO of training and refresher courses would be considerably reduced if a system of fellowships could be devised to cover the travel, subsistence and *per diem* costs of participants. Consideration might be given, in this connexion, to a scheme under which one fellowship would be granted by the sponsoring organization to a participant from each country within the area, while the Governments undertake to grant fellowships to the other participants from their own countries.

83. *Selection of topics.* Another question to be resolved concerns the topics to be covered in each course. The contents of courses might vary to some extent to include the particular problems of international law of importance in various regions, as well as general and timely issues of contemporary international law. Topics might thus be selected by the Secretary-General, acting on the advice of a Secretariat committee and UNESCO and after consultations with the Governments of the region in which the course is to be held, and, as appropriate, the host State or any sponsoring international organization and institution.

84. *Publication of lectures.* A final matter to be considered in connexion with training and refresher courses concerns the possibility of publishing some or all of the lectures delivered. A selection of these might be made by the Secretary-General, in consultation with a Secretariat committee and UNESCO for printing if funds were available for such a purpose.

#### (c) *Fellowships*

85. Fellowships are yet another means by which the United Nations might seek to further the aims of resolution 1816 (XVII) by supplementing the fellowships or scholarships made available by Governments or organizations and institutions, as mentioned in paragraph 59 above in connexion with the Secretary-General's suggestions for encouraging and co-ordinating existing programmes. The replies of Governments and international organizations and institutions have indicated interest in such fellowships. Questions to be considered in relation to any projected fellowship programme include its purposes; the number and selection of fellows and their course of study and its duration.

86. *Purposes.* United Nations fellowships could serve purposes very similar to training and refresher courses by providing persons active in the field of international law with opportunities to expand their knowledge and experience, particularly in the field of international organizations, and by giving them an opportunity to work and study at the Headquarters of the United Nations or of a specialized agency, or at a recognized university or research institute. This would also serve to promote the study of international law and of current problems of particular interest.

87. *Number and selection of fellows.* The number of fellowships which may be awarded is obviously a matter to be determined in the light of available financial resources and an assessment of the real value of such programmes. Should financial resources prove to be adequate, in addition to the fellowships suggested in paragraph 82 above for participation in training and refresher courses, the United Nations might grant a

number of fellowships each year to qualified persons to study the work of the legal organs of the United Nations, or other international organizations at their Headquarters, or to prepare a paper on particular problems of international law related to activities of international organizations at a recognized university or research institute. In this respect it should be noted that the facilities at present available at United Nations Headquarters, or at the Headquarters of other international organizations, would not permit an adequate programme for more than a few fellows.

88. Suitable candidates for such fellowships would probably be advanced students, research workers, or junior or intermediate Government officials who work in the field of international law. Candidates could submit their applications through their national Governments to the Secretary-General in a form established by the United Nations which would contain essential information on the background of the candidate, his previous academic experience, his preferred course and place of study, etc. The final selection of applicants would be made by the Secretary-General, in consultation with a Secretariat committee, with due regard to the principle of equitable geographical distribution and to the qualification of the candidates.

89. In addition to providing fellowships, the United Nations and the specialized agencies might make available facilities for study at their headquarters by persons sent at their own Government's expense, and selected in a manner similar to that just described for fellows.

90. *Course of study and its duration.* The particular course of study chosen by an applicant would have to be subject to the approval of the Secretary-General, and arrangements made within the Secretariat for the proper supervision of the work of a fellow whether working at United Nations Headquarters or elsewhere. Fellows and their supervisors should submit both progress and final reports. As regards the duration of fellowships, it would seem that a period of from three to six months should be contemplated if the holders thereof are to have sufficient time to gain real benefit from their particular studies.

#### (d) *Advisory services of experts*

91. *Purposes.* A further way in which the United Nations and UNESCO might directly seek to implement resolution 1816 (XVII), would be by way of expert assistance, furnished at the request of Member States, in cases where such assistance cannot be obtained from other States under the procedures envisaged in paragraphs 60 and 61 above. Such expert assistance could cover a wide field, including the establishment or improvement of national teaching programmes in international law; the building up of libraries of representative works of international law in foreign offices and universities, particularly in the developing countries; and the drafting and preparation of legislation in fields touching upon international legal problems. An example of this latter field already exists in connexion with international commercial arbitration. By its resolution 708 (XXVII) of 17 April 1959, the Economic and Social Council requested "the Secretary-General to assist, within the limits of available staff and financial resources, Governments and organizations in their efforts to improve arbitral legislation, practice and institutions, in particular by helping them to obtain technical advice and assistance from appropriate sources available for this purpose..." This might be broadened within

the present context to cover other fields, where national and international law are interconnected.

92. *Selection of experts.* The number of experts would be determined by the demand for them and the available funds for financing a programme of expert assistance. Experts would be selected by the Secretary-General or UNESCO, at the request of and with the approval of the Member State concerned, and the programme could be administered in accordance with the established practices already existing within the United Nations and specialized agencies in the field of expert assistance.

(e) *Other forms of assistance and exchange*

93. In addition to the foregoing forms of direct assistance there are other possibilities for the United Nations and UNESCO to further the aims of resolution 1816 (XVII), among which the Assembly may wish to consider the following:

(a) Grants of sets of United Nations documents and publications to universities and research centres of Member States. At the present time, some 346 libraries (including 247 depository libraries) in ninety countries and territories are receiving most United Nations publications by deposit, by exchange of publications, or by subscription. The possibility of, or need for, an extension of the present arrangements could be a subject for further study.

(b) The compilation of a comprehensive study on methods of teaching international law and the establishment of standards for such teaching. In this respect, as will be seen from the reply of UNESCO mentioned in paragraph 10 above, that organization has already initiated a publication dealing with the teaching of international law.

(c) Subventions by UNESCO to international non-governmental institutions engaged in the teaching, study or dissemination of international law (such as The Hague Academy of International Law). Such subventions would be made within the framework of the directives adopted by the UNESCO General Conference and might be related specifically to measures undertaken by such institutions to assist the developing countries in the field of international law.

(d) Provision for courses in international law in connexion with other United Nations training. One such programme is that for foreign service officers of the newly independent countries established pursuant to General Assembly resolution 723 (VIII) of 23 October 1953. Another might, as the Government of Canada also suggested, be the programme offered by the United Nations Training and Research Institute which may be established pursuant to General Assembly resolution 1827 (XVII) of 18 December 1962. (See also the note by the Secretary-General on this subject (E/3780) and Economic and Social Council resolution 985 (XXXVI) of 2 August 1963.)

(e) Further publications by the United Nations in the field of international law, one possibility being a comprehensive survey of the work of the United Nations since its establishment in the field of the codification and progressive development of international law.

D. CO-OPERATION AND ASSISTANCE OF MEMBER STATES AND OF ORGANIZATIONS AND INSTITUTIONS

94. Member States might offer special assistance in carrying out the foregoing programme in many ways.

These include the offer of facilities and funds for the holding of seminars or training and refresher courses in their territory; the award of fellowships and scholarships to be granted through the United Nations for long-term or short-term studies at their universities or research centres; the offer of teachers and experts to serve in countries requesting such assistance or exchange; and other forms of assistance through the United Nations or UNESCO in establishing training facilities and legal libraries in countries interested in such assistance.

95. International and national organizations, institutions and foundations might provide assistance along similar lines to those indicated in the previous paragraph. They could also offer donations under the Financial Regulations of the United Nations for specified purposes coming within the programme, regulation 7.2 providing that the Secretary-General may accept voluntary contributions "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". Such organizations, institutions and foundations might also assist in the provision of lecturers, funds and facilities for seminars and for training programmes, etc. However, in this context, it is to be noted that, while some organizations and institutions may be able to assist in various parts of the programme, they might themselves require additional financial support, a matter which the Assembly may wish to consider within the context of the implementation of resolution 1816 (XVII). The League of Arab States, for instance, indicated it did not at present possess the means to participate in the programme (see A/5455/Add.1). The Hague Academy of International Law has informed the Secretary-General that it is already in need of financial assistance (see A/5455). The International Political Science Association stated that any increase in its activities would require some additional finance (*ibid.*). The International Academy of Comparative Law stated that its major need was for sufficient funds to assist scholars from the developing countries to attend its congresses, as well as younger scholars from established regions where funds are inadequate to pay travel costs for junior men and women (see A/5455/Add.2).

E. SUMMARY OF THE SECRETARY-GENERAL'S SUGGESTIONS

96. In the foregoing sections of the present chapter it has been suggested that a programme by the United Nations and UNESCO for promoting the teaching, dissemination and wider appreciation of international law might fall into two parts. The first, and primary part, would consist of a number of measures for the encouragement and co-ordination of existing programmes. The second would be supplementary and in the nature of certain forms of direct assistance where this is felt to be essential to supplement other available sources.

97. The General Assembly might wish to consider the possibility of initiating in the course of 1964, or early in 1965, some or all of the measures suggested for inclusion in the first part of the programme. More specifically these were as follows:

(a) Compilation of information on training and special programmes in international law, along the lines

indicated in paragraphs 56 to 58 above, to be undertaken by UNESCO;

(b) Encouragement of fellowship programmes, along the lines indicated in paragraph 59 above, through an invitation to States to grant such fellowships, and compilation of information thereon by the Secretary-General and UNESCO;

(c) Encouragement of the exchange of teachers, experts, students and publications, through General Assembly action, as envisaged in paragraphs 60 and 61 above, and the compilation by the Secretary-General and UNESCO of a list of teachers and experts available for exchange or as advisers;

(d) Encouragement of the study of legal problems of particular interest to the United Nations, through requests to organizations or institutions to place such problems on their agenda, in accordance with the procedures set out in paragraph 62 above;

(e) Other forms of assistance in furthering the purposes of resolution 1816 (XVII), as mentioned in paragraph 63 above, including advice on publications in international law and general clearing-house activities on information relating to the teaching and dissemination of international law.

98. The General Assembly might also wish to consider undertaking, in 1965 or subsequently, the initiation of a limited United Nations programme of direct assistance and exchange in this field, involving some or all of the suggestions set out in part C of the present chapter, namely:

(a) Seminars organized along the lines indicated in paragraphs 66 to 73 above;

(b) Training and refresher courses as set out in paragraphs 74 to 84 above;

(c) Fellowships, in accordance with the procedures envisaged in paragraphs 85 to 90 above;

(d) Advisory services of experts, as suggested in paragraphs 91 and 92 above;

(e) Other forms of assistance and exchange, including grants of sets of United Nations documents and publications, the compilation of a comprehensive study on methods of teaching international law and the establishment of standards for such teaching, provision for courses in international law in connexion with other United Nations training programmes, furthering publications by the United Nations in this field, etc., as envisaged in paragraph 93 above.

99. The Secretary-General would feel that any initial programme entrusted to him could best consist, for an experimental period, of not more than one seminar and one training course every second year, and about ten fellowships and a very few experts per year (see annex II containing an interim statement of financial implications).

100. The Secretary-General realizes that the programme outlined in the present chapter is a modest one, in view of the very real needs which appear to exist in the field of assistance to promote the teaching, study, dissemination and wider appreciation of international law. However, financial considerations would clearly appear to limit the possibility of any ambitious programme at the present time. In these circumstances the Assembly might wish to consider the advisability of appointing a small advisory committee of representatives stationed at Headquarters:

(a) to assist the Secretary-General in implementing the suggested programme, if such implementation is authorized by the Assembly, or (b) to study and to report back to the Assembly on elements which might comprise any eventual programme, should the Assembly decide to postpone the initiation of a programme to a later session, in the light of any new suggestions which might be made during the eighteenth session of the General Assembly. In either event, such a committee would be most helpful in advising what elements should comprise direct assistance, as outlined in the second part of the programme suggested in part C of the present chapter, and in exploring the possibilities of financial assistance from outside the United Nations. Such direct assistance involves preparatory work and financial implications which would make it difficult to implement any part of it during 1964.

## ANNEXES

### I. STATEMENT BY THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION

1. In view of the limited resources available to the Organization under its budget, UNESCO could not agree to assume all the responsibilities prescribed in chapter III of the report unless the programme of assistance and exchange in the matter of international law, which it contemplates, was entirely financed by external contributions.

2. If this were not the case, the Organization would be compelled to limit its participation in the proposed programme. Such participation could then consist only of:

(a) The inquiry and publication to which I referred in my letter of 18 July 1963 (see A/5455/Add.1, part II);

(b) The compilation and publication of the information concerning opportunities for international studies and training;

(c) Co-operation in the administration of fellowships and scholarships offered by Governments of Member States, by the United Nations or by other international governmental or non-governmental organizations;

(d) Participation by UNESCO in the organization of two training and refresher courses such as those described in paragraphs 74 *et seq.* of the present report.

### II. INTERIM STATEMENT OF FINANCIAL IMPLICATIONS

1. The extent to which any of the foregoing suggestions may be put into practice will depend upon the availability of sufficient financial resources. In so far as United Nations resources are concerned, the present level of budgetary appropriations makes no provision for the kinds of activity under consideration and, in the event of adoption by the General Assembly of a programme requiring budgetary support, additional appropriations in the full amount would have to be voted.

2. In present circumstances, the Secretary-General would assume that Governments would wish to place reliance largely, if not exclusively, on the voluntary assistance and co-operation of Member States and of organizations and institutions active in the field of international law. A description of the types of co-operation and assistance which might be forthcoming from Member States and private organizations or institutions is given in paragraphs 94 and 95 above.

3. If, in the course of the General Assembly's discussion of the present report, it should develop that Governments wish to consider the use of the regular budget, activities in the field of international law would require, as a new activity following the precedents of activities in the fields of human rights advisory services, narcotic drugs and public administration, a separate section under part V of the budget, including a separate appropriation.

4. As such a proposal would have financial implications for the United Nations technical assistance resources as a whole, the General Assembly presumably would then wish to refer the



matter to the Technical Assistance Committee (TAC) in keeping with the new procedures, which appear in paragraphs 57 and 58 of the report of that Committee (E/3783), evolved in response to General Assembly resolution 1768 (XVII). The

review by TAC in relation to total United Nations technical assistance activities would also assist in achieving the objectives of General Assembly resolution 1797 (XVII) on integrated programme and budget policy.

## DOCUMENT A/C.6/L.544

### Report of the Working Group

[Original text: English]  
[10 December 1963]

1. At its 828th meeting on 6 December 1963, on the proposal of its Chairman, the Sixth Committee decided to appoint a Working Group, composed of the sponsors of General Assembly resolution 1816 (XVII) of 18 December 1962, namely, Afghanistan, Belgium, Ghana and Ireland, and requested the group to prepare a draft resolution for consideration by the Committee, taking into account the views expressed in the general debate on item 72. The Working Group held informal consultations and two meetings. At its first meeting, on 9 December 1963, it elected Mr. E. K. Dadzie (Ghana) as Chairman and Mr. A. H. Tabibi (Afghanistan) as Rapporteur. At its second meeting, on 10 December 1963, the Working Group approved for submission to the Sixth Committee the draft resolution annexed to the present report.

2. The Working Group realized that, in the very short time available for consideration of item 72 both by the Sixth Committee and by the Group, it was not possible to arrive at specific recommendations for a full programme of assistance to promote the teaching, study, dissemination and wider appreciation of international law. The Working Group also took into consideration the fact that, under present budgetary limitations, recommendations involving new expenditures in 1964 should be avoided. The Group was aware, none the less, of the general desire expressed in the Sixth Committee that positive steps should be taken towards the formulation and eventual initiation of a United Nations programme in the field covered by agenda item 72. It was with these considerations in mind that the Working Group set about its task of preparing a draft resolution.

3. The draft resolution consists of three parts. The first part is concerned with steps towards formulating a practical plan and proposals for a United Nations programme. It is suggested that such a programme should be prepared by a special committee to serve without additional cost to the United Nations. It is envisaged that the committee might hold a few meetings in New York, if it is decided to establish it, in the immediate future. It would then hold a session in Geneva, probably in May 1964 to draft and approve its report. The draft resolution specifically states that the report should be prepared for submission to the Technical Assistance Committee (TAC) in June 1964.

4. The second part of the resolution concerns submission to the Technical Assistance Committee of the reports mentioned in the first part of the resolution. In the light of General Assembly resolutions 1797 (XVII) and 1768 (XVII), TAC, with the endorsement of the Economic and Social Council at its thirty-sixth session, has undertaken to review regularly priorities of United Nations technical assistance programmes, taking into account the most urgent needs and the resources likely to be available to meet them. It is in this context that the Working Group suggests

that the Assembly may wish to refer the following questions to TAC at this time:

(a) The extent to which any of the proposals transmitted by the special committee might be financed under existing programmes of technical assistance,

(b) What changes might have to be made in the present rules governing the Expanded Programme of Technical Assistance in order to bring certain of these proposals within the scope of the Expanded Programme,

(c) What the views of TAC would be on the possible provision of funds under part V of the regular budget for technical assistance in international law. In this way, the views of the TAC, in so far as it is able to consider these questions at its June 1964 session, may be available to the Assembly at its nineteenth session. Should the Assembly decide to recommend a specific programme at that time, the above procedure would serve to expedite considerably the implementation of elements therein falling under existing programmes of technical assistance.

5. The third, and final part, of the draft resolution is concerned with certain modest steps which the Assembly might take this year in initiating a programme in the field covered by agenda item 72. The suggestions advanced have been taken from part A of chapter III of the Secretary-General's report (A/5585 and Corr.1), and formulated in a manner so as to avoid any new budgetary expenditures for the United Nations.

6. The Working Group, in submitting its draft resolution, very much hopes the resolution will recommend itself to the Members of the Sixth Committee.

## ANNEX

### DRAFT RESOLUTION

#### A

*The General Assembly,*

*Recalling* its resolution 1816 (XVII) on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law,

*Noting* that the General Assembly as early as 1947 by its resolution 176 (II) of 21 November 1947 requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

*Having considered* the report of the Secretary-General (A/5585) which contains certain practical suggestions relating to the proclamation of a United Nations Decade of International Law and to an initial programme of assistance and exchange in the field of international law,

*Taking into account* the valuable proposals, suggestions and information submitted by Member States and international organizations and institutions,

*Believing that* promotion, dissemination and thorough knowledge of international law, and its teaching in universities and

institutions of higher education contribute to the progressive development of international law and to friendly relations and co-operation among States,

*Believing further* that for the practical implementation of the provisions of resolution 1816 (XVII) comprehensive study of the suggestions and proposals made by the Member States, international organizations and institutions as well as the Secretary-General is required,

1. *Decides* to establish a special committee composed of ..... for the purpose of drawing up a practical plan and proposals, taking into account:

(a) The suggestions made by the Secretary-General in his report (Doc. A/5585),

(b) Proposals, suggestions and information submitted by Member States and international organizations and institutions,

(c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly,

2. Requests the Special Committee to complete its report in sufficient time so that it may submit the report to the Technical Assistance Committee at its session to be held in June 1964,

3. *Requests* the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources,

4. *Decides* to place an item entitled "Technical Assistance to Promote the Teaching, Study, Dissemination and wider appreciation of International Law" on the provisional agenda of its nineteenth session to be discussed by the Sixth Committee as early as possible at its next session.

#### B

*The General Assembly,*

1. *Requests* the Technical Assistance Committee to consider the Report of the Secretary-General (A/5585) and the report of the Special Committee as envisaged in part A of this resolution; and to advise, in the light of these reports, the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme,

2. *Invites* the Technical Assistance Committee, to the extent that revision in the existing principles and objects would be required in order to make country requests in the field of international law acceptable for Expanded Programme financing, to suggest to the Economic and Social Council and to the General Assembly any necessary changes in the legislation governing the Expanded Programme of Technical Assistance,

3. *Further invites* the Technical Assistance Committee, in the light of General Assembly resolutions 1797 (XVII) and 1768 (XVII), at a suitable time in its consideration of the annual levels of the Secretary-General's initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law.

#### C

*The General Assembly,*

1. *Requests* UNESCO to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States,

2. *Invites* Member States to offer fellowships in the field of international law for foreign students at their universities and institutions of higher education,

3. *Calls upon* Member States to consider the inclusion, in their programmes of cultural exchanges, of provision for the exchange of teachers, students, experts, books and other publications in the field of international law,

4. *Requests* the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems so that such organizations or institutions might consider including these topics in their own programmes of work,

5. *Invites* Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law and authorizes the Secretary-General to accept contributions made specifically for this purpose.

## DOCUMENT A/5672

### Report of the Sixth Committee

[Original text: English and Russian]  
[13 December 1963]

#### INTRODUCTION

1. At the seventeenth session of the General Assembly, during the debate in the Sixth Committee on the item "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations", the question of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law was raised as a related question<sup>13</sup>. Subsequently, the General Assembly, at its seventeenth session, adopted resolution 1816 (XVII) on 18 December 1962, entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". The operative part of that resolution stated the following:

"1. *Urges* Member States to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law;

"2. *Requests* the Secretary-General, together with the Director-General of the United Nations Educational, Scientific and Cultural Organization and in consultation with Member States, to study ways in which Members could be aided, through the United Nations system and other channels, in establishing and developing such programmes, including in this context the possibility of proclaiming a United Nations Decade of International Law dedicated to the dissemination of international law, and to report on the results of such study to the General Assembly at its eighteenth session;

"3. *Decides* to include in the provisional agenda of its eighteenth session an item entitled "Technical

<sup>13</sup> Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 75, document A/5356.



assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law”.

2. Pursuant to this resolution the Secretary-General, by a letter and attached questionnaire of 30 March 1963, invited Member States to supply information and comment on various points relevant to paragraphs 1 and 2 of the resolution. A similar invitation was addressed to fourteen international organizations and institutions active in the field of international law. Thirty-eight Governments and ten international organizations and institutions replied to these communications (see A/5455 and Add.1-6).

3. On the basis of these consultations and in conjunction with the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Secretary-General made the study requested in operative paragraph 2 of the above resolution and reported the results of it to the eighteenth session of the General Assembly (A/5585 and Corr.1).

4. At its 1210th plenary meeting, held on 20 September 1963, the General Assembly decided to include the item entitled “Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law” in the agenda of its eighteenth session and to allocate that item to the Sixth Committee.

5. The Sixth Committee considered the item at its 826th to 828th, 830th and 834th to 836th meetings, held from 5 to 7 December and from 11 to 12 December 1963.

6. At its 828th meeting, the Committee established a Working Group constituted of the representatives of States which sponsored last year’s resolution on this item and amendments thereto, namely, Afghanistan, Belgium, Ghana and Ireland. The Working Group was requested to prepare a draft resolution based on the views expressed in the general debate on this item.

#### PROPOSALS AND AMENDMENTS

7. The Working Group submitted a report with a draft resolution annexed thereto (A/C.6/L.544). The operative paragraphs of part A read as follows:

“1. *Decides* to establish a special committee . . . for the purpose of drawing up a practical plan and proposals, taking into account:

“(a) The suggestions made by the Secretary-General in his report (A/5585 and Corr.1),

“(b) Proposals, suggestions and information submitted by Member States and international organizations and institutions,

“(c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

“2. *Requests* the Special Committee to complete its report in sufficient time so that it may submit the report to the Technical Assistance Committee at its session to be held in June 1964;

“3. *Requests* the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

“4. *Decides* to place an item entitled “Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law” on the provisional agenda of its nineteenth session to be discussed by the Sixth Committee as early as possible at its next session.”

The operative paragraphs of part B read as follows:

“1. *Requests* the Technical Assistance Committee to consider the report of the Secretary-General (A/5585 and Corr.1) and the report of the Special Committee as envisaged in part A of this resolution, and to advise, in the light of these reports, the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

“2. *Invites* the Technical Assistance Committee, to the extent that revision in the existing principles and objects would be required in order to make country requests in the field of international law acceptable for Expanded Programme financing, to suggest to the Economic and Social Council and to the General Assembly any necessary changes in the legislation governing the Expanded Programme of Technical Assistance;

“3. *Further invites* the Technical Assistance Committee, in the light of General Assembly resolutions 1797 (XVII) and 1768 (XVII), at a suitable time in its consideration of the annual levels of the Secretary-General’s initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law.”

The operative paragraphs of part C read as follows:

“1. *Requests* UNESCO to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;

“2. *Invites* Member States to offer fellowships in the field of international law for foreign students at their universities and institutions of higher education;

“3. *Calls upon* Member States to consider the inclusion, in their programme of cultural exchanges, of provision for the exchange of teachers, students, experts, books and other publications in the field of international law;

“4. *Requests* the Secretary-General to inform organizations or institutions in the field of international law of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems so that such organizations or institutions might consider including these topics in their own programmes of work;

“5. *Invites* Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law and authorizes the

Secretary-General to accept contributions made specifically for this purpose.”

8. At the 835th meeting the representative of Ghana informed the Committee orally that the Working Group had made the following changes in its draft resolutions.

(a) Operative paragraph 2 in part A was amended to read as follows:

“Requests the Special Committee to report to the General Assembly at its nineteenth session;”

(b) The beginning of operative paragraph 1 in part B was amended to read as follows:

“Requests the Technical Assistance Committee to consider the report of the Secretary-General (A/5585) and to advise the Special Committee and the General Assembly, in the light of this report, on the extent to which technical assistance programmes . . .”;

(c) Paragraph 2 in part B was deleted;

(d) Paragraph 3 was renumbered and the word “Further” deleted.

9. The representative of the United Arab Republic orally submitted at the same meeting two amendments:

(a) To add a new sub-paragraph (d) to operative paragraph 1 in part A reading as follows:

“(d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee, before 15 February 1964;”

(b) To add the words “and the international regional organizations” at the end of paragraph 1 in part C.

10. The first amendment of the representative of the United Arab Republic was accepted by the Working Group. The second amendment was withdrawn.

11. At the same meeting the representative of Afghanistan orally submitted three amendments:

(a) To replace the words “thorough knowledge” in the fifth preambular paragraph of part A by the words “wider appreciation”;

(b) To add a new sub-paragraph to operative paragraph 1 of part A, reading as follows:

“(d) The views and suggestions of the Technical Assistance Committee on the possibility of rendering assistance”;

(c) To replace operative paragraph 5 in part C by the following three new paragraphs:

“5. Invites Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the teaching, study, dissemination and wider appreciation of international law;

“6. Authorizes the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;

“7. Further requests the Secretary-General to inform the General Assembly accordingly.”

12. The second amendment of Afghanistan was later withdrawn.

13. The representative of Afghanistan proposed orally at the Committee’s 836th meeting that, in order to accommodate a point raised by the representative of the Union of Soviet Socialist Republic, parts A, B and C of the draft resolution should be considered as three separate draft resolutions. Consequently, the first three

preambular paragraphs of part A were added to parts B and C of the original draft resolution.

#### DEBATE

14. The representatives who intervened in the debate stressed the positive role which international law had to play in governing international relations and expressed the view that this role might be strengthened through improved teaching and study and wider dissemination of international law.

15. Certain representatives expressed the view that a programme of assistance and exchange in the field of international law might contribute to the promotion of the law itself.

16. Many representatives considered that broader dissemination of international law was necessary and that education in international law should be generally directed on the basis of principles of the United Nations Charter, with the view to strengthening peaceful co-operation and understanding among nations.

17. Representatives were in general agreement that a programme of assistance and exchange in the field of international law should be initiated, covering certain of the elements contained in paragraphs 52-93 of the report of the Secretary-General. Some stressed, however, that no United Nations programme should duplicate or compete with programmes carried out by Governments or by other organizations and institutions and that this should be a selective programme, satisfying the needs of developing Member States. Some of the representatives stated that a comprehensive study of those needs would be necessary.

18. Representatives attached particular importance to various elements which might comprise part of the programme to be initiated, including the organization of regional training courses and centres, organization of seminars, universal and regional, and granting of fellowships for study and research abroad. They also stressed the need for exchange of teachers and students, advisory services to countries requesting this assistance, exchange of books and assistance to libraries of new States, training of Foreign Service officials, one of the possibilities being the advanced training provided directly by the United Nations, training of teachers, etc. Some representatives showed interest in obtaining assistance for their countries from abroad, others offered assistance and expressed the wish to participate in international exchange. It was pointed out that only some of these projects would be suitable for United Nations action, for financial and other reasons; others might better be left to Governments and other institutions.

19. Czechoslovakia offered five fellowships for training in international law at its universities for candidates from developing countries. Some representatives offered facilities for holding seminars and other meetings or the establishment of regional centres in their respective countries. The view was expressed that United Nations publications should get the widest possible circulation, that they should be developed and brought up-to-date, that appropriate United Nations documentation should be provided to new Member States, and that States should publish digests of their practice in international law. Some representatives thought that institutions like The Hague Academy of International Law should be encouraged. One delegation proposed the establishment of a United Nations university for the study of international law.

20. Several representatives provided the Committee with information on the teaching and dissemination of international law in their respective countries.

21. Most of the representatives who intervened in the debate supported the idea of a Decade of International Law, including, among others, the suggestions expressed by Member States and summarized in the Secretary-General's report (A/5:85 and Corr.1, para. 47). Some representatives stressed, however, that the idea of a decade required further study. One representative considered that the idea might give rise to undue expectations, being a programme of relatively short duration and with modest means, and was therefore unprofitable.

22. Some of the representatives drew attention to the fact that financial resources available would at present limit any ambitious programme. Some of them suggested therefore that the United Nations should now undertake only activities not requiring additional finance and that other forms of assistance and exchange in this field be further studied.

23. Certain representatives suggested, in this respect, extending the present technical assistance programmes to the field of international law and stated that full use should be made of existing resources, both Governmental and private. Some representatives suggested that economically developed States should make special contributions to this programme. One representative stated that the regular budget should not be used for the financing of technical assistance and that the Expanded Programme of Technical Assistance should be used mainly for the industrial and economic development of the recipient countries. Another representative considered that social and legal development was closely connected with economic development, that assistance in international law did not differ very much from that provided in the social and human rights fields and that all financial resources should be explored and used.

24. During the debate on the report of the Working Group (A/C.6/L.544) and on the draft resolution annexed to it, certain representatives stated that they would support the draft resolution as a first step in the right direction. Some representatives strongly opposed the proposal that the General Assembly should consult the Technical Assistance Committee before the Assembly had the opportunity to consider the results of the work of the Special Committee.

25. At the 834th meeting of the Committee, the representative of the Secretary-General stated, in compliance with rule 154 of the rules of procedure of the General Assembly, that no additional expenditures would

arise if the Assembly were to adopt the draft resolution as contained and as elaborated upon in the Working Group's report. At the 836th meeting of the Committee he further explained that his previous statement was based upon the understanding that the Special Committee would either meet in Geneva and work in only one language, or at Headquarters in August 1964 when it could be serviced within existing appropriations.

26. The representative of UNESCO stated that the Director-General of UNESCO would be prepared to undertake the function conferred on that organization in draft resolution C, provided that this did not involve any new expenditure for the agency during 1965 and 1966.

27. At the 836th meeting the Chairman informed the Committee that the Special Committee would consist of the representatives of Afghanistan, Belgium, Ecuador, Ghana, Hungary, and Ireland and that it would hold its meeting at United Nations Headquarters in August 1964.

#### VOTING

28. At its 836th meeting, on 12 December 1963, the Sixth Committee adopted the three draft resolutions. The results of the voting were as follows:

(a) The oral amendment of Afghanistan to consider parts A, B and C of the draft resolution submitted by the Working Group as three separate draft resolutions and to add to parts B and C, as a preamble, the first three paragraphs of the preamble to part A, was adopted by the Committee by 65 votes to none, with 6 abstentions;

(b) Draft resolution A, as amended, was adopted unanimously;

(c) At the request of the representative of the Union of Soviet Socialist Republics a separate vote was taken on operative paragraph 2 of draft resolution B. This paragraph was retained in the resolution by a vote of 58 to 10 and 4 abstentions. Draft resolution B as a whole, as amended, was adopted by a vote of 61 to 10, with 1 abstention;

(d) Draft resolution C, as amended, was adopted unanimously.

#### *Recommendation of the Sixth Committee*

29. The Sixth Committee, therefore, recommends to the General Assembly the adoption of the following draft resolutions:

[*Texts adopted by the General Assembly without change. See "Action taken by the General Assembly" below.*]

### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1281st plenary meeting, on 16 December 1963, the General Assembly adopted draft resolutions A, B and C, submitted by the Sixth Committee (A/5672, para. 29). For the final texts, see resolution 1968 (XVIII) below.

#### **Resolutions adopted by the General Assembly**

1968 (XVIII). TECHNICAL ASSISTANCE TO PROMOTE THE TEACHING, STUDY, DISSIMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

#### A

*The General Assembly,*

Recalling its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teach-

ing, study, dissemination and wider appreciation of international law,

Recalling that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947, requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

*Having considered* the report of the Secretary-General (A/5585) which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

*Taking into account* the valuable proposals, suggestions and information submitted by Member States and international organizations and institutions,

*Believing* that the promotion, dissemination and wider appreciation of international law and its teaching in universities and institutions of higher education contribute to the progressive development of international law and to friendly relations and co-operation among States.

*Believing further* that, for the practical implementation of the provisions of resolution 1816 (XVII), a comprehensive study of the suggestions and proposals made by Member States, international organizations and institutions as well as by the Secretary-General is required,

1. *Decides* to establish a Special Committee on Technical Assistance to Promote the Teaching, Study, Dissemination and Wider Appreciation of International Law—composed of Afghanistan, Belgium, Ecuador, Ghana, Hungary and Ireland—for the purpose of drawing up a practical plan and proposals, taking into account:

(a) The suggestions made by the Secretary-General in his report;

(b) The proposals, suggestions and information submitted by Member States and by international organizations and institutions;

(c) The views and suggestions made by the representatives of Member States during the seventeenth and eighteenth sessions of the General Assembly;

(d) Any other proposals or views which Member States may submit to the Secretary-General for transmission to the Special Committee before 15 February 1964;

2. *Requests* the Special Committee to report to the General Assembly at its nineteenth session;

3. *Requests* the Secretary-General to provide the Special Committee with such facilities and assistance as may be made available within existing resources;

4. *Decides* to include an item entitled "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law" in the provisional agenda of its nineteenth session, to be discussed by the Sixth Committee as early as possible at that session.

*1281st plenary meeting,  
16 December 1963.*

## B

*The General Assembly,*

*Recalling* its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

*Recalling* that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947, requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

*Having considered* the report of the Secretary-General (A/5585), which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

1. *Requests* the Technical Assistance Committee to consider the report of the Secretary-General and to advise the Special Committee, established under resolution 1968 A (XVIII) above, and the General Assembly, in the light of this report, on the extent to which technical assistance programmes for the purpose of strengthening the practical application of international law could be implemented within the Expanded Programme of Technical Assistance, with particular attention to the kinds of technical assistance which would be acceptable under existing objects and principles of the Expanded Programme;

2. *Invites* the Technical Assistance Committee, in the light of General Assembly resolutions 1768 (XVII) of 23 November 1962 and 1797 (XVII) of 11 December 1962, at a suitable time in its consideration of the annual levels of the Secretary-General's initial estimates for part V of the regular budget, to include in its recommendations such views as it may deem necessary on the question of the possible provision of funds under part V for programmes of technical assistance in the field of international law.

*1281st plenary meeting,  
16 December 1963.*

## C

*The General Assembly,*

*Recalling* its resolution 1816 (XVII) of 18 December 1962 on technical assistance to promote the teaching, study, dissemination and wider appreciation of international law,

*Recalling* that the General Assembly, as early as 1947, by its resolution 176 (II) of 21 November 1947, requested the Governments of Member States to take appropriate measures to extend the teaching of international law in all its phases, including its development and codification, in universities and institutions of higher education,

*Having considered* the report of the Secretary-General (A/5585), which contains certain practical suggestions relating to the proclamation of a United Nations decade of international law and to an initial programme of assistance and exchange in the field of international law,

1. *Requests* the United Nations Educational, Scientific and Cultural Organization to collect from Member States on a periodic basis detailed information on training in international law offered by their universities and institutions of higher education and to transmit it to the Secretary-General for circulation to Member States;

2. *Invites* Member States to offer foreign students fellowships in the field of international law at their universities and institutions of higher education;

3. *Calls upon* Member States to consider the inclusion, in their programmes of cultural exchange, of provision for the exchange of teachers, students and experts, as well as books and other publications in the field of international law;

4. *Requests* the Secretary-General to inform organizations or institutions in the field of international law

of topics which are before the Sixth Committee, the International Law Commission or other organs of the United Nations dealing with legal problems, so that such organizations or institutions might consider including these topics in their own programmes of work;

5. *Invites* Member States, interested international or national organizations and institutions or individuals to make voluntary contributions to the United Nations programmes of technical assistance to promote the

teaching, study, dissemination and wider appreciation of international law;

6. *Authorizes* the Secretary-General to accept on behalf of the United Nations contributions made specifically for this purpose;

7. *Further requests* the Secretary-General to inform the General Assembly accordingly.

*1281st plenary meeting,  
16 December 1963.*

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 72 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5661	Report of the Preparatory Committee on the International Co-operation Year	<i>Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 24</i>
E/3780	United Nations Training and Research Institute: note by the Secretary-General	<i>Official Records of the Economic and Social Council, Thirty-sixth Session, Annexes, agenda items 4 and 6</i>



Agenda item 73: Urgent need for suspension of nuclear and thermo-nuclear tests\*

**C O N T E N T S**

Document No.	Title	Page
<b>First Committee:</b>		
A/5428 and Add.1	India: request for the inclusion of an item in the provisional agenda of the eighteenth session	1
<b>Fifth Committee:</b>		
A/C.5/992	Financial implications of the draft resolution submitted by the First Committee in document A/5597: note by the Secretary-General	2
A/5609	Financial implications of the draft resolution submitted by the First Committee in document A/5597: report of the Advisory Committee on Administrative and Budgetary Questions	3
<b>Plenary meetings:</b>		
A/5597	Report of the First Committee	4
A/5619	Financial implications of the draft resolution submitted by the First Committee in document A/5597: report of the Fifth Committee	5
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, First Committee*, 1310th, 1312th to 1318th, 1321st and 1323rd meetings; and *ibid.*, *Plenary Meetings*, 1265th meeting.

**DOCUMENTS A/5428 AND ADD.1**

**India: request for the inclusion of an item in the provisional agenda of the eighteenth session**

**DOCUMENT A/5428**

**Letter dated 18 June 1963 from the Permanent Representative of India to the United Nations addressed to the Secretary-General**

[Original text: English]  
[18 June 1963]

I have the honour, under the instructions of my Government, to propose for inclusion in the provisional agenda of the eighteenth session of the General Assembly the item "Urgent need for suspension of nuclear and thermo-nuclear tests".

An explanatory memorandum will follow shortly.

(Signed) B. N. CHAKRAVARTY  
Permanent Representative of India to the  
United Nations

**DOCUMENT A/5428/ADD.1**

**Letter dated 27 June 1963 from the Permanent Representative of India to the United Nations addressed to the Secretary-General**

[Original text: English]  
[28 June 1963]

In continuation of my letter of 18 June 1963, proposing that the item "Urgent need for suspension of

nuclear and thermo-nuclear tests" be included in the provisional agenda of the eighteenth session of the General Assembly, I have the honour to enclose an explanatory memorandum in accordance with rule 20 of the rules of procedure of the General Assembly.

(Signed) B. N. CHAKRAVARTY  
Permanent Representative of India  
to the United Nations

**EXPLANATORY MEMORANDUM**

1. The General Assembly, at its seventeenth session, in resolution 1762 A (XVII) of 6 November 1962, condemned all nuclear weapon tests, asked that such tests should cease immediately and not later than 1 January 1963, and recommended that "if, against all hope, the parties concerned do not reach agreement on the cessation of all tests by 1 January 1963, they should enter into an immediate agreement prohibiting nuclear weapon tests in the atmosphere, in outer space and under water, accompanied by an interim arrangement suspending all underground tests...". This resolution was the outcome of the deep concern and anxiety felt by the peoples of the world at the continued testing of nuclear weapons, with all its attendant dangers and evils—both physical and psychological.

2. In spite of this and earlier resolutions of the General Assembly, such tests continue and no agreement

has yet been reached on banning them. The latest development which gives some ground for hope is the meeting of high-level representatives of the three Powers concerned, viz, the United Kingdom, the United States of America and the Union of Soviet Socialist Republics, in July at Moscow to discuss the question of a test ban agreement.

3. The continuation of nuclear weapon tests seriously endangers the health of mankind, accelerates the arms race, aggravates international tension, makes the con-

clusion of a test ban agreement more difficult and would lead to a wider dissemination of nuclear weapons. Hence the suspension of all nuclear and thermo-nuclear tests remains a vital and urgent need.

4. In view of the urgency and importance of this problem, the Government of India requests that an item entitled "Urgent need for suspension of nuclear and thermo-nuclear tests" be inscribed in the agenda for consideration by the General Assembly at its eighteenth session.

## DOCUMENT A/C.5/992

### Financial implications of the draft resolution submitted by the First Committee in document A/5597

#### Note by the Secretary-General

[Original text: English]  
[4 November 1963]

1. Under the terms of the draft resolution submitted by the First Committee in its report (A/5597, para. 7), the General Assembly:

"1. Calls upon all States to become parties to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, and to abide by its spirit and provisions.

"2. Requests the Conference of the Eighteen-Nation Committee on Disarmament to continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble of the Treaty;

"3. Requests the Eighteen-Nation Committee to report to the General Assembly at the earliest possible date and, in any event, not later than at the nineteenth session;

"4. Requests the Secretary-General to make available to the Eighteen-Nation Committee the documents and records of the plenary meetings of the General Assembly and the meetings of the First Committee at which the item relating to nuclear testing was discussed."

2. In a statement of financial implications submitted to the First Committee<sup>1</sup> in accordance with rule 154 of the rules of procedure of the General Assembly, the Secretary-General estimated the additional costs of servicing the Conference of the Eighteen-Nation Committee on Disarmament at a monthly rate of \$144,000, to which a non-recurring amount, now estimated at \$27,900, should be added to cover expenses for travel of staff.

3. The estimate of \$144,000 per month, the details of which are given in paragraph 4 below, is based on the assumption that the Conference will involve up to ten meetings per week of the Eighteen-Nation Committee or the Sub-Committee on a Treaty for the Discontinuance of Nuclear Weapon Tests and that full interpretation, verbatim reporting and translation services in four languages will be required. It is also assumed that the meetings of the Committee will not be held concurrently with the meetings of the Sub-Committee.

4. Details of the estimate of \$144,000 per month are as follows:

	United States dollars
(a) Temporary assistance and overtime.....	133,500
This amount covers the salaries of the following temporary staff: 8 interpreters, 33 verbatim reporters, 26 typists for the transcription of verbatim records, 45 revisers and translators, 46 stenographers and typists for the typing of the documentation and final records of the Conference, 15 General Service staff (comprising 2 secretaries for professional staff, 6 documents control and distribution staff, 2 finance clerks and 5 operators for simultaneous interpretation) and additional temporary staff for accreditation purposes, roneo operation, security and cleaning. A deduction of 5 per cent in salary costs has been made for turnover of staff. The estimate includes an amount of \$700 for overtime;	
(b) Subsistence of staff.....	3,000
This amount covers subsistence for 7 staff members detailed from Headquarters to Geneva;	
(c) General expenses.....	7,500
This amount covers the costs of miscellaneous supplies and services (mainly for roneo paper, rental of equipment, office machines and typewriters) and such general expenses as heating and lighting and cleaning supplies.	
TOTAL	144,000

5. The estimate of \$27,900 for non-recurring costs would cover transportation costs related to the recruitment of temporary staff in Europe (\$22,500) and round-trip fares New York-Geneva-New York of 7 staff members detailed from Headquarters (\$5,400).

6. Income estimated at \$15,000 per month would derive from the application of staff assessment to the salaries of temporary staff.

7. In the event of the adoption by the General Assembly of the draft resolution under reference, the Secretary-General would request the inclusion in the 1964 budget estimates, under section 2 (Special meetings and conferences) of a provision of \$171,900 for the first month and \$144,000 for the subsequent months. In the light of past experience, it is believed that a six-month period would constitute a reasonable basis for estimating purposes. Accordingly, a total sum of \$891,900 would be required to cover the estimated

<sup>1</sup> See *Official Records of the General Assembly, Eighteenth Session, First Committee, 1323rd meeting, para. 33.*



costs of the Conference of the Eighteen-Nation Committee on Disarmament in 1964.

8. In the event that the Conference of the Eighteen-Nation Committee on Disarmament reconvenes in 1963,

the Secretary-General would submit supplementary estimates as necessary to cover the additional costs involved.

## DOCUMENT A/5609

### Financial implications of the draft resolution submitted by the First Committee in document A/5597

#### Report of the Advisory Committee on Administrative and Budgetary Questions

[Original text: English]  
[19 November 1963]

1. The Advisory Committee on Administrative and Budgetary Questions has considered the note by the Secretary-General (A/C.5/992) on the financial implications of the draft resolution submitted by the First Committee concerning the Conference of the Eighteen-Nation Committee on Disarmament (A/5597, para. 7). It understands that related draft resolutions under consideration by the First Committee in connexion with agenda items 26 and 27<sup>2</sup> have no financial implications in addition to those already taken into account by the Secretary-General in his note (A/C.5/992).

2. The Secretary-General estimates the additional costs of servicing the Conference at a monthly rate of \$144,000, to which a non-recurring amount now estimated at \$27,900 should be added to cover expenses for travel of staff. Income estimated at \$15,000 per month would derive from the application of staff assessment to the salaries of temporary staff.

3. The estimate of \$144,000 per month, comprising \$133,500 for temporary assistance and overtime, \$3,000 for subsistence of staff, and \$7,500 for general expenses, is based on the assumption that the Conference will involve up to ten meetings per week of the Eighteen-Nation Committee or the Sub-Committee on a Treaty for the Discontinuance of Nuclear Weapon Tests and that full interpretation, verbatim reporting and translation services in four languages will be required. It is also assumed that the meetings of the Committee will not be held concurrently with the meetings of the Sub-Committee.

4. In the event of the adoption by the General Assembly of the draft resolution under reference, the Secretary-General would request the inclusion in the 1964 budget estimates, under section 2 (Special meetings and conferences), of a provision of \$171,900 for the first month and \$144,000 for the subsequent months. In the light of past experience, he believes that a six-month period would constitute a reasonable basis for estimating purposes. Accordingly, a total sum of \$891,900 would be required to cover the estimated costs of the Conference of the Eighteen-Nation Committee on Disarmament in 1964.

5. It may be recalled that the appropriation approved for the Conference for 1963 was in the amount

of \$837,900, based on a monthly estimated cost of \$135,000 excluding non-recurring travel costs. Of the \$9,000 increase in the 1964 monthly estimate, an amount of \$6,500 is attributable to higher costs for temporary assistance resulting from the two raises in General Service salary rates at Geneva in 1963, and \$2,500 to increased requirements for internal reproduction supplies, including paper. The Advisory Committee was informed that, in 1963, the Conference met in fact for five and one-third months, and that actual expenditure incurred to date amounts to \$833,192, leaving an uncommitted balance of \$4,708. It should also be noted that all assumptions made with respect to 1964, including the staffing pattern for temporary assistance, are identical with those adopted for 1963.

6. In the circumstances the Advisory Committee would concur in the Secretary-General's estimate and recommend that the General Assembly should be informed that adoption of the draft resolution submitted by the First Committee would entail additional expenditure estimated at \$891,900 in 1964.

7. At the same time, the Advisory Committee wishes to call attention to two matters concerning staff utilization.

8. The first concerns the need for a more rational use of staff required for servicing conferences. Such staff comprise regular personnel of the Secretariat and, to the extent that additional assistance is necessary, temporary personnel employed on short-term contracts. The Advisory Committee was informed that the participation of regular staff in conferences is planned on an annual basis with a view to ensuring the fullest and most economical use of their services. It appeared to the Committee, however, that a piecemeal approach is adopted in the case of temporary staff, in that budget estimates are submitted to cover the maximum needs of each individual conference. This, in the view of the Advisory Committee, may result in over-budgeting and, in turn, in an irrational use of staff resources.

9. It seems to the Advisory Committee that, when there is a succession of conferences, and more particularly when two or more conferences are being held concurrently in the same place, it should be possible to switch staff from one conference to the other when there are interruptions in the schedule of meetings. Alternatively, they might be used for other work unconnected with the conferences, such as translation. The Committee realizes that it may not be possible to utilize all categories of staff (e.g., verbatim reporters) in this manner, but it believes that savings could be made if

<sup>2</sup> Draft resolution A/C.1/L.328/Rev.1 under item 26 (Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament): draft resolution A/C.1/L.330 under item 27 (Question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermo-nuclear weapons: report of the Secretary-General).

all temporary staff were regarded as forming a pool rather than as being identified with one particular conference only. The Advisory Committee would suggest that the Secretary-General be requested to bear the foregoing in mind in connexion with the 1964 programme of conferences.

10. The second matter to which the Advisory Committee would call attention concerns the cost of verbatim records. The Committee noted that temporary staff to be recruited for the Conference of the Eighteen-

Nation Committee on Disarmament include no less than 33 verbatim reporters and 26 typists for the transcription of verbatim records. It was informed that this number was required if provisional records were to be issued within six hours of the close of a meeting. The Advisory Committee was given to understand that a delay of thirty instead of six hours for distribution would make it possible to reduce the number of verbatim reporters by one-half and thereby realize savings of approximately \$100,000 over the six-month period.

## DOCUMENT A/5597\*

### Report of the First Committee

[Original text: English and Spanish]  
[4 November 1963]

1. On 18 June 1963, India requested the inclusion in the provisional agenda of the eighteenth session of the General Assembly of the item "Urgent need for suspension of nuclear and thermo-nuclear tests" (A/5428). On 27 June 1963, India submitted an explanatory memorandum (A/5428/Add.1).

2. In its report of 19 September (A/5530), the General Committee recommended the inclusion of the item in the agenda and its allocation to the First Committee. At its 1210th plenary meeting, on 20 September, the General Assembly approved the recommendation of the General Committee and referred the item to the First Committee for consideration and report.

3. At its 1309th meeting, on 15 October 1963, the First Committee decided to consider the question of the suspension of nuclear and thermo-nuclear tests as the first item on its agenda. The item was considered at the 1310th, 1312th to 1318th, 1321st and 1323rd meetings of the Committee.

4. At the 1321st meeting, on 30 October, a draft resolution (A/C.1/L.326) was submitted by Brazil, Bulgaria, Burma, Canada, Czechoslovakia, Ethiopia, India, Italy, Mexico, Nigeria, Poland, Romania, Sweden, the Union of Soviet Socialist Republics, the United Arab Republic, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The draft resolution was subsequently sponsored also by Afghanistan, Argentina, Australia, the Byelorussian Soviet Socialist Republic, Cameroon, Chile, Japan, the Netherlands, New Zealand, Sierra Leone, Turkey, the Ukrainian Soviet Socialist Republic and Yugoslavia (A/C.1/L.326/Add.1). The draft resolution read as follows:

*"The General Assembly,*

*"Fully aware of its responsibility with regard to the question of nuclear weapon testing and of the views of world public opinion on this matter.*

*"Noting with approval the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed on 5 August 1963 by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and*

*the United States of America, and subsequently by a great number of other countries,*

*"Noting further with satisfaction that in the preamble of that Treaty the parties state that they are seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time and are determined to continue negotiations to this end,*

*"1. Calls upon all States to become parties to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, and to abide by its spirit and provisions;*

*"2. Requests the Conference of the Eighteen-Nation Committee on Disarmament to continue its negotiations to achieve the objectives set forth in the preamble of the Treaty;*

*"3. Requests the Eighteen-Nation Committee to report to the General Assembly at the earliest possible date and, in any event, not later than at the nineteenth session;*

*"4. Requests the Secretary-General to make available to the Eighteen-Nation Committee the documents and records of the plenary meetings of the General Assembly and the meetings of the First Committee at which the item relating to nuclear testing was discussed."*

5. At the 1323rd meeting, on 31 October, Cyprus and Ghana submitted an amendment (A/C.1/L.327) to the draft resolution which would insert the words "with a sense of urgency" in operative paragraph 2, between the words "to continue" and "its negotiations".

6. At the same meeting the Committee adopted the amendment by 20 votes to 3, with 78 abstentions, and adopted the draft resolution, as amended, by 97 votes to 1, with 3 abstentions.

### *Recommendation of the First Committee*

7. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

*[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]*

\* Incorporating document A/5597/Corr.1.

## DOCUMENT A/5619

## Financial implications of the draft resolution submitted by the First Committee in document A/5597

## Report of the Fifth Committee

[Original text: English and French]  
[21 November 1963]

1. In accordance with rule 154 of the rules of procedure of the General Assembly the Fifth Committee considered, at its 1046th meeting on 21 November 1963, the financial implications of the draft resolution submitted by the First Committee concerning the Conference of the Eighteen-Nation Committee on Disarmament (A/5597, para. 7).

2. For its consideration of the item, the Committee had before it a note by the Secretary-General (A/C.5/992) in which the costs of servicing the Conference of the Eighteen-Nation Committee on Disarmament were estimated at a monthly rate of \$144,000, to which a non-recurring item of \$27,900 had to be added to cover the estimated travel expenses of the staff. Offsetting income from the application of staff assessment to the salaries of temporary staff members was estimated at \$15,000 per month. The estimate of \$144,000 per month was based on the following assumptions:

(a) That up to ten meetings per week of the Eighteen-Nation Committee or the Sub-Committee on a Treaty for the Discontinuance of Nuclear Weapon Tests would be held;

(b) That concurrent meetings of the Committee and the Sub-Committee would not be held;

(c) That full interpretation, verbatim reporting and translation services in four languages would be required.

3. The Secretary-General expressed the view (A/C.5/992, paras. 7 and 8) that, in the light of past

experience, a six-month period would constitute a reasonable basis for estimating purposes; that accordingly a total sum of \$891,900 would be required to cover the estimated costs of the Conference of the Eighteen-Nation Committee on Disarmament in 1964; and that in the event of the Conference's being called together in 1963, supplementary estimates would be submitted in respect of the costs to be incurred in that year.

4. In a related report (A/5609) the Advisory Committee on Administrative and Budgetary Questions concurred in the Secretary-General's estimate and recommended that the General Assembly should be informed that the adoption of the draft resolution submitted by the First Committee would entail additional expenditure in 1964 estimated at \$891,900. At the same time, the Advisory Committee pointed out that, according to information which it had received, savings of about \$100,000 could be achieved over the sixth-month period in the event that the interval for the issuance of provisional verbatim records were extended from six hours to thirty hours after the close of a meeting.

5. The Fifth Committee decided to inform the General Assembly that the adoption of the draft resolution submitted by the First Committee would give rise to additional expenditure estimated at \$891,900, and that an additional appropriation, to that amount, would have to be included under section 2 (Special meetings and conferences) of the 1964 budget.

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1265th plenary meeting, on 27 November 1963, the General Assembly adopted the draft resolution submitted by the First Committee (A/5597, para. 7). For the final text, see resolution 1910 (XVIII) below.

## Resolution adopted by the General Assembly

1910 (XVIII). URGENT NEED FOR SUSPENSION OF  
NUCLEAR AND THERMO-NUCLEAR TESTS

*The General Assembly,*

*Fully aware* of its responsibility with regard to the question of nuclear weapon testing and of the views of world public opinion on this matter,

*Noting with approval* the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed on 5 August 1963 by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America, and subsequently by a great number of other countries,

*Noting further with satisfaction* that in the preamble of that Treaty the parties state that they are seeking to achieve the discontinuance of all test explosions of nuclear weapons for all time and are determined to continue negotiations to this end,

1. *Calls upon* all States to become parties to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, and to abide by its spirit and provisions;

2. *Requests* the Conference of the Eighteen-Nation Committee on Disarmament to continue with a sense of urgency its negotiations to achieve the objectives set forth in the preamble of the Treaty;

3. *Requests* the Eighteen-Nation Committee to report to the General Assembly at the earliest possible date and, in any event, not later than at the nineteenth session;

4. *Requests* the Secretary-General to make available to the Eighteen-Nation Committee the documents and records of the plenary meetings of the General Assembly and the meetings of the First Committee at which the item relating to nuclear testing was discussed.

*1265th plenary meeting,  
27 November 1963.*

## CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 73 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5415	Letter dated 30 April 1963 from the representatives of Bolivia, Brazil, Chile, Ecuador and Mexico to the Secretary-General	Replaced by A/5415/Rev.1
A/5415/Rev.1	Letter dated 14 November 1963 from the representative of Bolivia, Brazil, Chile, Ecuador and Mexico to the Secretary-General	<i>Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 74</i>
A/5501/Add.1	Introduction to the annual report of the Secretary-General on the work of the Organization (16 June 1962-15 June 1963)	<i>Ibid., Eighteenth Session, Supplement No. 1A</i>
A/C.1/L.326 and Add.1	Afghanistan, Argentina, Australia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, Czechoslovakia, Ethiopia, India, Italy, Japan, Mexico, Netherlands, New Zealand, Nigeria, Poland, Romania, Sierra Leone, Sweden, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America and Yugoslavia: draft resolution	See A/5597, para. 4
A/C.1/L.327	Cyprus and Ghana: amendment to document A/C.1/L.326 and Add.1	See A/5597, para. 5



**Agenda item 74: Denuclearization of Latin America\***

**C O N T E N T S**

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
A/5415/Rev.1	Letter dated 14 November 1963 from the representatives of Bolivia, Brazil, Chile, Ecuador and Mexico to the Secretary-General.....	1
A/5447 and Add.1	Brazil: request for the inclusion of an item in the provisional agenda of the eighteenth session.....	2
A/5618	Report of the First Committee.....	2
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, First Committee*, 1333rd to 1337th and 1339th to 1341st meetings; and *ibid., Plenary Meetings*, 1265th meeting.

**DOCUMENT A/5415/REV.1**

**Letter dated 14 November 1963 from the representatives of Bolivia, Brazil, Chile, Ecuador and Mexico to the Secretary-General**

[Original text: Spanish]  
[14 November 1963]

Inasmuch as careful examination of document A/5415, dated 2 May 1963, has disclosed several substantive errors in the text of the declaration on the denuclearization of Latin America which is reproduced in it, we should be grateful if you would arrange for this note, together with the annex containing the authentic text of the aforementioned declaration, to be reproduced and circulated as an official United Nations document.

(Signed) Jaime CABALLERO TAMAYO  
*Permanent Representative of Bolivia  
to the United Nations*

Carlos Alfredo BERNARDES  
*Permanent Representative of Brazil  
to the United Nations*

Humberto DÍAZ CASANUEVA  
*Deputy Permanent Representative of Chile  
to the United Nations,  
Chargé d'affaires a.i.*

Leopoldo BENITES  
*Permanent Representative of Ecuador  
to the United Nations*

Francisco CUEVAS CANCINO  
*Deputy Permanent Representative of Mexico  
to the United Nations,  
Chargé d'affaires a.i.*

**ANNEX**

**Declaration on the denuclearization of Latin America issued on 29 April 1963 by the Presidents of Bolivia, Brazil, Chile, Ecuador and Mexico**

*The Presidents of the Republics of Bolivia, Brazil, Chile, Ecuador and Mexico,*

*Deeply concerned* about the present turn of events in the international situation, which is conducive to the spread of nuclear weapons,

*Considering* that, in virtue of their unchanging peace-loving tradition, the Latin American States should unite their efforts in order to turn Latin America into a denuclearized zone, thus helping to reduce the dangers that threaten world peace,

*Wishing* to preserve their countries from the tragic consequences attendant upon a nuclear war, and

*Spurred* by the hope that the conclusion of a Latin American regional agreement will contribute to the adoption of a contractual instrument of world-wide application,

*In the name of their peoples and Governments have agreed as follows:*

1. To announce forthwith that their Governments are prepared to sign a multilateral Latin American agreement whereby their countries would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices;

2. To bring this Declaration to the attention of the Heads of State of the other Latin American Republics, expressing the hope that their Governments will accede to it through such procedure as they consider appropriate;

3. To co-operate with one another and with such other Latin American Republics as accede to this Declaration, in order that Latin America may be recognized as a denuclearized zone as soon as possible.

## DOCUMENTS A/5447 AND ADD.1

## Brazil: request for the inclusion of an item in the provisional agenda of the eighteenth session

## DOCUMENT A/5447

Letter dated 18 July 1963 from the Deputy Permanent Representative of Brazil to the United Nations addressed to the Secretary-General

[Original text: English]  
[18 July 1963]

With reference to the decision taken by the General Assembly on 19 December 1962 that consideration of the draft resolution submitted by Bolivia, Brazil, Chile and Ecuador on the denuclearization of Latin America (A/C.1/L.312/Rev.2)<sup>1</sup> be postponed to the eighteenth session of the General Assembly, I have the honour to request that an item entitled "Denuclearization of Latin America" be included in the provisional agenda of the eighteenth session of the General Assembly.

An explanatory memorandum will follow shortly.

(Signed) Geraldo DE CARVALHO SILOS  
Deputy Permanent Representative of Brazil  
to the United Nations  
Chargé d'affaires a.i.

## DOCUMENT A/5447/ADD.1

Letter dated 9 August 1963 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General

[Original text: English]  
[12 August 1963]

Further to the note of 18 July 1963 of the Brazilian Mission on the inclusion in the provisional agenda of the eighteenth session of the General Assembly of the item "Denuclearization of Latin America", I have the

<sup>1</sup> See *Official Records of the General Assembly, Seventeenth Session, Annexes*, agenda item 90.

honour to enclose an explanatory memorandum in accordance with rule 20 of the rules of procedure of the General Assembly.

(Signed) Carlos Alfredo BERNARDES  
Permanent Representative of Brazil  
to the United Nations

## EXPLANATORY MEMORANDUM

1. During the seventeenth session of the General Assembly, Brazil, together with Bolivia, Chile and Ecuador, submitted a draft resolution on the denuclearization of Latin America which was circulated in document A/C.1/L.312/Rev.2<sup>1</sup> of 13 November 1962. During its consideration by the First Committee, a large number of countries expressed their support, in principle, of the idea set forth in the draft. The First Committee, with the acquiescence of the sponsors, decided that the draft was to be voted on during the next regular session of the General Assembly, thereby allowing the Member States more of an opportunity to study the subject, whose relevance had been universally acknowledged.

2. In the interim on 29 April 1963 the Presidents of Bolivia, Brazil, Chile, Ecuador and Mexico propounded a declaration, which was circulated as a United Nations document. The substantive part of the declaration consists of the following three paragraphs:

[For the paragraphs quoted, see above, document A/5415/Rev.1, annex, paras. 1, 2 and 3.]

3. Brazil is of the understanding that the importance of the subject and the particular aspects thereof justify its consideration as a separate item of the agenda of the eighteenth session of the General Assembly and not merely as a sub-item under the question of complete and general disarmament. This procedure would in our view facilitate not only the examination of the question itself, but also the General Assembly's pronouncement on the matter.

## DOCUMENT A/5618

## Report of the First Committee

[Original text: English]  
[20 November 1963]

1. On 18 July 1963, Brazil requested the inclusion in the agenda of the eighteenth session of the General Assembly of an item entitled "Denuclearization of Latin America" (A/5447). In the letter asking for the inclusion of the item, Brazil referred to the decision taken by the General Assembly at its 1199th plenary meeting, on 19 December 1962, that the consideration of the draft resolution submitted at the seventeenth session by Bolivia, Brazil, Chile and Ecuador on the denuclearization of Latin America (A/C.1/L.312/Rev.2)<sup>1</sup> should be postponed to the eighteenth session of the General Assembly. On 9 August, Brazil submitted an explanatory memorandum (A/5447/Add.1).

2. In its report of 19 September 1963 (A/5530), the General Committee recommended the inclusion of the item in the agenda and its allocation to the First Committee. At its 1210th plenary meeting, on 20 Sep-

tember, the General Assembly approved the recommendation of the General Committee and referred the item to the First Committee for consideration and report.

3. At its 1309th meeting, on 15 October 1963, the First Committee decided to consider the question of the denuclearization of Latin America as the third item on its agenda. It was considered at the 1333rd to 1337th and 1339th to 1341st meetings of the Committee.

4. At the 1333rd meeting, on 11 November, a draft resolution (A/C.1/L.329) was submitted by Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Haiti, Mexico, Panama and Uruguay. Subsequently Honduras was added to the list of sponsors (A/C.1/L.329/Add.1). By the draft resolution, the General Assembly would: (1) note with satisfaction the initiative for the denuclearization of Latin America taken in the declaration by the Presidents of Bolivia, Brazil, Chile, Ecuador

and Mexico of 29 April 1963; (2) express the hope that the States of Latin America would initiate studies as they deemed appropriate, in the light of the principles of the Charter of the United Nations and of regional agreements and by the means and through the channels which they deemed suitable, concerning the measures that should be agreed upon with a view to achieving the aims of the said declaration; (3) trust that at the appropriate moment, after a satisfactory agreement had been reached, all States, particularly the nuclear Powers, would lend their full co-operation for the effective realization of the peaceful aims inspiring the resolution; (4) request the Secretary-General to extend to the States of Latin America, at their request, such technical facilities as they might require in order to achieve the aims set forth in the resolution.

5. On 14 November, Bolivia, Brazil, Chile, Ecuador and Mexico requested that the authentic text of the aforementioned declaration by the Presidents of Bolivia, Brazil, Chile, Ecuador and Mexico be circulated as an official United Nations document (A/5415/Rev.1).

6. At its 1341st meeting, on 19 November, the Committee adopted the eleven-Power draft resolution (A/C.1/L.329 and Add.1) by a roll-call vote of 89 to none, with 14 abstentions. The voting was as follows:

*In favour*: Afghanistan, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Cambodia, Cameroon, Canada, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia,

Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Romania, Rwanda, Saudi Arabia, Senegal, Somalia, South Africa, Spain, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Yugoslavia.

*Against*: None.

*Abstaining*: Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, Hungary, Mali, Mongolia, Poland, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Venezuela.

### **Recommendation of the First Committee**

7. The First Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

## **ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1265th plenary meeting, on 27 November 1963, the General Assembly adopted the draft resolution submitted by the First Committee (A/5618, para. 7). For the final text, see resolution 1911 (XVIII) below.

### **Resolution adopted by the General Assembly**

1911 (XVIII). DENUCLEARIZATION OF LATIN AMERICA

*The General Assembly,*

*Bearing in mind* the vital necessity of sparing present and future generations the scourge of a nuclear war,

*Recalling* its resolutions 1380 (XIV) of 20 November 1959, 1576 (XV) of 20 December 1960 and 1665 (XVI) of 4 December 1961, in which it recognized the danger that an increase in the number of States possessing nuclear weapons would involve, since such an increase would necessarily result in an intensification of the arms race and an aggravation of the difficulty of maintaining world peace, thus rendering more difficult the attainment of a general disarmament agreement,

*Observing* that in its resolution 1664 (XVI) of 4 December 1961 it stated explicitly that the countries not possessing nuclear weapons had a grave interest and an important part to fulfil in the preparation and implementation of measures that could halt further nuclear weapon tests and prevent the further spread of nuclear weapons,

*Considering* that the recent conclusion of the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed on 5 August 1963, had created a favourable atmosphere for parallel progress towards the prevention of the further spread of

nuclear weapons, a problem which, as indicated in General Assembly resolutions 1649 (XVI) of 8 November 1961 and 1762 (XVII) of 6 November 1962, is closely connected with that of the banning of nuclear weapon tests,

*Considering* that the Heads of State of five Latin American Republics issued, on 29 April 1963, a declaration on the denuclearization of Latin America (A/5415/Rev.1) in which, in the name of their peoples and Governments, they announced that they are prepared to sign a multilateral Latin American agreement whereby their countries would undertake not to manufacture, receive, store or test nuclear weapons or nuclear launching devices,

*Recognizing* the need to preserve, in Latin America, conditions which will prevent the countries of the region from becoming involved in a dangerous and ruinous nuclear arms race,

1. *Notes with satisfaction* the initiative for the denuclearization of Latin America taken in the joint declaration of 29 April 1963;

2. *Expresses the hope* that the States of Latin America will initiate studies, as they deem appropriate, in the light of the principles of the Charter of the United Nations and of regional agreements and by the means and through the channels which they deem suitable, concerning the measures that should be agreed upon with a view to achieving the aims of the said declaration;



3. *Trusts* that at the appropriate moment, after a satisfactory agreement has been reached, all States, particularly the nuclear Powers, will lend their full cooperation for the effective realization of the peaceful aims inspiring the present resolution;

4. *Requests* the Secretary-General to extend to the States of Latin America, at their request, such technical facilities as they may require in order to achieve the aims set forth in the present resolution.

1265th plenary meeting,  
27 November 1963.

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 74 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5415	Letter dated 30 April 1963 from the representatives of Bolivia, Brazil, Chile, Ecuador and Mexico to the Secretary-General	Replaced by A/5415/Rev.1
A/5423	Report of the <i>ad hoc</i> Committee on the Improvement of the Methods of Work of the General Assembly	<i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , agenda item 25
A/C.1/L.329 and Add.1	Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Haiti, Honduras, Mexico, Panama and Uruguay: draft resolution	Adopted without change. See A/5618, para. 7.



Agenda item 75: Question of Southern Rhodesia\*

**C O N T E N T S**

Document No.	Title	Page
A/5426	Report of the Secretary-General.....	1
A/5448 and Add.1-5	Algeria, Burundi, Cambodia, Cameroon, Dahomey, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Tunisia, United Arab Republic, Upper Volta and Yugoslavia: request for the inclusion of an item in the provisional agenda of the eighteenth session .....	2
A/5564 and Add.1	Report of the Fourth Committee.....	4
A/5664	Report of the Secretary-General.....	6
A/C.4/606	Letter dated 4 October 1963 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General transmitting a document entitled "Southern Rhodesia: some facts and figures".....	7
<b>Action taken by the General Assembly</b> .....		13
<b>Check list of documents</b> .....		14

\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fourth Committee*, 1434th-1447th, 1449th-1452nd, 1455th, 1457th, 1458th and 1461st meetings; and *ibid.*, *Plenary Meetings*, 1241st and 1255th meetings.

**DOCUMENT A/5426**

**Report of the Secretary-General**

[Original text: English]  
[6 June 1963]

1. Since the last report of the Secretary-General on this subject (A/5396), the following letters have been exchanged between the Secretary-General and the Permanent Representative of the United Kingdom to the United Nations.

2. On 26 February 1963, the Secretary-General sent the following letter to the Permanent Representative of the United Kingdom:

"With reference to my letter of 5 December 1962 and to yours of 19 December 1962, I wish to inform you that I consider that I should take some further steps in implementation of paragraph 4 of General Assembly resolution 1760 (XVII) regarding the question of Southern Rhodesia.

"As indicated to you Dr. Protitch in his contact with you on my behalf, I feel the time has come to inquire once again about the views of your Government in connexion with paragraph 4 of the above-mentioned resolution. In your reply of 19 December 1962 you indicated on behalf of your Government 'that it has not yet been possible for Her Majesty's Government to discuss matters of common concern with the new Ministers . . .' I assume that it would now be possible to have the views of your Government, so that I can take them fully into account before considering any other action in implementation of paragraph 4 of General Assembly resolution 1760 (XVII)."

3. On 21 May 1963, the Permanent Representative of the United Kingdom sent the following letter to the Secretary-General:

"I have the honour further to refer to Your Excellency's letter of February 26 regarding the resolution on the subject of Southern Rhodesia (No. 1760), adopted by the seventeenth session of the General Assembly on October 31, 1962.

"Since then a Sub-Committee of the Committee of Twenty-four<sup>1</sup> has visited London, has had a full and frank exchange of views with United Kingdom Ministers about Southern Rhodesia and has submitted a report to the full Committee.<sup>2</sup> Your Excellency's own very recent visit to London provided a valuable opportunity for Ministers of my Government to explain their position to you personally.

"My Government feel that as a result of these exchanges their attitude towards United Nations resolutions generally on the subject of Southern Rhodesia, and resolution 1760 (XVII) in particular, will now be abundantly clear to you; and they believe that you will understand the difficulties which lie in the way of their contemplating compliance with resolution 1760.

<sup>1</sup> Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

<sup>2</sup> A/5446/Rev.1, chap. III, appendix.

"In conclusion I am instructed to make it clear that, despite the attitude they are compelled to adopt on this issue, my Government continue to hold in the

highest regard both the Office of Secretary-General of the United Nations and yourself as the occupant of that Office."

### DOCUMENTS A/5448 AND ADD.1-5

Algeria, Burundi, Cambodia, Cameroon, Dahomey, Ethiopia, Ghana, Guinea, India, Iraq, Ivory Coast, Liberia, Madagascar, Mali, Mauritania, Niger, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Tunisia, United Arab Republic, Upper Volta and Yugoslavia: request for the inclusion of an item in the provisional agenda of the eighteenth session

#### DOCUMENT A/5448

[Original text: English/French]  
[18 July 1963]

Letter dated 18 July 1963 from the Permanent Representatives of Algeria, Burundi, Cambodia, Cameroon, Ethiopia, Guinea, India, Iraq, Ivory Coast, Liberia, Madagascar, Mali, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Tunisia, United Arab Republic, Upper Volta and Yugoslavia to the United Nations, addressed to the Secretary-General

Upon instructions from our respective Governments, we have the honour to request the inclusion of an item entitled "Question of Southern Rhodesia" in the agenda of the eighteenth regular session of the General Assembly.

Under the terms of rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum will be transmitted to you in due course.

(Signed)

K. HACENE  
Algeria

G. NYANGOMA  
Burundi

V. SONN  
Cambodia

B. BINDZI  
Cameroon

K. WODAJO  
Ethiopia

DIALLO Telli  
Guinea

A. B. BHADKAMKAR  
India

M. PACHACHI  
Iraq

J. KACOU  
Ivory Coast

N. BARNES  
Liberia

R. ANDRIAMAHARO  
Madagascar

S. COULIBALY  
Mali

(Signed)

S. O. ADEBO  
Nigeria

M. UZAMUGUBA  
Rwanda

G. COLLIER  
Sierra Leone

A. M. DARMAN  
Somalia

O. ADEEL  
Sudan

T. TABRI  
Syria

C. Y. MGONJA  
Tanganyika

T. SLIM  
Tunisia

M. H. EL-ZAYYAT  
United Arab Republic

J. E. KABORE  
Upper Volta

M. PAVICEVIC  
Yugoslavia

#### DOCUMENTS A/5448/ADD.1-4

By documents A/5448/Add.1-4, Dahomey (A/5448/Add.1, dated 20 August 1963), Mauritania and Niger (A/5448/Add.2, dated 29 August 1963), Togo (A/5448/Add.3, dated 3 September 1963) and Ghana (A/5448/Add.4, dated 10 September 1963) were added to the list of Members requesting the inclusion of this item in the agenda of the eighteenth session.

#### DOCUMENT A/5448/ADD.5

##### Explanatory memorandum

[Original text: English/French]  
[30 September 1963]

1. The question of Southern Rhodesia was considered by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its meetings in March, April and May 1962. The General Assembly considered the question at its resumed sixteenth session when it had before it the report of the Special Committee (A/5124). On 28 June 1962, the General Assembly adopted resolution 1747 (XVI). By this resolution, the General Assembly affirmed that the Territory of Southern Rhodesia is a Non-Self-Governing Territory within the meaning of Chapter XI of the Charter of the United Nations. It requested the administering Power, *inter alia*,

"To undertake urgently the convening of a constitutional conference, in which there shall be full participation of representatives of all political parties, for the purpose of formulating a constitution for Southern Rhodesia, in place of the Constitution of 6 December 1961, which would ensure the rights of the majority of the people, on the basis of 'one man, one vote', in conformity with the principles of the Charter of the United Nations and the Declaration on the granting of independence to colonial countries and peoples, embodied in General Assembly resolution 1514 (XV)".

2. The question of Southern Rhodesia was again considered by the General Assembly at its seventeenth session, when it adopted resolutions 1755 (XVII) of 12 October 1962 and 1760 (XVII) of 31 October 1962. By paragraph 3 of resolution 1760 (XVII), the General Assembly requested the United Kingdom Government to take the necessary measures to secure:

"(a) The immediate implementation of resolutions 1747 (XVI) and 1755 (XVII);

"(b) The immediate suspension of the enforcement of the Constitution of 6 December 1961 and cancellation of the general elections scheduled to take place shortly under that Constitution;

“(c) The immediate convening of a constitutional conference, in accordance with resolution 1747 (XVI), to formulate a new constitution for Southern Rhodesia;

“(d) The immediate extension to the whole population, without discrimination, of the full and unconditional exercise of their basic political rights, in particular the right to vote, and the establishment of equality among all inhabitants of the Territory.”

3. Despite the resolutions, the Constitution of 1961 was put into effect on 1 November 1962 and elections under its provisions were held in December 1962. These elections resulted in the formation of a new white minority Government in Southern Rhodesia under the leadership of Mr. Winston Field of the Rhodesian Front Party. The coming into power of this new minority Government led to further intensification of the repressive measures against the majority of the inhabitants of the Territory through legislative and other means in clear violation of the General Assembly resolutions.

4. The question of Southern Rhodesia was again considered by the Special Committee during the period from March to June 1963 in the light of the failure of the United Kingdom to implement the General Assembly resolutions of 1962 and the resulting deteriorating situation in Southern Rhodesia. The Special Committee, in its efforts to find a peaceful solution to the explosive situation obtaining in Southern Rhodesia, sent a Sub-Committee to London to discuss the matter with the United Kingdom Government. As will be seen from the report of this Sub-Committee (A/5446/Rev.1, chap. III, appendix), the United Kingdom Government has so far refused to take any positive measures in favour of securing the legitimate rights of the majority of the inhabitants of the Territory.

5. On 20 June 1963 the Special Committee adopted a resolution on Southern Rhodesia (A/5446/Rev.1, chap. III, para. 282), the operative parts of which read as follows:

“1. *Approves* the report of the Sub-Committee on Southern Rhodesia, particularly its conclusions and recommendations, and expresses its appreciation of the work accomplished;

“2. *Deplores* the fact that the United Kingdom Government has ignored the resolutions on Southern Rhodesia of the General Assembly, thus creating an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia;

“3. *Calls upon* the United Kingdom Government:

“(a) To abrogate the 1961 Constitution;

“(b) To hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence on the basis of universal suffrage, including the fixing of the earliest date for independence;

“(c) To declare unequivocally that it would not transfer the powers and attributes of sovereignty to any Government constituted under the 1961 Constitution;

“4. *Recommends* that, if developments necessitate and circumstances warrant, a special session of the General Assembly should be convened to consider the situation in the Territory, and in any event a separate item entitled ‘The Question of Southern Rhodesia’

be inscribed on the agenda of the eighteenth regular session of the General Assembly as a matter of high priority and urgency;

“5. *Draws the attention* of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia.”

6. As the Special Committee has found, the explosive situation which prevails in Southern Rhodesia demands that it should be considered by the forthcoming session of the General Assembly as a matter of high priority and urgency.

7. In this connexion, it may be recalled that the United Kingdom Government has since decided to dissolve the Federation of Rhodesia and Nyasaland and has introduced a Bill in the United Kingdom Parliament to make necessary legal provision to give effect to that decision. The dissolution of the Federation, which is expected to take place before the end of 1963, will confer additional powers on the minority Government of Southern Rhodesia. The transfer of those additional powers, especially in the field of defence, would constitute a further violation of the resolutions of the General Assembly and a further serious threat to the position of the majority of the people of the Territory.

8. It will be recalled that the Heads of African States and Governments were deeply concerned about this aspect of the question of Southern Rhodesia. During the Summit Conference of Independent African States held at Addis Ababa in May 1963 they adopted an important resolution on the problem of decolonization. The resolution stated in particular:

“3. *Invites*, further, the colonial Powers, particularly the United Kingdom with regard to Southern Rhodesia, not to transfer the powers and attributes of sovereignty to foreign minority governments imposed on African peoples by the use of force and under cover of racial legislation; and the transfer of power to settler minorities would amount to a violation of the provision of United Nations resolution 1514 (XV) on independence;

“4. *Reaffirms* its support of African nationalists of Southern Rhodesia and solemnly declares that if power in Southern Rhodesia were to be usurped by a racial white minority government, State Members of the Conference would lend their effective moral and practical support to any legitimate measures which the African nationalist leaders may devise for the purpose of recovering such power and restoring it to the African majority; the Conference also *undertakes* henceforth to concert the efforts of its Members to take such measures as the situation demands against any State according recognition to the minority government.”

9. It appears therefore that the situation in Southern Rhodesia contains the seeds of a threat to peace and security in Africa, and that the Government of the United Kingdom should take measures to implement the aforementioned resolutions of the General Assembly concerning this Territory.

10. In this connexion, it should be emphasized that the dissolution of the Federation is yet another opportunity for the United Kingdom to set things right in Southern Rhodesia and thus to arrest the deterioration of the already explosive situation there. If the United Kingdom Government, even at this late stage, fails to

implement the resolutions of the General Assembly, the situation will necessarily get out of hand.

11. The administering Power having so far refused to take into consideration the resolutions adopted on the question of Southern Rhodesia, the General Assembly should recommend to the Security Council to ask the United Kingdom Government to implement

the provisions of resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII).

12. In the circumstances, it is necessary that the question of Southern Rhodesia should be included in the agenda of the eighteenth session of the General Assembly and that it should be considered by it as a matter of highest priority and urgency.

## DOCUMENTS A/5564 AND ADD.1

### Report of the Fourth Committee

#### Part I

#### DOCUMENT A/5564

[Original text: English]  
[9 October 1963]

1. In a letter dated 18 July 1963 (A/5448) addressed to the Secretary-General, Algeria, Burundi, Cambodia, Cameroon, Ethiopia, Guinea, India, Iraq, Ivory Coast, Liberia, Madagascar, Mali, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Tunisia, United Arab Republic, Upper Volta and Yugoslavia requested the inclusion of an item entitled "Question of Southern Rhodesia" in the agenda of the eighteenth session of the General Assembly. Subsequently Dahomey, Ghana, Mauritania, Niger and Togo joined in requesting the inclusion of this item (A/5448/Add.1-4). An explanatory memorandum (A/5448/Add.5) drew attention to the fact that the question of Southern Rhodesia had been examined by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in 1962 and by the General Assembly at its sixteenth and seventeenth sessions and again by the Special Committee in 1963. The memorandum also pointed out that the United Kingdom Government had not implemented the Declaration on the granting of independence to colonial countries and peoples contained in General Assembly resolution 1514 (XV) in respect of Southern Rhodesia nor the specific resolutions of the General Assembly on Southern Rhodesia, namely resolutions 1747 (XVI), 1755 (XVII) and 1760 (XVII). This, as the Special Committee had stated in a resolution adopted on 20 June 1963 (A/5446/Rev.1, chap. III, para. 282), had created an explosive situation in the Non-Self-Governing Territory of Southern Rhodesia. The memorandum also drew attention to the important resolution on decolonization adopted by the Heads of African States and Governments at the Summit Conference of Independent African States held at Addis Ababa in May 1963. The memorandum also recalled that the United Kingdom Government had since decided to dissolve the Federation of Rhodesia and Nyasaland and had introduced a Bill in the United Kingdom Parliament to make necessary legal provision to give effect to that decision. Under this Bill additional powers would be conferred on the minority Government of Southern Rhodesia and this would constitute a further violation of the resolutions of the General Assembly and a further serious threat to the position of the majority of the people of the Territory. The memorandum concluded by stating that the question should be considered by the General Assembly as a matter of the highest priority and urgency.

2. At its 153rd meeting, on 18 September 1963, the General Committee decided to recommend to the General Assembly the inclusion in the agenda of an item entitled "Question of Southern Rhodesia". The representative of the United Kingdom stated that his delegation adhered to its position, made clear in the past, that the United Nations had no authority under the Charter to intervene in the affairs of Southern Rhodesia. The representative of Guinea pointed out that Southern Rhodesia would in any event be considered at the current session under item 23 entitled "Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

3. At its 154th meeting, on the same date, the General Committee decided to recommend to the General Assembly the allocation to the Fourth Committee of the chapter of the report of the Special Committee dealing with Southern Rhodesia (item 23) as well as the separate item, the question of Southern Rhodesia (item 75). The General Committee also recommended that the title of the item allocated to the Fourth Committee should be: "Question of Southern Rhodesia: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

4. At its 1210th plenary meeting, on 20 September 1963, the General Assembly included this item in its agenda and allocated it to the Fourth Committee.

5. At its 1433rd meeting, on 27 September 1963, the Fourth Committee decided to consider this question as the first item on its agenda, because of the gravity of the situation in Southern Rhodesia.

6. The Committee had before it the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5446/Rev.1, chap. III).

7. The Committee began its general debate on this item at its 1434th meeting, on 1 October 1963.

8. At the 1437th meeting, on 3 October 1963, the representative of Tunisia introduced a draft resolution (A/C.4/L.774) on behalf of the following countries: Algeria, Burundi, Cameroon, Ceylon, Chad, Chile, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Ivory Coast, Jamaica, Liberia, Madagascar, Mali, Mauritania, Morocco, Nepal, Nigeria, Philippines, Rwanda, Senegal, Somalia, Sudan, Syria, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, Upper Volta, Yemen and Yugoslavia. Subsequently Burma, Cambodia, Central African Republic, Libya, Malaysia, Niger, Pakistan (A/C.4/

L.774/Add.1) and Sierra Leone (A/C.4/L.774/Add.2) joined as co-sponsors.

9. In introducing the draft resolution, the representative of Tunisia stated on behalf of the co-sponsors that this was an interim measure and proposed that, in view of the urgency of the matter, the general debate should be interrupted in order to enable the draft resolution to be voted on as soon as possible as a matter of priority. At the same meeting, the Committee decided to vote on the draft resolution, as a matter of priority, not later than 7 October 1963.

10. The Committee considered the draft resolution at its 1438th to 1441st meetings.

11. At its 1441st meeting, on 7 October 1963, the Committee approved the draft resolution by a roll-call vote of 85 to 2, with 11 abstentions. The voting was as follows:

*In favour:* Afghanistan, Albania, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, Gabon, Ghana, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen and Yugoslavia.

*Against:* Portugal, South Africa.

*Abstaining:* Australia, Belgium, Canada, El Salvador, France, Italy, Japan, Netherlands, New Zealand, Turkey and United States of America.

12. The representative of the United Kingdom of Great Britain and Northern Ireland had stated before the vote that he would not participate in the vote and did not so participate.

13. The delegations of the United Arab Republic and Ghana made reservations concerning the position of the United Kingdom regarding the vote.

#### **Recommendation of the Fourth Committee**

14. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

#### **QUESTION OF SOUTHERN RHODESIA**

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

#### **Part II**

#### **DOCUMENT A/5564/ADD.1**

[Original text: English]  
[23 October 1963]

1. The item "Question of Southern Rhodesia: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on

the Granting of Independence to Colonial Countries and Peoples" was considered by the Fourth Committee at its 1434th to 1452nd meetings from 1 October to 18 October 1963.

2. At the 1441st meeting, on 7 October 1963, the Committee adopted, as a matter of priority, a draft resolution (A/C.4/L.774 and Add.1-2) concerning this item. Following the adoption of this draft resolution, the Fourth Committee submitted to the General Assembly part I of its report (A/5564) on the item. This report was considered by the Assembly at its 1241st plenary meeting, on 14 October 1963, when it adopted resolution 1883 (XVIII).

3. In connexion with the consideration of this item, the Committee granted the following requests for hearings:

<i>Petitioner</i>	<i>Meeting at which the request was granted</i>
Mr. Robert Mugabe, Secretary-General of the Zimbabwe African National Union (A/C.4/605) .....	1440th
Mr. T. George Silundika, Secretary for Publicity, Zimbabwe African Peoples Union A/C.4/605/Add.1) .....	1449th

4. At the 1442nd meeting, Mr. Robert Mugabe made a statement and answered questions asked of him by the members of the Committee. At the 1449th meeting, Mr. T. George Silundika made a statement and answered questions asked of him by the members of the Committee.

5. The general debate on this item, which began at the 1434th meeting of the Committee, on 1 October 1963, was concluded at the 1447th meeting, on 14 October 1963.

6. At the 1450th meeting, on 17 October 1963, the representatives of Somalia introduced a draft resolution (A/C.4/L.776) on behalf of the following countries: Afghanistan, Algeria, Burma, Cameroon, Ceylon, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Pakistan, Philippines, Senegal, Somalia, Sudan, Syria, Tanganyika, Uganda, United Arab Republic, Upper Volta, Yemen and Yugoslavia. Subsequently, Burundi, Cambodia, Chad, Congo (Brazzaville), Mongolia, Rwanda, Togo and Trinidad and Tobago joined as co-sponsors (A/C.4/L.776/Add.1).

7. The Committee considered the draft resolution at its 1450th to 1452nd meetings.

8. The draft resolution (A/C.4/L.776 and Add.1) was voted upon by the Committee at its 1452nd meeting, on 18 October 1963, as follows:

The eighth preambular paragraph was adopted by a roll-call vote of 78 to 19, with 3 abstentions. The voting was as follows:

*In favour:* Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Pakistan, Panama, Philippines,



Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* Australia, Austria, Belgium, Canada, Denmark, Finland, France, Iceland, Ireland, Italy, Netherlands, New Zealand, Norway, Portugal, South Africa, Spain, Sweden, Turkey, United States of America.

*Abstaining:* China, Greece, Japan.

Operative paragraphs 5 and 6 were adopted by a roll-call vote of 88 to 2, with 10 abstentions. The voting was as follows:

*In favour:* Afghanistan, Albania, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Ecuador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Norway, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* Portugal, South Africa.

*Abstaining:* Australia, Belgium, Canada, France, Italy, Japan, Netherlands, New Zealand, Spain, United States of America.

The draft resolution as a whole was adopted by a roll-call vote of 79 to 2, with 19 abstentions. The voting was as follows:

*In favour:* Afghanistan, Albania, Algeria, Argentina, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Cameroon, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Gabon, Ghana, Guatemala, Guinea, Haiti, Hungary, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kuwait, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Pakistan, Panama, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* Portugal, South Africa.

*Abstaining:* Australia, Austria, Belgium, Canada, Denmark, Finland, France, Greece, Iceland, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Spain, Sweden, Turkey, United States of America.

#### **Recommendation of the Fourth Committee**

9. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

#### **QUESTION OF SOUTHERN RHODESIA**

[Text adopted by the General Assembly with drafting amendments to the English version (A/PV.1255, para. 4). See "Action taken by the General Assembly" below.]

### **DOCUMENT A/5664**

#### **Report of the Secretary-General**

[Original text: English]  
[11 December 1963]

1. On 6 November 1963, the General Assembly adopted resolution 1889 (XVIII) on the question of Southern Rhodesia. Operative paragraph 8 of this resolution reads as follows:

"Requests the Secretary-General to continue to lend his good offices to promote conciliation in the Territory, as stated in paragraph 4 of resolution 1760 (XVII), and to report both to the General Assembly during the eighteenth session and to the Special Committee on the results of his efforts."

Operative paragraph 4 of resolution 1760 (XVII), to which reference is made in this resolution, requested the Secretary-General "to lend his good offices to promote conciliation among the various sections of the population of Southern Rhodesia by initiating prompt discussions with the United Kingdom Government and other parties concerned, with a view to achieving the objectives set out in this and all the other resolutions of the General Assembly on the question of Southern Rhodesia".

2. On 8 November 1963, the Secretary-General transmitted the text of resolution 1889 (XVIII) to

the Permanent Representative of the United Kingdom to the United Nations, and has subsequently discussed the question with him.

3. On 10 December 1963, the Secretary-General received the following letter from the Permanent Representative of the United Kingdom:

"I have the honour to refer to Your Excellency's letter of 8 November regarding resolution 1889 (XVIII) on the subject of Southern Rhodesia adopted by the General Assembly at its 1255th plenary meeting on 6 November.

"Your Excellency's letter was referred to my Government, who have instructed me to reply as follows.

"The attitude of my Government to resolutions of the United Nations on Southern Rhodesia has been explained many times and Your Excellency will therefore, I am sure, understand the difficulties in the way of complying with them. Nevertheless, in view of the high regard which my Government has for your office and which my delegation has for



you personally, I have thought it right to send you this reply.

"My Government have by their participation in the United Nations discussions on this question acknowledged the honest concern shown by many Members of the United Nations about the future of Southern Rhodesia and possible developments there. In spite of their attitude on the question of United Nations competence to deal with Southern Rhodesia my Government have thought it right to inform the United Nations of their policy in discharging their remaining obligations relating to Southern Rhodesia's constitutional status. In this connexion I would respectfully draw Your Excellency's attention, in particular, to my speech to the Security Council of 10 September 1963.<sup>3</sup>

"My Government are mindful of the interest which has been shown in this question and the burden of

<sup>3</sup> See *Official Records of the Security Council, Eighteenth Year*, 1066th meeting.

responsibility which rests with them. It is their intention to work towards a solution to the problems which face the territory in a manner best calculated to achieve such a solution."

4. Bearing in mind the mandate given by the General Assembly, the Secretary-General has also undertaken conversations in New York with representatives of African countries in the hope that the Organization of African Unity may assist in preparing the ground for initiating discussions with the other parties concerned. The Secretary-General has informed the Permanent Representative of the United Kingdom about these conversations and has invited the reactions of his Government.

5. In accordance with the General Assembly's resolution, the Secretary-General will continue to report on the results of his efforts to the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

### DOCUMENT A/C.4/606

#### Letter dated 4 October 1963 from the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Secretary-General transmitting a document entitled "Southern Rhodesia: some facts and figures"

[Original text: English]

[7 October 1963]

LETTER DATED 4 OCTOBER 1963 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED KINGDOM ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to enclose a document entitled "Southern Rhodesia: some facts and figures" prepared by the Government of Southern Rhodesia. Since this is relevant to the current debate in the Fourth Committee of the General Assembly, I should be grateful if you would have this document circulated immediately as an official document of the General Assembly.

(Signed) Patrick DEAN

SOUTHERN RHODESIA: SOME FACTS AND FIGURES (PREPARED BY THE SOUTHERN RHODESIAN GOVERNMENT)

#### Introduction

Southern Rhodesia, highly developed in comparison with many parts of Africa, fully realizes its responsibilities and has no illusions about its social problems being any easier to solve than they are in other multi-racial countries. It expects criticism, but is entitled also to expect that it will be constructive and informed. For the past three years, however, criticism of Southern Rhodesia at the United Nations has been characterized by a vehemence and inaccuracy which reached a peak in the recent session of the Security Council.

The inaccuracy of the criticism of Southern Rhodesia is epitomized at the very beginning of the *Documents and Notes* published by the Ghana Government,<sup>4</sup> together with the four-Power memorandum to the Se-

<sup>4</sup> Republic of Ghana, *A Memorandum in regard to Southern Rhodesia submitted to the Security Council on the 2nd August, 1963, Together with Documents and Notes supplementary thereto*, W. P. No. 4/63. Circulated to members of the Security Council at the request of the Permanent Representative of Ghana (S/5403 and Corr.1).

curity Council dated the 2nd of August 1963,<sup>5</sup> where highly tendentious quotations are taken from John Gunther's book *Inside Africa*. Whatever the motive may be for attempting to damage a national reputation by quoting from the impressions of a popular writer, the stratagem suffers from the deficiency that these impressions, whatever their validity at the time, are by now *ten years old*. Who would deny that during these ten years Africa has changed and advanced immensely? What other African country would wish to be judged by its achievements in 1953? This paper will show that Southern Rhodesia can, in fact, claim more than its share of the general progress which, unfortunately, has been given scant attention by the country's critics at the United Nations.

#### History

"White settlement" of Southern Rhodesia, which took place in the closing years of the last century, was an historical sequel to "black settlement" by the invading Matabele of fifty years previously. In each case, entry into the area was the inevitable result of a long and complicated series of moves and pressures and the dynamism of a vigorous people. The Matabele, under Mzilikazi, were a branch of the Zulus, breaking away from the King Shaka in Natal and retracing the Zulu nation's path back across Central Africa towards the north.

The European move into the country was part of the wide-spread nineteenth century exploration of Africa, motivated to a large extent by hopes of material gain, but also by the spirit of scientific inquiry, by missionary zeal and by growing liberal feeling in Europe against the evils of the slave trade.

<sup>5</sup> *Official Records of the Security Council, Eighteenth Year, Supplement for July, August and September 1963*, document S/5382.

Like many migrations of peoples that have taken place in the past two thousand years, both invasions are now a matter of historical fact and no useful purpose is served by moralizing about them. What is perhaps relevant to record is that after an early passage of arms the new black and white settlers made an honourable peace which has continued without serious disturbance ever since. An important consequence of this peaceful settlement especially significant for the local Mashona tribes, who had previously suffered at the hands of the Matabele invader—was the tranquilizing effect of white administration, which not only put a stop to tribal warfare but initiated a serious onslaught on the ravages of famine, hunger and disease. The record speaks for itself. Statistical assessments made in 1901 reveal an African population of 470,000. The latest census shows a population of 3,600,000. Indicative of the increase in the material wealth of the people is the fact that the 44,000 head of cattle in 1901 have grown to over 2 million today. These simple figures bear witness to a record of sound, efficient and humane administration.

Since the beginning of the century there has been much admixture in both the white and black populations resulting from a liberal immigration policy. There are also important minorities of Asian and Coloured (racially mixed) people. It is perhaps also of interest that at any given time more than 250,000 Africans from outside this territory are working in Southern Rhodesia, attracted by the prospects of remunerative employment in Southern Rhodesia's lively industrial and agricultural economy; of these over 110,000 are from Nyasaland, some 100,000 from Mozambique and Angola, 40,000 from Northern Rhodesia and over 4,000 from Tanganyika and other territories.

From 1889 until 1923 responsibility for the administration of Southern Rhodesia was in the hands of the British South Africa Company in terms of a Charter granted by the British Government. In 1923, however, the country became a self-governing colony under a Constitution which was to endure with amendments until 1961. The franchise system for elections to the Legislative Assembly was based on the principle of the common roll with property and education qualifications. It was never racial. In the early days of that Constitution, however, before any but a handful of Africans had embraced education and before they had started to develop a cash economy, there was little participation by them in the processes of central government. Whereas the development of Southern Rhodesia's natural resources in the years preceding 1939 was faster than that of most African territories, the years after the Second World War saw a dramatic advance. Southern Rhodesia received its share of the large number of immigrants leaving Europe at that time and profited by their knowledge, skills and capital investment.

The marriage of Western skills and capital to under-employed manpower and unexplored resources generated a spectacular economic take-off; for a time Southern Rhodesia's economic growth rate was the highest in the world. A buoyant economy not only provided plentiful opportunities of gainful employment for all sections of the population; it also provided resources of government revenue for the rapid expansion of social services unequalled in most parts of the African continent. The rate of growth has suffered a partial check in recent years, largely as a result of uncertainty

arising from doubts about the future of the Federation as a political entity. It has also suffered to some extent from injudicious and ill-formed interference in the country's internal affairs from outside its borders. This has reacted to the disadvantage of all sections of the community, but the worst effects of it are being mitigated by the continuous application of vigorous policies of economic and social betterment. Most unbiased visitors to the country have testified to its impressive potential if it continues to develop along present lines. Carping and destructive criticism has come mostly from quarters which have little or no first-hand knowledge of conditions in the country.

Further information about the country's economic development is contained in the note under that heading.

### *Constitution*

By 1961 there was a general feeling that the time had come for a revision of the Constitution in two principal directions: towards a final relaxation of the modest reserved powers retained but not exercised by the British Government and towards a greater participation by Africans in the political life of the country. In that year a constitutional conference was convened at the instance of the Southern Rhodesia Government at which all races and political parties were represented. This resulted in general agreement on the 1961 Constitution which came into operation in the following year. It is important to notice that African political opinion as represented by Mr. Nkomo and the Reverend N. Sithole, the principal political leaders today, endorsed the findings of that conference. Mr. Nkomo is on record as saying that "above all we are to have a new constitution which is an achievement resulting from the pressure of the National Democratic Party—a thing never before thought of in this country. We feel that the new provisions have given us a certain amount of assurance that the country will not pursue policies which mean that Africans would perpetually be unable to control their country." There is evidence to suggest that it was pressure from outside the country which induced Mr. Nkomo to withdraw from co-operating with the new Constitution. Non-co-operation led to active boycott supported by intimidation, as a result of which the African people as a whole forfeited the opportunity of expressing themselves politically at the general election of 1962, except in insignificant numbers. The political group led today by Mr. Nkomo and the party led by his former colleague and present rival, the Reverend N. Sithole, continue to render a major disservice to the African people by discouraging them from taking up their voting rights.

Important features of the new Southern Rhodesia Constitution as compared with the old include:

#### (a) *The franchise*

Of the larger Legislative Assembly of sixty-five members, fifty are elected to represent constituencies by the more highly qualified voters of the "A" roll whilst fifteen, representing electoral districts, are elected by the voters with lower qualifications on the "B" roll. Both constituencies and electoral districts cover the entire country and the decision on which roll a person qualifies or stands for Parliament is in no way dependent on race. The practical effect of the new franchise, however, is to give a "B" roll vote to a large number of people, mainly Africans, who did not qualify at all under the old single-roll system.

Each member of the electorate can cast two votes, one for his choice of candidate in the constituency, and one for his choice in the overlapping electoral district in which he lives but, owing to the system of devaluation of votes, "A" roll voters, for example, will appreciably influence the result of a "B" roll contest only if there is a narrow margin between two "B" roll candidates. The influence of "B" roll votes on the results of an "A" roll contest is the same.

At the referendum held in July 1961 to decide whether the proposed new Constitution should be adopted, the electorate showed by its two to one vote in favour that it was ready to accept a franchise which would lead to an eventual African majority in the Legislature. The large potential African voting strength was unfortunately in no way reflected at the 1962 election when government efforts to encourage enrolment were frustrated by nationalist leaders. The Legislative Assembly is composed of fifty European members (one elected on the "B" roll), fourteen African members, and one Coloured person (elected on the "A" roll).

#### (b) *The Declaration of Rights*

The Declaration of Rights embodied in the present Constitution specifically refers to the fundamental rights and freedoms of every person in Southern Rhodesia whatever his race, tribe, place of origin, political opinion, colour or creed. The Declaration closely modelled on those of Nigeria and Sierra Leone, affords protection of the right to live, to personal liberty, from slavery and forced labour, from inhuman treatment, from deprivation of property, for privacy of home and other property, for freedom of conscience, freedom of expression, freedom of assembly and association and from discrimination of written laws and discriminatory action.

If any person alleges that any of the provisions of the Declaration are being contravened in relation to him, he may apply to the High Court for redress. There is an ultimate appeal to the Privy Council in London.

#### (c) *The Constitutional Council*

This is headed by a Chairman who has been a judge of specified Superior Courts, or is a retired advocate or attorney of the High Court of Southern Rhodesia of not less than fifteen years' standing. The eleven elected members must include at least two Europeans, two Africans, one Asian, one person of the Coloured community and two persons who are either advocates or attorneys of the High Court of Southern Rhodesia of not less than ten years' standing. Members are elected at three-yearly intervals by an electoral college, composed of persons of high standing in the country, including the President of the Council of Chiefs. The Council consists at present of five Africans, five Europeans, one Asian and one Coloured, and thus has a non-European majority. The Constitutional Council must consider every Bill presented to the Legislative Assembly. If the Council considers that any provision of the Bill would be inconsistent with the Declaration of Rights, it submits to the Governor an adverse report.

During the life of the present Constitution, the Council has so far submitted a total of thirty-eight adverse reports, one of these being on an Act and the remainder on subsidiary legislation. In thirty-seven cases the offending instruments have been replaced, and the remaining case is still pending. This demonstrates the effectiveness of the new constitutional safeguards.

#### (d) *Amendment of the Constitution*

The Legislative Assembly can amend certain sections of the Constitution by a two-thirds majority of its total membership, but certain basic clauses relating to (a) the Declaration of Rights, (b) appeals to the Privy Council, (c) the Constitutional Council, (d) the judiciary, (e) amendment of the franchise qualifications which would exclude from the voters' roll persons who are at present entitled to be enrolled, (f) land tenure, particularly provisions affecting Tribal Trust land, (g) the security of Civil Service pensions, and (h) the provisions governing the amendment of the Constitution itself need for their amendment a two-thirds majority plus the agreement of each of the four principal racial communities, registered by a simple majority of votes in a separate referendum. Further, the British Government has to give its approval for amendments which would affect (a) the position of the Sovereign and the Governor and (b) the right of the United Kingdom Government to safeguard the position regarding international obligations and undertakings given by the Government of Southern Rhodesia in respect of loans under the Colonial Stock Acts.

These provisions of the Constitution are set out at some length because it is sometimes represented that the 1961 amendments were harmful to the interests of the African people, particularly in the sense of working against their ultimate ability to control the political life of the country. Nothing, of course, is further from the truth. Notwithstanding that only a handful of African voters chose to go to the polls in December 1962, the effect of the new constitutional arrangements was such as to result in fourteen Africans being seated in the Legislative Assembly. If all those who were qualified were to take up their voting opportunities they could exercise even greater political influence. Since voting qualifications are constitutionally safeguarded against the exclusion of persons at present qualified to enrol, the passage of time must coincide with an enlargement of political influence exercised by the African people. It cannot possibly be a matter of precise definition when the time is likely to be reached at which African voters will preponderate over European voters. Voting enrolment is geared to the possession of certain income and educational qualifications. Always assuming that there is no reluctance on the part of Africans to exercise their voting rights, the tempo of increasing enrolment will depend upon the rate at which Africans acquire the necessary income and educational qualifications. This will in turn depend upon the increase of opportunities for remunerative employment and the expansion of the educational system. Both objectives are priorities of policy of the present Southern Rhodesia Government.

It is not considered necessary in these notes to refer to Southern Rhodesia's self-governing status, to the British Government's inability to interfere in her domestic affairs or to the reversion of powers from the Federal Government to the Southern Rhodesia Government after the dissolution of the Federation. All these matters have been fully dealt with in various British statements to the United Nations.

#### *The rule of law*

Southern Rhodesia, since the turn of the century, has had an outstanding record of internal peace and good order—a record surpassing that of most African countries and bearing comparison with many far more

highly developed countries elsewhere in the world. The Government has been well served by its police force, recruited from both major races, and never has there been any question of police interference with the liberty of law-abiding individuals.

Laws providing for the security of the State are in line with and in certain respects less restrictive than those in force in many other countries.

The Government in power has no means of limiting the activities of the Parliamentary Opposition or of curbing public criticism of its policies. In its determination to uphold the freedom of the individual a former Government did, however, find it necessary to pass the Unlawful Organizations Act in 1959 to outlaw any organization whose activities were endangering public safety, were prejudicial to constitutional government or engendering hostility amongst Southern Rhodesia's inhabitants. The Zimbabwe African People's Union and its predecessors under other names, were banned for their unconstitutional, disruptive activities, but a new and rival party of similar political outlook, the Zimbabwe African National Union, is in no way hampered in its activities, since the party is operating within the law. The Unlawful Organizations Act is by no means without precedent in Africa, but what is particularly notable about the Southern Rhodesian law is the justice and impartiality with which even the former members of a banned party are judged. This was well illustrated by the recent trial and appeal of Mr. Joshua Nkomo, leader of the former banned Zimbabwe African People's Union. Mr. Nkomo appealed against a Magistrate's Court conviction on a charge of assaulting a police officer in the execution of his duties. His appeal to the High Court was upheld on its merits by the judges and he naturally left court entirely free, despite his being one of the Administration's most virulent critics and opponents, both at home and abroad.

#### *Race relations*

It has been alleged that Southern Rhodesia is a country in which racial discrimination is practised as a matter of official policy to the detriment of the African population. This allegation does not bear serious and fair-minded examination. There is no legal impediment to any black Southern Rhodesian becoming Prime Minister, Member of Parliament, Judge of the High Court, Head of a Government Department or practising in any profession. Attainment of these positions is purely a question of merit and qualifications. Opportunities for advancement are available to all races.

Such traces of discrimination as remain in Southern Rhodesian society are the product of certain important considerations, viz., the need to protect an unsophisticated tribal society from what would undoubtedly have been the harmful effects of too close and sudden an impact with a Westernized society; the need to ensure that both major groups can preserve their own particular values and traditions during the process of evolving a common nationhood; the need to ensure that the attainment of the goal of harmonious racial living is not prejudiced by the tensions from enforced integration at the social level.

These various considerations have influenced the historical pattern of development in Southern Rhodesia. Over the years there has been a progressive dismantling of protective discrimination until what remains is no more than the minimum considered necessary to safeguard those elements in our society which are most

traditionalist and least Westernized in their habits of life.

Legislation affecting the territorial separation of the races is following the same pattern. More detailed reference to the apportionment of land is made under a separate heading, but here it is necessary to call attention to the principle adopted in the earliest days of white settlement of preserving certain areas for exclusive occupation and use by the indigenous population, who were thereby protected from uneven economic competition from their new neighbours. In the early days this principle of exclusivity was equally applied to what were designated as European areas, but there has been a progressive dilution of this principle over the years since the Second World War. No similar inroads have been made into what are now described as the Tribal Trust Lands, which are vested under the 1961 Constitution in a Board of Trustees and preserved still for exclusive occupation by the indigenous people. No such reservation applies to the European area. Consideration is at present being given to the opening up of wider trading opportunities for Africans in urban areas which have been traditionally European without giving Europeans similar privileges in traditionally African areas.

In brief, the whole trend of recent development has been in the direction of providing for racial mixing in predominantly European areas whilst preserving exclusive rights for the African people in specially reserved African areas.

There has been in recent years a great increase in the social mixing of the races and the common use of places of public entertainment and other amenities. This process has taken place with the minimum of incident and there can be little doubt that it is largely due to the fact that it has been natural and unforced.

The report of the recent Royal Commission on Education in Southern Rhodesia, whose membership included three Africans, refers to "a territorial programme of social equalization which, almost unobserved by the outside world, has been in progress in the last few years". The same report describes African families as being "often little moved by the existence of segregation, always provided equality of access to good, gratuitous education can be effectively guaranteed to them". Again the report suggests that to compel children of different racial backgrounds to attend the same school is "as untimely and as ignorant of realities as it is outmoded to compel all of them to undergo their school courses in watertight containers". It is interesting in the light of much malicious and ill-informed criticism of Southern Rhodesia to find independent judgements of this kind tending to endorse a cautious approach to the difficult problems of human relations in a plural society.

#### *Economic development*

The gross domestic product of Southern Rhodesia for 1962 was £289,100,000. The comparative figure, at today's prices, for the year in which Southern Rhodesia had its beginnings as a modern State is placed at £2,500,000, being the subsistence level production of the estimated half-million indigenous Africans who populated the area up to 1890.

At the turn of the century the "external trade" of the area was in effect nil, since at that time there were no roads nor any means of transport or communication, which are the concomitant of an awakening society.

During 1962, the principal exports of Southern Rhodesia were:

	<i>Export value</i> £
Tobacco .....	34,200,000
Asbestos .....	7,635,000
Maize .....	5,763,000
Meat and meat products .....	3,691,000
Pig iron .....	2,813,000
Chrome ore .....	2,590,000
Wearing apparel .....	1,417,000
Ferro chrome .....	1,015,000
Radios and parts .....	727,000
Cigarettes .....	709,000
Cattle, hides .....	701,000
Wattle extract .....	524,000
Tin .....	510,000
Footwear .....	350,000
Iron and steel ingots .....	248,000

These figures represent in money terms the naked outline of a viable and dynamic economy which has been built up from the grass roots during the course of barely two generations. The effect of this development has been to provide amenities and opportunities for a fuller life for all the people of Southern Rhodesia, of which the following are some simple examples:

1. Employment for 716,000 people, of whom 627,000 are Africans.
2. Education for 693,000 enrolled pupils, of whom 622,000 are Africans.
- \*3. Modern health facilities for which £8,500,000 is provided in the latest Federal budget.
- \*4. A railway system which carried 4,119,000 passengers and hauled 11,779,000 tons of freight in 1962.
- \*5. An airways system which flew 76,377,000 passenger-miles in 1962.
6. 5,193 miles of public roads of which 2,106 miles are tar-macadamed. This is excluding minor roads.
- \*7. A currency circulation in the hands of the public of £25,327,000 in May 1963.
8. Domestic savings in the P.O. Savings Bank amounting to £26,613,000.  
(Other extensive savings facilities are provided by building societies, commercial banks, etc.)

The economic development of Southern Rhodesia represents the combined effort of all the races which comprise its present population and could not have been achieved in the space of seventy-five years by any one race without the help of the other. It illustrates the foundation on which the future prosperity of the country is based.

#### *Conditions in industry*

The Industrial Conciliation Act of 1959 provides for the grading of jobs, and rates of pay, according to the skill involved. Trade unions have played an effective part, through representation on Industrial Councils and Boards, in securing increases of wages, and the pay-packet of African industrial workers in Southern Rhod-

esia is a good deal higher, and goes further, than in many other African countries. Average wages of Africans have risen by 60.3 per cent between 1954 and 1962, while non-African average earnings increased by only 32.2 per cent. For 1962 itself the respective figures were 3.9 per cent and 1.8 per cent. At this date, there are fifty-six registered trade unions, of which twenty-three are composed solely of Africans. Of these, five are joined with other non-racial unions as the trade union parties on six Industrial Councils. Five other Industrial Councils are composed, on the trade union side, of Africans unions only.

While the gap between the wage rates for labourers (mostly Africans) and those of skilled journeymen (all races) is still wide, the effect of industrial boards and industrial council wage awards is progressively to reduce this gap. More and more Africans, though still but a handful of the total African labour force, are entering the ranks of skilled workers, and Southern Rhodesia pays the skilled worker according to his ability regardless of his race.

#### *Land*

The existing system of land apportionment, which is constantly being reviewed and modified, has been to a great extent determined by the need to ensure that a sufficient amount of land was preserved for the exclusive use of the African inhabitants of the country and to prevent the possibility of their being dispossessed by European purchase. The current distribution of land is as follows:

	<i>Acres</i>
Tribal Trust Land (Africans only).....	40,020,000
Native Purchase Area (Africans only).....	4,220,000
Unreserved Land (open to all races).....	5,804,300
European Area (which provides permanent residence for 1½ million Africans).....	35,715,700
Forest Area and National Parks.....	10,840,000
	96,600,000

The Tribal Trust Lands are reserved in perpetuity for the *exclusive* use of Africans. The Native Purchase Areas (established some thirty-five years ago to enable Africans to obtain freehold title to farms—which range from 200 to 1,400 acres) and the European areas are not racially sacrosanct. An amendment to the Land Apportionment Act in 1961 introduced a new concept involving a category known as Unreserved Land, in which there is no restriction on ownership or occupation on a racial basis. It also provided for the voluntary transfer of privately owned land in the Native Purchase Area or European Area to the category of Unreserved Land. No owner of land in the Native Purchase Area has, to date, applied for his land to be declared Unreserved Land. As shown above, 5,804,300 acres have already been so transferred from other categories. Out of this total area, 4,759,592 acres is Crown Land which is being sub-divided and allocated. So far, 141 farms have been allocated, purely on merit, resulting in 71 allocations to Europeans and 70 to Africans.

The National Parks and the Forest Area constitute 10,890,000 acres of Southern Rhodesia's 96,600,000 total area, and are set aside for the benefit of the whole nation.

Some 25,000 deriving their living from agriculture actually live in the Forest Area. There is before the

\* Figures in the sections marked with an asterisk (\*) cover the Federation as a whole since it is not possible to extract the Southern Rhodesia element from the Federal statistics.



Legislative Assembly a Bill which, if enacted, will have the effect of placing the present Forest Area, National Parks, Game Reserves and Land set aside for the preservation of wild life, into a new category of land to be known as National Land. This land will, as in the past, continue to be available for the enjoyment of all inhabitants of the country, irrespective of race.

The distribution of land between the two major racial groups gives a misleading impression of actual land use since it takes no account of the number of African wage-earners in urban or agricultural employment occupying land in what are broadly classified as European Areas. In fact, there are approximately two and a half million Africans permanently resident in the Tribal Trust Lands and Native Purchase Areas and one and a half million permanently resident in the European Areas, which provide the backbone of the country's economy.

#### *Agriculture*

Whilst even before the Second World War certain advanced soil conservation and other techniques were being taught to, and used by, both African and European farmers, more recent years have seen an impressive development and use of agricultural skills and resources. An emphasis has been placed on irrigation and on better land utilization generally. Although the largest farms are still mainly in European hands, African farmers are profiting by co-operative schemes and are now engaged in the production of the country's principal crops. In tobacco growing they have until recently concentrated on Turkish and Burley tobacco. After some initial failures, Africans have long been able to register as growers of high-grade flue-cured tobacco and after some initial failures a number of African growers have been producing this crop since 1962. Other crops grown by Africans are maize, tea, sugar, Arabica coffee, vegetables, flowers and fruit for the large urban markets and for canning factories. Practically the whole production of Southern Rhodesia wheat comes from African sources. Restrictions on crops apply to all farmers and concern matters such as control of disease, grading and marketing. The Cold Storage Commission, until now a Federal Statutory Commission, buys the majority of the farmers' cattle and is incidentally bound by agreement with the Southern Rhodesia Government as a residual buyer at organized auction sales of all grades of African-owned cattle at guaranteed prices.

There are special maize marketing arrangements to assist small producers, who tend to be mainly Africans. Whilst the larger producers undertake delivery of their maize to the Grain Marketing Board, the small producers often lack the same transport facilities and are enabled to deliver grain to local traders, often Africans, who act as agents of the Board and undertake transport to the Board's depots of local deliveries and often the supply of grain bags. The price paid to the grower for grain delivered in this way, which amounts to over 80 per cent of African sales, is reduced by a prescribed amount to cover the agent's handling and transport charges and, if appropriate, the cost of a bag. All small growers, however, are permitted, if they so wish, to register with the Board as producers and deliver their grain direct to its depots, and receive the full prescribed price, with the reservation mentioned below.

There is a levy imposed on all African produce disposed of through organized marketing procedures, in

terms of the Native Production and Marketing Development Fund Act. The amount of the levy is prescribed annually and is limited by law to a maximum of 15 per cent of the prescribed price. This is a system well known in many African countries which finance agricultural development from levies on produce. In Southern Rhodesia the levies are applied to such purposes in the African areas as the provision of marketing facilities—for stock and produce—afforestation, irrigation, soil conservation, construction of roads and bridges, grants to local authorities, loans to African farmers, and the financing of a transport equalization fund to enable producers in remote areas to receive the same return for their produce as others more favourably placed. They are supplemented by large grants from Governments. The underlying principle of this legislation and the reason why it applies only to African farmers is that the European farmer has to buy and develop his land from his own resources and profits, in addition to providing his own transport and marketing services, whereas in the communally-owned Tribal Trust Lands the land is free, services are provided by the Government and development is undertaken either by Government or local authorities. Thus the prices paid by the Grain Marketing Board to African producers for maize and other controlled products are identical with those paid to non-African producers, but the net return is reduced by the cost of services which are not, in fact, rendered to non-Africans, and by levies for the development of African land and husbandry which the non-African producer meets himself from profits or other resources.

#### *Health*

Southern Rhodesia can claim to enjoy one of the most extensive and efficient health services in the African continent. The Federal Government, which currently provides this service, discriminates in favour of Africans by providing for them free health and medical services, including hospitalization, throughout the Federation, whereas all non-Africans, other than certain people such as old-age pensioners, pay for them. The only case in which Africans pay anything arises from the recent introduction, at certain hospitals, of a comprehensive maternity fee of thirty shillings. This includes all pre-natal examinations and treatment, all hospitalization and any operative treatment. This fee is waived if a patient cannot afford it. This contrasts with the maternity charges for non-Africans who have to pay normal hospital fees plus doctor's fees.

There are in Southern Rhodesia:

	<i>Beds</i>
6 Central Hospitals (providing specialized services) with a total of.....	2,077
8 General Hospitals with.....	1,317
30 District Hospitals with.....	2,278
61 Rural Hospitals with.....	3,262
10 Rural Health Centres for out-patients.	

In addition to these there are six special institutions, such as Mental and TB Hospitals with a total of 1,247 beds which means there is one bed for every 350 of the population.

It is invidious to draw comparisons between services in one country and another, but reference to the WHO Second Report on the World Health Situation will show the position of Southern Rhodesia among the leading countries in Africa where health services are concerned.

### Education

Responsibility for education in Southern Rhodesia is at present constitutionally divided between the Federal and Southern Rhodesia Governments. The Federal Government is responsible for the primary and secondary education of non-Africans and for the higher education of all races. The Southern Rhodesia Government is responsible for the primary and secondary education of Africans.

Within its sphere of responsibility the Federal Government has established in Salisbury a non-racial University College with a current enrolment of 480 full-time students of whom 151 are Africans.

Southern Rhodesia's achievement in regard to primary schooling for Africans is impressive. No less than 95 per cent of the African school-going age population receives a minimum of five years' education. This achievement is put into perspective by the Final Report of the UNESCO Education Conference held at Addis Ababa in May 1961 in which it was stated that "today, for the African States as a whole, only 16 per cent of the children of school age are enrolled in school".

The Southern Rhodesia Government is very conscious of the need to widen the provision of facilities for secondary and advanced education and is addressing itself to this problem. The Government is already spending about a fifth of its revenue on education.

### Conclusion

Finally, it must be made clear that the situation in Southern Rhodesia is not a "colonial" one if this term implies, as it must be supposed to do, the rule of a country by a foreign government domiciled elsewhere. It is on the other hand a situation requiring mutual adjustment of peoples of widely different cultures, origins and environmental backgrounds—never an easy task but rendered more difficult when complicated by factors of colour. That differences do still exist cannot be ignored; but to drive more wedges between the races, to ignore their common interests, common achievements and common aspirations and assume that they are and must remain in opposition to each other is not only contrary to the trends in Southern Rhodesia but disruptive of the national unity its peoples are hoping to achieve.  
30 September 1963.

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1241st plenary meeting, on 14 October 1963, the General Assembly adopted the draft resolution submitted by the Fourth Committee (A/5564, para.14). For the final text, see resolution 1883 (XVIII) below.

At its 1255th plenary meeting, on 6 November 1963, the General Assembly adopted the draft resolution submitted by the Fourth Committee (A/5564/Add.1, para. 9), with the drafting amendments to the English text proposed by the representative of Ghana (A/PV1255, para. 4). For the final text, see resolution 1889 (XVIII) below.

### Resolutions adopted by the General Assembly

#### 1883 (XVIII). QUESTION OF SOUTHERN RHODESIA

*The General Assembly,*

*Having examined* the situation in Southern Rhodesia,

*Recalling* its resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962 and 1760 (XVII) of 31 October 1962, and the resolution adopted on 20 June 1963 by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and peoples (A/5446/Rev.1, chap. III, para. 282).

*Noting* that the Special Committee has drawn the attention of the Security Council to the deterioration of the explosive situation which prevails in the Non-Self-Governing Territory of Southern Rhodesia,

*Recognizing* that the practice of racial discrimination is incompatible with the principles of the Charter of the United Nations and should be condemned wherever it occurs,

*Recognizing* that the present Government in Southern Rhodesia came to power as a result of an undemocratic and discriminatory constitution imposed on the population of Southern Rhodesia and opposed by the overwhelming majority of that population,

*Considering* that the transfer to that Government of the powers and attributes of sovereignty, in particular the control and operation of military forces and arms, would aggravate an already explosive situation,

*Noting* that the Security Council has considered this question,<sup>6</sup>

1. *Invites* the Government of the United Kingdom of Great Britain and Northern Ireland not to transfer to its colony of Southern Rhodesia, as at present governed, any of the powers or attributes of sovereignty, but to await the establishment of a government fully representative of all the inhabitants of the colony;

2. *Invites* the Government of the United Kingdom not to transfer armed forces and aircraft to its colony of Southern Rhodesia, as envisaged by the Central African Conference held in 1963;

3. *Further invites* the Government of the United Kingdom to put into effect the General Assembly resolutions on the question of Southern Rhodesia, in particular resolutions 1747 (XVI) and 1760 (XVII).

*1241st plenary meeting,  
14 October 1963.*

#### 1889 (XVIII). QUESTION OF SOUTHERN RHODESIA

*The General Assembly,*

*Having examined* the question of Southern Rhodesia,

*Recalling* its resolutions 1514 (XV) of 14 December 1960, 1747 (XVI) of 28 June 1962 and 1760 (XVII) of 31 October 1962, the resolution adopted on 20 June 1963 by the Special Committee on the Situation with

<sup>6</sup> See *Official Records of the Security Council, Eighteenth Year, 1064th-1069th meetings.*



regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/5446/Rev.1, chap.II., para. 282) and General Assembly resolution 1883 (XVIII) of 14 October 1963,

*Having considered* the report of the Special Committee on the question of Southern Rhodesia (A/5446/Rev.1, chap.III), in particular with regard to the continued denial to the vast majority of the African population of their basic political rights,

*Bearing in mind* the contents of the reports of the Secretary-General submitted on 19 December 1962 (A/5396) and 6 June 1963 (A/5426),

*Bearing also in mind* the oral petitions presented to the Fourth Committee,

*Taking into consideration* the decisions concerning decolonization taken at the Summit Conference of Independent African States held in May 1963 at Addis Ababa, particularly those relating to Southern Rhodesia,

*Deeply concerned* at the explosive situation existing in Southern Rhodesia owing to the denial of political rights to the vast majority of the African population and the entrenchment of the minority régime in power,

*Mindful* of the aggravation of the situation in Southern Rhodesia, which constitutes a threat to international peace and security,

*Being aware* that the settler minority government of Southern Rhodesia has requested the Government of the United Kingdom of Great Britain and Northern Ireland to grant independence to the Territory under the 1961 Constitution, the abrogation of which has been requested by the General Assembly,

1. *Approves* the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, particularly its conclusions and recommendations, and expresses appreciation for its work;

2. *Reaffirms* the inalienable right of the people of Southern Rhodesia to self-determination and independence;

3. *Expresses its appreciation* to the Secretary-General for his efforts in connexion with the question of Southern Rhodesia;

4. *Expresses deep regret* that the Government of the United Kingdom of Great Britain and Northern Ireland has not implemented the various resolutions of the General Assembly on Southern Rhodesia;

5. *Calls upon* the Government of the United Kingdom not to accede to the request of the present minority government of Southern Rhodesia for independence until majority rule based on universal adult suffrage is established in the Territory;

6. *Once more invites* the Government of the United Kingdom to hold without delay a constitutional conference in which representatives of all political parties of the Territory will take part with a view to making constitutional arrangements for independence, on the basis of universal adult suffrage, including the fixing of the earliest possible date for independence;

7. *Urges* all Member States, in particular those having the closest relations with the Government of the United Kingdom, to use their influence to the utmost with a view to ensuring the realization of the legitimate aspirations of the people of Southern Rhodesia;

8. *Requests* the Secretary-General to continue to lend his good offices to promote conciliation in the Territory, as stated in paragraph 4 of resolution 1760 (XVII), and to report both to the General Assembly during the eighteenth session and to the Special Committee on the results of his efforts;

9. *Decides* to keep the question of Southern Rhodesia on the agenda of its eighteenth session.

*1255th plenary meeting,  
6 November 1963.*

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 75 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/915	Cessation of the transmission of information under Article 73 e of the Charter: report of the Secretary-General	United Nations publication, Sales No.: 51.VI.B.1, vol. I, appendix III
A/5124	Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples	<i>Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 97</i>
A/5127 and Add.1 and 2	Afghanistan, Burma, Cambodia, Cameroon, Ceylon, Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Federation of Malaya, Ghana, Guinea, India, Indonesia, Iran, Iraq, Jordan, Lebanon, Liberia, Libya, Madagascar, Mali, Mauritania, Mongolia, Morocco, Nepal, Nigeria, Pakistan, Philippines, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Tunisia, United Arab Republic, Upper Volta and Yemen: request for the inclusion of an additional item in the agenda of the sixteenth session	<i>Ibid.</i>
A/5396	Report of the Secretary-General	<i>Ibid., Seventeenth Session, Annexes, agenda item 56</i>
A/C.4/603	Documents relating to the consideration of the question of Southern Rhodesia by the Security Council: note by the Secretariat	Mimeographed
A/C.4/605 and Add.1	Requests for hearings	Ditto
A/C.4/607	Statement by the representative of Uruguay at the 1440th meeting of the Fourth Committee	Mimeographed; for summary see A/C.4/SR.1440, paras. 15-27

Document No.	Title	Observations and references
A/C.4/608	Statement by the representative of Ceylon at the 1442nd meeting of the Fourth Committee	Mimeographed; for summary see A/C.4/SR.1442, paras. 39-60
A/C.4/609	Statement by the representative of Bolivia at the 1443rd meeting of the Fourth Committee	Mimeographed; for summary see A/C.4/SR.1443, paras. 38-50
A/C.4/610	Statement by the representative of Trinidad and Tobago at the 1444th meeting of the Fourth Committee	Mimeographed; for summary see A/C.4/SR.1444, paras. 44-57
A/C.4/614	Letter dated 24 October 1963 from the Reverend Michael Scott to the Chairman of the Fourth Committee	Mimeographed; for summary see A/C.4/SR.1457, para. 60
A/C.4/616	Statements by the Under-Secretary for Trusteeship and Information from Non-Self-Governing Territories at the 1458th and 1461st meetings of the Fourth Committee	Mimeographed; for summaries see A/C.4/SR.1458, paras. 73 and 74; and A/C.4/SR.1461, para. 62
A/C.4/L.774	Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Chile, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Ivory Coast, Jamaica, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, Upper Volta, Yemen and Yugoslavia: draft resolution	Adopted without change. See A/5564, para. 14
A/C.4/L.775	Draft report of the Fourth Committee (part I)	For the text of this document, as amended at the 1443rd meeting, see A/5564
A/C.4/L.775/ Add.1	Draft report of the Fourth Committee (part II)	Same text as A/5564/Add.1
A/C.4/L.776 and Add.1	Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Ceylon, Chad, Congo (Brazzaville), Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Jamaica, Jordan, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Pakistan, Philippines, Rwanda, Senegal, Somalia, Sudan, Syria, Tanganyika, Togo, Trinidad and Tobago, Uganda, United Arab Republic, Upper Volta, Yemen and Yugoslavia: draft resolution	Adopted without change. See A/5564/Add.1, para. 9
S/5382	Letter dated 2 August 1963 from the representatives of Ghana, Guinea, Morocco and the United Arab Republic addressed to the President of the Security Council	<i>Official Records of the Security Council, Eighteenth Year, Supplement for July, August and September 1963</i>
S/5403 and Corr.1	<i>Note verbale</i> dated 28 August 1963 from the Permanent Representative of Ghana addressed to the President of the Security Council	Mimeographed
S/5409	Letter dated 30 August 1963 from the <i>Chargé d'affaires</i> of the Permanent Mission of the Congo (Brazzaville) addressed to the President of the Security Council	<i>Official Records of the Security Council, Eighteenth Year, Supplement for July, August and September 1963</i>
S/5425/Rev.1	Ghana, Morocco and Philippines: draft resolution	<i>Ibid.</i>



**Agenda item 77: The violation of human rights in South Viet-Nam\***

**C O N T E N T S**

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Plenary Meetings*, 1232nd, 1234th, 1239th and 1280th meetings.

**DOCUMENTS A/5489 AND ADD.1-3<sup>1</sup>**

**Afghanistan, Algeria, Cambodia, Ceylon, Guinea, India, Indonesia, Mali, Mongolia, Nepal, Nigeria, Pakistan, Rwanda, Sierra Leone, Somalia and Trinidad and Tobago: request for the inclusion of an additional item in the agenda of the eighteenth session**

**DOCUMENT A/5489**

**Letter dated 4 September 1963 from the representatives of Afghanistan, Algeria, Cambodia, Ceylon, Guinea, India, Indonesia, Mongolia, Nigeria, Pakistan, Rwanda, Sierra Leone, Somalia and Trinidad and Tobago, addressed to the Secretary-General**

[Original text: English]  
 [9 September 1963]

On the instructions of our respective Governments, we have the honour to request under rule 15 of the rules of procedure of the General Assembly the inclusion of an additional item entitled "The violation of human rights in South Viet-Nam" on the agenda of the eighteenth session. It is our intention to seek priority for debating this item in plenary session in view of the urgency and importance of the subject.

Under the terms of rule 20 of the rules of procedure, an explanatory memorandum will be forwarded.

The representatives of the following Member Nations:

(Signed)

A. S. GH AUS  
*Afghanistan*

A. CH ANDERLI  
*Algeria*

(Signed)

C. MEASKETH  
*Cambodia*

S. GUNewardENE  
*Ceylon*

(Signed)

DIALLO Telli  
*Guinea*

B. N. CHAKRAVARTY  
*India*

S. SOSROWARDOJO  
*Indonesia*

B. DASHTSEREN  
*Mongolia*

S. O. ADEBO  
*Nigeria*

(Signed)

V. A. HAMDANI  
*Pakistan*

C. MUDENGE  
*Rwanda*

G. B. O. COLLIER  
*Sierra Leone*

O. Q. ARTEH  
*Somalia*

E. CLARKE  
*Trinidad and Tobago*

**DOCUMENT A/5489/ADD.1**

**Explanatory memorandum**

[Original text: English]  
 [13 September 1963]

1. The serious violation of human rights in South Viet-Nam was openly manifested when the Government of South Viet-Nam interfered with the exercise by the majority of its citizens of the rights inherent in article 18 of the Universal Declaration of Human Rights. The relevant part of this article reads as follows:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom ... to manifest his religion or belief in teaching, practice, worship and observance."

<sup>1</sup> Documents A/5489/Add.2, dated 17 September 1963, and A/5489/Add.3, dated 18 September 1963, contained requests that Mali and Nepal respectively be added to the list of sponsors of the request for the inclusion of this item.

2. Over 70 per cent of the South Viet-Nam population of about 15 million are Buddhists. Ten per cent are Catholics and the remaining 20 per cent are composed of other denominations.

3. In May 1963, Viet-Nameese citizens in Hué sought to exercise the right recognized in the article referred to above by seeking to observe the appropriate ceremonies connected with the 250th anniversary of the birth of the founder of the faith professed by over 70 per cent of the Viet-Nameese subjects. This right was denied to the subjects by the Government of President Ngo Dinh Diem. In fact, the denial of the right was accomplished in a ruthless manner. Nine persons were killed when troops fired on the orders of the Government on the participants. This incident resulted in a request for redress of grievance and the acceptance of responsibility for the killings by the Government. Neither was done, resulting in an increased demand for remedial action. The intensity of feeling against the injustices done by the Government was such that five monks and a nun immolated themselves—a course of action unusual to the followers of the faith.

4. The appeal for justice from their subjects was met by threats and ridicule and was followed by an attack a little after midnight on Tuesday, 20 August

1963, on the venerated Xa Loi Pagoda, the chief shrine in Saigon of the majority faith. Hordes of armed police equipped with machine guns and carbines entered the precincts of the pagoda and carried away hundreds of monks and nuns to prisons, after inflicting injury on them. This action was repeated in the early hours of the same day in a number of other pagodas throughout the country. At least 1,000 monks are estimated to be incarcerated at present. The death toll is not known.

5. Students of Saigon University demonstrating against these arbitrary actions of the Government were arrested by the hundreds on Sunday, 25 August 1963. The Government is moving daily, more and more in the direction of the suppression of fundamental human rights such as the denial of the right of assembly, freedom of speech, freedom of communication, etc.

6. The situation which had caused world-wide concern demands the immediate attention of the members of this great forum of world public opinion, the United Nations. As the preamble to the Universal Declaration of Human Rights declares, "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/5542

#### Exchange of communications between the Secretary-General and the President of the Republic of Viet-Nam

[Original text: English and French]  
[23 September 1963]

The Secretary-General has the honour to transmit for the information of delegations, and in connexion with agenda item 77, the texts of an exchange of communications between him and the President of the Republic of Viet-Nam which took place during August and September 1963.

##### 1. LETTER DATED 31 AUGUST 1963 FROM THE SECRETARY-GENERAL TO THE PRESIDENT OF THE REPUBLIC OF VIET-NAM

I have the honour to inform Your Excellency that the Asian and African Member States of the United Nations, through their representatives to this Organization, have come to see me to express their grave concern at the situation that has arisen in the Republic of Viet-Nam, and have asked me to request Your Excellency's Government to take all necessary steps to normalize the situation by ensuring the exercise of fundamental human rights to all sections of the population in the Republic.

It is in the light of humanitarian considerations, to which we all, as members of the human family, are bound, that I have felt it my duty to transmit the above request, adding to it my own personal appeal to Your Excellency, as the head of the Government of Viet-Nam, to find a solution to the questions which are so deeply affecting the population of your country, in accordance with the principles laid down in the Universal Declaration of Human Rights.

(Signed) U THANT  
Secretary-General of the  
United Nations

##### 2. LETTER DATED 5 SEPTEMBER 1963 FROM THE PRESIDENT OF THE REPUBLIC OF VIET-NAM, ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to acknowledge the receipt of your recent message in which you were kind enough to inform me of the concern shown by the representatives of African and Asian States Members of the United Nations with regard to the situation in Viet-Nam.

I thank you for the opportunity this gives me to clarify fully the Buddhist question, to which your message refers.

First of all, I can assure you that there has been no suppression of Buddhism in Viet-Nam since the establishment of the Republic. Any allegation to the contrary is nothing but an imperialist invention. The Buddhist question is not a question of suppression, but a phenomenon of the development of Buddhism in a growing-pain of Buddhism, which should be viewed in its historical context, that of an under-developed, non-independent country—a country, in other words, which is short of cadres and of financial resources but desirous of rapidly asserting itself. Like the other movements in process of expansion which are linked to the independence movement, the Buddhist movement began to develop all the more quickly because it was held in check during the colonial period. In this unduly retarded development, Buddhism, like other movements, public and private, is suffering from a shortage of cadres both qualitatively and quantitatively, and offers the East and the West an opportunity

infiltrate, if not to impose their own cadres who try to take over the leadership.

This results in ideological deviations, which in practice are reflected in techniques of political agitation and propaganda and in the organization of riots and *coups d'état* for the benefit of foreign interests. This is the tragedy of Buddhism in Viet-Nam; it will no doubt be the tragedy of Buddhism in the other countries of Asia.

We hope that, instead of allowing themselves to be poisoned by an international conspiracy of the East or the West against the Republic of Viet-Nam, the fraternal African and Asian countries will benefit from the experience in our country and forestall the crises which they will possibly have to face.

Every Government is in duty bound to uphold public order and also to ensure that alien cadres both from the East and the West, with their specific ideologies and policies, do not mar the original purity of Buddhism and the other movements. In other words, the action

taken by the Government of the Republic of Viet-Nam in connexion with the Buddhist question has no other objective than to free the Buddhist hierarchy from all outside pressure and to shield the development of Buddhism from any external influence that works against the interests of the Buddhist religion and against the higher interests of the State.

I am also happy to be able to inform you that a solution has already been found to the Buddhist question which bears witness to the merits of the policy pursued by the Viet-Nameese Government. Freed from the evil influence of foreign agitators and adventurers, the Buddhist hierarchy has resumed charge of the Buddhist community and of the pagodas throughout the territory of Viet-Nam.

I request you to be kind enough to communicate this message to the representatives of the African and Asian States Members of the United Nations.

(Signed) Ngo Dinh DIEM  
President of the Republic of Viet-Nam

## DOCUMENT A/5630

### Report of the United Nations Fact-Finding Mission to South Viet-Nam

[Original text: English, French and Spanish]  
[7 December 1963]

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### I. Chronological account of the Mission's activities

#### A. ORIGIN AND ESTABLISHMENT OF THE UNITED NATIONS FACT-FINDING MISSION TO SOUTH VIET-NAM

1. In a letter dated 4 September 1963, addressed to the Secretary-General of the United Nations, representatives of fourteen countries (Afghanistan, Algeria, Cambodia, Ceylon, Guinea, India, Indonesia, Mongolia, Nigeria, Pakistan, Rwanda, Sierra Leone, Somalia, Trinidad and Tobago) joined subsequently by Mali and Nepal, requested the inclusion in the agenda of the eighteenth session of the General Assembly of an additional item, entitled "The violation of human rights in South Viet-Nam". This letter (A/5489) was circulated to all States Members of the United Nations on 9 September 1963. An explanatory memorandum (A/5489/Add.1) was forwarded to all States Members of the United Nations on 13 September 1963.

2. At its 153rd meeting, on 13 September 1963, the General Committee of the General Assembly decided to recommend to the General Assembly the inclusion of item 77 "The violation of human rights in South Viet-Nam" in the agenda of the eighteenth session. At its 1210th plenary meeting, on 20 September 1963, the General Assembly decided to include the item in the agenda.

3. At its 1232nd meeting, on 7 October 1963, the General Assembly took up item 77 of its agenda. After the introduction of the item by the representative of Ceylon, the President of the General Assembly stated that he had received two letters from the head of the Special Mission of the Republic of Viet-Nam to the United Nations, and read them to the Assembly. One of the letters, dated 4 October 1963, contained the following invitation:

"My Government has requested me to extend, through you and the Secretary-General of the United

Nations, an invitation to representatives of several Member States to visit Viet-Nam in the very near future in order that they may find out for themselves the true situation regarding the relations between the Government and the Viet-Nameese Buddhist community.

"The Government of the Republic of Viet-Nam would be grateful if you would be good enough to lend your good offices for the constitution of this mission." (1232nd plenary meeting, para. 93.)

The representative of Costa Rica then made the suggestion that the General Assembly should accept the above invitation in order to make "very serious and careful examination of all the available facts" (*ibid.*, para. 95), and the President formally put this suggestion before the General Assembly as it was made by the representative of Costa Rica:

"In consequence I formally ask this Assembly whether it has any objection to accepting, as suggested by Costa Rica, the proposal of the Government of Viet-Nam that before we continue this debate the Chair should appoint a mission composed of representatives of Member States to leave for South Viet-Nam as soon as possible in order to investigate the facts and submit its report to the General Assembly, which would continue the examination of the question in the light of that report." (*Ibid.*, para. 98.)

In an intervention, following the President's statement, the representative of the Soviet Union suggested that the General Assembly should address a request to the Co-Chairmen of the Geneva Conference of 1954<sup>2</sup> to entrust the International Commission for Supervision and Control with conducting an investigation and to report to the Co-Chairmen, who in turn would report to the General Assembly before the end of the eighteenth session. The representative of the United Kingdom expressed his doubts regarding the competence of the

<sup>2</sup> Geneva Conference on the Problem of Restoring Peace in Indo-China, held from 16 June to 21 July 1954.



Co-Chairmen to deal with the matter or to refer the question to the International Commission for Supervision and Control. After these two interventions, the representative of Costa Rica announced that he would submit a draft resolution on the question, and proposed the adjournment of the meeting. The proposal was adopted by 80 votes to none, with 5 abstentions.

4. The delegations of Chile and Costa Rica then introduced a draft resolution (A/L.425 and Add.1) instructing the President of the General Assembly to appoint a commission of representatives of Member States to collect information in the Republic of Viet-Nam. At its 1234th plenary meeting, the General Assembly resumed the consideration of item 77. The President informed the Assembly that the draft resolution presented by Chile and Costa Rica had been withdrawn, and made the following statement:

"As a result, we have before us only the letter dated 4 October addressed to the President of the Assembly by the Special Mission of the Republic of Viet-Nam to the United Nations, the text of which I read out to the Assembly at the 1232nd meeting.

"The Assembly has heard the statements that were made yesterday. Since there are no formal proposals to hand, may I take it that the Assembly wishes the President to take action on the basis of the said letter of 4 October? There being no objections, I shall act accordingly."

*It was so decided.*

"The debate on agenda item 77 stands adjourned." (1234th plenary meeting, paras. 82-84.)

5. At the 1239th plenary meeting of the General Assembly, on 11 October 1963, the following statement was made by the President of the Assembly:

"In accordance with the authorization given me by the General Assembly at its 1234th plenary meeting to act on the basis of the letter dated 4 October 1963 from the Head of the Special Mission of the Republic of Viet-Nam conveying the invitation of his Government to have the representatives of several Member States visit Viet-Nam in the near future, I have appointed a mission consisting of the representatives of the following Member States: Afghanistan, Brazil, Ceylon, Costa Rica, Dahomey, Morocco and Nepal.

"The Governments of these States have designated the following persons to represent them on the mission: Afghanistan, Mr. Abdul Rahman Pazhwak; Brazil, Mr. Sergio Corrêa da Costa; Ceylon, Sir Senerat Gunewardene; Costa Rica, Mr. Fernando Volio Jiménez; Dahomey, Mr. Louis Ignacio-Pinto; Morocco, Mr. Ahmed Taibi Benhima; and Nepal, Mr. Matrika Prasad Koirala.

"The Chairman of the mission will be Mr. Pazhwak, of Afghanistan.

"The purpose of this mission, as indicated in the letter of 4 October 1963, is to visit the Republic of Viet-Nam so as to ascertain the facts of the situation in that country as regards relations between the Government of the Republic of Viet-Nam and the Viet-Nameese Buddhist community.

"The Secretary-General has informed me that the cost of the mission will be approximately \$33,600. The mission will have to leave as soon as possible so that its report can be submitted to the General Assembly at the present session." (1239th plenary meeting, paras. 170-174.)

6. Following the establishment of the United Nations Fact-Finding Mission to South Viet-Nam by the President of the General Assembly, the Secretary-General designated the following members of the Secretariat to accompany the Mission:

Principal Secretary: John P. Humphrey;

Press Officer: Valieri J. G. Stavridi;

Assistant to the Principal Secretary: İlhan Lütem;

Assistant to the Principal Secretary: Alain L. Dangerard (Administration and finance).

The secretariat of the Economic Commission for Asia and the Far East in Bangkok provided a Viet-Nameese interpreter and assistant, Mr. The Pha Thay Vilaihongs, and an English-French interpreter, Miss G. Bazinet.

#### B. PREPARATION FOR THE DEPARTURE FROM NEW YORK AND TERMS OF REFERENCE

7. The Mission held four preliminary meetings in New York between 14 and 21 October 1963, the date it had set for its departure from New York for South Viet-Nam. During these meetings, the Mission adopted its rules of procedure and plan of work (see annex II), and unanimously elected as Rapporteur the representative of Morocco, Mr. Ahmed Taibi Benhima. In rule 12 of the rules of procedure, the Mission gave the following formulation to its terms of reference, in accordance with the statement made by the President of the General Assembly at the 1239th plenary meeting, on 11 October:

"The Mission is an *ad hoc* fact-finding body and has been established to ascertain the facts of the situation as regards the alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community of that country."

The Mission also set out the basic principles it would seek to adhere to in the collection of information, on-the-spot investigations, reception of petitions, and hearing of witnesses.

8. The Mission decided, in agreement with the President of the General Assembly, that the rules of procedure and plan of work should not be made public. However, their general meaning would be conveyed to the Special Mission of Viet-Nam to the United Nations by the President of the General Assembly in order to make sure that the Government of the Republic of Viet-Nam was fully aware of them.

9. Among the rules adopted, there was one (rule 21) concerning public statements. The exclusive responsibility to issue statements to the Press on behalf of the Mission was entrusted to the Chairman of the Mission or to a spokesman appointed by him. In accordance with this rule, the Chairman issued to the Press, before the Mission's departure to South Viet-Nam, the statement contained in annex III. The statement recalled the character of the Mission as an "*ad hoc* fact-finding body", and stressed that "the impartiality of the Mission will be maintained at all times". In view of certain Press reports from Saigon indicating the possibility of immolations and other demonstrations on the arrival of the Mission in Saigon, the Chairman concluded his statement by an appeal to all parties concerned to refrain from any demonstrations, in any form, on the arrival of the Mission in South Viet-Nam and during the Mission's stay in that country. The appeal included the hope



that the media of information, particularly in Viet-Nam, would co-operate in conveying this appeal on behalf of the Mission.

10. The Mission was in a position to verify that the above appeal was fully reproduced in the Viet-Nameese newspapers, in English and French, and from a sample checking, it appeared that the appeal was also reproduced in newspapers in the Viet-Nameese language.

11. On 21 October, the Government of Morocco indicated that Mr. Mohamed Amor had been designated to represent Morocco on the Mission instead of Mr. Taïbi Benhima. The Mission agreed that Mr. Amor would be the Rapporteur.

#### C. ARRIVAL IN SAIGON

12. The Mission arrived in Saigon on 24 October at 12.30 a.m., and was greeted by the Secretary-General of the Ministry of Foreign Affairs, Mr. Pham Dang Lam, and other officials of the Ministry. Correspondents of the local and international Press were present and the Chairman of the Mission, in a statement (see annex IV), repeated the substance of his earlier statement made before the departure of the Mission, recalling the Mission's terms of reference, its intention to carry out on-the-spot investigations, to hear witnesses and to receive petitions. After repeating his appeal to all parties concerned to refrain from demonstrations, the Chairman stressed the impartiality of the Mission and added: "We are here with our minds open to the truth and determined to report the facts."

13. The members of the Mission arrived at the Hotel Majestic at 2 a.m. The Chairman immediately called a meeting to study the tentative programme which had been suggested by the Government of the Republic of Viet-Nam (see annex V). It was proposed that the Mission should spend the first three days in Saigon, then go to Vung-Tau (Cap St. Jacques) to see a pagoda, and then to Dalat where visits of pagodas, as well as educational establishments and tourist centres, would take place. Hué, Phan-Rang, Phan-Thiet, Ba-Xuyen and Vinh-Binh were also included in the programme with visits to pagodas and some tourist places. Finally, a tour to a "strategic hamlet" was scheduled for the last day. At the Chairman's suggestion, it was decided, in view of the late hour, to concentrate on the programme for the first day, 24 October. The Mission decided to accept the first day's programme which consisted of courtesy calls on the Secretary of State for Foreign Affairs and the Secretary of State for the Interior, talks at the Ministry of the Interior regarding Buddhism in Viet-Nam, an audience with the President of the Republic, and a dinner party given by the Secretary of State for the Interior.

14. As for the rest of the programme, the Mission notified the Government that it would wish to have more time to study it. It was also decided to inform the Government of the Mission's decision not to accept the Government's offer to pay the local expenses of the Mission. However, the Government's representative insisted that arrangements for local transport be made by the Government for security reasons and the Mission decided to accept this offer. Since the cars put at the disposal of the Mission on its arrival were carrying the national flags of each member, together with the Viet-Nameese flag, the Chairman requested that only the United Nations flag be used because the members of the Mission did not represent their respective Govern-

ments but the United Nations. The Government agreed that the official car of the Chairman would carry the United Nations flag, together with the Viet-Nameese flag, and that the other cars would bear no flags.

15. At its next meeting, on 24 October, the Mission considered the programme suggested by the Government for 25 and 26 October. The second day's tentative programme included an audience with the Vice-President of the Republic, a meeting with the political adviser to the President, Mr. Ngo Dinh Nhu, and visits to three pagodas in Saigon for talks with several Buddhist organizations. The Mission decided to accept the programme set for 25 October, but to suggest to the Government that it postpone a reception to be given to the Mission on the evening of 25 October by the Secretary of State for Foreign Affairs until the end of the Mission's work in Viet-Nam. There was also an official invitation to attend the military parade on the occasion of the National Day celebration on 26 October. The Mission decided to accept this invitation since the General Assembly's acceptance of the Government's invitation obviously covered such situations. Before acceptance, however, the Mission was assured that no political speeches would be made in which there would be any reference to the Mission.

16. It was also agreed to inform the Government of Viet-Nam of the Mission's desire to reduce to a strict minimum all social functions and to avoid any activities of merely touristic interest. It would also be made clear to all the members of the Government whom the Mission was to meet during the first two days that the Mission intended to use its own discretion in the conduct of its investigations and in the choice of its future programme.

17. The Mission had already established, before its departure from United Nations Headquarters, a list of allegations that had been made against the Government of Viet-Nam. This list would be supplemented if new charges were to be made while the Mission was in Viet-Nam. The Chairman also asked the members of the Mission to suggest the names of witnesses, personalities, religious bodies and leaders of various organizations that they wished the Mission to see, so that a consolidated list could be prepared. Finally, the Mission considered the kind of questions which might appropriately be used during the examination of witnesses.

#### D. FIRST MEETINGS WITH THE GOVERNMENT AND EXCHANGE OF VIEWS ON THE MISSION'S WORK

18. At the first meeting of the Mission with the Secretary of State for Foreign Affairs on 24 October, the latter, referring to the invitation by the Government of Viet-Nam, assured the Mission that it would be free to go anywhere it wished and promised to do everything to facilitate the Mission's task of finding the facts with complete objectivity and impartiality. He added: "We are not perfect; perfection is not of this world. The Government is not perfect; the ministers are not saints, but we shall be very glad to listen to your ideas and try to correct our imperfections." The Chairman took note of these assurances and, referring to the Mission's terms of reference, informed the Secretary of State that its programme would be made known to him either directly, or through the Secretary-General of the Ministry of Foreign Affairs, who had been appointed as the Government's representative to the Mission. Similar assurances of the Government's co-operation with the

Mission were given by the Secretary of State of the Interior, when the Mission made a courtesy call on him on the same date.

19. After the first day's programme, which included an audience with the President of the Republic, the question of the Mission's activities was raised again with the Political Adviser to the President, Mr. Ngo Dinh Nhu, during a meeting with him on 25 October. At the Mission's request, Mr. Nhu promised to let it have access to all the documents at the disposal of the Government in relation to the Buddhist affair. He also promised that the Mission would be able to visit the prisons where the monks were detained as a result of the events of the last few months, and the youth camps where some young people were put for "discussions with the authorities".

20. The programme of 25 October included visits to the Xa-Loi Pagoda, the An-Quang Pagoda, and the Giac Lam Pagoda. At the last minute the visit to the An-Quang Pagoda was cancelled and the Mission, when it asked for an official explanation of the change, was told that the monks of that pagoda, in particular bonzess Dieu Hue, and the Head of the General Buddhist Association, Thich Tinh Khiet, being very elderly, were tired in the late afternoon. However, the visit to the An-Quang Pagoda, originally arranged for earlier in the afternoon, was delayed by the Government which had changed the schedule without consulting the Mission. Subsequently, the Mission learnt that bonzess Dieu Hue and Thich Tinh Khiet had in fact been waiting in the pagoda to receive the Mission that afternoon. Later the Mission was assured that it could visit the pagoda at any time, preferably in the morning, and that these two personalities would be there.

21. On 26 October, on the basis of the general offer of co-operation from the Government expressed at the first meetings with the Secretary of State for Foreign Affairs and Mr. Nhu, Political Adviser to the President, the Mission presented an aide-mémoire to the Secretary-General of the Ministry of Foreign Affairs outlining its programme of work. Among other things, this document stated that the Mission wished to cancel the programme proposed by the Government for 27 to 29 October, inclusive, and that it would prefer to use this time to visit the youth camps, the monks detained in various prisons and also the An-Quang Pagoda. It would wish to go to Hué on 30 October, as suggested in the Government's tentative programme, to meet with the Government delegate and at the same time hold a briefing on the situation in Hué, visit the Tu-Dan Pagoda and other pagodas, and see various personalities whom the Mission wished to interview and whose names would be communicated to the Government later. The Mission also decided to cancel all social functions and tourist visits in Hué. The rest of the week would be devoted to hearing witnesses in Saigon. The Mission expressed the hope that it would be able to leave Viet-Nam not later than Monday, 4 November.

22. The programme contained in this aide-mémoire was agreed to by the Government, which suggested, however, that the Mission should also visit the region of Vinh-Binh where the Buddhists of Khmer origin were, since the Government was concerned with allegations, in the United Nations and elsewhere, of genocide against minorities. With regard to this last suggestion, the Mission decided temporarily to postpone any decision.

23. On the afternoon of 26 October, the Mission issued a statement inviting all interested persons to appear before it to give testimony or to submit petitions in writing (see annex VI). It was agreed that the text of the statement would be released simultaneously to the Press, both local and foreign, and sent to the Secretary of State for Foreign Affairs with a covering note informing him that the statement had been released; the Mission had taken this action within its terms of reference and sought the co-operation of the Government to give publicity to that statement.

24. After the statement had been communicated to the Government, the Government's representative expressed surprise and disappointment, on behalf of the Government, that this action had been taken without prior consultation with the Government. He also said that the statement should have referred to the Government's invitation to the United Nations to send the Mission to Viet-Nam. After discussing the matter, the Mission stated that it had no objection to any additional reference to the invitation and the decision of the General Assembly of the United Nations being published in the Viet-Nameese Press, provided the exact text of the communiqué was published between quotation marks as it had been released by the Mission.

25. The Mission's communiqué, issued on 26 October, appeared in the Viet-Nameese News Service of the official Government information agency, both in English and in French. The local newspapers, in English and French, reproduced the statement in full one day later. From a sampling of local newspapers in Viet-Nameese, the Mission was also able to determine that the statement had been reproduced in certain newspapers in the Viet-Nameese language. However, in view of certain international press reports that the Viet-Nameese newspapers did not reproduce the statement in full, the Mission decided to make a thorough check of all newspapers throughout the country and the Government promised to help. This systematic survey could not be carried out because of subsequent events. The Mission felt, however, that reasonable co-operation was given by the local media of information in publicizing its appeal to prospective witnesses and petitioners.

26. Having established, without any prior consultation with the Government, the list of witnesses whom it wished to interview, using all sources of information already at its disposal, the Mission communicated it to the Government on 27 October. Two additional lists were later communicated to the Government (see annex VII). On 28 October the Mission also sent to the Government a list of allegations against it which had been brought to the Mission's attention in order to obtain the Government's comments or explanations. A second list, established on the basis of further information received in Viet-Nam, was similarly communicated to the Government on 31 October (see annex VIII).

#### E. MEETING WITH THE SECRETARY OF STATE FOR FOREIGN AFFAIRS ON THE WORK OF THE MISSION

27. Following the dispatch, on 27 and 28 October, of the above-mentioned list of witnesses and the list of allegations, the Secretary of State for Foreign Affairs expressed the desire to receive the Chairman of the Mission on the afternoon of 28 October.

28. The Chairman was presented with an aide-mémoire from the Secretary of State, dated 28 October

(see annex IX), which was intended to clarify a certain number of points in relation to the character and purpose of the Mission as well as the procedure to be followed by it in carrying out its task. The aide-mémoire suggested that, in order to avoid inaccurate interpretations, statements issued by the Mission should refer, whenever appropriate, to the invitation of the Government of the Republic of Viet-Nam to the General Assembly of the United Nations. The aide-mémoire also reiterated the Government's desire to co-operate with the Mission in the performance of its task. In particular, the aide-mémoire said that the Government had no objection to the Mission examining witnesses or receiving petitions from persons who might be able to provide the Mission with information on the Buddhist problem, including Buddhist personalities, whether monks or laymen, detained on charges of plotting against the State. Finally, the aide-mémoire, recalling established legal principles, stated that the Government wished the Mission to communicate to it "the allegations and testimonies received by the Mission", in order to be able to compare them "with the facts and evidence which the Viet-Name Government is entitled to present". The aide-mémoire went on: "Otherwise these allegations or testimonies would have no validity whatsoever".

29. In the ensuing discussion between the Chairman of the Mission and the Secretary of State for Foreign Affairs, minutes of which were taken in writing for the record by both parties (see annex X), the following points were made:

30. First, the Chairman assured the Secretary of State that the Mission did not consider it had been imposed on the Government of Viet-Nam, but that it had been invited by that Government. This invitation had been mentioned in all statements issued by the Mission except one, when the nature of the statement had not required it. All future statements issued by the Mission would recall this invitation.

31. Secondly, the Secretary of State made it clear that by "communication to the Government of the allegations and testimonies" he meant "communication of charges made against the Government". This clarification having been made, the Chairman of the Mission promised that lists of all the allegations against the Government would be communicated to it; these lists would not, however, contain any references to the sources from which the accusations came. The Chairman stressed that the Mission wanted to find the facts and had to acquaint itself with all points of view.

32. Thirdly, the Secretary of State for Foreign Affairs made certain comments on the list of witnesses submitted to the Government by the Mission on 27 October. He said that all members of the Government, whether they were on the list or not, would be at the disposal of the Mission, provided the Mission requested an appointment with them. The Government had no objection to the Mission examining all the witnesses it wished to hear who were present in Viet-Nam, and who were involved in the Buddhist affair, whether they were clerical or lay. The meetings with those in prison could be arranged by the Government. As for the others, the Government was in no position to force them to appear before the Mission, but it offered to invite them to do so if they wished. The Chairman agreed that no one should be forced to appear before it and added that the Mission would be satisfied to note whatever declaration the witnesses might wish to make. If the witnesses did

not appear at all, after being invited by the Government, the Mission would try to get in touch with them and obtain confirmation of their desire not to testify.

33. Finally, the Secretary of State expressed the Government's reservations with regard to certain witnesses who were considered as political opponents of the régime. He stated that the Government could not ask them to testify before the Mission because its sovereignty would be infringed upon. The Chairman of the Mission, after reiterating his request with all the power of request and effort, to be able to see this last category of witnesses as well, took note of the position of the Government of Viet-Nam.

34. After the meeting on 28 October between the Secretary of State for Foreign Affairs and the Chairman of the Mission, the latter immediately informed the other members of the substance of the discussions and they gave their unanimous approval of the position he had taken, as recorded in the minutes (see annex X).

35. On 29 October, the Mission received from the Secretary of State for Foreign Affairs a reply to its note of 27 October containing the list of witnesses the Mission wished to interview (see annex XI). The note reiterated the Government's position, as explained to the Chairman on 28 October, in relation to the three categories of persons the Mission wished to see: members of the Government, Buddhist personalities—clerical or lay—and political opponents of the régime. However, the Government insisted that it had no means of forcing independent persons to appear before the Mission. "Concerning the persons who considered themselves as opponents of the régime", the Government stated, it did not object "to the Mission hearing their evidence", but the Government "could not in any event invite them to appear before the Mission, owing to the principle of its sovereignty". This note was acknowledged by the Chairman of the Mission on 31 October.

36. Before the Mission left for Viet-Nam, the Secretary-General of the United Nations had requested the Swiss Government, through the Swiss Observer to the United Nations, to lend to the Mission the good offices of the Swiss Consulate-General in Saigon for the purpose of providing facilities for the safekeeping of documents and for the transmission of coded messages to and from United Nations Headquarters. The Swiss Government agreed to provide these facilities if the Government of Viet-Nam gave its approval. The agreement of the Government of Viet-Nam to this arrangement was given to the Mission on 25 October. The Mission wishes to take this opportunity to express its appreciation to the Swiss Government for its assistance and courtesy in this matter.

#### F. PROGRAMME OF WORK

37. As indicated earlier, the Mission established its own programme and followed it as scheduled.

38. After the National Day celebrations in the early morning of 26 October, the Mission spent the rest of the day in the preparation of a list of witnesses and allegations. It proceeded also to examine the petitions that had been received from various sources in South Viet-Nam.

39. On 27 October, it went to the An-Quang Pagoda in Saigon where it interviewed a number of Buddhist leaders. The afternoon was devoted to the study of petitions.

40. On 28 October, the Mission interviewed seventeen students at the Le Van Duyet Youth Camp selected by the Mission at random from among those present. On 29 October, part of the day was devoted to hearings at the Trung-Tam Tham-Van Cua Nha Tong-Giam-Doc Canh Sat-Quoc-Gia Prison, where a number of the monks whom the Mission had requested to see were detained. During the rest of the day, the Mission received three witnesses at the Hotel Majestic. Two of these were volunteers and one had responded to the invitation forwarded by the Government of Viet-Nam at the request of the Mission.

41. On 29 October, the Chairman of the Mission made a statement to the Press (see annex XII). He recalled the purpose of the Mission and renewed the invitation to all interested persons to appear before it, or to submit petitions in writing. The Press was also informed of the details of the Mission's programme.

42. In view of press reports from Saigon published internationally, indicating that the Government of Viet-Nam was trying to limit the Mission's work and restrict its activities to a programme prepared by the Government, the Mission felt it was necessary to inform the Press that the Government had agreed that the Mission was free to interview all the witnesses it had asked to see who were connected with the Buddhist problem and that the Government had offered its co-operation in helping to locate the witnesses and make them available. This offer, however, did not extend to political leaders in opposition to the régime.

43. In view of the amount of work which had to be done in Saigon itself, the Mission decided to send to Hué, on 30 October, a delegation composed of Mr. Mohamed Amor, Mr. Senerat Gunewardene and Mr. Fernando Volio Jiménez. The other members of the Mission would continue to interview witnesses and other persons in Saigon.

44. In Saigon, on 30 October, the Mission interviewed the Secretary of State of the Interior, and the Secretary of State of the Presidency and Secretary of State for Defence, in their capacity as members of the Inter-Ministerial Committee. It also examined two witnesses, one a volunteer and the other invited by the Mission. Two more witnesses whom the Mission had requested to see were examined on the morning of 31 October, before the return of the delegation from Hué.

45. The delegation to Hué met, on its arrival there, the Government Delegate, the Commanding Officer of the First Corps, several heads of departments of the Provincial Administration and the Rector and the Dean of the University. After a briefing on the Buddhist question by the Commanding Officer, a number of questions were put to these personalities by the members of the Mission's delegation.

46. It was then agreed that the representative of the Government to the Mission, who accompanied the delegation to Hué, would arrange meetings with a number of witnesses whom the delegation had requested to see, in accordance with the procedure agreed to between the Chairman of the Mission and the Secretary of State for Foreign Affairs on 28 October. However, the Government's representative said that one of the personalities the delegation wanted to see was considered to be a political opponent of the régime and therefore could not be invited to appear according to the above procedure. The delegation took note of this position.

47. During its stay in Hué, the delegation visited the Tu-Dan Pagoda where three monks and one nun

whom it had asked to see were present: another monk testified voluntarily. At the Hotel Central, the Mission received a fifth monk whose testimony it had requested. Three petitioners, who had volunteered in writing to see the Mission, were also interviewed, as well as two other witnesses whom the Mission wished to see.

48. The delegation returned from Hué to Saigon on the morning of 31 October. The transportation to and from Hué by commercial plane was arranged and paid for by the Mission.

#### G. CONDUCT OF THE HEARINGS AND EXAMINATION OF PETITIONS

49. During all the interviews with witnesses, both in Saigon and in Hué, no Viet-Nameese officials were present. The Mission took additional care on the spot to make sure that secrecy was observed, though it could only use the practical means at its disposal, such as checking lobbies and windows, keeping photographers at a distance, and interviewing witnesses one by one in so far as possible. Whenever feasible, the Mission tried to verify the identity of witnesses by various means (photographs, signatures, etc.). In all cases, the witnesses were asked to establish their identity and to take an oath. The Chairman explained to each witness the purpose of the Mission and its terms of reference. The witnesses were also assured that their testimony would be kept confidential in the sense that the Mission would not identify the witnesses in its report when reviewing the evidence that it had gathered.

50. In the examination of petitions received, the Mission considered only the precise charges in relation to the Buddhist problem and not the more general expressions of political opinion not relevant to its terms of reference. It checked with the alleged author the authenticity of letters it had received indirectly from a religious leader. This will be examined in detail in chapter IV, which deals with the evidence gathered by the Mission.

#### H. FURTHER MEETING WITH THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

51. On 31 October, the Chairman of the Mission visited the Secretary of State for Foreign Affairs to discuss the possibility of interviewing the monk, Thich Tri Quang, who was in asylum in the United States Embassy in Saigon.

52. The Secretary of State said that "from the point of view of international law, a person who is in asylum is not allowed to engage in any activities or contact without the approval of the Government of that country". He added that, in this case, the Government was opposed to the contact of Thich Tri Quang with the Mission or with any other person and that it could only agree to such contact if the monk was delivered to the authorities. The Secretary of State suggested that since the Mission had been in touch with various sects of one of the forms that Buddhism takes in Viet-Nam, namely the "Greater Vehicle", it should also visit at least one community of the other form, the "Lesser Vehicle". Such a visit could be arranged for Saturday. The Chairman said that he would consult the Mission regarding the suggestion; personally, he saw no objection to it.

53. On 30 October, an international news dispatch was published to the effect that one member of the Mission had called on the United States Ambassador in Saigon. Although the dispatch stated that the call had been motivated by personal friendship, it was felt that



in order to remove any misunderstanding, the Chairman should refer to the dispatch in his conversation with the Secretary of State for Foreign Affairs. The Chairman assured him, therefore, that the visit did not involve the Mission in any way and that it had a purely personal character.

54. After the Chairman had reported to the Mission on his meeting with the Secretary of State for Foreign Affairs, the Mission decided to take note of the point of view of the Government of Viet-Nam in relation to the question of an interview with the monk, Thich Tri Quang, who was in asylum in the United States Embassy.

55. On 29 October, the Mission was informed by the Secretary of State for the Interior that ten monks planned to immolate themselves, on the occasion of the Mission's visit to Viet-Nam. One had already accomplished the act on 27 October. Five had been arrested by the Government before they could act. The Mission requested to see these five. It saw one of them who was made available on the afternoon of 30 October. On the same afternoon, the Mission also went to the Du-Tan Hospital, where victims of earlier incidents had presumably been treated. One more voluntary witness was received at the Mission's headquarters at the Hotel Majestic.

56. Four witnesses appeared on their own initiative before the Mission in Saigon and three in Hué. The Mission received a number of unidentified calls from people who indicated that they were afraid to come to the Hotel Majestic because it was guarded by the police. The Mission had been aware that these security measures taken by the Government to protect the Mission might present an obstacle to voluntary witnesses appearing before it. However, when these telephone calls were received, a representative of the Mission advised the callers that written petitions might be submitted by mail or delivered by other means. A large number of petitions reached the Mission when it was in Viet-Nam. One petitioner requested by letter that a member of the Mission meet him in a certain restaurant at a given hour. The Mission assigned one of its members to meet this petitioner at the time and place indicated, but the petitioner never appeared.

57. The last meeting the Mission had with the representative of the Government, before the *coup d'état*, was devoted to the discussion of the arrangements for a new visit to the Trung-Tam Tham-Van Cua Nha Tong-Giam-Doc Canh Sat-Quoc-Gia Prison, in Saigon, where the Mission went on the morning of 1 November to interview some more monks. This appeared necessary in the light of new evidence gathered in Saigon and in Hué. The Mission had also decided to send a delegation to Vinh-Binh on 2 November to visit the religious community of Khmer origin, belonging to the "Lesser Vehicle". Finally, the Mission had decided, on the morning of 1 November, that it was in a position to complete its task regarding Viet-Nam by the evening of 3 November, and set that date for its departure from Saigon. It was agreed that all members of the Mission should arrive in New York by Saturday, 9 November, at the latest, so that the Mission might hold a meeting on Monday, 11 November, at 3 p.m.

#### I. THE *coup d'état*—CONTACT WITH THE MILITARY REVOLUTIONARY COUNCIL

58. The first indications of the insurrection reached the Mission at the Hotel Majestic at about 2 p.m. on

1 November. The Mission had just returned from the Trung-Tam Tham-Van Cua Nha Tong-Giam-Doc Canh Sat-Quoc-Gia Prison. Later the Government's representative advised that it would be preferable for the Mission to stay in the Hotel Majestic, since firing had broken out in various parts of the city. From that time until the morning of 2 November it was impossible for the Mission to establish any contact with the Government.

59. Early in the morning of 2 November, the Special Representative of Viet-Nam to the United Nations, Mr. Buu Hoi, called on the Mission at the Hotel Majestic to transmit a message from the Military Revolutionary Council. The Council wished to present its compliments to the Mission and to extend an invitation to it to stay in the country as long as it wished, and expressed the desire to receive the Mission or its Chairman during the afternoon. The Chairman asked the Special Representative to inform the Council that the Mission had already decided to leave Viet-Nam on 3 November. The assistance of the Military Revolutionary Council in facilitating the departure of the Mission would also be appreciated.

60. The Chairman of the Mission paid a courtesy call, on behalf of the Mission, on Generals Duong Van Minh, Tran Van Don and Le Van Kim, on the afternoon of 2 November. He conveyed to them the Mission's appreciation of their assistance and the courtesy extended to the Mission by the people of the Republic of Viet-Nam during the insurrection. During the course of the visit, General Minh again extended an invitation to the Mission to stay in the country until it had completed its investigations. The Chairman stated that he did not consider it necessary for the Mission to remain in Viet-Nam beyond the day it had fixed for its departure, because it had completed its investigations as contemplated by its terms of reference.

61. The Mission issued a statement to the Press before leaving Saigon on 3 November (see annex XIII), in which it mentioned the visit of its Chairman to the Military Revolutionary Council. Since at his last meeting with the Press on 29 October, the Chairman had stated that he would make public the names of the religious leaders interviewed by the Mission in prison, these names were given in the Press release, as follows: Thich Tri Thu, Thich Quang Lien, Thich Tam Giac, Thich Tam Chau, Thich Duc Nghiep, Thich Tien Minh and Mr. Mai To Truyen.

62. The Mission left Saigon as scheduled on 3 November at 6 p.m. It was greeted at the airport by General Le Van Kim on behalf of the Military Revolutionary Council, and by Mr. Phan Dang Lam, Secretary-General of the Ministry of Foreign Affairs.

63. After its return to United Nations Headquarters, the Mission held a number of meetings to consider its report to the General Assembly.

## II. Allegations of violations of human rights in the Republic of Viet-Nam brought before the General Assembly

### A. WRITTEN STATEMENT SUBMITTED BY THE GOVERNMENTS OF SIXTEEN MEMBER STATES

64. On 13 September 1963, the following allegations were communicated to the General Assembly by the Governments of Afghanistan, Algeria, Cambodia, Ceylon, Guinea, India, Indonesia, Mongolia, Nigeria, Paki-

stan, Rwanda, Sierra Leone, Somalia and Trinidad and Tobago (A/5489/Add.1). On 17 and 18 September, Mali and Nepal, respectively, associated themselves with these allegations (A/5489/Add.2 and 3). The allegations read as follows:

"1. The serious violation of human rights in South Viet-Nam was openly manifested when the Government of South Viet-Nam interfered with the exercise by the majority of its citizens of the rights inherent in article 18 of the Universal Declaration of Human Rights. The relevant part of this article reads as follows:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom . . . to manifest his religion or belief in teaching, practice, worship and observance."

"2. Over 70 per cent of the South Viet-Nam population of about 15 million are Buddhists. Ten per cent are Catholics and the remaining 20 per cent are composed of other denominations.

"3. In May 1963, Viet-Nameese citizens in Hué sought to exercise the right recognized in the article referred to above by seeking to observe the appropriate ceremonies connected with the 2507th anniversary of the birth of the founder of the faith professed by over 70 per cent of the Viet-Nameese subjects. This right was denied to the subjects by the Government of President Ngo Dinh Diem. In fact, the denial of the right was accomplished in a ruthless manner. Nine persons were killed when troops fired on the orders of the Government on the participants. This incident resulted in a request for redress of grievances and the acceptance of responsibility for the killings by the Government. Neither was done, resulting in an increased demand for remedial action. The intensity of feeling against the injustices done by the Government was such that five monks and a nun immolated themselves—a course of action unusual to the followers of the faith.

"4. The appeal for justice from their subjects was met by threats and ridicule and was followed by an attack, a little after midnight on Tuesday, 20 August 1963, on the venerated Xa-Loi Pagoda, the chief shrine in Saigon of the majority faith. Hordes of armed police equipped with machine-guns and carbines entered the precincts of the pagoda and carried away hundreds of monks and nuns to prisons, after inflicting injury on them. This action was repeated in the early hours of the same day in a number of other pagodas throughout the country. At least 1,000 monks are estimated to be incarcerated at present. The death toll is not known.

"5. Students of Saigon University demonstrating against these arbitrary actions of the Government were arrested by the hundreds on Sunday, 25 August 1963. The Government is moving daily, more and more in the direction of the suppression of fundamental human rights such as the denial of the right of assembly, freedom of speech, freedom of communication, etc."

#### B. OTHER ALLEGATIONS BROUGHT BEFORE THE GENERAL ASSEMBLY

65. Other allegations against the Government of the Republic of Viet-Nam were brought to the attention of the General Assembly by Mr. Senerat Gunewardene, Permanent Representative of Ceylon, in his speech of

7 October 1963, when he introduced the item "The violation of human rights in South Viet-Nam" to the General Assembly (1232nd plenary meeting).

#### C. UNITED NATIONS CRITERIA FOR DETERMINING VIOLATIONS OF HUMAN RIGHTS

66. These alleged violations of human rights by the Government of the Republic of Viet-Nam must be viewed in the light of well-established United Nations criteria contained in the Charter, the Universal Declaration of Human Rights and various resolutions of the General Assembly.

67. In the Charter, the promotion of "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion" is stated to be one of the purposes of the United Nations (Article 1, paragraph 3), and one of the functions of the Organization in Chapter IX (Article 55, paragraph c). Article 13, paragraph 1 b, of the Charter states that:

"The General Assembly shall initiate studies and make recommendations for the purpose of . . . promoting international co-operation in the economic, social, cultural, educational and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language or religion."

68. Article 18 of the Universal Declaration of Human Rights proclaims that:

"Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance."

Reference should also be made to articles 2, 9, 20, 21, 29 and 30 of the Universal Declaration.

69. In resolution 1779 (XVII) of 7 December 1962, the General Assembly:

"*Reiterating* its condemnation of all manifestations of . . . religious intolerance as violations of the Charter of the United Nations and of the Universal Declaration of Human Rights,

" . . .

"2. *Calls upon* the Governments of all States to take all necessary steps to rescind discriminatory laws which have the effect of creating and perpetuating . . . religious intolerance wherever they still exist, to adopt legislation if necessary for prohibiting such discrimination, and to take such legislative or other appropriate measures to combat such prejudice and intolerance"

Reference can also be made to resolutions 103 (I) of 19 November 1946 and 1510 (XV) of 12 December 1960.

70. It may also be recalled that the Sub-Commission on Prevention of Discrimination and Protection of Minorities has adopted draft principles on freedom and non-discrimination in the matter of religious rights and practices (E/CN.4/800, para. 160, resolution I (XII), annex), on the basis of a *Study of Discrimination in the Matter of Religious Rights and Practices*, prepared by its Special Rapporteur, Mr. Arcot Krishnaswami (E/CN.4/Sub.2/200/Rev.1).<sup>3</sup> These draft principles

<sup>3</sup> United Nations publication, Sales No.: 60.XIV.2.

are currently under consideration by the Commission on Human Rights.

71. It may also be of interest to refer to the following instruments adopted by specialized agencies:

- (a) International Labour Organisation, Convention No. 111 (1958) concerning discrimination in respect of employment and occupation;<sup>4</sup>
- (b) International Labour Organisation, Recommendation No. 111 (1958) concerning discrimination in respect of employment and occupation;<sup>4</sup>
- (c) United Nations Educational, Scientific and Cultural Organization (UNESCO), Convention and Recommendation Against Discrimination in Education (1960).<sup>5</sup>

The Republic of Viet-Nam is a member of both specialized agencies, but is not a party to any of these conventions.

### III. Position of the Government

72. The position of the Government of the Republic of Viet-Nam in the matter of its relations with the Buddhist community was outlined to the Mission at several meetings with high-ranking officials of the Government, as follows.

#### A. STATEMENT ON THE BUDDHIST PROBLEM IN VIET-NAM BY GENERAL TRAN TU OAI

73. General Tran spoke in French. The Mission was provided with the text of the statement in French and English. The statement reads as follows:

The Buddhist crisis, with which Viet-Nam has been burdened and which has aroused strong feelings among the ill-informed circles of this country, originated in the incidents which occurred in Hué at the beginning of May 1963. These incidents are the result of the application of government regulations concerning the use of flags in places of worship. These incidents were first isolated and insignificant but afterwards, as a consequence of the manoeuvres of extremist elements, they took an unexpected course which ended in a vast movement of demands against the Government.

The instigators of that movement, with the co-operation of political adventurers and of Communists, and under cover of the Buddhist banner and the Buddhist robe, have very skilfully and artfully manoeuvred to rouse public feeling both at home and abroad, and poison the minds of a good number of people.

As a result, in Viet-Nam, bonzes and nuns of the General Buddhist Association and Buddhist followers were caught up in this movement—which was directed from inside certain pagodas themselves—and abroad, especially in neighbouring Buddhist countries, a segment of the Press and of public opinion, misled and aroused, violently criticized Viet-Nam. Some politicians, strongly influenced by tendentious press reports, even accused the Viet-Nameese Government of disregard for human rights, violation of freedom of conscience and religious discrimination.

The time has now come to analyse the Buddhist crisis and to clear up the matter, even if for no other purpose than to enlighten men of good-will and friends of the Viet-Nameese people.

*Origin of the crisis: the question of flying national and religious flags at places of worship (6 May 1963)*

More than a year ago, while on an inspection trip to a place near Saigon where a Buddhist ceremony was being held,

<sup>4</sup> International Labour Office, *Official Bulletin*, vol. XLI, 1958, No. 2.

<sup>5</sup> United Nations Educational, Scientific and Cultural Organization, *Records of the General Conference, Eleventh Session (Paris, 1960), Resolutions*.

President Ngo Dinh Diem noticed that, amidst a profusion of Buddhist flags, there was only one national flag, tattered and faded, and at another place, there was also one single national flag, and the latter was made of paper. He further noticed that at Catholic functions, the Vatican flag was similarly used in an improper fashion. Thereupon the President of the Republic decided that order must be brought into this state of affairs and the place of honour reserved to the national flag, the symbol of the Viet-Nameese people and nation. Instructions to that end were subsequently given to the Interior Department which, as early as 1962, had regulated the flying of flags at places of worship on the occasion of religious celebrations.

On 6 May last, in a circular, the Presidency of the Republic called attention to these regulations making it clear that in public places only the national flag may be flown, and that inside the compounds of places of worship, i.e., churches and pagodas, the flags and emblems of each religion could be hoisted at will. It should be stressed that, before sending out this circular, the Presidency of the Republic had previously sought and obtained the agreement of the leaders of the General Buddhist Association of Viet-Nam and the Sangha Association in Saigon on the one hand, and, on the other, of the Apostolic Delegation representing the Holy See in the capital.

Thus the decision taken by the Government with regard to the question of flags had applied to all religions indiscriminately.

The representatives of the General Buddhist Association in Saigon willingly complied with this and this year, on the occasion of Buddha's birthday anniversary, the Buddhist flag was not flown in front of the Xa-Loi Pagoda in Saigon, the headquarters of this Association.

Had no incident occurred on that occasion, the Buddhist crisis would not have broken out, the Viet-Nameese Government would not have wasted so much of the time it would have preferred to devote to fighting Communism, and certain foreign Governments would not have been mixed up in a purely internal affair.

Unfortunately, on the eve of the feast of the birth of Buddha, regrettable incidents happened in Hué precisely because of the flying of flags at pagodas. When the Government had most recently called attention to its previous instructions on the use of flags, it was not unaware that this great Buddhist feast was drawing near; but it also knew that the latter would be closely followed by the Catholic Ascension Day. Its instructions were thus not directed especially at the Buddhists.

However, the measures taken had been ill understood by certain Buddhist circles, who interpreted those measures as discrimination against them. Extremist elements then launched a campaign of tendentious interpretation of the facts to poison the minds of the Buddhist faithful, put heavy pressure on the venerable bonzes, and stir up a civil disobedience movement under the pretext of "struggling against the repression of Buddhism" and of "defending the Faith".

It was under these circumstances that a procession and meeting organized in the morning in honour of Buddha suddenly turned into a demonstration and meeting with many banners bearing anti-government slogans. That night another more violent meeting took place at the Hué radio station. Communist elements took advantage of it to explode two plastic charges which caused the death of eight persons, including several children and a Catholic girl.

#### *Struggle under the label "Defence of Buddhism"*

Following this bloody incident, the extremists started activities with the specific aim of sowing disorder. As will be clearly shown later, they connived with the Communists. From Hué to Saigon, a campaign of excitation commenced. Its aim was to stir up discontent against the Government among the population.

In this connexion, it is necessary to recall that a regulation which had been in force for many years and strictly applied in Viet-Nam's present state of emergency, requires that all large meetings in private homes or associations, and all gatherings in the streets, must have prior authorization from the local authorities; the same regulation requires all banners, slogans, posters and leaflets to be submitted to a special commission for approval before use.



This regulation was not unknown to the Buddhist leaders who instigated the excitation campaign but they paid no attention to it and exhorted the faithful to demonstrate in the streets, gather at meetings, and distribute leaflets in contempt of national laws.

These illegal acts were perpetrated with impunity. They were tolerated until the day when they overstepped all bounds, and thus dangerously threatened to disturb public security and order. The police then had to intervene, and this was capitalized upon by the troublemakers who noisily accused the Government of repressing Buddhism.

Despite the patient and conciliatory attitude of the local authorities, the campaign of excitation against the Government continued with increasing momentum. In Hué, Saigon and the coastal provinces of the Central Area, the bonzes began to challenge the Government authority openly. They issued communiqués and instructions to pagodas, distributed leaflets to the population, sent telegrams abroad. All that was done with the aim of stirring up national and international opinion.

To calm people's minds and provide a solution for the problem, the President of the Republic received in audience a Buddhist delegation on 15 May 1963. This delegation consisted of six venerable bonzes and two Buddhist notables led by the Venerable Thich Thien Hoa, Chairman of the Sangha Association of Viet-Nam. During this audience, the delegation submitted five claims. These were examined forthwith and given a favourable reply by the Chief of State.

It is worth while to examine thoroughly those five demands, which are:

*First demand:* That the Government repeal the order to haul down the Buddhist flag.

In fact, at no time had the Government ever issued such an order. As mentioned above, the purpose of the Government decision concerning the flying of flags in places of worship was to put an end to the excessive use of religious flags and to ensure due respect for the national colours. The emblems of the General Buddhist Association as well as those of the Vatican must certainly give precedence to the national emblem, symbol of the Fatherland, in all public places.

This demand of the Buddhists seems all the more surprising when one recalls that since time immemorial the Buddhists' worship of Buddha was confined to pictures or statues of him, but was never extended to any flag. Nevertheless, the President of the Republic agreed to have this question of flags reconsidered.

*Second demand:* That the Buddhists enjoy the special regulations given the Catholic Missions.

Put in those words, this demand could convey the impression that the Government of President Ngo Dinh Diem favours Catholicism at the expense of Buddhism. Actually the founding of religious and lay association had been regulated by Ordinance (Dtu) No. 10 of 6 August 1950 of the Bao Dai Government.

Under this Ordinance associations may acquire and hold real estate and receive donations and bequests, etc. Article 44 of that Ordinance said that special regulations would be worked out later for the Chinese congregations, i.e., for associations, whether religious or not, having an international or foreign character so as to limit the acquisition of real estate by foreigners and preserve the independence of the nation.

The measures alluded to by this Ordinance have not yet been rescinded. In any case, they fall within the jurisdiction of the legislative and every citizen has the right to request the National Assembly to reconsider them.

The special regulations alluded to would not necessarily favour primarily the Catholic and Protestant missions alone. Moreover, in practice, the Government had not rigorously enforced Ordinance No. 10 with regard to purely religious associations.

As regards Buddhism, the Government had even observed a great tolerance; the proof of it is that hundreds of pagodas had been built without anyone informing the authorities of their affiliation, submitting their statutes for approval, or giving any notice of their building.

Most often those pagodas, whose apparent unity resides only in the name of Buddha and in the monks' robes, have no ties among them. At present there are numerous pagodas and Buddhist sects which totally differ from one another with regard to worship and are not in any way affiliated with the General Buddhist Association.

In fact, since the promulgation of Ordinance No. 10, the Government had applied the provisions of this Ordinance relating to denominational associations only to those whose activities are of a lay social character—the activities of "social Buddhism" for example. It had never used this Ordinance for the purpose of any religious discrimination whatsoever.

It should be noted that since 1950, i.e., for thirteen years, none of the denominational associations, Buddhist any more than Catholic, had raised questions related to the content of the Ordinance mentioned above.

Nevertheless, in response to the wish for the Buddhist delegation, the President of the Republic instructed the Secretary of State for the Interior to contact the legislature to amend Ordinance No. 10, and the National Assembly immediately set up a special commission to examine the whole question for all associations which spread religion.

*Third demand:* That the Government put an end to arrests and persecutions of Buddhists.

Presented under this form, the claim tends to convey the impression that the Government has a policy of oppression and persecution against the Buddhists.

In reality, the Government has never arrested any Buddhist believer simply because he was a Buddhist. That is why the President stated to the delegation that the Government has the duty of safeguarding the higher interests of the nation and was thus obliged to take the necessary measures to maintain security and public order, but that it had never ordered the arrest of Buddhists solely because they were Buddhists, and if there were convincing evidence of illegal arrests, the Government was ready to examine it.

*Fourth demand:* That the Buddhist monks and followers may enjoy freedom of worship and liberty to propagate their faith.

The President had made known that religious freedom is inscribed in the Constitution itself, and that personally he had never favoured any particular religion. The proof of this freedom is that everywhere, from the cities to the countryside, the Government has left to the Buddhist leaders all latitude to organize their community and to build numerous centres of worship. With regard to the construction of pagodas, in particular, the Government has even given assistance to that end. If the Buddhist delegation had evidence of the violation of religious freedom, the Government was ready to examine it.

*Fifth demand:* That the Government pay compensation to the families of the victims of the troubles in Hué and severely punish those responsible.

In reality, the victims were not all Buddhists, because there was one Catholic among them. The Government had given assistance to all the families immediately concerned, as it had always done in the past on such occasions.

With regard to the charge that the Government had ordered the killing of the demonstrators by tanks, cannons, rifles and grenades, this was an absolute slander. According to the findings of the medical experts, all the wounds on the victims' bodies were caused by the explosion of plastic charges, which are not used by the Army or the security forces of Viet-Nam, but only by the Communists. Nevertheless, the President had ordered an investigation to determine responsibility in this case.

Measures were about to be taken to settle the five demands along the lines above-mentioned, when, in certain Buddhist circles, voices arose to contest the representative character of the delegation which had been received by the President of the Republic. Because of this, the Government had to wait for the leaders of the General Buddhist Association to form

a new delegation with the necessary powers in order to resume the talks.

Meanwhile, under the pretext that the Government was stalling, the General Buddhist Association incited the monks and nuns of the pagodas to organize mass demonstrations in the form of religious processions in the streets for the repose of the souls of the victims of the Hué incident, although such processions were not authorized by the police authorities.

After this deliberate flouting of national law and the teachings of Buddha, a certain number of venerables broke with the group of the General Buddhist Association to escape the grasp of extremist elements.

Starting from 5 May 1963, and throughout almost the entire country, a hunger strike movement appeared among the monks and nuns which was designed to impress the Buddhist faithful, whose great majority is composed of women and children.

The risks entailed in such a movement were to produce harmful effects among the population. Thus, to calm down these people, on 6 June 1963, the President of the Republic made an appeal asking the population of Hué to take into special consideration the national interests as well as the duty which falls on every citizen to preserve public order and to respect national discipline.

The Government later appointed an Inter-Ministerial Committee, headed by the Vice-President of the Republic and comprising the Home Secretary, to open talks with the Inter-Sect Committee for the Defence of Buddhism, which had just been formed at the beginning of June 1963. In fact this Committee represented only a few Buddhist associations. A score of other associations stood aloof.

Whilst exchanges of views were going on between the Inter-Ministerial Committee and the Inter-Sect Committee and no agreement had yet been arrived at, the General Buddhist Association nevertheless carried on its campaign of intoxication and organized the self-burning of the Venerable Thich Quang Duc on 11 June 1963, with the purpose of bringing pressure to bear on the Government, of causing restlessness among the population and of stirring up world public opinion.

Deeply moved himself by this unhappy development and un-called-for agitation, the President of the Republic addressed a new message to the population, asking it to consider the situation with serenity and to examine all problems dispassionately and with patriotism. The President also assured everyone that any problem, however difficult, could be resolved in a spirit of justice and fraternal solidarity, and that the Government had no plan to delay the solution of the problem and to persecute the Buddhists.

Despite diligent efforts of the Inter-Ministerial Committee, one had to wait for the arrival from Hué, on 12 June 1963, of the Venerable Thich Tinh Khiet, Chairman of the General Association of Buddhism before any final result could be obtained.

On 16 June, a joint communiqué [see annex XIV] was signed between the Inter-Ministerial Committee and the Buddhist delegation to settle the five claims. This joint communiqué embodies provisions which, in truth, were obviously not different from the measures already contemplated by the President of the Republic during the audience granted to the first Buddhist delegation on 15 May 1963.

It is for this reason that in the joint communiqué the President countersigned the following remark: "The articles written in this joint communiqué have been approved in principle by me from the beginning."

According to the communiqué, the Inter-Ministerial Committee was entrusted with the task of implementing the joint communiqué, and the General Buddhist Association was to notify the Inter-Ministerial Committee of all infringements of the joint communiqué it might discover.

#### *Switch of the conflict to political agitation—Aggravation of the crisis—Intensification of anti-government activities*

Following the publication of the joint communiqué, everybody, both on the part of the Government and the population, could feel gratified that all misunderstanding had been dissi-

pated, and the conflict finally settled. However, a certain number of bonzes belonging to the General Buddhist Association continued to instigate illegal actions with the obvious purpose of preventing the application of the joint communiqué and of intensifying and extending the anti-government campaign to the whole territory of the nation.

Those exalted religious resolutely and violently directed a conspiracy against the Government by all available means: distribution of excerpts from a misinformed foreign Press, which was critical of the Government, distribution of leaflets distorting the truth, organization of hunger strikes, launching of repeated appeals exhorting workers and tradesmen to stop all activities, even inciting students to strike. In the heat of their calumnious, even insulting remarks, they accused the authorities of practising a policy of hatred, cruelty and oppression against the Buddhists.

Fearing that the prolongation of such a situation could but harm public security and order, and anxious to demonstrate once again the attitude of extreme conciliation and goodwill of the Government, the President of the Republic, in a new appeal to the nation on 18 July 1963, called for the establishing of a mixed commission comprising representatives of the Inter-Ministerial Committee and the Inter-Sect Committee to supervise the implementation of the joint communiqué. The establishing of such a mixed commission would dispel in the minds of public opinion the erroneous belief that the Government did not honour its pledges.

Afterwards, the Inter-Ministerial Committee had proposed several times to the Inter-Sect Committee to meet together to set up the proposed mixed commission, but the Inter-Sect Committee consistently evaded the issue and refused its collaboration. On the contrary, it persisted in keeping alive a struggle which had worse effects with each passing day.

In Saigon, Hué, Danang and Nha-Trang, at the Xa-Loi, An-Quang, Dieu-De and Bat-Nha Pagodas it organized open anti-government meetings, created offices to recruit and train Buddhist fighters, and raised funds in anticipation of a long struggle. At Xa-Loi Pagoda, a schoolgirl had her hands mutilated. In Hué, Ninh-Thuan, Khanh-Hoa . . . suicides by burning successively took place according to a pre-established plan. Following each such human sacrifice, demonstrations and prayer services for the repose of the souls of the victims were organized to capitalize on the candid sympathy of the students, notably in Hué, to incite acts of violence everywhere, and to maintain an atmosphere of tension. Telegrams were sent abroad distorting facts and slandering the Government purposely to create world-wide discontent, especially in Buddhist countries, towards the Viet-Nameese Government.

To have an accurate idea of this explosive situation, it must be recalled that the Buddhist crisis which was a source of new concern for the Viet-Nameese authorities and caused them to scatter their efforts dangerously, occurred at the very moment when the Government of the Republic of Viet-Nam was just entering a decisive phase in its struggle against the Communists.

It happened that, throughout this period of great tension, the Viet-Nameese operational forces had seized many important documents revealing the existence of collusion between the Buddhist extremist elements and the Communists, as well as a plan aimed at staging a *coup d'état*. The General Staff of the Armed Forces of the Republic was alarmed, and insistently requested the proclamation of a state of siege to forestall any possible seditious attempt.

#### *The need for proclaiming the state of siege*

Thus, during the period from 8 May to 19 August 1963, 159 demonstrations were staged: 25 in Hué, 32 in Saigon, 10 in Tourane, 8 in Quang-Tri, 7 in Quang-Nam, 18 in Quang-Ngai, 13 in Nha-Trang, etc.

This campaign of political agitation and intoxication of minds, supported from both within and without by the huge and scientific communist propaganda machinery and by some foreign agents, reached its climax on 18 August: the Buddhist leaders addressed an ultimatum to the Government before a crowd of 20,000 persons gathered in front of Xa-Loi Pagoda

(cf. letter No. 162 dated 16 August 1963 from the Venerable Thich Tinh Khiết to the President of the Republic).

On the other hand, according to a definite plan, the Buddhist leaders would stage bloody demonstrations, which were to take place at a rather fast pace successively in various provinces and main localities from Hué to Saigon, namely in Danang, Quang-Nam, Khanh-Hoa, Binh-Thuan . . .

To face possible dangers, Central Viet-Nam provinces would have to request Saigon to send in police reinforcements (both civil and military). This would result in the capital missing its usual units in charge of public order and security while the Viet-Cong were preparing to launch attacks against Saigon and to throw grenades in the streets during the planned popular riots.

In face of this serious threat to internal security coming from a handful of people who had been trying to use religion for their political ends, and also in face of the split which was widening between an intoxicated part of the urban population and the authorities whose patience had come to an end, the danger of a disintegration of the nation's potent forces and the possibility of losing the good results achieved by the Army—thanks to the strategic hamlets it was recording victory after victory—the Army, represented by its responsible leaders, adopted on 14 June 1963 a resolution to the effect that it unanimously responded to the President's appeal of 11 June, and resolved to carry out all missions which the President would entrust to it for the defence of the Republic and the country.

In a second resolution, adopted on 20 August 1963, all the Army generals with the same goal in view, i.e., the safeguard of the Fatherland, requested the Chief of State to proclaim immediately a state of siege throughout the country so as to annihilate all manoeuvres or sabotage and direct the nation's war efforts against the Communists.

In the meantime, the South Viet-Nam Liberation Front, a tool of the Indo-Chinese Communist Party, taking advantage of the situation, moved its regular troops to the outskirts of Saigon, while Communist agents started working on the suburban masses, particularly those in the north-western part of the city. The Communists were ready for a drive on Saigon to overthrow the Government when the Buddhist movement would degenerate into popular riots. They expected this to take place by the end of August 1963. That was why they did not hesitate in hastily installing four secret radio communication stations around Saigon.

Subsequently, the Government was under compulsion to declare a state of siege throughout the national territory and apply certain energetic measures, such as putting under surveillance a certain number of pagodas in Saigon, Hué and other important centres, and keeping watch for a time on a certain number of bonzes.

The Army had discovered in several pagodas an important lot of weapons and documents which demonstrated once more that the extremist bonzes were pursuing a political goal with the support of the Viet-Cong on one hand, and of political opposition groups on the other hand.

The measures thus taken, although they were drastic, resulted in no bloodshed or loss of life; they proved to be necessary in view of the development of the situation, chiefly at a moment when the Viet-Name State had to concentrate all its forces in the struggle against the Communists.

Under the state of siege, the Army had successfully restored security, brought back calm in the pagodas, and liberated the bonzes, nuns and Buddhist faithful from the grip of the extremist bonzes.

The superior bonzes of the Sangha Association who had previously resigned of their own accord, have come out again to take the leadership of the Buddhist affairs in service of pure Buddhism. A Committee called "Union Committee for the Defence of Pure Buddhism" had been set up to that end, and to co-operate with the Government in the application of the provisions contained in the 16 June 1963 joint communiqué.

Throughout the country demonstrations had been organized by Buddhist groups, professional and popular groups, and by all the social classes to express confidence and support for the

Government. In Hué, more than 80,000 people, in Saigon more than 120,000 people, and in the provincial capitals, tens of thousands of people assembled to denounce the traitors to the nation and to adopt resolutions of gratitude addressed to the President of the Republic.

#### Conclusion

A close examination of the facts reveals that the Buddhist affair had only a limited religious aspect, and that the political element was the more important part, especially in the last stage of its development.

The affair seems religious because monks and nuns appeared on the scene and certain pagodas momentarily became the centres of interest. But the crisis was undeniably political, according to the evidence collected by the Army and the intelligence services. Trouble-makers of every brand (political speculators in monks' robes, people opposed to the régime, Communists, . . .) acting separately or in concert, had exploited incidents, which were in themselves insignificant, to attempt to mobilize the population and world opinion against the Government. They succeeded in creating a certain tension in the national life which they then tried to maintain and amplify to the maximum in an attempt to create a state of trouble and wide-spread insecurity, favourable to the realization of a *coup d'état*. Fortunately, the Army of the Republic has closely followed the events and intervened in time to save the situation and restore public order for the greatest good of the anti-Communist struggle.

It remains regrettable that during this torment, certain foreign Press agencies, misinformed from the beginning of the affair, had wittingly or unwittingly, poisoned a part of the international public opinion.

The reproach of religious intolerance made against the Viet-Name Government was gratuitous. It is inconceivable that this Government, which was governed by a highly democratic Constitution and had given itself the pride to belong to the Free World, could allow itself to commit an offence against the freedom of worship and faith.

In Viet-Nam, no one ignores that since the accession to office of President Ngo Dinh Diem, the propagation of religious faith and the practice of religious worship had always been carried out in an entirely free manner in the cities as well as in the countryside. With regard to Buddhism, the recent building of 1,275 new pagodas (existing pagodas: 4,766) constitutes a convincing proof of this freedom. Furthermore 1,295 old pagodas have been rebuilt or repaired. For all these works, the Government had given financial aid of more than \$VN9 million, attributed land from the national and communal estate, and supplied building materials.

In the exercise of its powers, the Government of President Ngo Dinh Diem has constantly respected all the constitutional provisions, notably those related to human rights, and one can affirm that at no time has there been either Buddhist persecution or religious discrimination.

In fact, the "Buddhist affair" is only a crisis of growing Buddhism, a crisis that all the enemies of the people have tried to exploit for their own ends. If one follows attentively the evolution of Buddhism in Viet-Nam, one must recognize that, in recent years, this religion has known a rapid development in such a way that the Buddhist authorities have shown themselves unable to exercise their role as leaders, especially when the training of monks and their control are concerned. These growing taints in an under-developed milieu are all the more significant since there is no record relating to the supervision of personnel and to the qualification of bonzes, nuns and novices, whose training leaves much to be desired.

At present, one can affirm that the seditious campaign launched by our enemies in the cities have failed. We say in the cities because the countryside and especially the strategic hamlets have stood fast. Thanks to the new administrative and social organization of these hamlets, the population continues to live a fully conscious and vigilant life and has remained impervious to all subversive action from whatever source.

The Government has destroyed all the secret organizations whose activities had for a certain time poisoned the minds of the monks and the students. It has ordered the reopening to

worship of the pagodas, which had been under temporary surveillance; it has authorized the arrested monks to go back to the places of worship and it has returned the detained students to their parents.

The Government deems itself entitled to hope that the nations friendly to Viet-Nam will help it enlighten the public opinion of the Free World on this affair which it considers already settled.

#### B. MEETING WITH MR. NGO DINH DIEM, PRESIDENT OF THE REPUBLIC

74. The President spoke in French, his interpreter being present. The following summary record of the President's views is based on notes taken by one member of the Mission.

75. The President gave a detailed account of the situation of Buddhism before the incidents of 8 May at Hué and after them, up to date. He explained the historical, economic, social and political conditions in the country that constituted the background of the Buddhist incidents. He stressed that his Government had no disputes with the Buddhist religion; it had not only respected the rights of that religion but had also even favoured it by granting economic assistance to the Buddhist pagodas and schools.

76. Regarding the problem of the flags, his Government, in a decree adopted a year before, had issued regulations concerning the use of flags of all religions in outdoor religious ceremonies, to the effect that the national flag should be placed at a higher level for the purpose of affirming Viet-Nameese nationality. It had done so because it had been observed that in outdoor religious ceremonies there was usually a profusion of flags but very few national flags. The Buddhists wanted their flag to fly at a higher level than the national flag of Viet-Nam, and the National Buddhist Association was trying to force other sects of the same religion to accept the international banner of Buddhism.

77. In regard to the incidents, the Government had established an Inter-Ministerial Committee, whose chairman had been the Vice-President of the Republic, for the purpose of reaching agreement on the demands made by the Buddhists. That agreement had been signed on 16 June and, although those demands had not been in line with the realities of the situation of Buddhism in Viet-Nam, he had approved it solely out of a desire to demonstrate a conciliatory attitude. He referred the Mission to the records of the above-mentioned Inter-Ministerial Committee. After 16 June, the Buddhist monks had become impatient, and had alleged that the Government was not carrying out the agreement. Political forces had supported those demands and had provoked a series of illegal public demonstrations, the main theatre of which had been the pagodas, where the monks had installed loud speakers, from which they delivered harangues.

78. Because of the subversive situation which existed, the leaders of the Army had visited him on 19 August to invite him to act before the situation deteriorated and ask him to declare martial law; he had agreed to do so. The search of the pagodas had taken place after martial law had been declared on 21 August. Those "raids" had not caused any deaths. President Diem also said that before the "raids" on the pagodas took place, the monks had refused to investigate whether any monks were in prison. The truth was that there were none.

79. The President reiterated his offer to provide the Mission with all possible facilities to enable it to carry out its duties.

#### C. MEETING WITH MR. NGO DINH NHU, POLITICAL ADVISER TO THE PRESIDENCY

80. Mr. Ngo Dinh Nhu, Political Adviser to the Presidency, discussed the Buddhist problem in its political, sociological and historical context. He spoke in French. The following is a verbatim record of Mr. Nhu's statement.

The POLITICAL ADVISER: The principal problem facing us is a problem of under-development which is common to several of our countries. The Buddhist question is only one aspect of that problem. Political, social and religious movements have grown considerably since the country became independent. But there is a lack of cadres both in these movements and in the Government. The latter has been obliged to seek the assistance of foreign technicians in all fields (administration, education and so on) but these aliens have their own ideology, and their presence in Viet-Nameese organs has its drawbacks as well as its advantages and is a source of friction. The same situation obtains in the Buddhist movement; it has expanded enormously, but its cadres are inadequate, a fact which has inevitably led to aberrations. I consider that the line taken by the Viet-Nameese Government has also suffered certain inevitable aberrations. The problem of freedom is not the only one the Viet-Nameese people has to solve; the main problem is a problem of justice. The masses have to be mobilized for industrialization; but so long as political, economic and social privileges have not been abolished, that will be impossible. The military and economic problems cannot be divorced from the social problem. All the less-developed countries have their problems, both with their friends and with their enemies.

If you have any questions to ask me, I shall be happy to reply to them to the best of my ability.

The CHAIRMAN: You have said that the Buddhist problem is a problem of under-development. What do you mean by that statement? Is it partly intended to imply that the Buddhist community is less developed than the others?

The POLITICAL ADVISER: The Buddhist problem dates back to the last days of the colonial period and even to shortly before the Second World War. It was not the only one, for the other political or religious organizations, especially Confucianism, also had problems of their own. That period was characterized by the awakening of all the peoples of Asia stimulated by the policy of Japan. The policy of Hitlerism and fascist ideology aroused the peoples of Asia, and especially of Viet-Nam to self-awareness. Nearly all the Viet-Nameese political parties which were attempting to build themselves up clandestinely were influenced to a greater or lesser extent by fascist ideology. At the same time, a religious rebirth occurred. What was taking place was an assertion of Viet-Nameese personality and of Viet-Nam's place in the world. In the case of Buddhism, the rebirth did not amount to much in the last days of the colonial era. There are several reasons for this: by tradition, the principle of the autonomy of the pagodas is deeply rooted in Viet-Nameese Buddhism: each pagoda represents a separate congregation, and the monk at the head of a pagoda and his disciples together make up a separate community. The Buddhist doctrine and the Viet-Nameese character gave rise to a process of dispersal. Whether people were aware of it or not, there were serious problems to be solved, and there was no evidence that Buddhism could help to solve them. The fight for independence meant armed struggle and bloodshed; but Buddhism preaches toleration and non-violence; how could it, then, constitute a *mystique* capable of catalyzing the anti-colonialist movement? Whether or not it is aware of the fact, Viet-Nam has to become industrialized; during the Second World War, when the country was under blockade on account of the Japanese occupation, it became apparent that Viet-Nam manufactured nothing; it was an industrial vacuum. The search then began for a *mystique* capable of concentrating the forces of the nation on the task of industrialization. The problem today for Buddhism is the same:



how can it meet the needs of the fight against communism and the fight for industrialization? These issues involve non-religious problems which face all the less developed countries; these countries have to find an effective *mystique* linking East and West. Can Buddhism rise to this urgent task? It is in those circumstances that the rebirth of Buddhism took place. These problems already existed in 1933. I was in Paris at that time, and the problems of the coloured peoples were in the air; we set up interracial circles to study the problems of the immediate future. From 1945 onwards, these ideas were put to a very stern test. The independence movement was under communist control; all the vital forces were communist-dominated; neither the principle of unity in diversity nor democratic rules could be applied. We had to unite all forces against colonialism. It was at that moment that the Buddhist movement sprang into being; the question of whether one was for or against communism was hotly debated. At that time, a Buddhist national regeneration movement, and a similar Catholic organization, were established. These organizations were extremely active, especially in the north and centre of the country, because they were regimented by the Communists and brought into the communist struggle. In the south there was also a religious movement of the same kind, but in another context; the Hoa Hao and Cao Dai sects were armed by the French expeditionary force against the Communists. This explained why the Buddhist movement underwent a considerable expansion thanks to the independence movement. These were spontaneous historical processes, because they were linked with Viet-Nam's assertion of its national personality. Everyone sought to assert himself as best he could—in the field of religion, the Buddhists as Buddhists, the Catholics as Catholics, and in the field of politics, the political parties as Viet-Nameese parties. However, this self-assertion was circumscribed both by communism and by imperialism. The present situation is merely the continuation of all this. The Buddhist movement is the healthy movement of an organism which had been stifled under colonialism and is seeking to develop under conditions of decolonization. It is a healthy movement, but it has grown up in unfavourable circumstances. It is subject to pressure from both East and West; each ideology seeks to turn the movement to its own benefit.

Such is the situation from the standpoint of the historian and the sociologist. The viewpoint of the Government is different. The Government is non-sectarian, and its relationship with the religious movements is based on non-religious considerations. Viet-Nam is an under-developed country which wishes to modernize itself and must settle a number of problems in the process; it must mobilize the masses for the war effort (since war is forced on us) and for industrialization, which is essential to progress. But one must be realistic: Buddhism is being harried and exploited by both East and West. The Government does not pursue an anti-Buddhist policy, but Buddhism itself is beset with internal problems: the forces of both East and West are operating covertly inside all organizations. Even the Administration and the Army are infiltrated by foreign ideologies; this is a historical necessity which stems from Viet-Nam's geopolitical situation. The United States advocates liberty as the solution for under-development. But liberty is not liberation. The liberation advocated by communism is not freedom. A liberator is not automatically a liberal, a liberal is not necessarily a liberator. We are faced with a dilemma here. Our Buddhist brothers are in the same boat as all the others. United States assistance, which is very valuable for us, contains the seed of decay: how can one mobilize the masses with a freedom which does not entail the suppression of privileges? On the contrary, we are being asked to retain them, while at the same time making progress; this is a myth.

The CHAIRMAN: You mention that non-violence is a Buddhist principle. We have read in several publications, however, that Buddhist communities were accused of acts of violence. Could you give us any explanation?

The POLITICAL ADVISER: In every renaissance there is a return to the beginnings. If Buddhism wishes to return to its beginnings that can only be the doing of a chosen handful of true holy men whose mission it is to tell us, who are carrying on the war and the struggle for industrialization, that materialism is not everything, of holy men who will remind us labourers

in the mire that there is an ideal of spiritual values and contemplation, a force which will break the chain reaction of materialism. That is the religious mission. But in the historical context of Viet-Nam the Buddhist movement has strayed from its path. It has set itself to serve political ends to such a point that it has conceived the ambition of overthrowing the Government. There are many reasons for the psychosis which has brought the Buddhist leaders to this aberration. Basically, Buddhism is in a dilemma (but only in South Viet-Nam). It cannot remain pure Buddhism if it becomes a political force; that is a fundamental contradiction in Viet-Nam. The Buddhists have suffered because of this contradiction. They have seen other religious movements spreading; they have inferred from this that there must be something oppressing them. The other religions—Islam and Christianity—settle their own day-to-day problems. Buddhism is not made for that; it is a religion of complete detachment. Seeing the other religions develop, the Buddhists concluded that they were being persecuted. The Communists have organized the conversion of whole villages to Catholicism, and are using that as a cover for infiltrating the country. When the Buddhists see villages converted to Christianity they think the reason is pressure from the Government. But when one reads the documents, one realizes that the Government was concerned about these mass conversions and did not encourage them in any way, because camouflaged communism was at the bottom of it. That did us a great deal of harm in 1960, when the war of subversion was launched; those villages led the fight against us. The Diem Government clashed with the Catholic hierarchy over these mass conversions. Our security service watched those villages more than the others. But the most important thing is that the Buddhists regarded the refugee movement as evidence of Government encouragement of Catholics and not Buddhists, for out of a million refugees from the North to the South there were 700,000 Catholics. The Buddhists believed that this was because the President of the Republic was Catholic; they did not realize that it was a matter of organization: Catholicism being better organized in secular matters, whole parishes could be mobilized to leave the country, while the Buddhists were dispersed and unorganized. At that time the Diem Government was weak; it had just come to power, and the previous Government had carried off all the money. The State treasury held enough to pay Government employees for one month. The Ministers were not paid. My wife fed everybody; we picknicked here. The Government was weak and poorly organized. President Diem asked the French (General Salan), who were making arrangements for the refugees, how many we were to expect. They said not more than 25,000. They said they had everything necessary to help them come. Instead of 25,000 there were 2 to 3 million. They arrived at Haiphong and the French were overwhelmed. It was frightful. People waited months to embark, having lost everything. The Diem Government had no resources. The French, being pessimistic, had not anticipated such a flood. The Diem Government had to appeal to the Americans. There was no organization. The Minister of the Diem Government responsible for the refugees was against that movement; he said that politically it was best to leave them in the North, where they would be opponents of communism. If they came to the South, where it would be impossible to satisfy them, they would become opponents of the Government. This is what may have given the Buddhists the idea that the Government favoured the Catholics.

The CHAIRMAN: Many documents and statements have familiarized us with the standpoint of the Viet-Nam Government. We have been told that the Army discovered proof of acts against the Government, and that the Government destroyed all the underground groups. How many seized documents could be handed over to us with the co-operation of the Government? How many underground organizations were destroyed?

The POLITICAL ADVISER: The Government applies the same policy to everyone. It encourages all beliefs in order to combat the atheism of communism. Many pagodas have been built thanks to the Government's policy.

The CHAIRMAN: If I understood you rightly, the conspiracies against the Government were the doing not only of Buddhists,

but also of Catholics. Were the villages that were converted *en masse* to Catholicism centres of subversion?

The POLITICAL ADVISER: Yes, but not in times past. The Government's dispute with the Catholics goes back to 1957. After 1955 there was the problem of the sects which wanted to form states within the State. In 1957 the Catholics wanted privileges—schools free of Government supervision and separate communities. Their plot attracted few adherents because their doctrine—the Catholic doctrine—is very clear on the separation of the temporal and the spiritual. It is not the same in the case of Buddhism. There is no codified doctrine or clear and precise organization; that is why their plot finds adherents. In 1957 the Catholics limited themselves to not voting for Diem.

The CHAIRMAN: According to a statement made by the Government, all the underground organizations have been destroyed. Are they all Buddhists, and how many were there?

The POLITICAL ADVISER: The conspiracy was organized by the Inter-Sect Committee, which represents only a section of Viet-Nameese Buddhism. The others do not agree with them but they suffered sympathetically from all of this. Being their co-religionists, they feel a moral solidarity with them. This is what the foreigners exploit. The conspiracy took shape only because of foreign agitators, especially the American Press, which stirs up world opinion against the Government. All the organizations were directed by the Inter-Sect Committee.

The CHAIRMAN: The Army and the Government discovered documents. How many of them may we see?

The POLITICAL ADVISER: You may see all of them.

The CHAIRMAN: If all the organizations were destroyed the situation should be better than before and there should be greater hope for an improvement in the relations between the Government and the Buddhists. Do you share this hope? What measures, if any, have been taken in this connexion?

The POLITICAL ADVISER: The Government did not arrest all the plotters. Most of them are controlled from abroad and we are not able to arrest them. The Government's policy is not one of repression, but of prevention and sincere discussion with the Buddhists. When the Army forced the President's hand so that he would proclaim a state of siege, the President laid down two conditions before agreeing: first, the Government would not make any changes in its policy of conciliation towards the Buddhists, and secondly, the Army would take steps to avoid any bloodshed. The Army chiefs were very dissatisfied. They said to me, "The President is trying to square the circle". The Government did not arrest all the plotters, but its policy of conciliation remains unchanged because we understand the historical circumstances. The Government knows that the situation is the same for everyone. We arrest the people who want to burn themselves, but only in order to discuss matters with them. We think that there is a misunderstanding, which the extremists and foreign Governments are exploiting.

The CHAIRMAN: Before leaving New York we were told that there would be suicides and demonstrations when we arrived in Saigon. We are very glad that nothing happened. We appealed to the people not to demonstrate. Do you think that appeal was heeded by the Buddhist community? How effective was it, and how much should be attributed to measures taken by the Government?

The POLITICAL ADVISER: The news of your visit had the effect of encouraging the people to demonstrate. The Government foresaw this and seized documents relating to preparations for the demonstrations. They came from Buddhist extremists, Communists and foreigners. The Government nevertheless decided to invite the Mission because it found itself in a dilemma: on the one hand, there was the Russian proposal to extend the powers of the Commission for Supervision and Control to our internal affairs, and on the other hand, there was the proposal for a United Nations inquiry into our internal affairs. I shall be frank. The Government was forced to invite you to come and see anything you wanted. But it knew that that would create many difficulties. It was too good an opportunity for the plotters who wanted to impress the Mission. Before your arrival many rumours were circulating, to such an extent that the United States Embassy took measures to safeguard against

any popular demonstrations. The situation is a dramatic one. It is a good opportunity for burning a few people in order to create an impression. For East and West the Buddhist affair is a golden opportunity to divide Viet-Nam, a unique opportunity to make use of fanaticism against the Government.

The CHAIRMAN: Is the Buddhist community co-operating with the Government and the Mission in their desire not to create an abnormal situation, by refraining from demonstrating?

The POLITICAL ADVISER: Illegal demonstrations are not possible at the moment because the people will not march. The whole Buddhist business comes down to two, three or four thousand people who were working themselves up, while the 3 million inhabitants of Saigon and Cholon remained calm and indifferent. There were no big demonstrations, but it is possible that small demonstrations may take place at several points, in accordance with the tactic of dispersing the police forces. For example, tomorrow, which is a national holiday, there will no doubt be demonstrations of fifteen to thirty people in various districts. They can go ahead. We are trying to prevent the burnings; that is very difficult with the Buddhists because the monks set no great store by life. For one reason or another, renunciation of the world is traditional in eastern philosophies.

The CHAIRMAN: If you expect demonstrations on the 26th, what measures have been taken in that connexion?

The POLITICAL ADVISER: They will be small demonstrations of no importance. But the plot is to compel the Government, by provocation, to make as many arrests as possible and to provoke bloodshed by shooting at the police. We have not followed the enemy's example. The people who are arrested are not put in prison, but in youth camps, where we discuss matters with them. There is no torture.

The CHAIRMAN: How many arrests have there been since the Mission left New York, for example?

The POLITICAL ADVISER: Thirty to forty. We keep only the leaders.

The CHAIRMAN: Are they all Buddhists?

The POLITICAL ADVISER: Very few are Buddhists. The Viet-Cong has mustered all kinds of people.

The CHAIRMAN: What is the religion of these thirty to forty people?

The POLITICAL ADVISER: Some of them belong to a mysterious political party which professes certain superstitions, called the Dai Viet Duy Dan. This party began under the Japanese Black Dragon. All its members are from the north. In point of fact, the whole Buddhist movement belongs to the north and centre of Viet-Nam, not the south.

Mr. VOLLO: How many monks, if any, are there in prison as a result of the recent incidents?

The POLITICAL ADVISER: The Government's policy is not to imprison these people, but to let their leaders be responsible for them. It is for them to take charge of them. Every day they talk with them and take charge of them as far as they can. It depends on them. If they guarantee that these people will not engage in intrigue, we hand them over to them. For the Government it is an internal affair of the Buddhist church. If the church cannot settle it the Government is obliged to take over, but it is our principle always to give them time to try. When, after a meeting, they ask the Government to release someone, he is released. But the Government wants to be sure that there is an organization capable of absorbing these people. The Government is responsible for security, that is all. It depends on them whether they go home or not. The leaders are in the process of taking the pagodas in hand again. The lay members had gained control of them and expelled the monks. The Government has nothing to gain from putting people in prison.

The CHAIRMAN: How many are still in prison?

The POLITICAL ADVISER: About 200 to 300; ask the Minister of the Interior. The reason is that the Committee of Monks has not yet intervened to take them over.

Mr. GUNWARDENE: I would like some clarification. In the history of the French occupation the reason invoked is the torture of French missionaries by Buddhists. Is that correct?

The POLITICAL ADVISER: No. There was never any persecution of Catholics by Buddhists. There was persecution by educated Confucians.

Mr. GUNewardENE: Were the Catholics in a position of superiority over the rest of the population under the French administration?

The POLITICAL ADVISER: Yes and no. Anti-clerical radical-socialists and freemasons always held a monopoly of posts in the French Ministry of the Colonies. Governors and officials here were anti-Catholic and anti-clerical. But the Catholic hierarchy of this country was not independent; it was under the control of the overseas missions of the rue du Bac, Paris. The parish priests were French, and in France there were Catholic deputies; the anti-Catholic French officials had to take that into account in their relations with the French priests. These knew their law; for example, in real property matters they successfully defended church, otherwise known as Mission, property. Your remark is therefore correct. French policy was not to encourage the Catholics; but locally the Catholics had advantages due to their ownership of land. According to Catholic doctrine, established authority is entitled to temporal respect. The authorities, furthermore, had confidence in the Catholics because of their unquestioning obedience to all authority, legal or *de facto*.

Mr. GUNewardENE: The French missionaries had complete freedom of action; now how many Catholics are there in Viet-Nam? What proportion of the population are they?

The POLITICAL ADVISER: Ten per cent. Mostly among the lower classes.

Mr. GUNewardENE: How many Moslems are there?

The POLITICAL ADVISER: About 70,000 including Indians.

Mr. GUNewardENE: And Protestants?

The POLITICAL ADVISER: I do not know the exact figure; there are not many of them, but they can expand, thanks to American power.

Mr. GUNewardENE: So 85 per cent are Confucians or Buddhists?

The POLITICAL ADVISER: All practise ancestor worship; there are pure Buddhists numbering 2 million, and there are those whose religion is a mixture of Taoism and Confucianism. When you see many statues in a pagoda, not only a statue of the Buddha, that indicates a mixed religion.

Mr. GUNewardENE: There are no pure Buddhists in the world; they all call themselves Buddhists.

The POLITICAL ADVISER: By "pure Buddhists" I mean those who are trying to rid the doctrine of all impurities.

Mr. GUNewardENE: How many of the Cabinet are Buddhists?

The POLITICAL ADVISER: Three-quarters.

Mr. GUNewardENE: And how many of the generals?

The POLITICAL ADVISER: There are seventeen generals: fourteen are Buddhists, whether pure or not, I do not know; and three are nominally Catholics.

Mr. GUNewardENE: How many Buddhists are there in the Army?

The POLITICAL ADVISER: The same proportion as in the rest of the population. But the great majority practise ancestor worship, worship of the dead; they do not go to the pagoda. Viet-Nam is not a religious country; the Viet-Nameese are more inclined to be free-thinkers. They go to the pagoda when they are ill or unhappy, otherwise not.

Mr. GUNewardENE: Are there any Catholic or Protestant chaplains in the Army?

The POLITICAL ADVISER: Yes. But no Buddhists, because they are against war.

Mr. GUNewardENE: How many Buddhist and non-Buddhist schools are there?

The POLITICAL ADVISER: I don't know how many Buddhist schools there are; they are quite numerous. Of Catholic schools there are very few, and they are small schools used in the campaign against illiteracy. They have little money.

Mr. GUNewardENE: Who is the officer in command in Saigon? Is he a Buddhist?

The POLITICAL ADVISER: General La; he is a Buddhist, but for us that has not so far been a question to be considered in making our assessment.

Mr. GUNewardENE: But the Buddhists are concerned about it.

The POLITICAL ADVISER: We do not wish to enter into those considerations. Anyone can change his religion. I, for instance, am a Catholic but anti-clerical.

Mr. GUNewardENE: Ordinance No. 10 dates back to 1950, does it not?

The POLITICAL ADVISER: Yes. To the time of Bao Dai. But it was not a discriminatory measure. It was meant to deal with the aliens' problems. In 1959 the Government had to deal with the problem of Chinese congregations.

Mr. GUNewardENE: Under the French administration, was everybody fighting for independence and were religious considerations put into the background?

The POLITICAL ADVISER: Yes, but they were exploited.

Mr. GUNewardENE: When independence came, did people wish to return to their religion?

The POLITICAL ADVISER: Yes. It was a way of affirming their personality and finding an effective national *mystique*.

Mr. GUNewardENE: The expansion of the Buddhist movement is therefore a natural consequence of independence, is it not?

The POLITICAL ADVISER: Yes, it is a very wholesome movement, as I said.

Mr. GUNewardENE: Did the Buddhists submit any complaints to the Government?

The POLITICAL ADVISER: Yes, like the others. The Government is bound to separate the spiritual from the temporal. If the Buddhists want to be a political party, they will be in the same position as the others, but the spiritual and the temporal must not be confused.

Mr. AMOR: You told us that the Buddhist problem dates back to the Second World War, before the end of the colonial era. Did it arise in the same terms? Did they make the same kind of complaints?

The POLITICAL ADVISER: At that time there were no complaints. There was a reform movement, to base doctrine on Buddhist scholarship. It would be unfair to say that the French did nothing about it. The Ecole française d'Extrême Orient (French School for Far East Studies) did much for Buddhist scholarships.

Mr. CORRÊA DA COSTA: On that question, I should like to ask how that led to the problem of Buddhist complaints.

The POLITICAL ADVISER: In the historical context of underdevelopment, they deviated from the true doctrine because they had not enough scholars to make the necessary studies. As a Catholic, for instance, I do not think the present Ecumenical Council will do much good unless there is a renewal of theological studies. The quality of theological studies is not keeping pace with the expansion of Catholic action. Who are the Catholic theologians today? Certainly not the cardinals. It is a question of having enough qualified people.

Mr. AMOR: There are youth camps in Saigon. Can we visit them?

The POLITICAL ADVISER: There is one a few kilometres from here.

Mr. AMOR: Are some of the ringleaders there?

The POLITICAL ADVISER: At Hué, not at Saigon.

Mr. CORRÊA DA COSTA: Could the Mission, in order to see some examples, visit a camp, either at Saigon or at Hué, and visit a prison? You have told us that there are 300 Buddhist monks in prison.

The POLITICAL ADVISER: Yes; but I must explain that the monks are not in prison; they are in the pagodas. That is what you are here for. They agree with me.

Mr. CORRÊA DA COSTA: Why have the 200 to 300 monks in question not been claimed by the Committee?

The POLITICAL ADVISER: Because they are not registered. In our country, you know, anyone can call himself a monk;



he only has to shave his head and put on a yellow robe. This must be checked.

Mr. CORRÊA DA COSTA: Is the Committee in fact making such a check?

The POLITICAL ADVISER: Yes, in its own interests, for its prestige is at stake. But it has to be sure that these people really are monks.

The CHAIRMAN: We are very grateful to you. As you said, we are here to find out the facts. We must apologize for giving you this trouble. If the Mission wants any further information, could we see you again?

The POLITICAL ADVISER: I should consider it a great pleasure and an honour. I have a great deal of sympathy with Buddhism. My happiest childhood memories are Buddhist. When we were children, although we were Catholics, we used to be taken to the pagoda and we loved the peaceful atmosphere. There is a great deal of sympathy for Buddhism among the people.

The CHAIRMAN: This is a Buddhist problem, but it is also a problem for Viet-Nam, and we are sure that it should be a matter of concern to you.

#### D. MEETING WITH MR. NGUYEN NGOC THO, VICE-PRESIDENT OF THE REPUBLIC

81. The interview with the Vice-President touched upon various aspects of the Mission's terms of reference. He spoke in French. The following is the text of the English interpretation:

The CHAIRMAN: It is a great pleasure to meet you today. We have met with hospitality ever since our arrival from your Government. We have profited from information given by representatives who have explained the situation in your country and we hope that this will help us to fulfil the mission given us by the United Nations. We have been impressed by the spirit of co-operation which we have found and which will certainly permit us to ascertain the facts. We are sure that your words will also be precious in helping us to fulfil the task of fact-finding which has been entrusted to the Mission.

The VICE-PRESIDENT: I should be extremely happy to co-operate with the Mission, but I think that the documents already furnished to the Mission are self-explanatory and I do not see in what sense I can supplement them.

The CHAIRMAN: If you have views to express to complement those already given by the representatives of the Government, the Mission is at your disposal, but I am in complete agreement with you. We have very complete documentation and information on the situation from the point of view of the Viet-Nameese Government.

The VICE-PRESIDENT: Of course you will understand that I have no other point of view to express than that of the Government of Viet-Nam. As the Vice-President, I can do nothing else, and I think you have sufficient information. As you know, before the armed eruptions in the pagodas, there had been the Agreement of 16 June 1961 which is sufficiently explanatory.

The CHAIRMAN: The Mission would like to know if the Vice-President can give a little more information on the application of this Agreement.

The VICE-PRESIDENT: The implementation of this Agreement was made extremely difficult by the emotions which were aroused. As Chairman entrusted with its implementation, I have tried frequently to make contact with the Inter-Sect Committee to implement the five points. We have tried to proceed to the spot and to verify the reports of the Committee but the Committee refused, saying that the Government had not respected the Agreement.

Mr. KOIRALA: What were the reasons put forth by the Inter-Sect Committee to say that the Government has not respected the Agreement?

The VICE-PRESIDENT: The Inter-Sect Committee alleged that the Government continued to arrest bonzes and to prevent

ceremonies for the repose of the souls of the victims, and so on, in this vein.

Mr. GUNewardENE: Coming from a Buddhist country, I want to know how many Buddhists there are in this country.

The VICE-PRESIDENT: The answer is both simple and difficult, because Viet-Nam has a mixed population: some Catholics, some being at the same time Buddhists and Confucianists. There are two kinds of Buddhists: those registered in pagodas and the others not registered and simply following the traditions of their ancestors.

Mr. GUNewardENE: It is the same way in all Buddhist countries where there is a fusion of Buddhism with traditional beliefs of the population.

The VICE-PRESIDENT: I agree, but the numbers communicated to you refer only to practitioners registered in the pagodas.

Mr. GUNewardENE: Not all Buddhists are ever registered in any country.

The CHAIRMAN: Can you give us an approximate total of the number of Buddhists registered and non-registered?

The VICE-PRESIDENT: It is difficult; the numbers communicated to the Mission by the Government are accurate.

The CHAIRMAN: In the world Press there has been publicity about the custom of the flying of flags in Buddhist pagodas. How far back does this tradition go in Buddhism and how is this connected with the Buddhist religion?

The VICE-PRESIDENT: I am sorry but I cannot give you an exact date. After the International Congress of Buddhism, a flag was adopted and since then it has been flown.

The CHAIRMAN: What was the custom similar to this one before this one was adopted?

The VICE-PRESIDENT: As you know, there are two sects: the Hinayana and the Mahayana. Only the Mahayana used to hoist the flag, but now it has become an international practice. After the meeting of all sects, an international Buddhist flag of many colours was adopted that I understand was meant to represent the tattered clothes worn by Buddha during the period of meditation.

The CHAIRMAN: Since when has the Vatican flag been flown in Viet-Nam?

The VICE-PRESIDENT: I do not know. We did not pay any attention to this.

Mr. KOIRALA: Is there a record in the census of different religions practised by the people?

The VICE-PRESIDENT: There is a census of the population, but the religions of the people have never been recorded.

Mr. GUNewardENE: The Mahayana sect is of Chinese origin and the Hinayana is more often practised in the southern countries of Asia. Apart from the Catholics, are the people here Hinayana or Mahayana Buddhists?

The VICE-PRESIDENT: I cannot presume to speak on this subject. Viet-Nam is a crossroad of religions. The Mahayana came from China, but the Khmer people belong to the Hinayana sect.

The CHAIRMAN: What is the present state of relations between the Government and the Buddhist community?

The VICE-PRESIDENT: The Chairman heard yesterday the President's statement about the efforts which were being made by the Government to find a solution by conciliation and appeasement.

Mr. KOIRALA: Was there never a census taken during the time of French domination which indicated the religions of the people?

The VICE-PRESIDENT: Although I am a former civil servant of the French Administration, I am afraid I do not remember. As you know, the forms are the same in all countries, except for a few special cases in local areas.

Mr. IGNACIO-PINTO: Can the Vice-President tell us after what event the Government became interested in reaching a solution by appeasement? Was it strictly religious or not?

The VICE-PRESIDENT: At the beginning it was strictly religious. At the end, it may be that some contacts were made with the Communists and the facts took on certain other aspects.

The CHAIRMAN: I wish to thank the Vice-President for having answered our questions. We are very grateful for having had this opportunity to meet with you.

The VICE-PRESIDENT: I thank the Chairman and the Members of the Mission and I hope that my answers will enable them to distinguish between what is and what is not true, and how they must interpret the facts. As you know, in an enquiry or investigation or fact-finding you have to have a minimum of factual information but to this is added a personal factor and what you yourself see as the facts. You have all the documents and you only have to look at them and to interpret what you see there.

#### E. MEETING WITH MR. BUI VAN LUANG, SECRETARY OF STATE FOR THE INTERIOR

82. On 24 October 1963, the Mission made a courtesy call on the Secretary of State for the Interior. The Mission visited the Minister a second time on 30 October 1963 and interviewed him in his capacity as a member of the Inter-Ministerial Committee.<sup>6</sup> The following is a verbatim record of the second meeting, taken from the English interpretation of the French original:

The CHAIRMAN: I would like, first of all, to express the pleasure of the United Nations Fact-Finding Mission in having had the opportunity to meet once again with Your Excellency. Our request to see you was based on the fact that you were a member of the Inter-Ministerial Committee in which Committee you had a role in the matters related to the Buddhist situation. That is why the Mission thought that your co-operation and assistance in giving us certain facts in which we are interested may be useful for the fulfilment of our task.

The questions that we had in mind to ask you were in part conveyed to the Ministry of Foreign Affairs for the purpose of providing us with the answers by the authorities of the Government of Viet-Nam. There are some other questions which I would like to ask in this meeting, which we have not yet given to the Ministry of Foreign Affairs for the purpose of providing us with the answers.

There was one statement made by the officials of the Government of Viet-Nam to the effect that certain documents were discovered by the Government and the Army in the pagodas and Buddhist institutions. These documents undoubtedly are of importance in establishing certain facts or at least in bringing about the possibility of due consideration that should be given to the situation in establishing objectively the facts that the Mission is seeking to ascertain. This point was raised in conversations with Mr. Nhu, whom I asked if it would be possible for the Government of Viet-Nam to make these documents available to the Mission. He told me that he personally did not see any objection, and that you and some other governmental departments would be in a position to co-operate with us in this matter.

I would like to know if you would be able at your convenience, to put these documents at the disposal of the Mission before our departure from Saigon, since we made a request earlier to the authorities of the Government in touch with the Mission for these documents, but we have not yet received them.

The MINISTER: Would you like me to answer this first question now?

The CHAIRMAN: We shall be pleased to have your answer at any time you find convenient. We are interested only in getting information from you at your own convenience.

The MINISTER: I would like to answer the first question.

First, I am at the disposal of the Mission. I was supposed to have an important meeting with the Vice-President at 10 a.m., but I have called him because the Mission's visit is more important and I will stay here to answer your questions as long as you may wish.

Secondly, as to the documents which Mr. Nhu mentioned to the Mission, he has also spoken to me about it, and the Secretary of State for Foreign Affairs, Mr. Cuu, has also asked for those documents. They are now being photocopied or typed, so that before the Mission leaves next Monday, I shall be pleased to hand to the Mission all the documents discovered in the pagodas.

The CHAIRMAN: I wish to thank Your Excellency very much for the consideration the Government, and you in particular, have given to this request. I may add, however, that the Mission has not fixed the time of its departure and the time of departure depends on the completion of the work of the Mission. If we succeed, with the co-operation that we get from the Government in making the necessary contacts for hearing of witnesses and the visiting of institutions, the Mission may, after the completion of its work, leave immediately, and this may happen to be before Monday. In this case I would like to request you to keep this in mind so that when our Mission is completed in other aspects, through the co-operation we are getting from the Government in making arrangements for us, the Mission will not be delayed simply for certain documents which it has requested and that the Government has agreed to give it.

The MINISTER: I am in full agreement with the Chairman of the Mission; it is to our mutual advantage.

The CHAIRMAN: Thank you very much.

Your Excellency, the first point the Mission would like to know is why Ordinance No. 10 of August 1950 was not amended in spite of new elections and the democratic Government formed for the last eight years and why the Government which has presumably a majority in the National Assembly did not feel the necessity of amending this Ordinance?

The MINISTER: It is a double question, is it not?

The CHAIRMAN: If you consider it is a double question it is up to you, but in any case they are closely related.

The MINISTER: As the Chairman has said, the Ordinance is dated 1950; it was passed under Emperor Bao Dai's régime. Since the present Government of the Republic was created in 1954, we have had so much to do because our country is under-developed and has recently acceded to independence. Above all, since 1959, we have had to bear a subversive war which was brought to the very inside of our national territory. Now as to the reason why, although we had new elections and have had a new Government for eight years, we have not thought of the necessity of amending this Ordinance; first I want to give you a little historical information on the question, on the régime since 1954.

I was well placed in 1954 to know all about the above question, because I have been Director of the Cabinet in the Government since that time when Viet-Nam emerged from the colonial era; I have always been either Director of Cabinet, or Minister of Agriculture, National Economy and Finance and Presidency; before, I was entrusted with the care of refugees from North Viet-Nam; that means that I could follow, step by step, the development of the present Government.

The first point. In 1954, we had the war of the Sects simultaneously with the necessity to resettle refugees. As you know, the war of the Sects was an armed war, which involved three sects: Bin Xuan, Hoa Hao, and Cao Dai. In 1956, we had the first election to the Provisional National Assembly. From 1956 to 1959, we had some respite and that would have been the time for amending or not amending Ordinance No. 10, but

<sup>6</sup> The Inter-Ministerial Committee consisted of the Vice-President, the Secretary of State for the Interior and the Secretary of State to the Presidency. It carried on the negotiations with the Inter-Sect Committee with which it reached the agreement of 16 June 1963.

I should point out that, according to our Constitution, an amendment has to be requested by a majority of the deputies in the National Assembly. In the first National Assembly, the Buddhist representation was enormous; there were very many Buddhist deputies as well in the election of 1959. There was no request for amendment of Ordinance No. 10. Consequently, following the legal procedure according to the Constitution, there was no request from the Assembly and no amendment was considered.

Mr. CORRÊA DA COSTA: I would ask for a clarification: is it a certain number of deputies that have to ask for an amendment, or the majority of the Assembly?

The MINISTER: It is stated in the law that a certain number of deputies have to make a motion for amendment, and in that case the proposal must always be discussed.

The CHAIRMAN: My question was: why did the Government not undertake on its own initiative to amend the Ordinance?

The MINISTER: This is precisely my reply now. In the course of 1956-1959 and up to May 1963 before the Buddhist situation, the Government was seized with no draft law from the National Assembly. I had to finish with the first possible source of amendment which is the National Assembly. We had two legislatures from 1956 to 1963, and until the Buddhist crisis broke out the Government had not been asked for any amendment and had not been seized of any draft amendment to Ordinance No. 10. The other possible source of amendment is the Government itself. In order to consider amending or not amending an Ordinance, there were two considerations: we had to see, first, the necessity of it and, secondly, to have a request or demand from the population itself. On the first point, until the Buddhist crisis of May 1963, we did not see any major necessity for amending that Ordinance, because, although its terms were very strict and it provided for very strict control of associations, the Government never applied it strictly.

We were always extremely liberal on religious questions and especially in regard to Buddhism. Certain provisions of the Ordinance, such as the obligation to register with the Minister of the Interior the names of the members of a pagoda, Committee or a Buddhist association, were most of the time omitted, especially in the provinces. Until 1960, when I became Minister of the Interior, it was routine. When I became Minister of the Interior, the routine went on and I did not check, but in 1963, I opened the records and I found that there were a number of pagodas and a number of followers and I realized that we had not applied Ordinance No. 10. Records were not up to date and that was proof that we had applied Ordinance No. 10 in a very liberal and flexible way. Pagodas and Buddhist associations had been formed without being registered; it had been accepted in fact in the provinces but there was no record either in the provincial capitals or in the Ministry of the Interior. From 1954 to May 1963, no request from the population, no letter, was ever received asking for an amendment to Ordinance No. 10.

I would like to make two clarifications. It was only in May 1963, this year, during the Buddhist crisis, that I wanted to see my records on the number of pagodas. It was only at that moment that I found our records out of date and pagodas and associations not registered even in the provinces. We received requests from Buddhist associations in 1960, 1961 and 1962; for example, we received from the provinces of Central Viet-Nam requests which had to do with what has been called the struggle between the Catholics and the Buddhists and from the Novitiate, meaning the entry into the Catholic religion, at the level of village and hamlet in certain provinces of Central Viet-Nam.

None of these requests, which we investigated on the spot, mentioned the necessity of amending Ordinance No. 10. It was a question of rivalry between Buddhism and Catholicism. Both wanted to have more followers; it was an entirely different question. The secret documents seized in the pagodas, which I am going to try to put at your disposal as soon as possible,

give ample proof that the Government has given much help to pagodas and, above all, nothing is said in those documents about the necessity of amending Ordinance No. 10.

In conclusion, I wish to state that since our agreement of 16 June 1963 with the Buddhist delegations, we have seized the National Assembly and the latter has constituted an *ad hoc* Committee to study the modalities of amending Ordinance No. 10. In the meantime, the implementation of Ordinance No. 10 has been suspended.

The CHAIRMAN: Thank you, Your Excellency. My next request for an answer is to a question which contains different points, but all closely related to one another:

(a) Could we have an explanation of the fact that before 6 May there were no incidents, at least that we know of, in the form of the incidents which all of us have heard of after 6 May?

(b) There are certain rights and freedoms referred to in paragraph 2 of the document "L'Affaire bouddhiste au Viet-Nam", which are normally considered normal rights and freedoms as long as they do not incite to violence. How is it that the Government refers to these as conspiracy?

(c) Did the Government at any time use or bring out tanks and other armoured vehicles to suppress the movement?

Generally, and in conclusion, we would like to know as much as you would wish to tell us on the fact that the Government has absolute proof that these movements included incitement to violence.

The Minister asked for clarification on the latter point, to which the Chairman replied:

The CHAIRMAN: I mean the movement in general, particularly the things which led to the incidents, including the incidents in Hué.

The MINISTER: I am going to answer the first three questions, but I shall repeat them to make sure I have understood them correctly. If I heard correctly, the Chairman wishes an explanation of the fact that before 6 May no incident took place in the form of the incidents that broke out after 6 May. As the Chairman has stated, the three points are closely connected, so I may make a statement covering several points.<sup>7</sup>

After the Hué incidents, I tried to understand why violence had suddenly broken out and why, when I had been in Hué the day before, I had suspected nothing. I had, myself, met all the monks whom the Mission interviewed yesterday, including Thich Tri Quang, who is in the United States Embassy. I had talks with them. I explained the circular and discussed it with them and they gave the assurance that my explanation was to the point and they were satisfied and quite pleased and in the circumstances I could go back to Saigon quite reassured. I was very glad and I left for Saigon without suspecting incidents would break out the next day.

I now wish to clarify certain points. The circular of 6 May arrived in Hué on 7 May. I myself arrived in Hué on 7 May at 10 a.m. and half an hour later the leaders of the monks asked to meet me to explain the content and reason for the circular. I gave them those explanations and I also gave instructions to the administrative local authorities provisionally, not to apply the circular. The reason was that when I arrived in Hué, from the airport to the city I found all the flags had been displayed in accordance with the regulations prior to the circular, and it had not been possible to bring down all the flags from one day to the next. The leaders of the monks were very pleased. They listened to me and told me I had given complete satisfaction to their desires. Nothing could be done under the regulation which I had myself promulgated as Minister of the Interior, because the Buddhist and national flags had been hoisted three days before the holiday celebrations.

When I came back to Saigon, on 8 May I heard about the bloody incidents in Hué. I was very surprised and I went

<sup>7</sup>The Minister said that 6 May was the date of the Government circular on the use of flags and that the incident that the Chairman had been referring to had taken place on 8 May.

back to Hué. I asked myself why the leaders of the monks had given me assurance that they were satisfied and now there were incidents. I could not understand at the time, but later, after we had caught two or three individuals, I obtained this handwritten statement from a close collaborator of Thich Tri Quang (the monk in refuge at the United States Embassy), Mr. Dang Ngoc Luu. I read it and then I understood.

The CHAIRMAN: Where is this man (Mr. Luu) now?

The MINISTER: He is with us. We have detained him, and in his declaration he said that the conspiracy (and this is the reason why the word "conspiracy" is used in the document), which is a communist conspiracy, dates back to 1960, when agreement was reached on the form of incidents to be created.

I can only conclude that the circular of 6 May was used only as a plausible reason for creating incidents, since the conspiracy had already been decided as early as 1960. This takes care of points (a) and (b). I now turn to point (c). I investigated on the spot the day after the Hué incidents. I arrived in a city still very excited; demonstrations of certain groups and individuals in the streets were still going on. I again saw the leaders of the monks, especially Thich Tri Quang, who is now in the United States Embassy. I did not know at the time that he was the leader because, according to the hierarchy, he is below the old Reverend you saw at An Quang Pagoda, Thich Tinh Khiet. I did not suspect at that moment the true role that Thich Tri Quang played in the incidents. In the course of my investigation on 9 May, I knew from the declarations of everyone that it was Thich Tri Quang who changed everything in the programme of the Buddha's Feast, which had been established in agreement with the local authorities, and he changed it unilaterally, without consulting the administrative authorities. I thought it would be better to speak to him to ask him the why and how of things, and I did.

When I met him, I reproached him. Only two days before I had seen him, I had respected him and he had given me assurance that the explanations I had given him and the instructions not to do anything to implement the circular of 6 May for the time being were satisfactory, and one day later he had created incidents. I wished to speak to him personally. In my capacity as Minister of the Interior, I did not wish to see demonstrations in the streets of Hué, which had been instigated by him. I may add that I had found him among the demonstrators and had him summoned to my office where I told him that I did not want any more trouble. I put a jeep and microphone at his disposal and told him to go with the Chief of the Province into the streets to calm the demonstrators. He said he would do it, and in fact he did. It was only a stratagem to appease me. He assured me nothing more would happen and I returned to Saigon. Immediately more incidents broke out.

I come now to the question of armoured vehicles and tanks, point (c). During the night of 8 May (Buddha's Feast), there was an agreed programme which provided for a public ceremony in front of the central pagoda. As you know in all religious feasts there are certain celebrations around the pagodas. That night there was to be, at 8 p.m., a public sermon by a famous monk in front of the central pagoda and then other small popular demonstrations. Thich Tri Quang, however, eliminated this sermon at the last moment and posted subordinate monks in certain places to tell the people: "Do not stay here. Go to the radio station, because it will be more joyful there, more pleasant", so everybody dispersed and went to the radio station.

The radio station is a well chosen site because, I don't know whether you are familiar with Hué, there is a bridge over the River of Perfumes, there is a crossroad and in the centre is the radio station. It was a very good place for a public demonstration; there are wide avenues leading to the radio station and from the bridge new waves of people can arrive all the time. It is extremely difficult to make them disperse. Thich Tri Quang waited until the crowd was there, and then he asked the director of the radio station to change immediately the programme being broadcast. The director of the radio station said that the programme had been fixed in

agreement with the monks; he had tapes which had been recorded to broadcast at this time with Buddhist hymns and other things provided for, and now, the director told the monk, he wanted to change the programme for his own tapes of the morning's ceremony.

I must explain that on the morning of 8 May there had been a grandiose ceremony and Thich Tri Quang had also changed that. To illustrate the bad faith of the Buddhist leaders, including Thich Tri Quang, the latter had invited administrative personalities of Hué; but there were banners carrying anti-government slogans, and while it had not been provided for in the programme, Thich Tri Quang seized the microphone and read the slogans one by one loudly while this was being recorded. He then made a violent speech against the Government and recorded the crowd's applause. When I went to Hué, I heard this, and I asked the administrative authorities why they had stood by during all this, why they had not left. They said they had not wished to antagonize the monks, so they had remained on the rostrum. I certainly would have left to protest against this. Thich Tri Quang had changed the programme which is traditionally the same every year, but the Chief of Province and Mayor (the same person) said he did not wish to antagonize the leaders of the monks, and that was the reason why he just remained there, though he was insulted by the slogans and also by the speech. This whole ceremony was recorded on tape, and at 9 p.m. the leaders of the monks wanted to force the director of the radio station to broadcast this tape, which had not been provided for in the programme. The director of the radio station said he was unable to change the programme already on tape at the last minute, so Thich Tri Quang incited the Buddhist followers, who by that time were very numerous, to shout very loudly and to push the door of the station. The director of the station was very frightened and he locked himself inside; then he telephoned the Chief of the Province and the military authorities, and it was at that time that the Chief of the Province was alerted. The latter is a practising Buddhist and a recognized spiritual son of the Venerable Monk Thien Tinh Khiet, whom you have seen at An-Quang Pagoda. He arrived on the scene and saw what was happening, and he spoke words of appeasement to Thich Tri Quang, but the leader would not listen. He had to ask for small tanks, not real tanks, but half-trucks, cars slightly armoured, to come to the rescue because he hoped their mere presence would frighten the crowd and prevent it from breaking the doors and windows of the radio station. The Chief of the Province was trying to explain to Thich Tri Quang that the doors and windows had been locked because the director of the radio station was afraid for his machines. Thich Tri Quang then ordered the Chief of the Province to broadcast his own programme of the morning ceremony and he incited some faithful followers, who were already very excited, to climb on the verandah, break the windows, force the doors and enter the radio station to force the director to broadcast his programme. At that moment, the Assistant Chief of the Province told the auxiliary guard of police to issue warnings to the faithful who were breaking the windows, warning them to climb down and to leave and disperse. They issued several warnings. It was at that moment that there were two explosions. I was there. I climbed the verandah and entered, and I saw two pools of blood on the verandah, two window panes broken, and the ceiling fallen in.

The CHAIRMAN: Were you there personally?

The MINISTER: No. I arrived the next day. The explosions took place at 8.30 p.m. on 8 May and I arrived at Hué at 9.30 in the morning on 9 May for investigation; that was when I saw all this.

I went to see the bodies of the dead. I found most of them had the top of their heads blown off, that some of them had many holes made by metal splinters in their chests, but no wounds below the chest. There was no metal in the bodies, only holes. I asked the legal doctor to make a *post mortem* and to send me the results. He made a very careful examination, made photographs and took out the organs for examination and sent his findings to me in Saigon.

Afterwards there were rumours that tanks had driven into the crowd and crushed people, but the fact is that tanks were not used, but only light half-trucks and lightly armoured cars, and that the dead had not been crushed but had had their heads blown off, and had been wounded only from the chest up. I have now in hand the findings of the legal doctor who says that they were killed by an explosion and a violent blast and that the eight persons were killed instantly. I want to add that all the bodies were found on the verandah, none of them in the courtyard, that there were no holes or metal splinters in the bodies of the dead and no pieces of metal were found in the cement verandah. When I came to Saigon, I attended a meeting between Buddhist leaders and the President, including Mr. Truyen, who is on your list, but I do not know whether you have yet seen him.

Mr. Truyen asked me, since I had been there on the spot, what, according to my enquiry, was the reason for the explosions and the deaths. I told him that I had concluded, according to the specialists in artillery and artificiers, whom we had consulted in both Hué and Saigon, that it was probably bombs of plastic and I told Mr. Truyen that we had many bullets because the United States had given us many free, but we had no plastic; plastic is the arm of the Viet-Cong guerrilla.

The CHAIRMAN: I am very thankful to Your Excellency for all the information which you have given us. There may be one or two clarifications my colleague may ask for that would be strictly related to the questions and answers just made at this meeting. But before we come to that, I would like to ask you to take note of certain points that I would like to submit to you. Most of these are points on which you may provide us with information later on, at your convenience.

- (1) The first thing I would like to know from Your Excellency is if you would kindly give us whatever information has been made available to you in regard to the suicide by burning which took place during the stay of the Mission in Saigon, that is to say, whether the investigation has been terminated or, if it has not been completed, information to the extent that it is available before the departure of the Mission, including information as to whether any note has been left by the monk who committed suicide last 27 October while the Mission was in Saigon and also notes which may have been left behind by the people who have previously committed suicide as well as the results of the Government's investigations in all cases. This is also a point on which you can give us information at any time convenient to you, and in this connexion we would like to know if the Government at present is concerned over such other possible acts of suicide.
- (2) The Inter-Sect Committee claims that it represented 14 out of 16 sects. We would like a list of the other sects that kept aloof besides the Co Son Mon.
- (3) We would like a list of the demands made by the Buddhists from the Government and a list of the Buddhist groups that signed the 16 June 1963 agreement with the Government, including information as to what sect or grouping each of the signatories represents and what is the size, structure and influence of such groups from the point of view of the Government.
- (4) Another point on which I have a request is the background of Thich Tri Quang and, from the point of view of the Government of Viet-Nam, the circumstances that led to his seeking refuge in the United States Embassy, including the information as to how he succeeded in getting into the Embassy.
- (5) The last point is a request for information as to the exact number of students and monks still in camps, prisons and hospitals.
- (6) The Mission would further like to obtain a copy of Ordinance No. 10.
- (7) The final request is for the background of Mr. Dang Ngoc Luu and a copy of the document of Mr. Luu which the Minister had shown the Mission, if possible.

I wish to thank you once again for the co-operation you have extended to the Mission this morning, and I wish to repeat that we do not want this information this morning. Our request is that it be given to us as soon as possible before our departure.

The MINISTER: I am going to reply point by point to the seven questions.

(1) As to the suicide of last Sunday, 27 October, the investigation is being made, the *post mortem* has been made, and yesterday at 4 p.m. we published a communiqué which was in the Viet-Nameese Press yesterday and broadcast on the radio and published this morning in the English and the French Press.

As to a note or notes which would have been left by the man who committed suicide, I am probably in the same position as the Mission of having heard about them from foreign press correspondents who claim that such notes exist. The enquiry will no doubt establish whether one or several notes were found. The results of the investigation will be communicated to the Mission before its departure as well as the results of enquiries on previous suicides.

The results of the *post mortem* on Sunday's suicide were made known to me only yesterday because the Public Health Department was extremely careful in its analysis of the organs. You can read the communiqué and the results of the *post mortem* are on my desk. The man had acute tuberculosis and several cavities of several centimetres each in his lungs.

I wish to answer the question of the Chairman as to whether the Government is concerned about other possible suicides that may take place. I am going to tell you frankly that our security services had very reliable information which proved 100 per cent right on an underground movement of so-called young monks who in fact are not real monks but call themselves monks. They want to offer themselves in holocaust. Ten of them have offered to burn themselves publicly during the stay of the Mission. We managed to get in touch with four of them, and through our re-education system we were able to have talks with them, and we asked them: "Don't you like life? Have you anything against the Government? Why do you want to kill yourself?" Then they wrote a public letter in which they recognized their error and they volunteered to go to the radio station to acknowledge those errors and to appeal to the other five comrades not to listen to unfounded propaganda and to recognize their error (I remind you that there were ten volunteers and one has already committed suicide). In their letter they state that they were surrounded and kept under watch in pagodas and places other than pagodas by the underground movement, and certain persons told them that during the raids on the pagodas since 21 August, which is the day when the curfew was put into effect, several leader monks had been killed. That was a lie, but since they were confined between four walls they were subject to all lies and propaganda and they listened and conceived false ideas on the way the Government dealt with the leaders of the monks. When we talked with them, we proved to them that all the leaders of the monks were there; none had been killed, no monk had been ill-treated, no nun raped and there had been no violence of any kind. They recognized their mistake and they volunteered to appeal to the other five not to persist in their enterprise. This is the reply to the question whether the Government is concerned over possible new suicides. We have not been able to find the other five, but we hope that the appeal made to them by their comrades will be effective.

(2) I shall also give the Chairman the list of members of sects other than the Co Son Mon.

(3) The list of the demands by the Buddhists to the Government and the list of Buddhists who signed the agreement of 16 June, including the names of the groups they represent, the size of the group, the structure of the group and the influence from the point of view of the Government, will be prepared, but I wish to draw your attention to the fact that in the agreement of 16 June between the Government and the Inter-Sect Committee we have not many groupings inside the Buddhist group represented. The signatories were merely



representatives of the General Buddhist Association. Almost no other sects were represented by the signatories.

(4) I shall give you the background of Thich Tri Quang. We have very reliable information on his background which we shall communicate to the Chairman. He used to be a high cadre of the Communist Viet-Cong and our secret records contain proof of it. We shall communicate this to the Mission. As to why he took refuge in the United States Embassy and also how he succeeded in entering the Embassy, I shall give a written reply after going over my investigation notes and my records in order to give more detail.

The **CHAIRMAN**: We would also like to know why he chose the United States Embassy?

The **MINISTER**: I shall also give a written reply on this point, but I can tell you right now that, according to documents seized in the pagodas and also according to the statements by Thich Tam-Chau who was in charge of the relations with the foreign Press in the Inter-Sect Committee, he often contacted foreigners to demand the overthrow of the Government. Those statements contain the names of foreigners that were contacted, but I shall give you a reply in writing. I may quote a few names of foreigners mentioned in the statement for your information: Cumming, Boggs. Before I communicate this information, however, I have to ask permission from my Government, because I am not the whole Government, and in view of our relations with the United States I must first consult my colleagues in the Government. But, personally, to shed light on the Buddhist question I tell you this discreetly.

(5) As to the exact number of students and monks still in camps and hospitals, this is within my power, and I shall give you a list of those names.

(6) As to providing the Mission with a copy of Ordinance No. 10, this morning before the departure of the delegation going to Hué, the Secretary-General of the Ministry for Foreign Affairs called to say that Mr. Volio had asked for the text of the Ordinance and other information. It is my duty to give a copy of this Ordinance to each member of the Mission and it is being typed.<sup>8</sup> Also for clarification, I will give you the text of the Law of 1933 and 1939, passed under French administration, which regulated the Catholics, to enable you to compare and see the difference of treatment of Catholics and Buddhists under colonial rule and now.

(7) As to Mr. Luu's statement, I agree to give you the information and I am already having the statements photocopied.

The **CHAIRMAN**: I have consulted my colleagues and we are satisfied with the answers you have given us for the time being, and we have nothing to add at this present stage. The representative of Brazil has, however, two requests to make.

Mr. **CORRÊA DA COSTA**: I would ask for photographs and results of the *post mortem* on the eight killed in Hué in May and the text of the speech Thich Tri Quang made that morning, which he wanted broadcast that evening, and which the director of the station refused to broadcast.

[The Minister agreed to provide those documents.]

The **CHAIRMAN**: This is not a question, but I wonder if you could give me an idea if it would be possible for us to contact those four people who wanted to commit suicide, but whom the Government has succeeded in persuading not to, for an interview.

The **MINISTER**: Yes. This is also within my power to arrange. At your convenience, please state the date, time and place where you want to see them. Do you leave it to me to make the arrangements with your secretariat?

The **CHAIRMAN**: When we go back to our office, I shall have a look at the programme and will inform your office about the date and the place. The place would probably be the Hotel Majestic, but I can tell Your Excellency that we would like to wait until the return of the Mission's delegation to Hué.

<sup>8</sup> The text of Ordinance No. 10 was given to the Mission in Viet-Nameese. For the translation of the Ordinance, see annex XV.

Since they are supposed to return on Thursday morning, the interview would not be before that time. However, if you, personally, and your Government have any special consideration about the place for hearing them, I should not insist upon their coming to the hotel, but we will see them anywhere you may choose.

The **MINISTER**: Thank you, Mr. Chairman. I shall give you all clarifications on this point shortly.

The **CHAIRMAN**: We would like to see them all in one place since that would be easier and less time would be wasted.

The **MINISTER**: It is agreed.

I would now wish to thank the Chairman for having, in his desire for impartiality in the Mission's investigations, given me the opportunity to give him many details on the question over which we are concerned, which is the crisis in the relationship between the Buddhist community and the Government.

#### F. MEETING WITH MR. NGUYEN DINH THUAN, SECRETARY OF STATE TO THE PRESIDENCY

83. The Mission visited the Secretary of State to the Presidency, Mr. Nguyen Dinh Thuan, on 30 October 1963 and interviewed him in his capacity as a member of the Inter-Ministerial Committee. He spoke in French. The following is a verbatim record of the English interpretation:

The **MINISTER**: You have been received by the President, the Vice-President and many other Government personalities. You know the question very well.

The **CHAIRMAN**: As you have mentioned, we have seen some of the authorities of the Government of South Viet-Nam and we had very useful meetings with them. They have been kind enough to provide us with answers to our questions from the point of view of the Government of South Viet-Nam but we thought we should take some of your time also in connexion with the role played by the Inter-Ministerial Committee of which you are a member. So, in that capacity the Mission thought it would be very useful if we came to visit you and asked for some clarification and information from your point of view in regard to the relation between the Government of the Republic of Viet-Nam and the Buddhist community in connexion with the present situation.

The **MINISTER**: It is true I was a member of the Inter-Ministerial Committee which was presided over by the Vice-President and of which the Minister of the Interior was also a member and my point of view is that which has been given to you by the President of the Republic, the Vice-President, the Political Adviser and the Minister of the Interior. My point of view is identical with theirs; it is the official point of view.

The **CHAIRMAN**: I see your point. In the light of the statement you have just made I shall try to the extent possible, if not absolutely, to ask for some clarification and explanation from you which have not already been asked from the Minister of the Interior, noting that on all of the questions you do not have to express any views of your own and that your point of view is identical with that of the Minister of the Interior.

The **MINISTER**: I am a member of the Government and the Government is a body whose point of view has already been expressed to you by the most qualified persons.

The **CHAIRMAN**: Could you tell us, please, what is meant by social Buddhism?

The **MINISTER**: It is difficult because if you speak of the various religious tendencies of the population, there has not been so far a precise census but I can say, *grosso modo*, that the majority of the population is not Buddhist; it is in my opinion and that of many persons, rather Confucian. I personally do not see the difference between social Buddhism and religious Buddhism. I see the population is made up of Buddhists, Confucians, Catholics, Protestants and so forth.

For example, in Confucianism, the only cult is the cult of the Trung Sisters whereas for Buddhist; it is that of Buddha. That is the only difference.

The CHAIRMAN: We understand there was a special commission put up to amend Ordinance No. 10. Could you please tell us what was the outcome, if any, of the work of this Committee?

The MINISTER: First I want to stress one point. There have been many misunderstandings about this Ordinance No. 10. I, as a member of the Inter-Ministerial Committee, have explained to the Buddhist Delegation during the negotiations that Ordinance No. 10 was passed in 1950, that is, under the Bao Dai régime, and it does not concern itself with religious matters. I am convinced of it; I have studied it thoroughly and the Buddhists understood when I told them that the Ordinance is about the status of property of the various associations, either lay or religious. This is the first point. As to the question asked by the Chairman, in the course of negotiations, after the matter had been settled and we had come to an agreement, the communiqué of 16 June was published, in which it was stated that the National Assembly was going to study the problem to amend Ordinance No. 10. That would take several months, probably until April 1964 when we hope the work will be completed. This date was fixed in the Agreement with the Buddhist delegation and I want to stress that the special committee is a committee of the National Assembly and not of the Executive.

The CHAIRMAN: There is one point on which we would like some clarification as precisely as you may wish. That point is the following: the contention of the Government has been that the Government never arrested Buddhist followers solely because they were Buddhists. We would like to know how it is then that all those people who have been detained, whether students or others, are only Buddhists, including the monks, who took part in previous negotiations.

The MINISTER: This is the position of the Government. I have been working with the Government for a long time and I know that there has never been any discrimination against Buddhists or others. No action has ever been taken against anybody simply because he was Buddhist or anything else and I am convinced that the qualified person to answer this is the Minister of the Interior who must have given the Mission all necessary explanations in this respect. I only know that the position of the Government is not to discriminate. The position of the Government, as you know it, because it is clearly, concisely and precisely stated in all the documents which have been communicated to you, is not to discriminate. As to your specific question, I repeat that the Minister of the Interior is the most qualified person to answer.

The CHAIRMAN: I would like to make it quite clear that I have noted that your views are identical with those of the Minister of the Interior and that is quite understandable. As I said, I did not put to you questions that had already been asked the other members of the Government whom we have seen and to which they were kind enough to give answers. I would like to make it clear that we did not interview the Minister of the Interior this morning in his capacity as Minister of the Interior. We interviewed him, as I made it clear at the beginning of the meeting, in his capacity as a member of the Inter-Ministerial Committee. Since that is the nature of this interview also, I hope Your Excellency will agree with me that although I could ask his opinion as one member of the Committee while I had asked it from other members of the Committee, still I have refrained from asking you any questions that have been asked from the Minister of the Interior. The questions I have put to you I have not put to the Minister of the Interior. So if Your Excellency will co-operate with the Mission and let us know your own point of view, either the Government's or your own personal point of view on the questions, it would be a great help to us. My understanding is that since the Inter-Ministerial Committee has been involved in the general situation of the relations of the Government of South Viet-Nam and the Buddhist community and since we are interested in finding facts in relation to the actions of the Government and the Buddhist community

in this country, any question in relation with this will be pertinent and relevant to be asked of the members of this Committee. That is why we put these questions to you.

The MINISTER: First, I want to clarify one point. The Chairman said that my point of view was the same as that of the Minister of the Interior but I want to stress that I mentioned several names, among them, the President, the Vice-President and the Minister of the Interior. My point of view is identical with that of the Government, not only of the Minister of the Interior but that of the Government, and that point of view has already been stated in the documents as well as by the President of the Republic himself. On the point of the arrests, I answered that, according to my point of view, the Government has never arrested anybody simply because he was Buddhist or anything else. I assume that the people who had been arrested had had illegal activities but I cannot give any details because as I said the most qualified man to give those details is the Minister of the Interior and the Mission should have asked him the question. In my capacity in the Inter-Ministerial Committee, I negotiated with the Buddhists but not against.

The CHAIRMAN: Your position is quite clear but we want our own position to be clear to you. I did not mention the President, the Vice-President or the others. We had conversations with them in their capacity as members of the Government of the Republic of Viet-Nam but with the Minister of the Interior and with yourself the interviews are in your capacity as members of the said Committee. In other words, our interviews with you are not only interviews as officials of the Government. We have requested an interview with you and the Minister of the Interior in your capacity as members of the Inter-Ministerial Committee as witnesses and I want to make it quite clear to you that if you do not wish to answer any of our questions, we do not wish to force you to answer. And if your position is that of the Government on whatever I have asked you I will just take note of that and will be satisfied.

The MINISTER: Since you asked me questions as a member of the Inter-Ministerial Committee, I shall tell you that the arrests are the subject of an exchange of correspondence between the Buddhist delegation and the Inter-Ministerial Committee. Those specific questions were asked by the Buddhist delegation of the Vice-President, that is to the Inter-Ministerial Committee, and each letter contains specific replies on each arrest. The correspondence is very voluminous. I cannot remember the details. The best is for the Mission to look at the correspondence which must be in the documents which have been communicated to it.

The CHAIRMAN: We will of course go through all the documents we have received. We have gone through some of the documents we have received and the questions we put to you are for clarification of points we want to understand more clearly. There are certain things that are not quite clear to us and that is why we want your assistance. We would like a clear picture of the views of the Government on the situation.

The MINISTER: Since the question is asked of me as a member of the Inter-Ministerial Committee, I can say that during the time that this Inter-Ministerial Committee was functioning, I was informed of all that exchange of correspondence but I feel I am only qualified to answer in this way. Every time there was an arrest or a confiscation there were letters of protest to the Inter-Ministerial Committee and the Committee replied. That is all I can say. It is not because I am not willing to co-operate.

The CHAIRMAN: Of course, I could not imagine such a thing. We understand that there was an agreement on 16 June, an understanding reached on certain points, for example, that on national holidays only the Viet-Nameese flag would be hoisted and on Buddhist holidays the Buddhist flag would be hoisted next to the national flag. That is a problem with which you are familiar. I merely want to know if, in your opinion, as far as your information goes, this Agreement has been fully implemented or are there shortcomings, and if there are, what are they?



The MINISTER: The Agreement of 16 June 1963 was signed at dawn on 16 June. It was agreed between the Vice-President, President of the Committee, on the one hand, and the Buddhists on the other, that the implementation of the Agreement required a certain time lag because we had to have time to promulgate it to make this Agreement known over the whole country to the most isolated areas and it required a minimum of time for the people to understand and implement the Agreement. If there were any shortcomings, they occurred during the first few days after the signing of the Agreement between the delegations but I am sure that later there were no shortcomings. The Vice-President of the Republic, I remember clearly, told the Buddhist Delegation that the implementation of the Agreement would take at least two weeks and they agreed on this.

The CHAIRMAN: Do I understand that the delay in implementation was only due to the fact that implementation required time and, if I am incorrect, may I ask you what is the situation as to the implementation of the Agreement at the present time?

The MINISTER: Shortly after the state of siege was declared, the President of the Republic himself made an official statement according to which the various points of the Agreement of 16 June were still in force and implemented.

Mr. CORRÊA DA COSTA: I have one question which will help me to understand better the context of the over-all situation with regard to the Buddhists and which refers specifically to the work of the Committee. The document entitled "Affaires bouddhiques" indicates that the Inter-Ministerial Committee was created to establish contact and negotiations with the Inter-Sect Committee. It continues saying that the Inter-Sect Committee only represented one part of the Buddhist community and that twenty organizations were kept outside and that while your Committee was discussing with the Inter-Sect Committee the General Buddhist Association was continuing its campaign of incitement which led to the burning of the first monk. Now, my question is, if the Inter-Sect Committee was representing only one fraction of the community, why was it that the Committee only dealt with the Inter-Sect Committee thus leaving outside of the conversations the General Buddhist Association which was precisely engaged in the alleged activities which led to this? Why was the Association not also asked to join in?

The MINISTER: If you ask me how many Buddhist groups there are in Viet-Nam, I must say that I don't know because there are several of them. The Inter-Sect Committee is a name created by the Buddhists themselves. It represents several groups and the prime mover is the General Buddhist Association which, while being the prime mover of the Inter-Sect Committee, went on with its activities. It was not a matter of being kept outside the negotiations.

Mr. CORRÊA DA COSTA: Do I understand correctly that while the Inter-Sect Committee was engaged in the negotiation, the General Buddhist Association was busy doing other things?

The MINISTER: There were two phases. In the first phase it was the General Buddhist Association that raised the question of demands and presented them. In the second phase it was the Inter-Sect Committee.

Mr. CORRÊA DA COSTA: My second question is of the same nature also to assist me and to understand better the context of the Buddhist question. This document indicated that before the creation of the Inter-Ministerial Committee and the Inter-Sect Committee, the Government asked to have negotiations with the General Buddhist Association and the Association of Sangha. I would like to know why in these negotiations which covered only one part of the community, other big sects like the Co Son Mon which claims to have over 2 million members were not also invited to take part?

The MINISTER: Because they had no demands to submit. Also, even if we had wanted to have the Co Son Mon, the others would have said no because they don't want to have the same things we do and that would cause difficulties.

Mr. IGNACIO-PINTO: I wish to have some clarification. There are two associations, are there not? The General Buddhist

Association and the Association of the Sangha. Do I understand correctly that the General Buddhist Association is an association of monks and laymen while the Sangha is an association of monks only?

The MINISTER: I am sorry but if you refer to the first point I made, if you ask me detailed questions on the organizations of Buddhists in my country, I am afraid I cannot answer; as far as I know, in the General Buddhist Association there are both monks and laymen.

The CHAIRMAN: I will prove to you that I don't understand French. When you say that you cannot answer, what do you mean?

The MINISTER: I mean that I cannot answer because of my ignorance.

The CHAIRMAN: It is difficult for me to take note of this declaration. Since we understand that the Buddhist problem is not yet solved could you please tell me as precisely or as generally as you wish, though without details, if you so desire, to what extent the non-participation of so many sects in the negotiations with the Government has affected and delayed the solution of the problem?

The MINISTER: As regards the first part of the question, the Government has stated repeatedly that the Buddhist problem has been settled.

The CHAIRMAN: Your Excellency, I wish to thank you and find myself obliged to ask you to cease your co-operation because we have no further questions.

The MINISTER: It was a great pleasure to meet the Mission and I wish to comment specially on the charming personality of the Chairman.

The CHAIRMAN: It was a great pleasure for all of us and I thank you sincerely for the clarification you have made which is of great assistance. You have made clear the point of view of the Government.

The MINISTER: I don't know whether I have clarified anything for the Mission, but I did my best.

The CHAIRMAN: You did, indeed.

#### G. INTERVIEW IN HUÉ WITH THE GOVERNMENT DELEGATE, THE COMMANDING OFFICER OF THE FIRST CORPS AND OTHER OFFICIALS

84. On 30 October 1963, the Commanding Officer of the First Corps made a statement to the Mission's delegation to Hué. The following is a verbatim report of the interview with the Commanding Officer and other officials in Hué:

Mr. AMOR: I would like to thank you for the kind reception that you have given us in this capital city of Central Viet-Nam. The United Nations Mission was invited by you and the Government to visit Hué. Unfortunately, the whole Mission was not able to come here because some of the work had to be done in Saigon and that is why the Chairman has delegated the three of us.

We shall not fail to report to the Chairman about your *exposé* of the incidents in Hué and we thank you in advance for all of your co-operation.

We would also be grateful if we could have a copy of the translation of the speech and of the documents which you have provided, in English and French.<sup>9</sup>

The GOVERNMENT DELEGATE: The main documents will be translated into English and French. On the table over there are the original documents, if you would like to examine them. These were taken on 21 August from pagodas and include records of trials as well as letters written by bonzes and other persons. They are authentic. We can translate any part you would like to have.

<sup>9</sup> The Mission did not receive these texts.

I also have here with me representatives of the civilian, military and judicial branches of the Administration. Most of them are Buddhist-Confucians and the rest are almost all one or the other, so we can answer any questions on this subject which you might like to ask. In principle, we are almost all Buddhists.

Mr. VOLIO: I would like the names of all these officials.<sup>10</sup>

Mr. AMOR: The Mission would like to request your help answering questions that we might ask during our stay in this city.

Mr. VOLIO: To whom may I address my questions?

The GOVERNMENT DELEGATE: To any of us.

Mr. VOLIO: Is it true that on 7 May the Army removed all Buddhist flags?

The COMMANDING OFFICER: The Army had nothing to do with this 7 May affair. It never got mixed up in this matter of flags.

Mr. AMOR: Was the question of flags raised in Hué in connexion with the Buddhists?

The COMMANDING OFFICER: There was a misunderstanding of the order of the Government to request the people not to fly the Buddhist flag above the national flag. Only a small number of Buddhists thought that they had been forbidden to use the flag at all.

Mr. AMOR: What is the proportion of Buddhists to Catholics in Hué?

The GOVERNMENT DELEGATE: I cannot give you the exact number now. The majority is Buddhist. I will have it looked up in our documents.

Mr. AMOR: Can you tell me now the approximate proportion?

The GOVERNMENT DELEGATE: In principle in the country we have a majority of Confucians. Naturally there are Buddhists and Catholics, particularly in Hué, because here there were, a long time ago, families of kings, mandarins, and civil servants. Approximately 30 per cent are Buddhist. The rest are Confucian and Catholic. I can now give you some of the figures from our documents on the proportion among Government civil servants in the Delta of Central Viet-Nam. There are 25 per cent Catholic, 31 per cent Buddhist and 42 per cent Confucian.

I would like to add a few more remarks. I would like to point out that it is exceptional for Hué and Central Viet-Nam to have as we do here all the representatives of the administration. We do this in order to show you our objectivity and our desire to supply you with information which will help you with your work. We have here the military, the judiciary, religious groups, representatives of the people and the Dean of the University. We have asked the first and second in charge in each field to receive you here in order to be able to give you whatever exact statistics you may wish to have. Moreover you can ask them or any other inhabitant of Hué to come to see you at any time you wish during your stay. You may inform me or not, as you wish. I tell you this, because we have a special situation here. Since Hué is a Buddhist city, the military and the Government have much respect for Buddhism and it would be difficult to carry out our duties without regard to Buddhism. It is very important to point out how the civil and military officials of the Administration behave towards Buddhists here.

Mr. VOLIO: Is it true that as a part of a traditional holiday custom and in accordance with past practice and previous agreement with the authorities, the local radio stations broadcast a tape on the Buddhist celebrations?

The COMMANDING OFFICER: It has been a tradition to reproduce the religious ceremonies whenever there has been a religious ceremony held. But the texts must be looked over first by the personnel of the radio station in order to find out whether they contain political propaganda against the Government. They are fully free to broadcast anything connected

with religion provided it does not mix in political affairs. This is according to our tradition and is true for all religions, Buddhist or Catholic.

Mr. VOLIO: Is it true that on the evening of 8 May, a bonze took a tape on the Buddhist celebrations to the local radio station and the Director of the station declined to broadcast it, and if so, on what grounds?

The COMMANDING OFFICER: This is not true. The message had been recorded in the morning to be broadcast on the radio in the evening. But there is a difference. The Reverend Thich Tri Quang took advantage of this occasion to insert in the broadcast some passages against the Government and the Director of the radio station wanted to have several passages which included insults against the Government removed. If such a demand was met, the message would be broadcast. They refused to comply, the Buddhists tried to invade the radio station to destroy it, and a riot took place.

Mr. VOLIO: Could you give us more details on how the riot took place?

The COMMANDING OFFICER: The Buddhist supporters of Reverend Thich Tri Quang, on the evening of the broadcast, assembled around the station in order to put pressure on the Director to broadcast the entire text, including the insults against the Government. But the Director refused, and that is why the riot broke out.

Mr. AMOR: Had it been a tradition to broadcast Buddhist features in connexion with Buddhist celebrations every year?

The COMMANDING OFFICER: Yes, every year on all religious celebrations.

Mr. VOLIO: Is it true that in the 3 June demonstrations a toxic gas was used?

The COMMANDING OFFICER: Toxic gas was never used on 3 June to disperse the demonstrators, as was alleged by the Press and the Buddhist extremists. The Army was called on to help the local police to disperse the demonstrators. The police had made an effort to persuade the population to disperse according to the rules, but after many appeals, the people would not do so. Finally, the police called on the Army to assist them, and they came with tear gas bombs. After asking the populace once more to disperse, when the extremists refused to comply, we used tear gas to disperse them. Some of them were too close and were of course affected, but it was only tear gas like that which is used everywhere in the world in this sort of situation.

Mr. GUNWARDENE: You have conceded that Hué is a Buddhist town. It is in fact the ancient seat of Buddhist culture in Viet-Nam. My information is that only 5 per cent of the population here is Catholic. Is that true?

The GOVERNMENT DELEGATE: I can tell you right away that as far as the Catholics are concerned, they are all registered, so that is easy to ascertain. To distinguish between Buddhists and Confucians is more difficult. When you look for Buddhist origins, for people who have one name of Buddha and who have been registered in a pagoda, these number less than 10 per cent. Confucians and Buddhists are mixed together. In principle, all Viet-Nameese are Confucians, but now some of them go to pagodas and are also Buddhists. They ask for monks to come to their homes to celebrate Buddhist rites and have a sympathy for Buddhism without exactly being Buddhists.

Mr. GUNWARDENE: Before Wesak festival, there was a celebration of the 25th anniversary of the ordination of Monsignor Thuc?

The GOVERNMENT DELEGATE: Yes.

Mr. GUNWARDENE: How long did this celebration last, and when did it finish?

The GOVERNMENT DELEGATE: The celebration was after 8 May, not before.

Mr. GUNWARDENE: But there was a celebration of some sort in this connexion before Wesak.

<sup>10</sup> The Mission did not receive this list.

The COMMANDING OFFICER: He had been named Archbishop several years before, but the celebration of the twenty-fifth anniversary of his ordainment was after Wesak.

The GOVERNMENT DELEGATE: I remember that it was celebrated in all simplicity, only among priests and a few official persons at one luncheon.

The DEAN OF THE UNIVERSITY: It was on 28 June.

Mr. GUNWARDENE: In connexion with the ceremony, were there Vatican flags flying before the celebration of Wesak?

The GOVERNMENT DELEGATE: I see that the Ambassador does not accept my answer because he asks if there were Vatican flags flying before Wesak in the city, so I will go over my answers to all of your questions again in a general manner so that you can understand what the General and I have said. I will reconstitute the whole story for you so that I may clarify both the traditions and the facts on this subject.

Mr. GUNWARDENE: All I ask is whether the Vatican flags were flying in Hué everywhere in town on the week before the Wesak.

The GOVERNMENT DELEGATE: It was not in Hué and that is why I would like to make this *exposé*. First of all President Ngo Dinh Diem does not make any distinction between Buddhist and Catholic flags, but he does make a distinction between the national flag and any other flag, in order to show his patriotism. In his trips outside the capital, every time he sees a tattered and dirty national flag, he has the responsible man blamed for it. Before Wesak, there was a Catholic celebration where there were too many Catholic flags and no national flags. It was not at Hué, but somewhere else. The President became angry. It was an internal celebration which had nothing to do with anything official. It took place in a Catholic building, not an official building. So it was against the Catholic flag that the President took the decision that the national flag should fly above all others. Unfortunately, this order was given three days before the Buddhist celebration. If I had been he, I would not have had this order carried out immediately; I would have waited until the end of the Buddhist festival. Then there would never have been this affair. But by mischance, this order was put into effect just on the eve of the Buddhist celebration. The General has said in his briefing that the order was put into effect consciously or unconsciously. I would say that it was done consciously, by adversaries and Communists. It was exploited by Communists who had already infiltrated into the ranks of Catholicism and Buddhism, who took advantage of this. Thus the affair was created not by Buddhists, but by so-called Buddhists who were infiltrators.

Mr. GUNWARDENE: Do you suggest that Reverend Thich Tinh Khiet is a Communist?

The GOVERNMENT DELEGATE: No. I can affirm that he was opposed to this movement. I will tell you how. You have a true Buddhist here in this room—the Dean of the University. He took no part in this movement.

Mr. GUNWARDENE: On 10 May 1963, there was a manifesto and the Reverend Thich Tinh Khiet's name appears there.

The GOVERNMENT DELEGATE: Have you asked whether Reverend Thich Tinh Khiet can read or not?

Mr. GUNWARDENE: No.

The GOVERNMENT DELEGATE: Thich Tinh Khiet cannot read. I can tell you that he did not want to sign the papers and when the delegates came on 1 May, he did not want to sign the papers.

The COMMANDING OFFICER: They made him sign a document written in Viet-Nameese and he can read Chinese characters only, so he didn't know what he was signing.

Mr. GUNWARDENE: Do you know a Dr. Hans Holterscheidt and Dr. Erich Wulff?

The GOVERNMENT DELEGATE: I know them. I received Dr. Holterscheidt and I can assure you that he is crazy.

Mr. GUNWARDENE: This crazy man treated fifty victims?

The COMMANDING OFFICER: That is not true.

The GOVERNMENT DELEGATE: As the Delegate of Central Viet-Nam, I must tell you the story about the German doctors as I see it. I ask the Commission to let me say what I feel. I talked to that man, and I must say what I think about him. In Viet-Nam, you can find in one family both Catholics and Buddhists together. This is typical of Viet-Nam. This man does not understand this tolerance. He only remembers the Nazi cruelties. But the Viet-Nameese is a pacifist and doesn't understand this. For this reason we have pacifism in Viet-Nam. The Viet-Nameese never have quarrels between themselves or between religions.

Mr. GUNWARDENE: Is it a fact that Army trucks and equipment were used in connexion with Catholic festivals?

The COMMANDING OFFICER: No, only to fight the Viet-Cong. In all religious holidays, however, the Army participates in the preparations.

Mr. GUNWARDENE: In the Wesak?

The COMMANDING OFFICER: Yes, in all religious holidays, the Army participates in preparations, because in our Army, we have Catholic and Buddhist soldiers. On 8 May, we had Buddhist soldiers who hung Buddhist flags in our own military pagodas. So we don't refuse any aid to Buddhists.

Mr. GUNWARDENE: There are some apartments belonging to the church which have been put up recently.

The COMMANDING OFFICER: Where?

Mr. GUNWARDENE: In Hué.

The GOVERNMENT DELEGATE: I don't know anything about them. It had nothing to do with us. I was going to complete my answer and now you put a question which doesn't concern us at all, but I could answer you anyway! May I go on? You asked about the tradition of broadcasting religious celebrations on the radio. Yes, it is a tradition to reproduce festivals, as long as the broadcast deals directly with the festival, even ones from other cities, but on the understanding that it is directed to the people so that they may listen in their homes, and not as an occasion to call a meeting in front of the radio station to listen there. So it was organized and had been since the beginning of the day, when the whole programme for the religious celebration had been changed in order to present demands. I can give you witnesses who can tell you this. Many bonzes were against this change. So it was planned ahead by Thich Tri Quang and this question of broadcasting was organized on 7 and 8 May ahead of time in order to provoke a riot. That was why permission to broadcast was refused.

#### H. REPORT OF THE CHAIRMAN OF THE MISSION ON HIS MEETING WITH THE SECRETARY OF STATE FOR FOREIGN AFFAIRS

85. The Chairman of the Mission visited the Secretary of State for Foreign Affairs on 31 October 1963 to discuss the possibility of interviewing the monk Thich Tri Quang who was in asylum in the United States Embassy in Saigon (see paras. 51 and 52 above). The following is the record of that meeting as reported to the Mission by the Chairman:

I had a meeting with the Secretary of State for Foreign Affairs in his office this afternoon at 3 p.m., in order to talk to him about the question of interviewing Thich Tri Quang, who is in asylum in the United States Embassy in Saigon. I thought it would be better if I requested one member of the Mission to accompany me to this meeting. I therefore asked Mr. Corrêa da Costa, who was kind enough to agree, to come with me.

We were met by the Secretary of State for Foreign Affairs in his office. He opened the meeting by asking us if the Mission had come back from Hué and if they had completed their mission there. I told him that the Mission was back, they had

seen all of the persons they wanted to contact, and that they had completed their mission. The co-operation extended by the Government to the members who remained in Saigon had enabled them to contact the persons whom they had wanted to see. Therefore, the work was making progress and today I had a feeling that with a little more hard work on behalf of the Mission and the continued co-operation of the Government, we might be able to complete our mission this week-end.

The Secretary of State for Foreign Affairs expressed his deep appreciation for the attitude of the Mission in recognizing the co-operation of the Government.

I told him that in some news dispatches it had been reported that one member of the Mission had allegedly said something to the effect that the Viet-Nameese Government was not co-operating with the Mission. I assured His Excellency that no member of the Mission had made such a statement to the Press, and that even if someone had done so, this would not reflect the opinion of the Mission, which was grateful to the Government for its co-operation.

Then, I told him that a second dispatch of the same day had indicated that one member of the Mission, Sir Senerat Gunewardene, had called on the American Ambassador in Saigon. I wished to assure him on my own behalf and on behalf of the Mission that this was news to me as much as it had been to other readers of the dispatch.

The dispatch also stated that the call had been motivated by the fact that they had been personal friends since the time when Ambassador Lodge was Permanent Representative of the United States to the United Nations. I said that I had mentioned this to Sir Senerat Gunewardene when he returned from Hué and that he had told me that the visit was an absolutely personal one, so much so that he had not thought it necessary to inform the Mission about it, so that it would not involve the Mission in any way.

I said, however, that these were only minor points, and that the matter I had come to take up with him this afternoon was connected with a person who has taken asylum in the United States Embassy. I told him that yesterday at our meeting with the Minister of the Interior, the Minister mentioned the name of Thich Tri Quang and that we had requested the Minister to supply us with background information on that monk. As he had become a person widely known and publicized all over the world, I told him I thought it was important for all, namely the Buddhist community, the Government of Viet-Nam, the Mission as well as the General Assembly, that this man should be interviewed, whatever his personality or the nature of his role in the Buddhist situation might be.

I explained that when I had showed him our list with all the witnesses we were interested in interviewing, I thought I should not include his name at that stage, but should take this up separately as a special case with His Government, in order to avoid any undue embarrassment. I thought that now was the proper time to take up this matter with him in this way, and to ask what the position of the Government of Viet-Nam is in relation to this case.

The Secretary of State for Foreign Affairs said that he would first like to say a few words about the background of this person. He said that the man came from a region close to the one which he himself came from, and that he knew him very well. The name of the province is Quang Wan and is the province of the President of the Republic.

In 1945, the man had participated in the Communist movement. Many non-Communists participated in this movement at that time, because their common aim at that stage was the independence of the country. But this man had created a Buddhist Association closely connected with the Communist front.

He was arrested by the French twice. This was of course not proof that he was a Communist. The Secretary himself had also been arrested by the French. But he knew of his sympathy for communism. He had heard his sermons. Once he had said publicly in Hué that there was no opposition metaphysically between Buddhism and communism, that the

two were compatible. This was the first sign that his thinking was thus inclined towards Marxism.

But the Secretary of State for Foreign Affairs said he was still not basing his conclusion on this fact, since some progressive Christians might also follow the same line of thought. He said that he had precise facts. The first was his contact with Le Dinh Tham, founder of the General Buddhist Association and President of the Peace League in Hanoi about 25 years ago. In 1951, he was known to have had meetings in Dalat with a French Communist doctor. He said that this was the person who, although he is not the Head of the Buddhists, is the leader of the Buddhist movement. Their spiritual leader is Thich Tinh Khiet, but the real leader of the movement behind the screen is this man.

He said that they had a collection of letters addressed to the Vice-President in his capacity as Chairman of the Inter-Ministerial Committee. These letters, written on behalf of the Inter-Sect Committee, reflect exactly a way of thinking which belongs to this man. It was he who opened an office and gathered the Buddhist youth who were willing to take arms in defence of the Buddhist movement. In the list that the Mission had given to the Government, there were three or four people also in opposition to the Government, and if it had not been a matter of principle, the Government would not have had any objection even to letting the Mission interview these persons. But it was a matter of principle, and the Government could not do this. In fact, he said that he did not even know if these people were still in opposition to the Government.

He said that we were now coming to the "Caravelle Group", composed of eighteen members who signed the manifesto. When the Buddhist situation became grave, these people told the Government that in the interest of the dangers which were confronting the nation, they would put aside their party politics and would stand in the interest of the nation. Tran Van Do is one of the signatories who was a half brother to the former Viet-Nameese Ambassador to Washington, the father of Mme. Nhu. The Minister also mentioned Dr. Phan Huy Quat, who is now working in the Ministry of Health.

The Minister said that he therefore wanted to assure the Mission that the Government's not accepting names of certain people was based only on a principle, but that this man in question, who is in the United States Embassy, was the real leader of all Buddhist political insurrectionist movements. Then the Minister explained the Government's policy in connexion with the handling of the situation, in particular in the field of defence against Communism. He said that the asylum of this man was a part of their tactics in response to the Government's strategy of isolating the Communists from the strategic hamlets, in order to isolate the Government by creating a misunderstanding between the Viet-Nameese and the United States. This is the key to an understanding of the whole situation, he said. This man had not been arrested by the Government with other monks because he was not living like other monks in a pagoda. He lived like a revolutionary fighter. His residences could not be traced and he continuously moved from one place to another. This shows his particular character among monks and other religious leaders. He did what other monks had not done; for instance, Reverend Khiet could also have burned himself or left the country.

The Minister added that when this man went to the United States Embassy, photographers and press people were waiting for his arrival. The United States Government was put in a very bad position by this enemy tactic, as was the Government of Viet-Nam. If the United States did not accept this man, it would create a complaint by the Buddhists against the United States. If they accepted him, according to enemy strategy, it could be interpreted as support of the United States Government to the Buddhist cause and hostility to the Viet-Nameese Government. His presence in the United States Embassy is against the law of our country, the Minister said. Since then Reverend Khiet summoned him to come to the pagoda, and the Minister had also summoned him to return. But the United States Government had not returned him. This fact, he said, prevents the exercise and implementation of an act by the

Buddhist spiritual leader, thus interfering with religion, as well as preventing the application of the Viet-Nameese law against a citizen who has violated it.

Then the Minister said that from the point of view of international law, a person who is in asylum is not allowed to engage in any activities or contacts without the approval of the Government of the country. In this case the Government opposed the contact of Thich Tri Quang with the Mission or with any other person. The Government could only agree to such contact if the monk were delivered to the authorities.

The Minister added that this man was still in contact with the underground organizations, including the activities of inciting certain demonstrations during the stay of the Mission in Saigon and plans for suicides by burning. The Minister said that he had great sympathy for those who had burned themselves. As a matter of fact, suicide (he thought) was matter that no one could help but deplore, but (that) these suicides should be considered organized murders. The victims were told that the Government had killed Reverend Khiet, that the Government had killed Dieu Hue, had drowned hundreds of monks, that it had burned the Xa-Loi Pagoda, and therefore that they should commit suicide in protest against these acts of the Government.

As an example, the Minister spoke about three cases of suicide. The first case was that of Thich Quang Duc on 11 June. The Minister said he had been informed a week before the incident, and wanted to prevent it. The evening prior to the suicide, at 9 p.m.—the incident took place at 9 a.m.—a woman who was a personal friend of this monk had gone to see him and had told him that she had heard of his intended suicide. The man told her that this was true; he had had such an intention a few weeks before, but after reading the holy teachings of the Buddha, he discovered that Buddha did not allow suicide, and therefore he had changed his mind and wanted to live. At the (same) time (as) this woman was with the monk, preparations were being made for the next day's incidents. There was a long procession and this man was brought in an Austin car, accompanied by two other monks at the head of the procession. It stopped in a position in front of the Cambodian Embassy, a country which you know is unfriendly with the Viet-Nameese Government. The monk did not walk by himself but was helped by the two monks who held him under his arms. He looked drugged. The monks poured gasoline on him. There were photographers and members of the Press present, waiting in front of the Embassy. Everybody knew about it except the Government. The victim took out a lighter to burn himself but the lighter did not work. One of the other two monks lit a match and set the fire.

Why didn't the lighter work? This is a question which we should ask ourselves. Had the flint been taken by the monk?

"We tried to arrest the monk who had set the fire, but we did not succeed", said the Minister. He was either taken by remorse and shied away or was being held by the Communists, as he was a key witness. The police and the firemen could not get through the circle made by the monks around the man in order to rescue him. Of this we also have photographs, especially those appearing in *Paris Match*.

As to the second incident, they changed their tactics, because the President had declared the first incident to be a murder. Since that time the monks have either burned in hiding or the victims have set the fire themselves. This case is that of a young boy of eighteen years. The boy went to the Catholics, but was not accepted, because he did not seem to have any intelligence. Since he was lonely, he went to live in a pagoda. There he was preparing for a high school examination. This is interesting to mention because obviously he did not intend to die; otherwise, why would he be attempting to pass an examination?

He was chosen according to the practice of the organization for suicide. He wanted to escape, but was caught and the Minister believes that he was beaten to death before he was burned. When he was discovered in the fields, there was no one around him and was still burning. The position in which he was discovered indicated that he had died in this way, because the

body was found with the arms and legs stretched out, instead of being recoiled as they would have been if he had died by burning. There are also photographs of this.

This man had a brother who started a process against the pagoda, but the Press said that the Government had launched all this in order to camouflage the immolation.

The third case was a rather elderly man who has a son, who is also a monk and teaching in the Faculty of Letters in Saigon. He was also chosen by the organization. He ran away and sought refuge with his family, but they kidnapped him. The Secretary of State said that he was killed; you can ask his son. He added that the person behind all this is Thich Tri Quang. This was the way in which things were arranged. The group had wanted to add ten cases to the list of burnings during the stay of the Mission, and they were all people formed by Thich Tri Quang.

By this time it was 5 p.m. and the Secretary said that he had an appointment with the representative of Canada. I said that we did not like to take his time, but that I would like to know the precise position of the Government of Viet-Nam.

The Secretary said that the Viet-Nameese Government was opposed to any contact with Thich Tri Quang because, according to the right of asylum, a person in asylum is not entitled to engage in any activity or establish contact with anyone. That is why even in the Embassy the Secretary was told that his room had no windows. If the Americans deliver him to the Viet-Nameese authorities, they will grant permission for the Mission to interview him as it has interviewed others.

I said that since he had an appointment, I thought that we should leave him. As we were saying good-bye, he said that it would be a good idea if the Mission, which has contacted all sects of the "Greater Vehicle", should also visit at least one community of the "Lesser Vehicle". Besides, he personally thought that this would be particularly agreeable to Sir Senerat Gunewardene, the representative of Ceylon, and I said that by all means, the Mission would like to do so.

The Minister said that perhaps it could be arranged for the afternoon on Saturday, with which we agreed.

#### IV. Examination of witnesses and communications received by the Mission

##### A. EXAMINATION OF WITNESSES

86. Monks, nuns and Buddhist leaders were interviewed by the Mission in Saigon in three pagodas, one prison and one hospital, and at the Mission's headquarters at the Hotel Majestic. The delegation of the Mission in Hué carried out such interviews in one pagoda and in the Central Hotel. In the prison in Saigon, the Mission also interviewed one lay Buddhist leader. All of these witnesses were persons whom the Mission had asked to see.

87. The Mission also interviewed a number of laymen, both in Saigon and in Hué. Of those interviewed, it had requested to see five. The Mission felt that their testimony could be relevant, because some of them held important positions in the educational field, or had non-governmental responsibilities which kept them in contact with many people. Others had been connected with the events that took place in Hué, or in Saigon, and the Mission wanted to hear their account of the events which they had witnessed, as distinct from their feelings or their views on what they might have heard indirectly.

88. Seven lay witnesses volunteered to appear before the Mission. Some said they had themselves witnessed certain events; others had general views to express on the Buddhist affair.

89. The Mission also interviewed a number of students, boys and girls, in the Le Van Duyet Youth



Camp. According to its director, the camp had been established on 1 August 1963 and was under the control of the Security Department. All these students had been arrested following certain manifestations that occurred after the events in Saigon in August 1963. The students had been detained by the police for varying lengths of time and then brought to the Youth Camp where they followed courses on political subjects. The Mission was told that their normal period of detention in the camp was two weeks, after which they were discharged and sent back to their parents.

90. During the course of the interviews, the witnesses were asked if they had any statements to make; some of them made statements after which the members of the Mission asked them questions to which they answered; some said that they did not have any statement to make. These were questioned by members of the Mission.

91. All witnesses were asked to identify themselves. The purpose of the visit of the Mission was explained to them. They were told that they were considered to be under oath and were being interviewed in the absence of any Government official and that everything they said would remain completely confidential.

92. In the following verbatim account of the testimony of the witnesses all material has been deleted which might in the opinion of the Mission lead to their identification.

### 93. WITNESS NO. 1

In answer to the question whether he had been told about the arrival of the Mission, the witness said that since it was explained to him that everything he said would be confidential, he would say "yes". He said that he was told at 10 a.m. on the same day that the Mission would arrive. In answer to a question whether he was told for what purpose the Mission was arriving, he answered that he was told that the Mission was coming to inquire into the facts in connexion with the relationship between the Government and the Buddhist community.

The CHAIRMAN: Are the allegations made against the Government of Viet-Nam that the religious rights of the Buddhist community have been violated by the Government true in your opinion? If so, we would like to have as many examples as you can give us of the manner in which they have been violated.

WITNESS: The allegation that there are violations by the Government of the Buddhist practices or law all originated in Central Viet-Nam three or four years ago in four different provinces. The names of the provinces are as follows: 1. Phu Yên, 2. Binh Dinh, 3. Quang Nam, and 4. Quang Ngai. As for other allegations, I don't know anything about them. The Buddhist groups in these provinces sent their complaints to the Government and to the association representing them in Saigon. You will find their complaints in those papers. You must also know about the five demands made to the Government this summer. I don't know about any other allegations. In Viet-Nam, 80 per cent of the population is Buddhist, and the holidays of the Buddhists have not been favourably considered by the President, but the President does consider favourably the Catholic holidays. For example, on Christmas Day there is a large celebration and the Government participates in ceremonies held in the church.

The CHAIRMAN: Has the Buddhist movement been in any way inspired as some people say by the communists, Viet-Cong, or some foreign agents? And have you yourself or has anyone you know been a victim of such incitement?

WITNESS: The whole story began in Hué. As you know, on the occasion of the big Buddhist celebration, the question of the Buddhist flag was raised. This incident spread the trouble

to Saigon and that is how it has continued. I myself have not been incited by anyone.

Mr. GUNewardENE: Was it incited in Hué?

WITNESS: I would not know.

The CHAIRMAN: Have you yourself or any member of your sect been invited to serve in the Army for the performance of religious duties of chaplain?

WITNESS: In Viet-Nam there has not yet been any case of a Buddhist priest serving in the Army.

The CHAIRMAN: Is it considered by the Buddhist monks that such services are needed by the people in the Army as they are needed in the Catholic religion?

WITNESS: No, it is not necessary according to Buddhist belief to have a chaplain because Buddhist priests do not want to see any battlefield. There are many Buddhists in the Army who ask for the service but the priests refuse to serve them.

The CHAIRMAN: Do you as a reverend monk think that the interests of the nation should be considered superior to any other interests?

WITNESS: There are a few obligations like those towards the nation, towards one's parents and towards other associations, but it is impossible to say that one is superior to another without knowing the context. If you participate in something pertaining to the country, then the country comes first, if in something to religion, then religion comes first.

The CHAIRMAN: How long have you been detained, and where? Have you been treated well or ill? Were you one of the No. 2 men in the General Buddhist Association? Were you forced to resign? Did the Government impose on the Association new leaders assigned by the Government instead of real leaders?

WITNESS: I was arrested by the Army on 21 August. I was first brought to one of the Security Police posts where I stayed until the night of 22 August and from there I was transferred here where I have been ever since. I have been well treated. I am one of the No. 2 men in the General Buddhist Association. There was no question of forcing me to resign but I considered that my mission ended at the time of my arrest. After that, as you know, there were negotiations between the Government and the Committee set up for this purpose, and they arrived at the agreement about which I don't know anything. I was at Xa-Loi Pagoda at the time of my arrest.

Mr. GUNewardENE: When the police came to Xa-Loi, did they inflict any damage on the pagoda?

WITNESS: There was a lot of noise, bells, drums, kerosene tanks. So I went and hid. So I don't know what went on. Then I was taken away.

The CHAIRMAN: Was the door broken down?

WITNESS: I heard a noise of the door being broken down but I did not see it happen.

The CHAIRMAN: Is it true that someone was thrown from the window by the police?

WITNESS: I was upstairs and then they brought me downstairs. I did not see it happen. So I don't know.

Mr. CORRÊA DA COSTA: At what time was the pagoda raided?

WITNESS: At 12.30 at night.

The CHAIRMAN: Did you lock the door when you hid?

WITNESS: No. I hid in the attic, there was no door to lock.

Mr. AMOR: As far as you know, did the monks who burned themselves do so in protest against the alleged fact that the Government favours Catholics over Buddhists or did they do it for any other reason? And if so, what are those reasons?

WITNESS: The people that burned themselves did so out of support for the Buddhist cause and not for any other reason.

Mr. GUNewardENE: How long have you been working in Xa-Loi Pagoda?

WITNESS: Three and a half months.

Mr. GUNewardENE: Were you there for Wesak?

WITNESS: As you know we hold celebrations on this day in each temple. No, I was not there at that time.

Mr. GUNewardene: How many people usually come on a religious holiday to Xa-Loi Pagoda?

WITNESS: It depends on the importance of the holiday. For small events there are less people, for big events more people. On Sunday, which is not a religious holiday but is no working day, there are usually over 1,000 people who come during the day.

Mr. GUNewardene: On a religious holiday how many?

WITNESS: On a large celebration day, at Xa-Loi temple, in all there would be about 10,000 people attending. If all sects in Saigon worshipped together in a group, the number could reach more than 100,000. On religious days of average importance, there are about 30,000 people.

Mr. GUNewardene: How many monks were there when the Army broke in?

WITNESS: There were over 400 including priests and monks.

#### 94. WITNESS No. 2

WITNESS: Before beginning I wish . . . to thank you for having taken the trouble to come from America to study the situation of Buddhism in Viet-Nam. I was very impressed to learn of your arrival.

The CHAIRMAN: Would you wish to make a brief general statement on the situation? We can listen to you for ten minutes or so and then we may have questions to ask.

WITNESS: You must have been informed of what is called in the world the Buddhist affair in Viet-Nam. This is what I want to tell you. On 5 May the Director of the Cabinet of the President came to tell of the wish of the President of the Republic that no Buddhist flags should be hoisted either in the streets or outside the pagoda but only inside the pagoda itself. He was told that the matter of the use of the Buddhist flags had been settled by a decree of the Minister of the Interior. It was not a matter for tolerance, it was a matter that had been settled, that was regulated by official decree. If the President of the Republic now wanted to change these regulations he must promulgate a new text, modifying those regulations. An oral request could not be complied with. There was an official text promulgated and in force. He went away but came back and insisted. The President wanted this to be complied with but he did not speak of the text. . . . I thought I could do something to please the Government perhaps in Xa-Loi, but everywhere else in the country, especially in Hué, grave incidents could be expected. Two days later a circular-cable was circulated over the whole country. It did not prohibit the use of Buddhist flags but restricted it in contradiction of an official decree which had been promulgated by the proper authority, the Minister of the Interior. As I had expected there were demonstrations in Hué against the regulation. In the evening there were other demonstrations and bloodshed in Hué. The Buddhists affirm that the demonstrators near the radio station were shot at, machine-gunned and dynamited by the public police force. The Government said it was the Viet-Minh.

After the bloody incidents in Hué, the President of the General Buddhist Association, who always resides in Hué, with delegates in Saigon joined the President of the local associations and instigated a movement to defend the Buddhist flag. He sent to President Diem, through the President's delegate in Hué, a proclamation in which were formulated the five demands which you know and which I need not repeat. Our President sent somebody to Saigon to bring us that proclamation and two letters: one addressed to Than Chio, Vice-President of the General Buddhist Association in which he represents the Sangha, the monk community. I believe you saw him; he later became President of the Inter-Sect Committee. The other letter was addressed to the Vice-President of the General Buddhist Association, who represents the lay community. In those letters the President instructed us to support the Hué movement in order to obtain satisfaction for the Buddhist demands. That is how the movement which started in Hué little by little spread to Saigon.

Mr. KOIRALA: Did you mean that the President of the General Buddhist Association "instigated" the movement or "inspired" it?

WITNESS: I must make it clear that there was at first a spontaneous movement on the part of the Buddhist faithful on 8 May, the Anniversary of the Buddha. There was a procession from pagoda to pagoda and the faithful took this opportunity to carry banners with slogans protesting against the banning of the flag and against political discrimination, against action which the Hué Buddhists deemed insulting and unfair. This movement was entirely spontaneous, it was neither organized nor ordered by anybody.

In the evening, near the radio station where the police was stirred up, there was a lot of shooting and people were killed and there was a momentary dispersal of the crowd. However, twenty minutes later they were no longer afraid of the guns and tanks and they came back. I was not there, but I am told that people even climbed on the tanks. The masses were very much aroused. That is when the President of the General Buddhist Association thought it was necessary to take hold of the situation to avoid an open rebellion, to calm the crowd and at the same time to try to make contact with the authorities with a view to arranging and settling this matter. Nobody wanted it to degenerate into an open rebellion. This was not organized by the monks. As I told you, our superior in Hué sent to the President of the Republic, through his delegate in Hué, a proclamation. Several days went by and we heard nothing. So, in Saigon, we members of the General Buddhist Association met as a committee and decided to spread our action by inviting other sects to meet with us with a view to creating an inter-sect committee. The reason was that our five demands were of interest to all Buddhist sects and were not a private matter of the General Buddhist Association. They represented the aspirations of all sects. In order better to support our demands we asked them to join us in our efforts. That is how the Inter-Sect Committee was instituted.

Once constituted, the Inter-Sect Committee asked to see the President. We were received by the President. I was a member of the delegation. When we met with the President the delegation gave him a petition in which were the five demands which had been drafted in Hué and two further petitions from the Buddhists of Saigon. The latter asked that they be authorized to send a delegation to Hué to make contact with Buddhist organizations in that town and to find out what had happened as well as to visit the families of the victims. They asked the Government to ensure the security of the delegation going to Hué because already at that time there were very strict police measures and screening of Buddhists and monks in the country and we were afraid something might happen on the way.

During that interview the President of the Republic was very nice, very pleasant, and he repeated his desire to settle the matter of those painful incidents in Hué as between brothers. On the five demands he gave us only partial satisfaction so that we were not satisfied with the solutions proposed by the President. On the other two petitions he said that we could send a delegation to Hué, that he would not prevent us from doing so, but that he could not assure our security. We were very concerned and worried about what could happen on the way in view of the circumstances. We left the President and at a press conference to which we had invited the Minister for Civic Affairs, who at the time acted as intermediary between the President of the Republic and the Inter-Sect Committee, we said what had been the result of our interview with the President. Then a press reporter asked us this question: "Is Buddhism satisfied with the solutions proposed by the President of the Republic?" Our President, Than Chio, said that he could not give a straight answer at that moment because we had to inform our President in Hué of the answer of the President of the Republic and the former must study it and consult with the Inter-Sect Committee. The reporter went on: "Yes, I understand that you cannot speak on behalf of the Association or the Inter-Sect Committee, but you as a delegation, are you personally satisfied with the solutions proposed?" and Than Chio answered: "No, we are not."



At this point we can say that the matter had not been finally settled. So our President in Hué prescribed a hunger strike for forty-eight hours in all pagodas of the country. On the day of the hunger strike (about 7 or 8 June, I am not sure of the date) there was in Hué a demonstration by students and the repression was more than forceful. I heard, and you may be able to ascertain whether it is true, that some of the wounded would be crippled for life, that some lost their sight, some had their whole body burnt. At the same time the three main pagodas of Hué were surrounded by the Army and there was no communication with the outside, no food supply and they were even threatened with interruption of water and electricity.

Mr. CORRÊA DA COSTA: As you said, five claims from Hué and two claims from Saigon were presented and the Government refused to give assurance as to the security of the delegation to and from Hué. Were other things denied or was this the only one?

WITNESS: As I told you there were seven requests: five from Hué and two from Saigon. There was an order of priority. The five Hué demands had priority. On those demands the President only in part gave satisfaction. For instance, with regard to the flags, he said we had the right to hoist our flags but he did not want the flags hoisted in the same way as had been provided for in the decree of the Minister of the Interior which had given us full freedom to hoist only our flags, outside and inside the pagodas, without the national flag. The text said that on official religious holidays, that means all religious holidays, Catholic or Buddhist, the use of religious emblems is authorized and they are the only ones to be hoisted, without the national flag. That was the text.

The President did not want that text to remain in force and he did not want to change it through the legal procedure. The Anniversary of the Buddha was only two days away; the time was short and that may be the reason for sending this simple cable.

We were not satisfied on this first point. We wanted to revert to the previous state of affairs and we did not want the previous state of affairs changed and restrictions imposed through illegal measures. Now it is not only the matter of flags and the bloody incidents at the radio station that caused the general uprising of the Buddhists; the causes go far back and are very numerous. In South Viet-Nam, in Saigon and the surrounding country, they had no idea of the exactions and ill-treatment to which the Buddhists of Central Viet-Nam were subjected. There was almost a persecution of Buddhists in the three provinces in the centre: Phu-Yen, Quang Ngai and Binh Dinh.

The Chairman showed the witness a list of names and asked him if he knew any of them and their whereabouts (those were the names of monks that the Government had informed the Mission could not be made available for interviews).

#### FIRST NAME ON THE LIST:

WITNESS: Even before we were arrested on 20 August he was missing. We even had a religious service for the repose of his soul. Then, on the night of Monday or Tuesday this week, a security officer came here and we had a meeting and asked whether he knew where he was. He said he had been found. He had been arrested by the municipal police and when the Chief of the Municipal Police saw the importance the affair was taking he was afraid either to release him or to say he had him in custody; but now he has been found. You can ask the police; they know where he is.

#### SECOND NAME ON THE LIST:

WITNESS: This is the Secretary-General of the Sangha, of the Theravada. I have not seen him since I have been here, but I was told that he had also been arrested. You might wish to find out from his pagoda, Jetavana (Ky Vien Tu, rue Phan-Dinh-Phung, Saigon), where he is.

#### THIRD NAME ON THE LIST:

WITNESS: The name may be misspelt. I know no one by this name but the name is very similar to the name I am writing next to it. If he is the one you mean, he is Chief of the Community of Monks from North Viet-Nam who took refuge in South Viet-Nam. You might inquire at Giac-Minh Pagoda, near Xa-Loi.

#### FOURTH NAME ON THE LIST:

WITNESS: I know him well. He was arrested at the same time as we were, that is on 20 August. He was sent here with us but fifteen days ago he was released and then re-arrested ten days later and brought back here. When your visit was announced he was sent somewhere else. I do not know where he is now. He speaks and writes English well. He has studied abroad, in London and in Ceylon.

#### FIFTH NAME ON THE LIST:

WITNESS: I do not know him well, just vaguely. I have a feeling he may have been here, but I am not quite sure about it. I believe he was released but I do not know if he was arrested again.

#### SIXTH NAME ON THE LIST:

WITNESS: Same case as that of the fourth name on the list. He was arrested, brought here, released, re-arrested and then sent elsewhere before your visit.

Mr. GUNWARDENE: Do you have anything to add on the treatment of Buddhists in Central Viet-Nam?

WITNESS: To give you a true idea of the situation, I must tell you that officially there was no discrimination in the official policy of the Government, but they tolerated oppressive acts, vexations and ill-treatment. We made several representations to local authorities, to the President of the Republic and to the National Assembly. Nothing ever came of them. It was dead letter. I myself in 1961 had an audience with the President of the Republic which lasted two hours and a quarter. I reminded him of our demands and I said "Mr. President, if you do not take seriously the demands of the Buddhists, you must expect a general movement on the part of the Buddhists; with all those numerous incidents, it is inevitable. I know you have never had any desire to persecute the Buddhists but if you keep your eyes shut to the acts of the lower echelons of the Government the Buddhists will put the blame on you. Who are the people who inflicted those injustices? They were cadres, military, security; they are all Catholics. I have heard it said that if all those responsible people were not sent away, were not even subject to investigation, it was because they were Catholics. You, Mr. President, are a Catholic and they are afraid of making you angry if they do anything against those people; that is why they shut your eyes; but you will see what will happen and you will be morally responsible."

I cite you one case. In Central Viet-Nam one Buddhist was fined 20 piastres because he had said aloud a Buddhist prayer. The fine was imposed by the Chief of Police of the village who was a Catholic. We have the receipt for this fine and it is clearly stipulated that the fine was imposed for having recited aloud a Buddhist prayer. A few years ago, during a Buddhist procession, some Catholics threw dirt at the statue of the Buddha.

As to Buddhist officials, Government officials, those who are active in the service of Buddhist organizations, either in organizational matters or for social action, always get very bad reports and if they are too active they are transferred to posts less good. There is another means. They send somebody to the official to ask why he does not become a Catholic. If he complies, he is maintained in his post and the order for transfer is cancelled, but if he wants to remain Buddhist, he has all kinds of trouble. This case is very frequent.

Another way: they throw Communist documents inside the house of the Buddhist, then the police arrives, seizes the documents, arrests the man. In the meantime, somebody comes to his house and whispers to his wife that if she wants to see him released she should tell him to become a Catholic.

If he accepts he is released, all charges cancelled. I cannot give names but we used to have a file this big which disappeared when Xa-Loi was attacked.

Another way: you may have heard of the "agroville". The system consists of sending to forest regions a few hundred people who are given there the means of living and working for six months. They clear the land and they plant the land; they have three hectares each, of which they will become the owner. It is very good because it increases agricultural production in the country, gives employment, and gives poor people access to land ownership. It is good but this, in principle, is only done with people who own no land, who have no means of living. However, there are Buddhists who are rich, who own land and do not need this, who are sent there because they are active Buddhists and it is a way of preventing the extension of Buddhism, of stopping the local Buddhist associations from their activities and those Buddhists object. To them it is like deportation.

In some cases they put obstacles in the way of religious practice. For instance, if tomorrow there is going to be a celebration at the village pagoda, well, tomorrow morning in order to prevent the Buddhist inhabitants from going there, a big official administrative meeting is convened which they must attend and, therefore, they cannot go to the pagoda.

These are a few typical cases.

Mr. GUNWARDENE: For the purpose of the record, since you know Xa-Loi very well, how many priests are ordinarily resident at Xa-Loi?

WITNESS: First I must tell you that Xa-Loi is the Headquarters of the General Buddhist Association but does not belong to that Association. It belongs to the Buddhist Association of South Viet-Nam. ... Normally, before this affair started, there were ten monks in the pagoda, some for the cult, two attending those in the sick bay, and one in the library. But during the struggle for our five demands there might have been anything from 500 to 1,000 monks and nuns in the pagoda. The night of our arrest there were approximately 600 monks and nuns in the pagoda. I must say that we had been informed that the police would come but we had decided to remain at our post. About ten days before we had been informed that there would be an assault on the pagoda and mass arrests, so we had installed a system of alarm signals.

That night, about 1 or 1.15 a.m., I heard the alarm. I rushed into the sanctuary and found at least two-thirds of the monks and nuns who had locked themselves inside. I heard from downstairs shouting and hammering on the doors. The nuns and the young monks were shouting for help, bells were ringing, the gong was sounding, there was a fantastic din which must have been heard for three miles around.

They threw their gas grenades and shot in the air to frighten us and finally all the doors were broken through: the metal doors—by breaking window panes and then slipping a hand inside to lift the latch; the wooden doors were broken with axes. Then began the mass arrests. Then they took away everything: mimeograph machines, tape recorders, cameras, radios, amplifiers, microphones, personal effects of monks and watches. I myself lost at least 15,000 piastres' worth and the total value of the things they took away reaches 400,000 to 500,000 piastres.

Mr. CORRÊA DA COSTA: When was Xa-Loi built?

WITNESS: In June 1958.

Mr. CORRÊA DA COSTA: Who supplied the money for the construction?

WITNESS: We had a subscription.

Mr. IGNACIO-PINTO: What did the President give?

WITNESS: The President of the Republic was informed of our intention to build the most beautiful pagoda in Saigon. He did not reply but he had someone from his entourage tell us that the President felt that each community must build its pagodas and churches on its own. He could not help. I believe we are victims of our very important move forward. Since the fifties the Buddhist machine was pushed to such an

extent that the Catholics conceived a fantastic jealousy. Before 1951 Buddhism was not organized in South Viet-Nam. We formed an association; we tried to build the most beautiful pagoda in the country; we created libraries; we gave weekly lectures on Sunday mornings; we gave lectures twice a year in the provinces; all over the country, we published a monthly bulletin on our own presses; we printed translations of the sacred Buddhist texts, etc. We also had social welfare action and we opened schools. That is the reason why they do not want Buddhism to make progress and to organize itself.

The CHAIRMAN: We have heard since we have been here, and also outside this country, that Buddhism was not organized before and that it was this Government that helped all those organizations. The Government uses this to take credit for the development of Buddhism. Would you please explain how the Government uses this and takes credit for it?

WITNESS: Since our arrest on 20 August we have had no contact with the outside, but nevertheless from time to time news reaches us and some investigators have also asked us where we saw any policy of discrimination. They also ask whether we know how many new pagodas have been built, how much money was given for repairs to pagodas, and so forth, since the President came to this country, and they tell us a lot of things about the favours granted by the Government to the Buddhists.

On the point of the subsidies from the Government for building, re-building or restoring pagodas. In Hué, for instance, it is said that the Government granted 3 or 4 million piastres to restore three pagodas. Why? Simply because they are historical; by official legal decree they were classified as historical monuments, which means the Government has the duty to keep them in good repair. It is not through love of Buddhism.

Mr. KOIRALA: Are those three pagodas the only ones on which the Government has spent money?

The CHAIRMAN: Are those three pagodas simply monuments or do Buddhists practise there and monks pray there?

WITNESS: These pagodas remain the property of the Sangha religious community, but after they have been classified, the monks entrusted with administration and maintenance are no longer the owners but are entrusted with the management. They have the right to manage but not the right to change anything in the structure of the pagoda. They can use it but not change it in any way, because it is now the property of the State. These are the only pagodas which have been classified but there has been other financial or material help for the restoration or construction of pagodas. However, that help has not been given in accordance with official decisions of the Government; it was the Chief of the Province or the local military authorities who, out of personal sympathy, gave that help which was paid for from public funds but without the knowledge of the Government, thus hiding the fact from the Government.

Mr. KOIRALA: If they used public funds, how could they hide it or was it shown under other items?

WITNESS: That is just what I was about to say. Suppose the Chief of the Province receives an appropriation of one million piastres to build a bridge. He saves and only spends 900,000 and hands over 100,000 for the building of a pagoda. There is no sacrifice in the budget. They do the same with material; if the military chief receives 500 bags of cement, he will give 50 to the pagoda.

The inspector of the Security Service told us in this place that he had sent a circular to all civil and military authorities asking for a list of all national help given to the Buddhists. The total was 17 million piastres, since the return of President Diem in the past nine years, but this is not money granted by the Government; it came out of money being saved on appropriations.

The CHAIRMAN: There are only two or three questions that we would like to ask from you. Since the hour is late we would ask you to answer as precisely as possible.

Mr. GUNewardENE: Has the organization in the Xa-Loi Pagoda anything to do with the Communists?

WITNESS: Absolutely nothing.

Mr. GUNewardENE: Was Xa-Loi a arms and ammunition dump?

WITNESS: Not even one bullet. You can ask the library for the file of newspapers following the attack on the pagoda. The official results of the inquiry state that in that pagoda there was not one arm, absolutely no arms or ammunition and not one single Communist document, but only apparatus and machines for mimeo, typing, printing, etc.

When the Chairman thanked him for his co-operation, the witness began to cry.

### 95. WITNESS No. 3

The CHAIRMAN: Did you know that the Mission was coming to meet with you today?

WITNESS: Yes, I was told that the delegates of the United Nations were coming to study the actual situation in South Viet-Nam concerning Buddhism. I am a spokesman for the Inter-Sect Committee for the Defence of Buddhism. I came from the Xa-Loi Pagoda.

Mr. CORRÊA DA COSTA: What is the Inter-Sect Committee? What are its functions?

WITNESS: Its function is to carry out a policy of non-violence in asking for freedom of religion in South Viet-Nam.

Mr. CORRÊA DA COSTA: When was it created?

WITNESS: It was set up five months ago.

Mr. CORRÊA DA COSTA: After the Huế incidents?

WITNESS: Yes, but on that occasion all Buddhist sects co-operated with the Committee.

Mr. CORRÊA DA COSTA: There are approximately nineteen principal sects of Buddhism in Viet-Nam. How many are represented in this Committee?

WITNESS: There are sixteen sects in South Viet-Nam. In the Inter-Sect Committee fourteen sects are represented.

Mr. CORRÊA DA COSTA: Which are the two which are not represented?

WITNESS: The Co Son Mon sect and the Tinh Do Ton sect.

Mr. CORRÊA DA COSTA: Why did they not join?

WITNESS: Because they collaborated with the Government.

Mr. CORRÊA DA COSTA: What is the relationship between the Inter-Sect Committee and the General Buddhist Association?

WITNESS: The General Buddhist Association was formed in 1951 and 1952 and there are monks and laymen from six sects in it.

The CHAIRMAN: Have you been mistreated since your arrest?

WITNESS: It is difficult to answer this now. I hope you understand my situation in this room. I cannot answer you here.

The CHAIRMAN: You can be sure that everything you say is confidential.

WITNESS: My position is delicate. All of you are the light of freedom and justice coming to us. I hope your light will be the light of the sunrise in a free sky but I am afraid that your light is that of the sunset. It will disappear when you go home.

Mr. GUNewardENE: Have you spent all of your life in Saigon?

WITNESS: No. I came as a refugee from North Viet-Nam because I wanted to practise my freedom of faith.

Mr. GUNewardENE: The Inter-Sect Committee is trying to negotiate certain Buddhist demands. Can you tell me what difficulties have been placed in its way by the enforcement of Ordinance No. 10?

WITNESS: That was one of our five demands because it restricted our meetings and the development of Buddhism and

made an exception of Catholicism. Our demand was to request the Government of the Republic of Viet-Nam to rescind this Ordinance. It is against article 8 of the Viet-Nameese Constitution.

Mr. AMOR: We have heard that the Buddhist movement has been incited by the Communists. Is this true?

WITNESS: No, that is not true. I do not know why we are accused of mixing in politics.

Mr. GUNewardENE: All you require is freedom to practise your faith in any way you want?

WITNESS: Yes, that is the sole purpose and we have never done anything concerning politics. We have no tactics.

Mr. GUNewardENE: What are the grievances of the Buddhists as you see them?

WITNESS: I would like to tell you the truth about our non-violent struggle. In fact, we have no opinions against the Government and we hope the Government of Viet-Nam will not accuse us of being political. My main aspiration is to get out of prison and I think that perhaps you ladies and gentlemen here could find some way of helping us to leave this prison as soon as possible.

Mr. GUNewardENE: How many prisoners arrested for Buddhism are still in gaol now?

WITNESS: There are twelve here.

Mr. GUNewardENE: Do you know how many there are in the whole country?

WITNESS: I think all Buddhist monks and nuns were arrested, but I don't know. I think most of them were set free but since I have been living in gaol I don't know anything. In fact there is no conflict between the Government and the Buddhist movement. We only demand that the Government grant us freedom to practise our religion.

Mr. KOIRALA: Do you believe that the interest of the nation should be supreme to any other interest, including religion?

WITNESS: The interest of the nation comes first but in South Viet-Nam if the Viet-Nameese population is to fight against the Viet-Cong successfully, freedom of faith must be practised.

Mr. GUNewardENE: There is no conflict between national and religious interest?

WITNESS: No, and public psychology plays the most important part in the fight against the enemy.

Mr. KOIRALA: We have been told that Buddhists kept religion supreme. Is that true?

WITNESS: No.

The CHAIRMAN: On behalf of the Mission I should like to thank you for answering our questions.

WITNESS: I hope you will do what you can to help us. This is the first time I wear my robe. I cannot explain why.

### 96. WITNESS No. 4

The CHAIRMAN: We, outside of Viet-Nam, did not hear very much about discrimination against Buddhism or incidents taking place in protest against discrimination before 6 May 1963. What was the real reason that all of a sudden these incidents occurred after this date or were there incidents we have not heard about?

WITNESS: As you know, 80 per cent of the population of this country is Buddhist. Regarding discrimination against Buddhists in this country, the Government made a declaration as a consequence of the Buddhist movement. The Buddhists had made demands on the religious level in meetings between the Government and monks but the laymen thought that because these demands were not met immediately, there was discrimination practised by the Government, and the Government did not intend to satisfy their demands. They were thus dissatisfied. On 5 May, in other years, the Buddhists had been given the right to fly the Buddhist flag and they expected to

do so this year. But on that day, on the eve of the celebration, they got notice from the Government that they could not fly the Buddhist flag outside the temples, only inside the actual premises. Then, some people were killed in an incident in Hué. So this chain of events seems to be proof that there was discrimination against Buddhism.

The CHAIRMAN: Certain monks, before burning themselves, have left notes explaining why they were committing suicide by burning. Do you know what reasons they gave for their action in those notes and what do you think the real reason was?

WITNESS: Since the Buddhist movement began in this country and since there were difficulties in the negotiations, I believe their burnings were to sacrifice themselves for the cause in order to gain the compassion of their followers for the cause and mercy from the Government so that the Government would give satisfaction to their demands. Sometimes the letters were left beside the bodies and sometimes they were sent to the Government.

The CHAIRMAN: We have heard that this Buddhist movement has been inspired by foreigners for political purposes. Is that true?

WITNESS: I do not know.

Mr. GUNWARDENE: When were you arrested?

WITNESS: On 20 August at the Tu-Dan Pagoda in Hué.

Mr. GUNWARDENE: Were other pagodas raided on that night in Hué?

WITNESS: Some of the small pagodas which were affiliated with the Tu-Dan Pagoda were also raided.

Mr. GUNWARDENE: Are gifts of food and parcels distributed in the country to poor people? Do you know why?

WITNESS: No, I don't know about this.

Mr. GUNWARDENE: Are food and land given to church organizations?

WITNESS: I don't know much about it.

Mr. GUNWARDENE: Do you know about Ordinance No. 10?

WITNESS: A little, roughly.

Mr. GUNWARDENE: Do you think this Ordinance is fair to the Buddhists?

WITNESS: This Ordinance does not cover Catholics and involves only Buddhists. The Buddhists have asked for an amendment of it.

Mr. GUNWARDENE: Do you feel that Catholics are better treated than Buddhists?

WITNESS: People thought so.

Mr. GUNWARDENE: What do you think?

WITNESS: As the President himself is a Catholic, I think probably requests from Catholics received better consideration.

#### 97. WITNESS No. 5

The CHAIRMAN: When were you arrested? What happened to the place when you were arrested, if it was a pagoda, and have you been treated well since your arrest?

WITNESS: I was arrested on the night of 20 August at the Tu Dan Pagoda in Hué. They broke into my room but I don't know what happened to the pagoda because I did not see, it was at night time. I have been neither well-treated nor ill-treated since I have come here.

The CHAIRMAN: To what sect do you belong?

WITNESS: Pong Hoi Pha Giao, Viet-Nam.

The CHAIRMAN: Which sects does the General Buddhist Association represent and how many members approximately does the Association have?

WITNESS: The General Buddhist Association is formed of many sects, practising Buddhism in a general way. There are no practices that are special to the Association.

Mr. CORRÊA DA COSTA: Does it include the Co Son Mon sect?

WITNESS: No, there are no members of that sect in it. It is composed of six sects and there are approximately 2 million members.

The CHAIRMAN: What are the names of these six sects?

WITNESS: 1. Hoi Viet Nam Phat Giao Ti Trung Phai; 2. Hoi Phat Hoc Nam Viet; 3. Hoi Phat Giao Bac Viet Tai Mien Nam; 4. Giao Hoi Tang Gia Trung Phan; 5. Giao Hoi Tang Gia Nam Phan; 6. Giao Hoi Tang Gia Bac Viet Tai Miem Nam.

The CHAIRMAN: Can you tell us whether there was any religious discrimination against the Buddhists in particular before 6 May 1963?

WITNESS: On the Government level there was no visible discrimination but on a lower level it was felt that there was some discrimination.

The CHAIRMAN: Do I understand by that that there was no discrimination in law but there was discrimination in practice?

WITNESS: Yes.

The CHAIRMAN: All this before 6 May 1963?

WITNESS: Yes.

The CHAIRMAN: What form did this discrimination take?

WITNESS: For example, if there were an important event or participation in any particular function, important Buddhist priests would not be asked to take part because it was felt that they might be inspired by the Viet-Cong.

The CHAIRMAN: Do you mean by functions, official ceremonies?

WITNESS: No, it is not a question of official celebrations but of religious celebrations. Another example is that the Government is supposed sometimes to give land, food and rice to poor people, but it does not always give it to the most needy people.

The CHAIRMAN: I understand by this, the Government discriminates and gives land, and so forth, to monks that are not really deserving instead of those who are. This then is not discrimination against Buddhists, but is another form of discrimination for other than religious reasons. What is the reason for this?

WITNESS: No. I don't mean that there is any discrimination in the ranks of Buddhism.

The CHAIRMAN: We have heard from some people from here and before we came here that the Buddhist movement and the recent events were inspired by the Communists. Is this true in your opinion?

WITNESS: No, this is not true.

The CHAIRMAN: Did the monks who burned themselves do so in protest against the alleged fact that the Government favours Catholicism over Buddhism, that there was discrimination against Buddhism which they could not tolerate or did they burn themselves for other reasons? If for other reasons, what were these reasons?

WITNESS: Every time there has been such a case, the one who killed himself has always left a note. In these notes, according to what I have heard, they said they did this in support of the Buddhist cause.

#### 98. WITNESS No. 6

The CHAIRMAN: When were you arrested?

WITNESS: 20 August 1963.

The CHAIRMAN: At what time?

WITNESS: About 2 a.m.

The CHAIRMAN: Did the police break down your door when they came to arrest you?

WITNESS: Yes.

The CHAIRMAN: The door of the pagoda or of your room?

WITNESS: They broke the gate only. I locked myself into my room and they came and knocked at the door and asked me to come out.

The CHAIRMAN: Who?

WITNESS: Officers.

The CHAIRMAN: Army or Police officers?

WITNESS: Army officers, soldiers.

The CHAIRMAN: Were you beaten?

WITNESS: A little.

Mr. VOLIO: How? With the hand or a stick?

WITNESS: With the hand.

The CHAIRMAN: What reason did they give you for having hit you?

WITNESS: They did not give any reason.

Mr. GUNewardENE: Did the Army come with military weapons?

WITNESS: I don't know what they brought with them. They held them in the following manner. [The Mission had the impression that they were bayonets.]

Mr. GUNewardENE: Where were you taken?

WITNESS: . . . When they took me to a place that was far away, I could not tell where it was.

Mr. GUNewardENE: In whose custody were you put?

WITNESS: I was taken at 2 a.m. to that place and then at 4 a.m. I was taken to another place where I was put alone in a cell.

Mr. GUNewardENE: How many days did you spend there?

WITNESS: About one week.

Mr. GUNewardENE: How were you treated?

WITNESS: I suffered no ill-treatment.

Mr. GUNewardENE: About how many priests were there in the temple on the night of your arrest?

WITNESS: About ten.

Mr. GUNewardENE: Were they arrested?

WITNESS: Yes.

The CHAIRMAN: What in your opinion are the grievances of the Buddhists?

WITNESS: Since I am new in this country, I don't know all of them but one example is the removal of flags on Buddhist celebrations.

The CHAIRMAN: Can you tell us whether you know why you have not yet been released?

WITNESS: I don't know.

Mr. VOLIO: Do you know the reasons for the Government's directions concerning the flags?

WITNESS: No, I was abroad. . . .

Mr. VOLIO: Do you know why the incidents started in Hué?

WITNESS: I was not in Hué myself. Perhaps it was because of the removal of flags during the celebration, followed by demonstrations and repressive measures.

Mr. KOIRALA: There are allegations that this movement was inspired by Communists, Viet-Cong and other foreign agents. What do you think about this?

WITNESS: I only practise my religion, I cannot tell.

Mr. KOIRALA: Do you as a monk feel that the national interest should be superior to all other interests?

WITNESS: Yes, but my religion should have freedom to practise.

Mr. GUNewardENE: Is there a conflict between Buddhism and the national interest?

WITNESS: No.

#### 99. WITNESS No. 7

The CHAIRMAN: When were you arrested?

WITNESS: After the big night of 20 August.

Mr. GUNewardENE: At what time?

WITNESS: At 1 a.m.

Mr. GUNewardENE: In which pagoda?

WITNESS: An-Quang.

Mr. GUNewardENE: How were you arrested?

WITNESS: I was sleeping and they came and arrested me. They broke down my door and came and took me away.

Mr. GUNewardENE: Did the Army come with weapons?

WITNESS: Yes.

Mr. GUNewardENE: Then where were you taken?

WITNESS: They took us to the police station where we stayed for two hours and then they took us to the Institution which the Government has founded to reconvert communists.

Mr. GUNewardENE: When did they bring you here?

WITNESS: After 67 days.

Mr. GUNewardENE: Were other pagodas similarly raided?

WITNESS: Yes.

Mr. GUNewardENE: How many people were in your pagoda?

WITNESS: Fifty.

Mr. GUNewardENE: Were they all taken?

WITNESS: Yes.

Mr. GUNewardENE: Did they tell you why?

WITNESS: No.

Mr. GUNewardENE: Did you at any time ask why you were arrested?

WITNESS: When I was taken to the camp, the Government asked whether I knew anything about the martial law. I said "no" because it had only been proclaimed on the night of 21 August and I was taken on that night.

Mr. GUNewardENE: Do you feel that Buddhists were discriminated against?

WITNESS: I don't know. I was . . . [abroad]. So I don't know about the background. I heard when I returned that some people had been arrested.

Mr. GUNewardENE: Do you approve of Buddhist flags being banned on religious holidays?

WITNESS: On that day the Government gave the order to remove those flags.

Mr. GUNewardENE: Do you care that the Buddhist flag must be smaller than the national flag?

WITNESS: No. I only want it to be flown in houses, temples and in other places.

Mr. GUNewardENE: How long were you in Saigon before you were arrested?

WITNESS: I came back in 1960.

Mr. GUNewardENE: Are you aware of five demands made by the Buddhists?

WITNESS: Yes.

Mr. GUNewardENE: What do you feel about Ordinance No. 10?

WITNESS: I believe that it said that all societies in the country must get permission and are controlled by the Government with the exception of Catholic and Protestant ones. All others must be registered.

Mr. GUNewardENE: When was this Ordinance promulgated?

WITNESS: I was not here. I don't remember.

Mr. GUNewardENE: What do you say about the allegations that the Buddhists are communist inspired?

WITNESS: I don't think this is so because the Buddhist Delegation was in contact with the Government and no layman was allowed in it, only Buddhist monks.

Mr. GUNewardENE: Do you think that the religious interest should be subordinated to the national interest?

WITNESS: Yes.

Mr. GUNewardENE: Do you consider Buddhism to be subordinated to the national interest?

WITNESS: No. I say that all religions should be equal. I will say that I always got permission from the Government for anything for which I asked.

Mr. VOLIO: Do you know why the incidents in Hué began?

WITNESS: I was in Saigon; I don't know.



Mr. CORRÊA DA COSTA: Are the repressive measures taken by the Government after the recent events in Hué discriminatory against Buddhists in general, or in particular against the General Buddhist Association?

WITNESS: They applied to any Buddhist society.

Mr. CORRÊA DA COSTA: Do you think it possible that the Government has put false monks in the pagodas?

WITNESS: No. I heard that this happened but I don't think it is possible.

Mr. AMOR: We have heard that certain monks before burning themselves wrote a note explaining the reasons for their action. Can you tell us what these reasons were?

WITNESS: Yes. Thich Quang Duc I knew. He came to me every night and talked to me about this. He wanted to burn himself to protest to the Government and to ask that the Government permit equal practice of all religions. He wished to sacrifice himself for this cause.

#### 100. WITNESS No. 8

The CHAIRMAN: How old are you?

WITNESS: Nineteen years old.

The CHAIRMAN: When were you ordained?

WITNESS: In March 1962. In July of this year, I came to Saigon and at that time Thich Tri Quang decided to send me for further religious studies to the province of Binh Dinh, the city of Beu Tra, to the temple of Long-Phuoc. In May 1963, I was called to Saigon to visit the Association. I stayed at Xa-Loi pagoda where my duties were to serve the big monks. That is where I learned about the five demands of the Buddhists. On 30 May 1963, I took part in a Buddhist demonstration in Saigon and then I returned to Xa-Loi Pagoda. On the night of 20 August, I went to An-Quang Pagoda and I was arrested at about 1 a.m. I was detained for 15 days at a place I cannot identify. I was visited by higher monks from the An-Quang pagoda and these men talked with the authorities. The next day I was released. At the same time, other monks and nuns who had been arrested were released. I returned to An-Quang and saw many monks and nuns there. It was there that I came to know Thich Thien Hoa, the Chairman of the Union Committee for Pure Buddhism and Thich Nhat Minh, the Vice-Chairman of the Union Committee for Pure Buddhism. At that time, these two monks made a declaration saying that all priests should return to their respective pagodas because one temple could not feed so many monks and nuns. Since my temple was far away, I requested to remain in Saigon and I remained with nun Dieu Thah who lived near the An-Quang Pagoda. During this period I heard about the atrocities perpetrated by the Government against the Buddhists. I heard for example that Buddhists monks and nuns were beaten, that their hands were broken, that they were drowned, that they had their stomachs ripped open. I also heard that they had been rearrested and those not rearrested were forced to cease practising their religion, or were forced to burn themselves. I was very upset about this news. One day when I was at Pham-Giang in Gia-Long a student claiming to belong to a student association met me and asked me to join the Buddhist movement. I accepted because I believed that it was for the Buddhist cause. The student asked me where I lived. I said that I was staying with a nun near An-Quang. Two days later the same student came to this address to meet me and gave me a package containing two suits. The youth told me that the Government was now arresting nuns and monks in a greater number. He said that if I went into the street I should wear this suit so that I would not be recognized as a Buddhist. He also said that I should change my residence. He told me to go to stay at the Tu-Van Pagoda on Thai-Lap-Thanh road in Gia-Dinh, so that I could be hidden from the authorities who were arresting monks. So I went to the Tu-Van pagoda on 20 October. On 22 October, the student came to see me again and at that time he told me his name was Linh. He told me that the Buddhist Association had changed its name and affiliation. The new Association worked for the Communists.

On 23 October I was taken in a taxi to a school Thi-Lang at Phu-Nhuan. I was taken to a swimming pool where I met two men. The first man's name was Thanh and the other man was a monk disguised as a civilian wearing a nylon hat. They told me they were happy to see me. They also told me that the United Nations Mission would soon come to Viet-Nam to inquire into the relations between the Government and the Buddhist community. Then they told me that they needed ten volunteers, and they wanted to know if I would accept to be one of the ten. I accepted because I felt so upset about the news I had heard earlier about the Government's treatment of monks. I thought that I would end up the same way sooner or later myself. So that is why I accepted. They told me that I would be dying for the cause of Buddhism. When I accepted they were very happy. I was also told that a monk named Phan My would commit suicide by burning in front of the Redemptionist Church and another nun in front of Tan-Dinh church on Hai-Batrung road. They said I should do so at the National Day celebration because many people would be there, including the representatives of the United Nations Mission. I asked him how I would get into the area because it had been cordoned off. I was told not to worry, that the suicide promotion group would make all the arrangements for me. I asked what kind of arrangements, and they answered that on 26 October I would be given a white suit and a yellow robe soaked with gasoline. They would provide me with a car bearing a sticker enabling the car to go into the area. When the car got there I was to get out in a normal manner. The car would then be driven away. I was then to sit down, put the yellow robe on and strike a match and set myself on fire. Also, before this, they would give me some pills so that I would not feel the pain. Then they told me that I could go. They gave me 100 piastres for car fare. On 24 October, the student came again to the Tu-Van Pagoda to give me three letters, one of which was addressed to the President of the Republic. This letter demanded freedom of religion, release of the arrested students, monks and nuns. The second letter was addressed to the Chief Monk, Thich Thien Hoa, at An-Quang Pagoda. In this letter there were accusations against Thich Thien Hoa for betraying monks, nuns and Buddhists. The third letter was addressed to the United Nations Mission telling them the reason why I committed suicide. These letters had been prepared ahead of time for me and they asked me to sign them. I did not hesitate; I signed them immediately. Then they also said that on 25 October at about 8 p.m. I would be taken to a secret place and on 26 October they would take me from there to the place where the celebration was due to take place, as proposed earlier. Then the student went away. On 25 October in the morning, I was picked up by the Police Forces before I was supposed to be taken away by the student. In the police car I saw a man named Hai who I had known before at Xa-Loi Pagoda. I had seen him on the 23rd on the road to Chi-Lang. At that time we greeted one another and I told him that I would not be seeing him again after the 26th. When the car arrived at the headquarters of the Security Police, only then I realized that it must have been Mr. Hai who had told the Police. There I was put in a room alone and later they took me out and explained that no monk had been killed by the authorities, that no atrocities had been perpetrated and that the whole story had been invented. I told them that I realized I had been misled and that now I understood the situation. So I sent a letter to the President of the Republic asking for pardon and telling him about the letter which I had already sent. I also sent a letter to the United Nations Mission. Since I see things clearly now, I no longer have any intention to kill myself.

Mr. KOIRALA: Where are the other three who were also persuaded by the Government not to commit suicide?

Mr. AMOR: The Government said that they had been returned to the pagodas.

Mr. KOIRALA: Have you already given this story to the radio?

WITNESS: Yes. I made this statement yesterday at the radio station.

Mr. AMOR: Who suggested that you should make such a statement on the radio?

WITNESS: The people in the Police asked if I would and I accepted.

Mr. AMOR: Where have you been brought from now?

WITNESS: From the Security Forces.

Mr. AMOR: Yesterday on the radio, did you appeal to the five remaining monks not to kill themselves?

WITNESS: Yes, I told them the story and made this appeal to them. In making this appeal, I asked the Government to get in touch with them and tell them this story.

Mr. AMOR: Did you know the others?

WITNESS: No, I only knew Thich Trien My, the one who died by burning himself on the 26th.

Mr. AMOR: Are you repentant of the idea of offering yourself for religious sacrifice or are you happy that you did not commit suicide?

WITNESS: I am happy that I did not kill myself.

Mr. AMOR: So, are you sure now that what the Police has told you is true?

WITNESS: Yes, I firmly believe this.

Mr. AMOR: Can you tell us anything else about Mr. Hai?

WITNESS: I cannot tell anything more because I don't know anything more.

Mr. AMOR: When Mr. Linh took you to the swimming pool, you met a monk disguised in civilian clothes. How did you know he was a monk?

WITNESS: Because, since the nylon hat was transparent, I could see he had a shaved head.

Mr. AMOR: Did it not occur to you that it might be a false monk with a shaven head? Anybody can shave his head.

WITNESS: Mr. Linh introduced him as a monk.

Mr. KODRALA: Did Mr. Hai ever suggest to you that you might burn yourself?

WITNESS: No, never. He did not know anything about my intentions until I talked to him on the 23rd.

Mr. GUNewardENE: Are your parents living?

WITNESS: Yes.

Mr. GUNewardENE: Have you been able to contact your parents since your arrest?

WITNESS: No.

Mr. GUNewardENE: Do you intend to do so now?

WITNESS: No. I would not want to do so because I am afraid that they would be unhappy.

Mr. GUNewardENE: Did your parents know anything about your whereabouts?

WITNESS: I only gave them the address at the An-Quang Pagoda. Since then I have not informed them of any of my movements.

Mr. GUNewardENE: So you have not been in contact with your parents since you left An-Quang?

WITNESS: Yes, that is right. They know only that I am in Saigon.

Mr. GUNewardENE: Have you brothers and sisters?

WITNESS: One older brother, three younger brothers and one younger sister.

Mr. GUNewardENE: Would you like to see them?

WITNESS: No.

Mr. GUNewardENE: You have been in the custody of the police for about a week?

WITNESS: Since 25 October at 10 a.m.

Mr. GUNewardENE: How were you treated? Were you well fed?

WITNESS: Yes, they treated me well. I was given the food I requested. I don't like salted food so they have provided me with unsalted food.

Mr. GUNewardENE: Where did you get this new nylon hat?

WITNESS: Mr. Linh gave it to me.

Mr. GUNewardENE: You never knew Mr. Linh before?

WITNESS: Never.

Mr. GUNewardENE: Were you not rather surprised that he gave you two new suits?

WITNESS: I was not too surprised because I had met him several times before.

Mr. GUNewardENE: But you had met him only twice?

WITNESS: No, about five times.

Mr. GUNewardENE: Did you know anything about him before?

WITNESS: No.

Mr. GUNewardENE: And do you know anything about him now?

WITNESS: Only that he is a student.

Mr. GUNewardENE: Did you give his name to the police?

WITNESS: Yes.

Mr. GUNewardENE: And the police confronted him with you?

WITNESS: No, Mr. Linh had not been arrested.

Mr. GUNewardENE: Has he now?

WITNESS: I have not seen him, so I presume he has not been arrested.

Mr. GUNewardENE: Has Mr. Hai come to see you since you have been in prison?

WITNESS: No.

Mr. GUNewardENE: Have you any ideas as to your future?

WITNESS: I only hope that I can go back to the religious life to be a priest.

Mr. GUNewardENE: Did you tell anyone where you stayed about your intention to commit suicide?

WITNESS: No.

Mr. GUNewardENE: Why did you not consult with your elders since you are such a young monk?

WITNESS: Because I was afraid to let them know that I was living in Saigon.

Mr. GUNewardENE: So you took this decision without consulting anybody?

WITNESS: Yes, that is right.

Mr. GUNewardENE: No big priest inspired you to commit suicide?

WITNESS: No.

Mr. GUNewardENE: No Buddhist association?

WITNESS: No. I repeat that I accepted to commit suicide myself after the proposal by Mr. Linh. Since I had heard about all those atrocities concerning the monks, I was afraid to go near a pagoda.

Mr. GUNewardENE: So you only told those two people?

WITNESS: Yes.

Mr. GUNewardENE: Why did you place your faith in these two men in deciding such a serious question?

WITNESS: I did not want to bother anybody. I just wanted to finish it off.

Mr. GUNewardENE: What sect do you belong to?

WITNESS: To the Mong Ya.

Mr. GUNewardENE: Is this the same sect as that of the An-Quang pagoda?

WITNESS: Yes. I was told by the police that I would be released soon. I hope that the Mission will intervene for my release as soon as possible.

The CHAIRMAN: We will do what we can. We would like to thank you for coming to see us and for telling your story to us.

101. WITNESS No. 9

Mr. GUNewardENE: Were you arrested?

WITNESS: Yes.

Mr. GUNewardENE: When?

WITNESS: At 10.30 a.m. on 20 August, at the Giu-Dé Pagoda.



Mr. GUNWARDENE: How many priests were there in the pagoda?

WITNESS: Ten.

Mr. GUNWARDENE: Were they all arrested?

WITNESS: Three were arrested.

Mr. GUNWARDENE: How? By whom?

WITNESS: At 3 a.m. on 20 August, we were guarding the pagoda. When we saw troops coming, we gave the signal to our friends. They beat the temple drums as a signal of trouble and over a thousand followers, including students, came to help. Since there were so many of them, the soldiers withdrew without doing anything.

Later, after some of the students and followers had left and there weren't so many of them, the troops returned and the soldiers started to hit one of the followers. The other students and followers came back then and started a big demonstration. At 10 a.m. we saw armed soldiers on all sides of the pagoda. The crowd of supporters could not resist them and that was when I was arrested.

Mr. GUNWARDENE: Were you beaten?

WITNESS: No.

Mr. GUNWARDENE: Why were you arrested?

WITNESS: I don't know.

Mr. GUNWARDENE: When were you released?

WITNESS: Forty days ago.

Mr. GUNWARDENE: Where were you taken?

WITNESS: To the security department and then somewhere else—I don't know where.

Mr. GUNWARDENE: Do you know if other pagodas were raided?

WITNESS: Four others were raided. In these four many arrests were made. In several others, only one or two were arrested.

Mr. GUNWARDENE: What were the names of these pagodas?

WITNESS: Tu Dan, Gio Dé, Bao Quoc, Giu Duc.

Mr. GUNWARDENE: In Hué?

WITNESS: Yes.

Mr. VOLIO: Before 8 May, did you enjoy freedom of worship?

WITNESS: As far as monks were concerned, yes; but some laymen had difficulties—Buddhist soldiers, for instance.

Mr. GUNWARDENE: What were these difficulties?

WITNESS: The soldiers were told to remain in camp and not to go out to the pagoda.

Mr. GUNWARDENE: Was it official pressure?

WITNESS: In the case of the soldiers, superior officers would prevent them from going. Ever since 8 May, everybody has been afraid to come to the temple.

Mr. AMOR: Do you think that Catholicism is favoured over Buddhism, and if so, how?

WITNESS: Yes. For instance, on the festival of the Virgin in Na-Trang, not only all Catholics went to the celebrations, but some Buddhists were forced to go as well. On Buddhist religious holidays, however, there were difficulties. In the province of Quang-Tri they were prevented from celebrating Wesak. On all Catholic holidays there was large attendance.

Mr. GUNWARDENE: What are the grievances of the Buddhists?

WITNESS: That the Catholics are favoured over the Buddhists.

Mr. GUNWARDENE: Would you like to add anything else to what you have told us?

WITNESS: Yes. At the time the army broke into the pagoda, I didn't understand why I was arrested. Later on there was a broadcast saying that they were hiding guns in one of the temples, so I assume that this is why I was arrested.

Mr. AMOR: Thank you.

## 102. WITNESS No. 10

Mr. AMOR: Where are you from?

WITNESS: I want to tell the truth but I do not think I should tell because after your departure I do not know what is going to happen. When I was injured I was at Xa-Loi. As far as I am concerned I do not want anything from anybody. I only want freedom to worship. As you know, everyone has parents, sons, relatives and those people are attached to one another. I am attached to them.

Mr. Koirala asked that the witness be informed that he himself was from the Land of the Buddha.

WITNESS: You have asked many questions of many people and my problem is not too different from theirs so most questions and answers would be repetitive.

Mr. KOIRALA: Only questions regarding the nature of your injuries.

Mr. AMOR: How many bonzes and bonzesses were injured at Xa-Loi with you the same day?

WITNESS: Four were injured: three monks and one nun.

Mr. KOIRALA: What was the nature of your injuries?

WITNESS: I do not know if it was a bullet or what else, but it burnt my robe and it burnt me and that is all I know. There were gun shots but I do not think they were bullets. They probably were their gas bombs as you could not see.

The witness pointed to his heel which was covered by a heavy bandage and to his thigh where he was wearing a bandage also.

Mr. AMOR: How many days have you been in this hospital?

WITNESS: Sixty days.

Mr. KOIRALA: Do you know if any of your fellows had wounds or leg fractures?

WITNESS: I do not know. One had four toes cut off and some burns on the legs.

Mr. KOIRALA: Was anyone injured above the waist?

WITNESS: No.

Mr. AMOR: Now that you have returned to the pagoda, are you free to practise your religion?

WITNESS: When you visited An-Quang I was there and three others who were also injured but I was not given permission to welcome the Mission. I do not have freedom of worship.

Mr. AMOR: Thank you very much.

Mr. KOIRALA: What prevented you from coming to see us at An-Quang?

WITNESS: I saw you coming through the door but the security people just closed the door.

Mr. IGNACIO-PINTO: This is where you were treated from the beginning?

WITNESS: Yes, and I was well treated.

## 103. WITNESSES NOS. 11, 12, 13 AND 14

Mr. AMOR: Can you give us a general view of the Buddhist situation as it developed in Hué?

One witness here handed the Mission various documents one of which, a letter to the Mission written by the witness, Mr. Amor read aloud as follows:

"Hué, 25 October 1963

"To the representatives of the United Nations

"I the undersigned... beg you to shed the light of justice on the situation of the Buddhists in Viet-Nam.

"For five years we, the Buddhists of Viet-Nam, have had to endure a deplorable régime. Our Head of State, President Ngo Dinh Diem, cannot control his subordinates in the provinces, especially in Central Viet-Nam, and hundreds of persons are victims of this inhuman régime.

"Your visit has given us immense joy. We ask you, in your capacity as United Nations representatives, and humane

saviours, to rescue the Buddhists of Viet-Nam from the desperate plight which the bonzesses, bonzes and followers have to endure.

"There is no need for us to dwell on this at length. You already know what is happening in our country.

"Awaiting the results of your investigation, we beg you, on behalf of the bonzesses of Viet-Nam, to accept, etc."

ONE WITNESS: The story began a long time ago, in particular in four provinces, but also in many others. The Buddhists there repeatedly submitted religious demands, but two years went by and nothing was done in response to these demands. For this reason, people believed that the Government was not interested in their problems, and they felt that this was a form of oppression. This resulted in suspicion and discontent, but it didn't shape up into demonstrations; it was a quiet struggle.

On 8 May 1963, the Government order to hoist the national flag was put into effect. Since this order fell just before Wesak, the Buddhists thought that it was aimed against them. Buddhist flags were actually already flying all over the city, so in putting the order into effect, the police came and told people to remove the flags, because of the decree. Those flags which were not removed by the people were taken down by the police themselves.

Subsequently, on 8 May, they sent representatives to the Government delegate, who told him that the people had made many preparations for the celebration and that some had come from far away. They asked that the order be waived. The Government delegate agreed to waive the order for the day of the celebrations only, but this did not satisfy them. They wanted to fly the flags for several days, and they wished to have it established that the flags could be flown anywhere and on any occasion. So the people put up banners with all kinds of inscriptions supporting these demands.

Carrying these banners, Thich Tri Quang himself went to urge the authorities to cancel the order. On the night of 8 May, as was customary, there was to be a broadcast of a message to all Buddhists. The Government delegate had promised that this broadcast would be made again this year, but it was not allowed. Since they could not hear the message in their homes, a crowd began to form at the radio station. As it got bigger and bigger, the police tried to disperse it by using water hoses. A full-scale riot followed, during which gun-shots and explosions were heard. Afterwards, eight Buddhists were found dead.

On 9 May, in the morning, a number of people, including both Buddhist monks and laymen, gathered in groups for demonstrations. They proceeded to the Residence of the Government delegate to ask to be allowed to bury their dead and to conduct funeral ceremonies in the Tu-Dan Pagoda courtyard. At the same time, they asked for the satisfaction of their demands.

This is our view of the events. We swear that our movement is not connected with politics... All that we ask is that our rights be respected.

Mr. AMOR: It has been said that this movement is inspired by communists. Is this true?

WITNESS: No, it is not communist. It is a religious movement, and the communists have no religion.

Mr. AMOR: Can you affirm unequivocally that there were no political opponents of the Government who, under the pretext of Buddhist demands, took advantage of the situation in order to infiltrate the movement and to make propaganda against the Government for the purpose of overthrowing the Government?

WITNESS: The communists have no religion, so how could they inspire this movement? We can only speak for ourselves. It is obvious that Buddhists do not play politics—why should we think of having political aims? As for outsiders who may have taken advantage of the occasion to make propaganda against the Government, I don't know whether or not this has happened.

Mr. GUNewardENE (to another witness): With thirteen others, you signed a memorandum of grievances which was sent to the United Nations—is this true?

The OTHER WITNESS: No. If the signature on this letter is [my whole name] then it was a false signature. If it was only signed [with the latter part of my name] then it must have been somebody else.

Mr. GUNewardENE: Last Christmas, were there Catholic flags in the city?

WITNESS: Yes.

Mr. GUNewardENE: Just before Wesak, were there other Catholic festivals where Vatican flags were used?

WITNESS: Yes.

Mr. GUNewardENE: Was there a Catholic festival celebrated here just one week before Wesak?

WITNESS: Yes, for Monsignor Thuc, one week before.

Mr. GUNewardENE: Were there Catholic flags also flying on 5 May?

WITNESS: Yes, in Da-Nang, in a celebration for Father Phan Lac.

Mr. GUNewardENE: So when the order of banning came, the Buddhists were upset?

WITNESS: Yes.

Mr. GUNewardENE: For some time the people in the four provinces had had complaints—about what?

WITNESS: That there was favouritism and restriction; when they wanted to perform any special rites, if they didn't request authorization for the celebration, they would be fined.

Mr. GUNewardENE: Did they send a memorandum containing their demands for the removal of these restrictions?

WITNESS: Yes.

Mr. GUNewardENE: When?

WITNESS: In 1960 and 1961.

Mr. AMOR: Has Catholicism been favoured over Buddhism?

ANOTHER WITNESS: Only because the President is a Catholic.

ANOTHER WITNESS: Yes, that was one of the five grievances.

Mr. AMOR: How?

WITNESS: For example, Christmas is a national celebration, but we always had to ask permission to celebrate any Buddhist holiday.

ANOTHER WITNESS: Mandarins and their families were not allowed to go to pagodas.

Mr. GUNewardENE: Did the army ever help with preparations for the Wesak celebration?

ANOTHER WITNESS: Yes, before. But not for the last two years.

Mr. GUNewardENE: And for the Christmas celebrations?

WITNESS: Yes, they got more help.

Mr. GUNewardENE: In putting up Buddhist buildings, did you get help from the army during the last two years?

WITNESS: That would depend on the sect. The army is quite sympathetic to some of the sects.

Mr. GUNewardENE: Have you received help here?

WITNESS: No.

Mr. GUNewardENE: Do Catholic religious buildings get help from the army?

WITNESS: We heard about this, but we haven't paid any attention, since it doesn't concern us. We are only concerned with our religion.

Mr. GUNewardENE: Have you heard that Monsignor Thuc put up apartments for rental for the church?

WITNESS: We have heard about that, but we can't confirm it. We have no way of knowing.

Mr. GUNewardENE: Have food parcels been distributed to Buddhists by the Buddhist priests?

ANOTHER WITNESS: No.

ANOTHER WITNESS: Very little.

Mr. GUNewardENE: The Catholic priests do distribute food parcels all over the province?

WITNESS: We don't know. We only know that we have had very little help. We don't know about others.

Mr. GUNWARDENE: Do you know of forest and land concessions given to the Catholic church?

ANOTHER WITNESS: Yes, we have heard about this.

Mr. GUNWARDENE: Has this pagoda got any?

WITNESS: No.

Mr. GUNWARDENE: If a Buddhist society wants to put up a building, does it have to get permission?

ANOTHER WITNESS: Yes.

Mr. GUNWARDENE: Catholic?

ANOTHER WITNESS: We don't know, but we do know that they have facilities in certain areas. For example, in Quang-Tri province on the celebration of the day of the Virgin, people were not only invited to go, but were obliged to do so. But on Buddhist holidays, invitations might not even be issued, and if they were, the people might be prevented from going.

Mr. VOLIO: When was this pagoda constructed?

WITNESS: About 325 years ago.

Mr. VOLIO: And the new building?

ANOTHER WITNESS: There are two new buildings; one was constructed thirty-three years ago and the other three years ago.

Mr. VOLIO: Did the Government assist you in building them?

WITNESS: No.

Mr. VOLIO: In 1961 and 1960, were Buddhist flags flown?

WITNESS: Yes.

Mr. VOLIO: Were ceremonies performed without any interference?

WITNESS: Yes, but we had to ask permission. There was one province—Quang-Ngai—where they couldn't celebrate.

Mr. VOLIO: Since the establishment of the new Republic of Viet-Nam, has the number of Buddhists increased?

ANOTHER WITNESS: Yes. The number of Buddhists has increased because people were obliged or forced to take up Catholicism and in reaction to this they became Buddhists.

Mr. GUNWARDENE: How many monks and nuns were in residence here on Wesak?

WITNESS: Sixty monks and forty nuns. This includes people who came from elsewhere for the special celebration.

Mr. GUNWARDENE: How many are there here today?

ANOTHER WITNESS: There are only two monks in residence here and six small priests. There are no nuns—they live somewhere else.

Mr. GUNWARDENE: Normally, before Wesak, how many were there?

ANOTHER WITNESS: It depends. It is not regular. The greatest number of monks in residence is four and the least is one.

Mr. GUNWARDENE: About how many came to worship here on Wesak?

WITNESS: About 10,000—and about 1,000 monks and nuns.

Mr. GUNWARDENE: How many on a normal religious holiday?

ANOTHER WITNESS: 200-300.

Mr. GUNWARDENE: How many come now, on a full moon day?

WITNESS: About three.

Mr. GUNWARDENE: Was there a demonstration on 3 June here?

WITNESS: Yes.

Mr. GUNWARDENE: Some people were injured?

WITNESS: Sixty.

ANOTHER WITNESS: Sixty-nine.

Mr. GUNWARDENE: How were they injured?

ANOTHER WITNESS: Acid was thrown at them.

Mr. GUNWARDENE: Were you arrested?

WITNESS: Yes. We were arrested on the morning of the 21st.

Mr. GUNWARDENE: How did it happen?

WITNESS: At about 3 a.m. on 21 August the soldiers came and asked us to follow them.

Mr. GUNWARDENE: How did they enter?

WITNESS: There were shots in the area and they broke down the door.

Mr. GUNWARDENE (to another witness): Were you arrested?

WITNESS: No. I was in another pagoda.

Mr. AMOR: Were you beaten?

WITNESS: No. I don't know about the others.

Mr. AMOR: Do you know whether there are others still in prison now?

ANOTHER WITNESS: There are none in Hué. Some were taken to Saigon.

Mr. GUNWARDENE: Were other pagodas raided?

ANOTHER WITNESS: Five.

Mr. GUNWARDENE: Were they damaged?

ANOTHER WITNESS: You can see the marks here on these walls, and here where the door was broken.

ANOTHER WITNESS: Everything on the altar was broken and taken away.

Mr. GUNWARDENE: Did you know of our arrival here?

ANOTHER WITNESS: Yes. We were told yesterday, but we didn't know when you would arrive.

Mr. AMOR: Were you threatened against telling the truth about your grievances?

WITNESS: No.

#### 104. WITNESSES NOS. 15, 16 AND 17

Two witnesses were present and were later joined by a third.

ONE WITNESS: I am very happy to see the Mission here in this country but being an old man I was so afraid when the incident took place, I did not see anything. I had no time to do anything, being an old man.

The CHAIRMAN: Do you know what the United Nations is?

WITNESS: I do not know.

The CHAIRMAN: Did you know about the Mission's arrival?

WITNESS: I do not know anything about a United Nations Mission or its arrival in the country.

Mr. KOIRALA: Did you expect that we would come here?

WITNESS: No. I only know that the Mission has come from the United Nations now that you tell me so. I appreciate that you have come here from far away to this country to look into facts. But I am too old. I lay flat on my back during the incident and knew nothing of it.

The CHAIRMAN: What incident are you referring to?

WITNESS: I refer to the incident on 20 August when armed troops broke into the pagoda. I was so afraid, I was lying on my back and did not know what happened.

The CHAIRMAN: When the Army broke into the place, what happened?

WITNESS: I heard a lot of noise outside and sensed danger and finding ourselves in a corner we locked it up from inside. We saw nothing since we locked ourselves in.

The CHAIRMAN: We are not referring to the incident now. Could you please tell us if at the present time you can perform all your religious functions without any interference from anybody?

WITNESS: Ever since then there has been no interference in our performing our religious duties. People come and go. They only come for prayer and we ourselves have all the latitude to practise our religion.

The CHAIRMAN: How long have you been here in this pagoda?

WITNESS: About thirteen or fourteen months.

The CHAIRMAN: And your colleague?

WITNESS: Since 1959.

The CHAIRMAN: You told us that since the incident there has been no interference in the performance of religious functions here. Was there any before?

WITNESS: Prior to that date there was no visible interference but before 20 August people seemed afraid to come. Some people did come but for those who came there was no incident; they just came, practised their religious functions, and went.

The CHAIRMAN: What were they afraid of?

WITNESS: I am not sure what they were afraid of but due to the fact that there were guards around and so on, they may have been afraid of these measures.

The CHAIRMAN: Where were you before coming to this pagoda?

WITNESS: Before coming to this pagoda I was in the Giang Duc Pagoda in Thu Duc.

The CHAIRMAN: How long were you there?

WITNESS: Five years.

The CHAIRMAN: What was the reason for your coming from that pagoda to this pagoda?

WITNESS: The reason for my coming over here from there was that the monk who had been head of this pagoda was going to inaugurate a small pagoda in his home town, Dinh Tie, and he requested me to come and take his place while he was performing the inauguration. Before coming here I asked for authorization of the Head Monk and with his permission I came.

The CHAIRMAN: When is that pagoda to be inaugurated?

WITNESS: It has been completed.

The CHAIRMAN: How long will you stay here after you have helped him?

WITNESS: Ever since I came to replace him after his return I continued to stay here, about fourteen or fifteen months.

The CHAIRMAN (to the other witness): Were you present when the incident took place?

The OTHER WITNESS: I was.

The CHAIRMAN: Could you tell us what happened during the incident?

WITNESS: I did not see every phase of it. I was not too sure what was going on so I do not want to say anything about it because I might be mistaken since I did not see the whole thing.

Mr. VOLIO: Where were you?

WITNESS: I was in my room; it was at night.

The CHAIRMAN: Was anybody arrested? If so, how many?

WITNESS: Yes, I do not know how many.

The CHAIRMAN: How many people were here?

WITNESS: Seven.

The CHAIRMAN: How many came back?

WITNESS: All of them have returned.

The CHAIRMAN: Were you arrested, and if so, for how long?

WITNESS: Yes, Twelve days.

The CHAIRMAN: How were you returned?

WITNESS: I was released and they told me that I could come back.

The CHAIRMAN: Was anybody else released before you were?

WITNESS: I do not know because I do not know where they were kept.

The CHAIRMAN: Where are those people who were at the pagoda at that time? We now see only two people.

WITNESS: Two are here, two have gone home on visit, two others are also here and one has gone to his own locality.

Mr. GUNWARDENE: Were you here last Wesak?

WITNESS: No, I went to the country.

Mr. GUNWARDENE: Who was in charge of the celebration?

WITNESS: The chief was here but now he has gone to the country. We ourselves are only Buddhist adepts; we are followers but not very big monks; we are not head monks.

Mr. CORRÊA DA COSTA: On the programme it says "contact with the General Buddhist Association". Who are the members? Are you members? Who represents the Association?

WITNESS: In the Association there are higher level monks; we are not there; we do not know who the people are.

Mr. CORRÊA DA COSTA: Does the Association have quarters in this pagoda or not?

WITNESS: This is the seat of the Association but at the present time the Association is all scattered; there is nobody.

The CHAIRMAN: If you are afraid to answer our questions we shall not ask any more.

WITNESS: We are only practitioners; we come and are ordained here but as far as the Association is concerned only the big monks know. Afraid or not afraid, both are right. We feel we have the right to be afraid, yet it makes no difference because we don't know much about it. The Association has been broken up. Everybody has gone away. Only those people would know. We do not belong to the Central Committee.

The CHAIRMAN: Can we find anybody who belongs to that Committee in this pagoda?

WITNESS: This is not because we are afraid, but we tell you we know the people only when they come in and go out. We see those leaders; we talk to them; they come and pray but where they stay we do not know. This is not because we are afraid.

Mr. KOJRALA: Are you a bonze?

WITNESS: I am a bonze practising the religion here, doing prayers, but I do not belong to the Committee.

The CHAIRMAN: How long has your voice been like this?

WITNESS: It has been like that ever since my childhood.

Mr. VOLIO: On 20 August did they destroy the furniture or anything?

The OTHER WITNESS: We were taken away and twelve days later when we came back we found everything in the usual place.

The CHAIRMAN: What are your names?

WITNESSES: If you want to know our names, we will tell you.

The CHAIRMAN: If you do not want to tell us, it does not matter but we will be pleased to know if you want to tell us.

WITNESS: In that case we prefer not to tell our names.

Mr. CORRÊA DA COSTA: Were you told by the Army or Police the reason why you were in prison?

WITNESS: We were told nothing. We were arrested, put in a cell and then we were released.

The CHAIRMAN: Did you ask why you were taken away?

WITNESS: We did not ask.

The CHAIRMAN: Were there any political activities in this pagoda?

WITNESS: Only on holidays high-rank monks came to pray here. As far as the seven of us are concerned we have nothing to do but pray. We do not know if the big monks have a role in politics or not.

The CHAIRMAN: Do many people come here?

WITNESS: Between the 4th and 7th month of the lunar calendar more people than usual have come to the pagoda. After that they found out that there were many arrests and the number diminished.

The CHAIRMAN: Is there a special time for people to come here?

WITNESS: On ordinary days, not religious holidays, and on Sunday, people would come at 8 a.m. for prayers; they pray and they go home when they want to but on the 14th, 15th, 30th and 31st days of the month, which are religious holidays, they come at 8 p.m. and stay as late as they can.

The CHAIRMAN: Is today a holiday?

WITNESS: No.

The CHAIRMAN: When was the last holiday?

WITNESS: Last Sunday.

The CHAIRMAN: Was the place empty last Sunday?

WITNESS: There were very few people, but it was not empty. There were no more than twenty.

The CHAIRMAN: What is the normal number expected on a holiday?

WITNESS: Over 100.

Mr. CORRÊA DA COSTA: To what do you attribute the immolations of the monks; to what facts do you attribute that some monks have burned themselves?

WITNESS: We do not know what the motive was but only big monks are performing that suicide by burning; small monks do not know much about it but maybe big monks know why they do it. The small monks do not know the motive.

The CHAIRMAN: Were you arrested?

WITNESS: Yes, for twelve days.

The CHAIRMAN: Did you go together at the same time, the same hour?

WITNESS: Yes.

The CHAIRMAN: Were you together in prison?

WITNESS: We were separated.

The OTHER WITNESS: We were in separate rooms in the pagoda here but when arrested we were put in the same cell.

The CHAIRMAN: How were you treated?

The OTHER WITNESS: No ill treatment but I do not know about the others.

The CHAIRMAN (to the other witness): How about you?

WITNESS: No ill treatment either. We were told to go and we went; we listened to orders.

Mr. CORRÊA DA COSTA: Have big monks lived here permanently in this pagoda?

The OTHER WITNESS: As a rule in this temple the ones that stay permanently should not exceed seven. There are now seven.

The OTHER WITNESS: At a certain time in the past there may have been more but I am not too sure. Right now the rule has been set that this temple should not carry more than seven monks.

The CHAIRMAN: You say two other monks are here; why have they not come to see us?

WITNESS: They are also afraid but if you want to meet them they will come. The other two may not be aware of your presence.

The CHAIRMAN: Could we send somebody to bring the other monks to us?

One other witness came. The other refused to come.

NEW WITNESS: I do not know anything; if you want to know, go and inquire from the Committee, the Association, or others.

The CHAIRMAN: Shall we take it you do not want to speak to us?

WITNESS: It is not that I do not want to talk. I do not know anything.

#### 105. WITNESS No. 18

A number of witnesses were present and only one of them would answer the Mission's questions. Their names and the name of their pagoda were given.

The CHAIRMAN: We have been informed that your religious rights have been violated. We would like to know if this is true and if so, what are the rights which you are unable to exercise.

WITNESS: As far as this sect is concerned, it is a very old one. This building and the surrounding ones are about 300 years old. I apologize because we have not planned any reception for you. We only knew about your visit about three hours ago, so our reception may lack something.

Mr. CORRÊA DA COSTA: Have any of your rights been violated?

WITNESS: There have been no restrictions whatsoever here. We have full liberty to practise our religion.

The CHAIRMAN: Has there been any restriction in other pagodas elsewhere in the country?

WITNESS: Up until now there has been no trouble at all.

The CHAIRMAN: **Anywhere?**

WITNESS: Since the establishment of the Republic of Viet-Nam, Buddhism in this country has grown to a great extent. There are already 1,000 pagodas in this country.

The CHAIRMAN: Has anyone from this pagoda been arrested?

WITNESS: No.

The CHAIRMAN: Why have there been arrests in other pagodas and not here?

WITNESS: So far as this sect is concerned, it is a very old one and has been practising this religion for a long time. It has never changed. There may have been changes in other sects, but we have no way of knowing about this. We have only read in the newspapers about the arrests in other sects.

The CHAIRMAN: What is the feeling here about the arrests which have taken place elsewhere?

WITNESS: Our feeling is just that if they are arrested, that is their affair. They may have trouble with the Government—maybe they have violated the law. We can only accept the fact and it does not affect us.

The CHAIRMAN: Is it a fact that some monks have burned themselves?

WITNESS: Like you, we have only heard about this. We have not seen it.

The CHAIRMAN: The whole world knows this and the Government admits it. What is your feeling about it?

WITNESS: The monks that burned themselves belonged to sects other than this one. This one is a long-established sect; it goes back 200 years. Those people burned themselves in the name of their sect. There is no connexion between those suicides and this particular sect.

The CHAIRMAN: As human beings, what are your feelings about these suicides?

WITNESS: Perhaps they had a reason to burn themselves, but we do not understand this reason. In recent history, there have been no cases of suicidal burning. This may have occurred in the past, but not recently.

The CHAIRMAN: What were your feelings when you heard that these monks and co-religionists had burned themselves?

WITNESS: According to our belief, of course, whenever we hear about such things, we are sorry and we pray that their souls will go to heaven.

The CHAIRMAN: Did you demonstrate these feelings in this pagoda or did you contact the Government to ask them to stop these sacrifices?

WITNESS: For us to pray for them was not a special case. We pray every day for world peace, security and happiness. We do not make a case out of the suicide. Special prayers must be said by the sects concerned.

Mr. GUNewardENE: Where is the Headquarters of this sect?

WITNESS: The sect extends throughout Viet-Nam. This place is the oldest, however, and the Chief of the whole sect is here. There are other monks who are as old or older than this Chief, but they are not here today.

Mr. GUNewardENE: How many priests are there in this sect?

WITNESS: About five thousand.

Mr. GUNewardENE: All over Viet-Nam?

WITNESS: From Central Viet-Nam down to Saigon.

Mr. GUNewardENE: Approximately how many Viet-Namese belong to this sect?

WITNESS: Over two million. Before there was only this sect. The other sects have only developed recently, since 1929. Before that, all Buddhists belonged to this sect.

Mr. GUNewardENE: What are the names of the other sects as you know them?

WITNESS: This sect is the oldest. In 1929 in Saigon there was the Hoy Nam Ky Nhiem Cun; in 1933, the Hoi Luong Xuyen; in 1938, the Buddhist Association of Viet-Nam, Nhiem Cun Phat Hoi.

Mr. GUNewardENE: Are these the only ones?

WITNESS: There are others which have no significance, because they all belong in one way or another to one of these four.

Mr. GUNWARDENE: How many Buddhists are there in all the sects in this country?

WITNESS: How could we know this? All we know is that this sect has over two million, but as for the others, we cannot say. Perhaps about 80 per cent of the population.

Mr. AMOR: Has there been any change in the practice of your religion since the French colonial times?

WITNESS: It is at the present time that Buddhism has known the greatest progress. The help from the Government for buildings, etc., has created an increasing number of followers, so now the movement is progressing better than before.

Mr. AMOR: Has there been any improvement in the relation of your religious life to the Government since the end of French colonial times, or has it been the same or worse? Has the relationship between religion and the French Government and that between religion and the Diem Government been better or worse or the same?

WITNESS: As far as our sect is concerned, we have asked for no help. Our only concern is for a place to worship. All these decorations which you see here are no new—they have been handed over from generation to generation. This sect has not received much from the Government because it has not asked for it. Other sects, the General Association and the Xa Loi, have received more funds from this Government than from other Governments in the past.

Mr. CORRÊA DA COSTA: Why was there a sudden splitting off of new sects in 1929 after years of having only one?

WITNESS: The reason is simple. As you know, there is nothing wrong with this sect, but at a certain time there was a new feeling of inspiration and some people who wanted to be promoters and important personalities went out and founded their own sects.

Mr. KOIRALA: What are the religious scriptures and books of this sect?

WITNESS: They are the books written in Chinese, not in Viet-Nameese. It is different in some other sects which have books in Viet-Nameese because they are more recent.

Mr. KOIRALA: When you were told about the immolations, you said that you had heard about them but didn't know about them. But on the other hand, concerning the funds and the aid provided to other sects by the Government, you know about it; you had not just heard about it. Why was this?

WITNESS: It was the same in both cases. We only heard about it from the Press.

Mr. GUNWARDENE: Do you celebrate Wesak?

WITNESS: Yes, we have a big celebration.

Mr. GUNWARDENE: Are Buddhist flags flown at that time?

WITNESS: This is an old sect. We have no funds, so we have no flags here. Other sects have them, but we have only these hangings. Only those with modern education know about these modern Buddhist flags. We do not use them.

Mr. KOIRALA: Do you use any flags?

WITNESS: No, we have never used flags.

#### 106. WITNESSES NOS. 19, 20 AND 21

The CHAIRMAN: How old is this pagoda?

ONE WITNESS: Twelve years.

The CHAIRMAN: How many nuns are there here?

WITNESS: None.

The CHAIRMAN: How many monks?

WITNESS: This pagoda is a school for teaching the Buddhist religion and when the school is in operation there are about sixty monks. The school is closed now, so there are only ten of us.

The CHAIRMAN: What is the name of the sect to which this pagoda belongs?

WITNESS: Hoi Tang Gia Toan Quoc.

The CHAIRMAN: How many followers does it have?

WITNESS: Approximately 3,000 in Saigon. In the whole country about one million.

The CHAIRMAN: Did Buddhists belonging to this sect take part in the religious demonstrations?

WITNESS: No one took part.

The CHAIRMAN: Has anybody belonging to this pagoda committed suicide by burning?

WITNESS: No.

The CHAIRMAN: Has this pagoda been interfered with by the Government or the Army?

WITNESS: No.

The CHAIRMAN: Has the Government accused you or any of the people belonging to the pagoda of any undesirable activities?

WITNESS: No.

The CHAIRMAN: Will you please tell us, what, in accordance with your beliefs, are the obligations of sons and daughters to their parents?

WITNESS: Respect for their parents, love for their parents, taking care of parents in sickness and looking after their happiness.

The CHAIRMAN: If one of the sons or daughters does not fulfil his obligations, is this considered a sin?

WITNESS: If the son does not fulfil his filial duty, he is considered an undesirable son.

The CHAIRMAN: Is there any punishment for that?

WITNESS: No, there is no set punishment—no physical punishment—but if this action goes beyond certain limits, the parents forget about their sons.

The CHAIRMAN: Do they break relations?

WITNESS: If it is beyond the limit, they break off relations, but they try to arrange a conciliation between themselves.

The CHAIRMAN: What were the relations of this pagoda with the French Government?

WITNESS: This pagoda is only twelve years old, so it was just beginning during the French period. It was just being constructed then, so there wasn't much activity here.

The CHAIRMAN: What are its relations with the present Government?

WITNESS: Relations with the Government are good. We have received some help from the Government.

The CHAIRMAN: Has anybody been arrested?

WITNESS: Yes.

The CHAIRMAN: In the recent incidents with the Government?

WITNESS: All of us were arrested—about thirty of us. But we were released after a short inquiry.

The CHAIRMAN: What was this inquiry about?

WITNESS: After certain investigations, the Government was afraid of the priests from other sects who took part in the demonstrations.

The CHAIRMAN: What questions were asked?

WITNESS: Such questions as "are you sympathetic with the demonstrators or are you sympathetic with the Government?"

The CHAIRMAN: What was your answer?

WITNESS: That we had no part to play in this—the people came from outside.

The CHAIRMAN: When you were asked whether you were sympathetic with the demonstrators, what was your answer? And when you were asked about your relations with the Government, what was your answer?

WITNESS: Our answer to the first question was that we hadn't done anything; we had no part to play. Our answer to the second question was that we have good relations with the Government and we intend to keep them that way.

The CHAIRMAN: Has there been any obstacle put in the way of the performance of religious ceremonies or any pressure on you in this respect?

WITNESS: No obstacles or pressure in any way. We had complete freedom. Sometimes there have been misunderstandings and some suspicions have been aroused, but these have had no serious effect.



The CHAIRMAN: We are impartial people representing the United Nations who are here in order to find the facts. Have you any fears when you talk to us?

WITNESS: Following the incidents and the situation, we felt very unhappy about the situation and we are pleased that the United Nations has come. We tell you all our thoughts with no fear whatsoever. If there was any oppression of the Buddhists by the Government, we wouldn't hesitate to tell you.

The CHAIRMAN: Is there any pressure?

WITNESS: If there were any, we wouldn't be here. We don't consider it oppression when certain of our demands are not met. When we ask for the extension of living quarters or buildings and these demands are not met, we don't consider this oppression.

The CHAIRMAN: What are the demands of the Buddhist community?

WITNESS: We are trying to get together with the Government and to be on good terms with the Government because there have been some misunderstandings. But when we made these demands, the foreign Press changed our ideas and distorted them.

The CHAIRMAN: What are your demands?

WITNESS: We have only asked for freedom to worship.

The CHAIRMAN: Was this freedom to worship completely granted?

WITNESS: Yes.

The CHAIRMAN: In all your ceremonies?

WITNESS: The Government announced through the Press that we would have all the freedom to practise our religion as we wanted.

The CHAIRMAN: Has this been implemented? Have you exercised these rights since they were granted by the Government?

WITNESS: Yes, but during the incidents and the trouble created by the students, there was some suspicion and some inquiries.

The CHAIRMAN: What demands that were made were rejected?

WITNESS: None were rejected.

The CHAIRMAN: We have not seen any demonstrations since we have been here, but before we came here there were demonstrations, including incidents of suicide by burning. Does this mean that the Buddhists are satisfied with conditions now or are there other reasons why there have been no demonstrations?

WITNESS: They are satisfied.

The CHAIRMAN: Did you know any of the people who committed suicide by burning?

WITNESS: Yes.

The CHAIRMAN: How many?

WITNESS: In South Viet-Nam, I only knew the Reverend Thich Quang Duc in Saigon.

The CHAIRMAN: Do either of the other monks know of any others?

WITNESS: They only know this same case. In Hué and other areas, they do not know of any of them.

The CHAIRMAN: I want to know if any of you knew any of them personally.

WITNESS: We only knew Thich Quang Duc.

The CHAIRMAN: Do you, as religious leaders, and as religious teachers, approve of the acts of suicide?

WITNESS: The religion does not authorize suicide by burning. These acts were their own personal acts.

The CHAIRMAN: In the ceremonies of the National Day, we did not see any Buddhist monks in the area of the ceremonies, but we did see several Christian priests. What, in your opinion, is the reason for the absence of monks?

WITNESS: We were also invited to attend the ceremonies, but in accordance with our beliefs, we do not want to be near guns and soldiers, so we stayed away.

The CHAIRMAN: During your lifetime, at what rate have Buddhists been converted or have they changed their religion to Christianity?

WITNESS: As you know, there are many sects in this country. As far as this sect is concerned, we don't know of any conversions. In other smaller sects through the country, perhaps there were some.

The CHAIRMAN: Can you tell us whether the rate in these other sects was higher under the French Government or under the following one?

WITNESS: We don't know.

The CHAIRMAN: In other sects, were they converted only through missionaries or were there other methods used, such as pressure or privileges given them, to persuade them to change their religion?

WITNESS: Again we do not know.

The CHAIRMAN: Do you use religious flags?

WITNESS: Yes.

The CHAIRMAN: Can you use them only in the pagoda, or also outside?

WITNESS: Before the flag was used everywhere in profusion—there were too many. Now the Government has changed this decree and has limited the use of the Buddhist flag to inside the temples and on the premises, not because they were against its use, but in order to preserve its value. If it is used everywhere in profusion, then it loses its value.

The CHAIRMAN: We know of some demands by Buddhists who wish to use their flags everywhere.

WITNESS: There were demands for permission to use flags anywhere, but the Government said that the value of the flag would be preserved by using it only for ceremonies.

The CHAIRMAN: Do you agree with this?

WITNESS: We have reached an agreement on that—that it would be used only in the premises of the temple and also on the archway at the entrance. We are satisfied with this agreement.

The CHAIRMAN: How old is this tradition of hoisting flags?

WITNESS: It has been followed since 1951, following the Conference held in Colombo.

The CHAIRMAN: Which flag do you consider more important and respect more, the religious one or the national one?

WITNESS: Being priests, of course, although the national flag is important, it has a lesser degree of importance than the Buddhist flag.

The CHAIRMAN: But you also respect the national flag as a national flag?

WITNESS: Yes.

The CHAIRMAN: Do you allow the national flag to be hoisted in the temple?

WITNESS: Before it was used everywhere, but since the agreement, it is only used outside the building and no longer inside the temple.

Mr. CORRÊA DA COSTA: This morning at 9.30 in front of the Catholic Cathedral a monk committed suicide by burning. Did you expect this? What possible explanation do you have for this?

WITNESS: We didn't know about this.

The CHAIRMAN: What possible explanation do you have for this burning?

WITNESS: We cannot give any explanation because right now Buddhism and the Government are working towards peaceful coexistence, so we cannot give an explanation.

The CHAIRMAN (to another witness): What is your reaction to this burning now that you have heard about it?

The OTHER WITNESS: I cannot give any explanation.

The CHAIRMAN: Why?

WITNESS: Because I don't know whether or not there has been a suicide.



The CHAIRMAN: What is your explanation of previous burnings?

WITNESS: I have none.

The CHAIRMAN: Can the third witness explain this?

THIRD WITNESS: No, I haven't been anywhere outside, so I don't know. I have only heard about this.

The CHAIRMAN: How did you hear?

WITNESS: From people who told me about it.

Mr. CORRÊA DA COSTA: When we visited Xa-Loi Pagoda, we only found three or four monks of a low rank and they were apparently very afraid. What is your explanation for this?

ANOTHER WITNESS: Probably they are not familiar with you. They didn't know who you were, so they were afraid.

The CHAIRMAN: What could they be afraid of?

WITNESS: Since you are quite a large group and belong to a big Organization, they may be afraid of you.

Mr. CORRÊA DA COSTA: The school is closed now. Why?

ANOTHER WITNESS: Because of the holidays we are closed for two or three months.

Mr. VOLIO: How many religious holidays do you as Buddhists celebrate?

WITNESS: We celebrate four big ones: Ngay Phat Giang Sanh; Chut Gia, the eighth day of the second month; Thanh Dao; and Nhap Niet Bang.

The CHAIRMAN: Are all of these holidays recognized by the Government?

ANOTHER WITNESS: No, only one. The most important one is considered and recognized by the Government as a holiday. It is Ngay Phat Giang Sanh.

The CHAIRMAN: And the other three?

WITNESS: Yes, one other is recognized by the Government—the fifteenth day of the seventh month. The other two are only recognized by the Buddhists themselves.

The CHAIRMAN: You don't need recognition by the Government?

WITNESS: No.

Mr. VOLIO: Do you understand why the Government has issued directives about placing the national flag in a prominent place throughout the country?

WITNESS: The reason is that the Government found out that there were too many religious flags—more than there were national flags—so the Government wanted an equal number of flags to be flown. In the past religious flags outnumbered national flags.

Mr. AMOR: Does the Government help this pagoda financially?

WITNESS: Yes.

Mr. AMOR: Regular monthly help or only once or twice a year?

WITNESS: When the time comes, the Government gives a small subsidy to the temple when they need it for construction or remodelling.

Mr. AMOR: Approximately how many times since the creation of this pagoda have you received assistance?

WITNESS: In the past, only once. But they have helped in this way: they give us permission to issue lottery tickets in the name of the temple.

Mr. AMOR: Is it the same in other pagodas?

WITNESS: If the others need money and want to issue lottery tickets for a particular purpose, they can request the Government and it will be granted.

Mr. AMOR: Does this pagoda have contact with foreigners who visit sometimes and who perhaps offer material assistance?

WITNESS: No.

Mr. AMOR: Generally, what does suicide by burning mean in the context of Buddhism?

WITNESS: There is no explanation in this context. It is considered a personal sacrifice to the cause that they are serving.

Mr. CORRÊA DA COSTA: Is this a tradition or a new development?

ANOTHER WITNESS: It is not a tradition.

Mr. AMOR: Before independence, were there cases of Buddhists who burned themselves for any reason?

ANOTHER WITNESS: Never.

Mr. KOIRALA: Are any of these three monks members of the Inter-Ministerial Committee?

ANOTHER WITNESS: Yes, all of us.

The CHAIRMAN: Were you members of the Buddhist side of the negotiating team?

WITNESS: We were members of the seven-man Committee which was constituted later. We were not members of the five-man Committee.

Mr. KOIRALA: Is the Xa-Loi Pagoda a member of the same sect as this one?

ANOTHER WITNESS: We are members of the same large organization, but we have different ways of teaching. We differ in certain aspects.

Mr. GUNewardENE: When was the seven-man Committee appointed?

ANOTHER WITNESS: 24 August.

Mr. GUNewardENE: Three members are from this pagoda. Where are the other four?

WITNESS: They are in the same association, but in different pagodas. Their names are as follows: Thich Tu Thong, Thich Thien Giac, Thich Thien Hang and Thich Thien Dao. Three of these are from this pagoda; the fourth is from another pagoda in Ba Xuyen province.

Mr. GUNewardENE: Who appointed this Committee?

WITNESS: Thich Thien Hoa was delegated to power by Thich Tinh Khiet.

Mr. GUNewardENE: Who named the delegation?

WITNESS: Thich Tinh Khiet.

Mr. GUNewardENE: To what purpose?

WITNESS: To negotiate with the Government.

The CHAIRMAN: To present the demands of the Buddhists?

WITNESS: Yes.

The CHAIRMAN: What were these demands?

WITNESS: They reached an agreement signed by both parties. We will give you a copy of this agreement.<sup>11</sup>

Mr. GUNewardENE: Does it relate to monks in prison?

WITNESS: Yes. There was a demand concerning the people who are still in prison for their release. I will resume the demands: the first asked for the release of those arrested; the second asked for the liberty to practise our religion; and the third asked for peaceful coexistence between the various religions. I will also give you a copy of a cable from the Union Committee for Pure Buddhism addressed to the Secretary-General in New York.

Mr. GUNewardENE: Do you recognize the old priest (Khiet) as head?

WITNESS: Yes.

Mr. GUNewardENE: How many pagodas are there in Saigon?

WITNESS: Over 100 in Saigon and the vicinity.

Mr. GUNewardENE: How long have you been a priest?

WITNESS: Since I was twelve years old.

Mr. GUNewardENE: How many years have you been in this pagoda?

WITNESS: Four or five.

The CHAIRMAN: How old are you?

WITNESS: Fifty-three.

Mr. GUNewardENE: Where do you come from?

WITNESS: Ba Xuyen province.

Mr. GUNewardENE: Have you heard of the Dharmadan and Jivitdan, that is, life-offering for a cause?

<sup>11</sup> The Mission did not receive this document.

WITNESS: I know that priests live a life of sacrifice.

Mr. GUNWARDENE: Have you read the stories of the Jataka, about the life of Buddha?

WITNESS: Naturally.

Mr. GUNWARDENE: Do you know one where the Buddha offered his life for a cause?

WITNESS: I have not heard of this in the life of the Buddha.

Mr. GUNWARDENE: I am a Buddhist myself. Do you still say that there are only four Buddhist holidays?

WITNESS: Yes, there are four big holidays.

Mr. GUNWARDENE: Every day of the full moon is a holiday.

WITNESS: Yes, that is true, but these are not big holidays.

Mr. GUNWARDENE: So there are twelve holidays.

WITNESS: This depends on the practices of the various sects in different countries.

Mr. GUNWARDENE: Do you consider full moon day as a holiday?

WITNESS: It is quite an ordinary observation.

Mr. GUNWARDENE: You have to hold lotteries to get funds?

WITNESS: The subsidy might be smaller if the Government just gave us aid.

Mr. GUNWARDENE: If you need permission, it is at the discretion of the Government to grant or refuse. Is that so?

WITNESS: Yes.

Mr. GUNWARDENE: Has it ever been refused?

WITNESS: Every time we asked, it has been granted.

Mr. GUNWARDENE: How many Buddhists are there in this country?

WITNESS: It is estimated to be 80 per cent, but an exact figure has never been ascertained.

Mr. GUNWARDENE: Do you consider this a Buddhist country?

WITNESS: No, it cannot be called a Buddhist country.

Mr. GUNWARDENE: What do you call it?

ANOTHER WITNESS: Because the figures are estimated, you cannot call Viet-Nam a Buddhist country or a Catholic country.

Mr. GUNWARDENE: How many monks have been arrested since the incidents of 8 May, in the whole country?

WITNESS: About 900 in the entire country. Most have now been released.

Mr. GUNWARDENE: How many are still in prison?

WITNESS: Only eight are still detained. This information is in the papers I gave you. Not more than fifteen.

Mr. GUNWARDENE: Do you know that the Government says there are still 300?

WITNESS: Are you talking about monks only? Then fifteen or under.

The CHAIRMAN: How many from this pagoda?

ANOTHER WITNESS: One.

The CHAIRMAN: What is his name?

WITNESS: Thich Quang Lien.

The CHAIRMAN: Can he be contacted?

WITNESS: We only know that he is in prison in Saigon.

The CHAIRMAN: You cannot reach him if you want to?

WITNESS: No.

Mr. GUNWARDENE: Have you asked for his release?

WITNESS: Yes, but it has not been finalized. I believe it will be soon.

Mr. GUNWARDENE: How many Buddhists who are not monks have been arrested?

WITNESS: The figure given to us by the Government papers was only twenty. In reality we don't know.

Mr. GUNWARDENE: Were all three of you here on 21 August?

WITNESS: Only one of us was here. We were performing a funeral ceremony.

Mr. GUNWARDENE: What went on on 21 August in this pagoda?

WITNESS: The army broke into the temple on that day and took us away. We were released after two days.

Mr. GUNWARDENE: You have been co-operating with the Government all the time—you were not fighters or dissenters.

WITNESS: Yes.

Mr. GUNWARDENE: Then do you understand why the army broke into the temple?

WITNESS: We have no idea. We weren't told.

Mr. GUNWARDENE: You didn't like to be arrested?

ANOTHER WITNESS: Who would like to be arrested? However, I was not afraid.

Mr. GUNWARDENE: Were other temples invaded by the army?

WITNESS: Five or seven were raided also.

The CHAIRMAN: What are their names?

ANOTHER WITNESS: Xa-Loi, An-Quang, Vang-Tho, Giac-Nguyen, Tuyen-Long, Giac-Sanh and Phat-Buu.

The CHAIRMAN: Were they all in Saigon?

WITNESS: These seven were raided to some extent, not all with the same severity.

The CHAIRMAN: Which one was damaged most?

WITNESS: Xa-Loi.

Mr. GUNWARDENE: Which is the biggest pagoda in Saigon—Xa-Loi?

WITNESS: Yes.

The CHAIRMAN: We are grateful to you for giving us your time and information and we thank you for your hospitality. We have issued an official statement that any petitioners can meet with us and can send us petitions in writing. We are staying at the Hotel Majestic. If there are any other views you would like to express, we shall be pleased to receive them.

WITNESS: How long will you be here?

The CHAIRMAN: For about another week. Petitions do not have to come only from among monks but from any individuals whose rights have been violated. It will all be confidential and nobody except the Mission will know about it.

#### 107. WITNESSES NOS. 22 AND 23

The CHAIRMAN: We are very thankful to you for receiving us here.

WITNESS: We are happy to receive you and welcome you in the name of the Association and in my own name.

The CHAIRMAN: There are certain things we would like to know, with your permission.

The OTHER WITNESS: You can ask any questions. I will be pleased to answer you.

The CHAIRMAN: What is your attitude with regard to the suicides by burning?

WITNESS: There might be other cases of suicides by burning. I don't know what the motive of those people was. I asked to do so because I wanted to devote myself to the cause of Buddhism and make myself a martyr. I asked permission, but I was not allowed to do so. Following the burning of Quang Duc in Saigon, I have been around, but I haven't seen any other burnings.

The CHAIRMAN: Do you know of the most recent incident of suicide by burning?

WITNESS: I am confined here. I haven't heard about it.

The CHAIRMAN: We don't want to take more of your time and trouble you.

WITNESS: You can ask questions of the other witness.

The CHAIRMAN: Is the Buddhist Community in Viet-Nam completely satisfied as to their religious rights? Is there any discrimination against Buddhism?

The OTHER WITNESS: You yourself can see what has happened in this country since your arrival. You will find the facts by yourself, as to whether there are any restrictions in our

performance of rights. If I told you anything, you might not agree with me, but if you go and ask questions everywhere, you will never finish and the answers will be different everywhere. I am confined here and don't know what you have seen and heard. My answers might not agree with those you have heard in other places.

Mr. GUNewardENE: Where were you on 8 May?

WITNESS: I was in Hué.

Mr. GUNewardENE: Did you take part in the ceremony?

WITNESS: Yes, there was a big ceremony, and there was the trouble following the question of the flag. Even in Hué and Saigon this question is not settled yet.

Mr. GUNewardENE: In 1957, the Government asked the Buddhists not to celebrate Wesak. Is that true? Do you remember?

WITNESS: No, it was free then. It was only after 8 May that there were any incidents.

Mr. GUNewardENE: Did you agree with the Government's way of dealing with flags on 8 May?

WITNESS: No, I was not satisfied.

Mr. GUNewardENE: Do you like the religious flag to go down and the national flag to be raised in its place?

WITNESS: No.

Mr. GUNewardENE: You feel that the religious flag should be displayed any time, anywhere?

WITNESS: Yes.

Mr. GUNewardENE: You don't like the religious flag being two-thirds of the size of the national flag?

WITNESS: No.

Mr. GUNewardENE: In all other countries of the world, the flag is flown on Wesak. Do you know this?

WITNESS: Yes, I have attended these ceremonies in other countries.

Mr. GUNewardENE: Is there only one Buddhist holiday celebrated in this country?

WITNESS: Yes.

Mr. GUNewardENE: Is this a Buddhist country or a Roman Catholic country?

WITNESS: It is 80 per cent Buddhist.

Mr. GUNewardENE: Do Buddhists get the same treatment as Catholics in this country?

WITNESS: If it were equal, that is all we could expect. The Catholics have more rights. I would like equality between Catholics and Buddhists.

Mr. GUNewardENE: You don't have it now?

WITNESS: No, that is why I said that.

Mr. GUNewardENE: Young priests are not expected to join the army because they have taken a vow not to destroy life.

WITNESS: When they were asked to join the army, some have asked to be exempted and some have been exempted. Others have not.

Mr. GUNewardENE: But this conscription, is it at the discretion of the Government?

WITNESS: Yes. Some monks have been conscripted; some have asked to have it postponed.

Mr. GUNewardENE: Do you approve of this?

WITNESS: No, never.

Mr. KOIRALA: Because the Buddhist religion abhors violence?

WITNESS: Yes, because we are against killing.

Mr. VOLIO: Why do you believe that there is inequality?

WITNESS: Christianity and Buddhism legally have the same rights, but in practice, there might be some inequalities. As a religion, they have the same privileges; in practice, they are unequal.

Mr. VOLIO: What are these inequalities?

WITNESS: In certain matters, Buddhists will be discriminated against; for instance, when they ask for funds or assistance, Catholics will get it first.

The CHAIRMAN: We are going to visit the prisons. Can you give us the names of people we should see there?

WITNESS: Yes. I will give them to you now. You must also visit student associations and Buddhist schools.

The CHAIRMAN: We will try to do so.

WITNESS: I feel that I have given you the right answers. I have been happy to help you. If you are patient and can go to all associations, then you will find out the answers. You could also get in touch with civilians who support the religion. They will help you. I am not in a position to tell you any more.

#### 108. Interviews held at the Le-Van-Duyet Youth Camp.

The CHAIRMAN: Thank you for receiving us here in this Youth Camp. We would like to ask a few questions and we should be grateful if you would kindly provide us with replies.

The DIRECTOR: With pleasure.

Mr. CORRÊA DA COSTA: To begin with, would you kindly explain to us the aims and purpose of this camp, for our information.

The DIRECTOR: Our centre is reserved for the training of students, to teach them the dangers of communism and the platform of our Government. The first objective of this camp is to train students and show them the danger of communism and subversive activities in this country so that they may be aware of the dangers they are facing. The second objective is to show them the efforts of the Government to bring about the achievement of the well-being of the people.

The CHAIRMAN: Do you wish to add anything else?

The DIRECTOR: Our main aim is to teach them to know their country, to serve their country, and to place the interests of the country above everything else.

Mr. CORRÊA DA COSTA: How are the students recruited? Do they come by their own will or is it compulsory?

The DIRECTOR: These students are in fact students that have been arrested and are here for reform. They are placed here to be taught the way to become good citizens.

The CHAIRMAN: What is the number of students in this camp?

The DIRECTOR: Sixty-five.

The CHAIRMAN: What are their ages?

The DIRECTOR: Between seventeen and twenty-five years old.

The CHAIRMAN: How long have they been here?

The DIRECTOR: The ordinary time for them is about fifteen days.

The CHAIRMAN: Were they arrested fifteen days ago? How long ago were they arrested?

The DIRECTOR: The period of arrest does not coincide with their arrival here; some were arrested earlier, others later; they were not arrested in one bunch together.

The CHAIRMAN: What was the most recent arrest?

The DIRECTOR: About a month ago.

The CHAIRMAN: And they stay here fifteen days?

The DIRECTOR: The training takes fifteen days here but the students come as they are arrested. They have set up a certain number for the course and when the number reaches sixty-five that would be the number for the course; they start and others join in as they come.

The CHAIRMAN: You mean they are making arrests regularly so that the school goes on?

The DIRECTOR: They are not arresting them here; they are arrested some place else and are sent for this training. I do not know whether arrests go on regularly. Every time one student leaves, another can join the course.

The CHAIRMAN: They are sent here for reform from prisons?

The DIRECTOR: I do not know how long they were detained before they are sent here. We are just given notice that such and such a person is coming here.

The CHAIRMAN: Which department sends them here?

The DIRECTOR: Security Police Headquarters.

The CHAIRMAN: To which department of the Government does this school belong?

The DIRECTOR: This school is under control of the Department of Security.

The CHAIRMAN: When the training is finished here, where are the students sent back to?

The DIRECTOR: Those students, when they are reformed and know the ways of life wanted by the Government, when they know they have finished their training and understand the principles of the school well, are sent back to their families.

The CHAIRMAN: Are they sent back to their families directly or through the Security Police where they came from?

The DIRECTOR: Directly to their families, automatically.

The CHAIRMAN: Who are the teachers here and where were they educated?

The DIRECTOR: In all there are sixteen teachers here in three main branches of reform education.

The CHAIRMAN: Where were the teachers educated?

The DIRECTOR: They have been studying the principles of teaching here in this reform school; they themselves are not trained anywhere. They are here, they get together to find new elements and principles to educate themselves and improve every day.

The CHAIRMAN: Who were the teachers' teachers? Where did you get your education?

The DIRECTOR: I have not had any special training; we get together in groups between friends, we set principles, and we discuss among ourselves the best way to conduct the school training.

The CHAIRMAN: I am very impressed with your personality. Have you travelled much abroad?

The DIRECTOR: I have not travelled abroad yet.

The CHAIRMAN: How many subjects do you teach here? Three?

The DIRECTOR: One subject is to train them to become good citizens but the principle of study here is to give the young people freedom so that they can get a share in improving the programme and the teaching.

The CHAIRMAN: What are the subjects they teach?

The DIRECTOR: Our aim is to tell new arrivals what is the principle of the school, why the school was formed, why it is here; then to tell them of communism, what it is, what its aims are and what are the dangers the Communists create for this country; and to inform them of the ways of the Government of the Republic of Viet-Nam and its principles.

The CHAIRMAN: How many Catholic students are in this school?

The DIRECTOR: We have no Catholic students here; all of them are Buddhists.

The CHAIRMAN: What is the method of teaching? By lecturing, talking or books?

The DIRECTOR: There is a general principle set up for the school and then of course everyone is given this paper. Then they form a group of ten or twenty and are given an opportunity to think over whether this principle is a good one or whether they have any suggestions on this to improve the training course. In that group everyone has the right to express his own ideas and views so the others may benefit. They would say, for example, what their ideas were before joining the school and, after making friends here, what are now their views. They are asked whether they think this would be a good thing in facing the task ahead, whether they agree with the principles as laid down in this paper and, if they disagree, what are their objections and their suggestions to improve things.

The CHAIRMAN: All these boys can read and write?

The DIRECTOR: Yes, they can read and write because they are either high school or university students.

The CHAIRMAN: Are the majority of them high school boys or all of them?

The DIRECTOR: I cannot say because each group is different; sometimes more from high school, sometimes less. It depends on the group.

The CHAIRMAN: Do these boys have anything to do with riots and demonstrations?

The DIRECTOR: Yes, they have participated.

The CHAIRMAN: All of them?

The DIRECTOR: Yes, all of them.

The CHAIRMAN: When did the last demonstration take place?

The DIRECTOR: Towards the end of August. I do not know the exact date since my main job is teaching here.

The CHAIRMAN: Then these people have been here more than fifteen days.

The DIRECTOR: Many of them have not been arrested right at the demonstrations; sometimes they went home and the police looked for them and arrested them later.

The CHAIRMAN: When was the school first opened?

The DIRECTOR: On 1 August 1963.

The CHAIRMAN: It was established after the beginning of the Buddhist situation?

The DIRECTOR: Yes.

Mr. IGNACIO-PINTO: When the children who are here are arrested, are their parents informed?

The DIRECTOR: Yes, they are kept advised and in fact the parents have even been invited to pay visits to their children in the school.

Mr. IGNACIO-PINTO: We are told they spend fifteen days here. Are they, after fifteen days, automatically returned to their parents?

The DIRECTOR: Yes, after fifteen days the students are sent automatically to their parents at home.

Mr. IGNACIO-PINTO: Is there any criterion which guarantees that their character has been reformed before they are sent back to their parents?

The DIRECTOR: After fifteen days we are pretty sure, judging by their performance, that they are aware of the three principles in their mind and that is why they are sent home after fifteen days. The training does not take long; you may be surprised that it takes only fifteen days. These students are not indoctrinated; they just misunderstood the way of life; they were misled; they were incited. When they come here, after fifteen days of training and lecturing and discussion, they realize they have been mistaken and have been misled. That is why it is only fifteen days. I should add that the training in this centre is not the same as in a regular school; it is a very special school and the young people who come here may have something in their mind that they do not want to tell. Here they are given the permission to speak out everything they feel. They get together, talk with their friends, think it over and try to find answers to their problems together.

Mr. IGNACIO-PINTO: Are not any of the students refractory to the training? Do all of them automatically submit without rejecting it?

The DIRECTOR: When they first come, the students sometimes show some signs of reaction to the training course. That is in the first few days. But, when the centre tells them about communism, they understand that their personal problems are minor, that the main problem concerns the nation and that it is communism. They are told about communism, for example that communism is like water that rises to weaken and then pushes up and up until it drowns you and that it is most important to keep the water level down to the lowest possible level.

The CHAIRMAN: I would suggest that the questions to be asked of the Director should only be of a certain general type. We would then see students and ask them questions.

Mr. AMOR: Can you tell us why the young students arrested for a religious affair are brought to a camp where it is attempted to reform them on a political plane?

The DIRECTOR: Those who are arrested are not necessarily connected with religious affairs; many are connected with some political aims and are in opposition to the Government.

The CHAIRMAN: How is it that they all belong to the same religion?

The DIRECTOR: The fact is that all the students here are Buddhists because their families were Buddhist for generations.

The CHAIRMAN: My question is, if religious issues are not the only ones involved in their arrests and there are other cases, some political, there should also be some people of other religions taking part in politics in this country.

The DIRECTOR: The reason why there were no students belonging to other religions is that, Buddhist affairs having been a subject of dispute, the Communists were exploiting the situation and inciting Buddhist students to riot and demonstrate. That is the reason why most of the students here are Buddhists. I should add that the Buddhist students have been Buddhists all along so that in the context of the political situation in the country the Buddhists are being exploited, incited to demonstrations; that is how it happens that most are Buddhists.

The CHAIRMAN: Why have others not been exploited politically?

The DIRECTOR: Right now in the next room, there is one student who is Catholic and others who are Buddhists. You can ask them questions.

Mr. CORRÊA DA COSTA: How many similar schools are there in the country?

The DIRECTOR: There might be other schools of this kind, but this is the most important one. I do not know since I concentrate on this one.

Mr. CORRÊA DA COSTA: Do you know of other types of political reformatory schools, since there are cases of students that have been missing for much longer than fifteen days?

The DIRECTOR: There are other schools in Tu Duc and elsewhere but these schools concentrate solely on the question of communism; they may have a different character and the courses may take longer.

The CHAIRMAN: Did you say these schools may be strictly political?

The DIRECTOR: They may be.

Mr. CORRÊA DA COSTA: Is there any form of discipline or punishment in this school?

The DIRECTOR: There is a discipline in this school. This disciplinary rule is set up by the students themselves after consultation with the teachers who guide them and help them respect and comply with the rules of discipline they have themselves set up.

Mr. CORRÊA DA COSTA: What is the clapping we have just heard? Is this customary in classes?

The DIRECTOR: The explanation is, as is mentioned in one of the rules, when anything pleases you, makes you feel happy, you clap your hands. They clap their hands to express happiness.

Mr. VOLIO: Are the boys given religious instruction?

The DIRECTOR: No. The teaching of Buddhism is not practised here, but it may be explained why Buddhists demonstrated in connexion with the riots and demonstrations.

The CHAIRMAN: If I were one of your students, what would you teach me as to why the Buddhists demonstrated?

The DIRECTOR: If you were a student, this is what I would tell you in connexion with the religious riots and demonstrations and as regards the whole religious affair. I would tell you all the facts that have taken place since the Hué incident, up to the present time and up to the time the delegation went to the Government to present its demands and negotiated with the Government and also until the time an agreement had been reached. I would tell you those facts in great detail, so you would see how things really happened and how they came about so that you would have the background of the whole situation. Then I would tell you that at first, it all looked like a strictly religious matter, but then as you go on, I would say also that,

since the religious affair has somewhat been settled, if incidents or disturbances should continue, then it must have some political background. As a consequence of the first point, I would tell you that some foreign element is behind this movement, and also that communism is taking advantage of the situation. I would tell you also that things being such, the picture has become different. Now the original picture has degenerated and there are foreign elements; the Communists get involved in the picture and you would find out the true picture of the story and would draw conclusions that what has been done may have been right in the first place, but later proved to be wrong.

Mr. KOIRALA: What was your function before you came here?

The DIRECTOR: This is my personal feeling. I did not hold a government position. Here is a short description of my life before I became Director of the Centre. In 1945, after the Japanese were defeated, there was a movement of liberation against the French for independence; I was just a student then, and I joined the ranks of the freedom fighters because at that time, the people now in North Viet-Nam did believe that freedom fighters would fight for independence, freedom and the happiness of the people. There were lots of followers and I too followed the movement until 1952 when I found out that this movement which had started as an independence movement had turned out not to be just a movement of national liberation, but served the purpose of international communism. We found out the true nature of the movement and so we got out of the movement and tried to be an independent element ourselves to fight for independence, happiness and freedom, until 1954, which marked the advent of Diem in Viet-Nam. After he came to power, we found he was the one fighting for true independence; I and many others joined the ranks of the Government. That explains why I did not hold a job in the Government. I am a kind of political cadre to teach the people, to enlighten the people about this movement.

Mr. KOIRALA: Are you from North Viet-Nam?

The DIRECTOR: Yes. I am an exile.

The CHAIRMAN: What was your position when you joined the ranks of the Government?

The DIRECTOR: I held no position, but I belonged to a political cadre.

The CHAIRMAN: Are you connected with the Office of Psychological Action?

The DIRECTOR: No.

The CHAIRMAN: How long have you been Director of this group?

The DIRECTOR: Two years.

The CHAIRMAN: When was the school established?

The DIRECTOR: I have been in this political cadre for two years and I go to places as a political cadre as the need arises. I have been here in this school since 1 August 1963.

The CHAIRMAN: Where have you been sent in these two years?

The DIRECTOR: I have been in the ranks of the Communists between 1945 and 1952, and I go everywhere in South Viet-Nam, even to small villages, and explain what communism is and that it is not working for the happiness of the people, etc.

Mr. KOIRALA: Are the other teachers the same?

The DIRECTOR: The others are the same. In the framework of the political cadre, I receive no remuneration. The Government, from time to time, gives us a subsidy. When we travel we stay with people.

Mr. KOIRALA: Are you a Buddhist?

The DIRECTOR: Yes.

Mr. KOIRALA: Are the other teachers also Buddhists?

The DIRECTOR: Among the teachers there is only one Catholic; the rest are Buddhists.

Mr. KOIRALA: What is the general routine of the school from morning to bedtime?

The DIRECTOR: They get up at 6 a.m. They wash their clothes, do exercises until 8 a.m. From 8 to 11 a.m. there is a class.



From 11 to 2 p.m. lunch. From 2:30 to 5 p.m. class. From 5 to 7:30 p.m. sports. There is no limit of time for sporting events, so between 6 and 7:30 anyone who wishes to, can eat. From 7:30 to 9 p.m. class. From 9 to 10 p.m. singing, etc.

Mr. KOIRALA: Are students Phan Dinh Binh, Ton Thet Nghiep and Nguyen Thy Hanh in this camp?

The DIRECTOR: They are not here. They were never here.

Mr. GUNWARDENE: From 1945 to 1963 you have received no salary?

The DIRECTOR: No.

Mr. GUNWARDENE: Now, are you receiving a salary?

The DIRECTOR: There is no agreement between the Government and my political cadre to the effect that I should receive a fixed salary, but it is my duty to help the Government in my way and once in a while we receive a subsidy.

Mr. KOIRALA: What would be known as honorarium?

The DIRECTOR: I do get an honorarium, but not a fixed, regular salary.

Mr. GUNWARDENE: Have you received training in centres on personalism, the cult of the person?

The DIRECTOR: There may be such centres in Dalat and Vinh-Long, that concern themselves with such things. I do not know much about it personally, but I have read about the cult of the person in other countries. I have stopped in those centres I mentioned, but have not stayed there.

Mr. GUNWARDENE: Do Catholic and Buddhists priests visit this camp?

The DIRECTOR: Not up to now.

Mr. GUNWARDENE: Is there any kind of religious instruction given here?

The DIRECTOR: No.

Mr. GUNWARDENE: Are students allowed to leave the camp at any time?

The DIRECTOR: There are some who have jobs outside. If they asked for permission they can be out half a day and in half a day. On Sunday, parents can pick them up and they can go home for the day.

Mr. GUNWARDENE: After fifteen days, do the parents have to sign a bond or guarantee before they leave with their children?

The DIRECTOR: There is some signing of papers. It is a mutual understanding that the mother accepts her son and the school is handing the son over to the mother.

Mr. GUNWARDENE: Can we have a sample form that is signed when the students are turned over?

The DIRECTOR: Yes, of course.

The CHAIRMAN: You say that parents are allowed to come and take their sons out on Sunday and then they return; is Sunday the only day that parents are allowed to take students out?

The DIRECTOR: Sunday is the day off, that is why parents come on that day, but in the event of a funeral or any other significant happening in the family, they are allowed to go out.

The CHAIRMAN: What about Buddhist holidays?

The DIRECTOR: Yes, on religious holidays; if the parents come to pick them up, they can go.

Mr. GUNWARDENE: What do you consider religious holidays?

The DIRECTOR: For example, the fifteenth day of the eighth month of the lunar calendar. Viet-Nam is also the country of ancestor worship, so whenever that anniversary comes, the parents can come and pick up their son and take him home for the celebration. Of course there are many other Buddhist religious holidays, but since the creation of the centre, only the 15th of August was celebrated.

Mr. GUNWARDENE: On Sunday, as a matter of right, parents can take the children away?

The DIRECTOR: I cannot call it a right or not; it can be done both ways. Parents know it is a holiday for the school so, usually, they do not fail to come to pick up their son. If they wish to go on their own initiative, they make a request to the

Director who studies the request and might agree if it is justified.

The CHAIRMAN: Do parents have to make a request on religious holidays?

The DIRECTOR: No written request. They come to the door and ask to talk to the Director and an agreement is reached. I would also add this, that the students that come here for the first few days sometimes hate the teachers, but after a few days, they change and they even return later to visit the teachers after they have left the school.

Mr. GUNWARDENE: There are sixty-five here now and it means the earliest arrival was fifteen days ago?

The DIRECTOR: As was said before they form a group; some come before, some after. A group might consist of sixteen; they come at different dates.

Mr. AMOR: What was this camp used for before last August?

The DIRECTOR: I do not know, but I was notified that this centre would open on 1 August and I came and took over. I only know this area which is inside a military camp.

Mr. AMOR: When you came, were you given the key by the military authorities?

The DIRECTOR: By the Department of Security Police.

The CHAIRMAN: Can we see some of the students and talk to a few of them?

The DIRECTOR: Yes, of course.

109. The Mission then proceeded to a dormitory and spoke with a group of approximately twenty persons. At the request of the Chairman, the Director of the School and all teachers present left the dormitory.

The CHAIRMAN: We are a Mission of the United Nations; we have been talking with the Director of the School who has given us some information. Now we would like to ask you some questions.

Mr. IGNACIO-PINTO: How many of you are there here?

STUDENT: Sixty-five, but I do not know for sure.

The CHAIRMAN (addressing one of the students): When were you arrested?

STUDENT A: On 19 September 1963.

The CHAIRMAN: Where were you arrested?

STUDENT B: In the street while leaving my house.

The CHAIRMAN: Why were you arrested?

STUDENT B: I am opposing the Government.

The CHAIRMAN: Why are you opposing the Government?

STUDENT B: I have personal political aims.

The CHAIRMAN: We are not interested in political aims.

The CHAIRMAN (addressing another student): When were you arrested?

STUDENT C: On 10 September.

The CHAIRMAN: Were you arrested in school?

STUDENT C: No, in my house at 1 a.m.

The CHAIRMAN: Why were you arrested?

STUDENT C: I have political aims; I am opposed to the Government.

The CHAIRMAN: What is your religion?

STUDENT C: I am a Buddhist.

The CHAIRMAN: Are your political aims connected with your religion?

STUDENT C: There is no relation.

110. The Chairman showed the students a list with the names of three students and asked if anyone knew them.

STUDENT D: I said I recognized one of the names on the list, though I do not know that student and have no idea where he may be at present.

The CHAIRMAN: Why were you arrested?

STUDENT D: I am a Buddhist and I am connected with the dispute between the Buddhists and the Government.

The CHAIRMAN: How many students here are connected with the Buddhist situation?

STUDENT D: I do not know the number; one went home.

The CHAIRMAN: How many of you are connected with political views and how many with religious matters?

111. Among the group, only three out of seventeen indicated that they were there on political grounds; the others said they were all there on religious grounds.

Mr. GUNewardENE: Why were you arrested?

STUDENT D: I am a Buddhist student. I support the cause of Buddhism and since I know the Government and the Buddhists are in conflict I rose in support of my religion. I was arrested on 25 September.

The CHAIRMAN: When did you become aware of this conflict?

STUDENT D: I learned of the oppression of the Buddhists in Hué and I expected that the whole thing would come down to Saigon, and that is just what happened.

The CHAIRMAN: What oppression is the Buddhist community suffering from?

STUDENT D: On Buddhist holidays in Hué, every year in the past there was a Buddhist communiqué to be broadcast at the radio station but this year they were prevented from doing so. The director of the radio station refused to allow them to broadcast. Following that, the Government said it did not recognize the statement and threw the blame on the Viet-Cong as having written the statement.

The CHAIRMAN: In what other way is the Buddhist community oppressed?

STUDENT D: For example, in Saigon itself, when people went to prayers in Buddhist temples, some were pushed about and beaten by the police so people who support the Buddhist cause rose up against that and asked for redress.

The CHAIRMAN: Since we have come here, we have visited pagodas and people are saying their prayers. Has the situation changed now?

STUDENT D: On the outside it looks as though the situation is settled, but I do not believe it is settled yet.

Mr. GUNewardENE: Why?

STUDENT D: It is not over yet because in the ranks of the students there is talk and from the talk it looks as though the question will flare up again.

Mr. GUNewardENE: What are you taught here?

STUDENT D: I have been here only one week and I have not yet started to learn much.

Mr. GUNewardENE: What did they teach you?

STUDENT D: Nothing.

112. The Mission then decided to see the students individually rather than in a group. The Mission moved to another room and saw the students one by one.

#### 113. WITNESS No. 24

Mr. GUNewardENE: Are you from Hué?

WITNESS: No, I am a student in Saigon.

Mr. GUNewardENE: How many students in Saigon have been arrested following the demonstrations?

WITNESS: There may be a few hundred; I do not know for sure. Among those only a few were detained, the ringleaders. The rest are released.

Mr. GUNewardENE: From your group, how many?

WITNESS: I only know about my close friends; only three of them.

The CHAIRMAN: Are any of the ringleaders here in this camp?

WITNESS: In this school there is only one leader of my group and he just had permission to visit his home today and will return.

The CHAIRMAN: Did he ask for permission?

WITNESS: He did not make a request to go home.

Mr. GUNewardENE: Tell me what your grievances are as a Buddhist.

WITNESS: My only grievance as a Buddhist is that the Buddhists in this country have been oppressed.

The CHAIRMAN: How do you personally feel oppressed? How is this oppression shown?

WITNESS: By being oppressed, I mean personally I have no ill-treatment, but when I go to the temple for prayers, I mix with the Buddhists and the consequence may be that I would later be arrested, etc. Then there is the incident in Hué following the refusal to broadcast the statement on the radio. After that, the Buddhists rose against that decision and the Army brought out tanks and other weapons under the pretext that the agitation was of Viet-Cong origin.

The CHAIRMAN: You said the Buddhists were oppressed because the communiqué was not broadcast, but what other things happened to the Buddhists. Were they stopped from saying their prayers?

WITNESS: Another example is in the city of Hoi An, province of Quang Nam. There was a request for holding a funeral for the monk who burned himself. Permission was granted and the funeral proceeded, but during the procession the police came with sticks and beat the people and on that day thirty people were injured.

Mr. GUNewardENE: Were you beaten after you were arrested?

WITNESS: Yes, I was beaten.

#### 114. WITNESS No. 25

The CHAIRMAN: Are you a Buddhist?

WITNESS: I am not a Buddhist, but I have a brother who is. I do not follow any religion.

The CHAIRMAN: Does the Buddhist community in South Viet-Nam have equal rights with Catholics?

WITNESS: As far as I know, they do not have equal rights.

The CHAIRMAN: Can you tell us if the Buddhists in South Viet-Nam are considered inferior to the Catholics by the Government?

WITNESS: The fact of being considered inferior or superior I do not consider important. But I know Catholics are leading a better life.

The CHAIRMAN: Do Buddhists have the same opportunity as the Catholics to a better life?

WITNESS: For example, in the Government and the Army, those who are Catholics may get higher grades and may be in line for promotion more rapidly than Buddhists.

Mr. VOLIO: Do you have any political affiliation?

WITNESS: No.

Mr. GUNewardENE: Why were you arrested?

WITNESS: Because they suspected students of creating trouble. I was arrested on suspicion.

Mr. GUNewardENE: Were you beaten?

WITNESS: I was not beaten, but my brother was.

The CHAIRMAN: Thank you very much.

#### 115. WITNESS No. 26

The CHAIRMAN: Are you a Buddhist?

WITNESS: I am a Buddhist.

The CHAIRMAN: When were you arrested?

WITNESS: On 28 August.

The CHAIRMAN: Did you take part in student demonstrations?

WITNESS: Yes.

The CHAIRMAN: Were you beaten?



WITNESS: No.

The CHAIRMAN: How many students participated in the demonstration?

WITNESS: Over 1,000.

Mr. GUNWARDENE: How many were arrested and detained?

WITNESS: Eight hundred detained and then released.

Mr. GUNWARDENE: What were you demonstrating against?

WITNESS: Because I thought it was the right thing to do after the events that took place and that is the reason why I participated. Whether I was exploited or used by foreign elements I do not know. At the beginning when the true movement took place there was no interference from the outside, but later on, I think, there was some.

Mr. GUNWARDENE: Were you interfered with?

WITNESS: I was not interfered with.

The CHAIRMAN: Do you think Buddhists in this country are considered inferior to Catholics?

WITNESS: There was no such consideration on the part of the Government, but in some cases it shows there is some favouritism.

Mr. CORRÊA DA COSTA: How is the persecution manifested, what are the forms it takes?

WITNESS: To use the word persecution may be too much, when they want to change the hours of prayer, change the aspect of the temples. To say harassment of the practice of religion might be the right expression to use.

The CHAIRMAN: Thank you.

#### 116. WITNESS No. 27

The CHAIRMAN: Can you please tell us if the Buddhists enjoy equal rights with the Catholics in this country?

WITNESS: In the Army, for example, the Catholics would get higher ranks, would be in line for promotion faster than Buddhists. In Government service, some think Catholics occupy higher functions. Buddhists occupy lower functions and would be sent to far away towns, not Saigon.

Mr. CORRÊA DA COSTA: Do you believe there has been Communist or political infiltration in the Buddhist movement?

WITNESS: We may divide the students into two groups, one group supporting the cause of Buddhism and one group with some interference from outside, but very little; however, some have taken advantage of the situation.

The CHAIRMAN: What do you mean by the cause of Buddhism?

WITNESS: I have three answers for this: (1) I want equality between Catholics and Buddhists in the Administration, the Army, etc.; (2) I would like greater freedom for the practice of my religion; (3) I want all these arrests and other things to cease. Suppressive measures should be removed.

The CHAIRMAN: We thank you.

#### 117. WITNESS No. 28

The CHAIRMAN: Are you a Buddhist?

WITNESS: I am a Buddhist.

Mr. CORRÊA DA COSTA: We understand that the Buddhists want more liberty. Can you tell us what forms of liberty are now curtailed? What are the manifestations?

WITNESS: As you know, the incidents took place in Hué and I am in Saigon. The news I got that there was such an incident there was through the Press. Then there was a committee, negotiations etc. between the Government and the Buddhists and certain demands you may be aware of. The demands are such that they should be considered with attention by the Government and satisfaction given to them. As far as freedom of worship is concerned, I know many people have been arrested, monks and students. I want them to be released and I want no one to interfere in the religious life of the temples. I want those who are not connected with the temples not to try to interfere with our way of life.

Mr. AMOR: When and in what manner were you apprised of the arrival of this Mission?

WITNESS: I was aware that a Mission was coming through BBC and the Voice of America, but since I was arrested on 9 October, I had no news of the whereabouts of the Mission.

The CHAIRMAN: Today, when were you told, and how?

WITNESS: I was told at 10 a.m. by the Director that the Mission would come.

The CHAIRMAN: Did the Director tell you what the Mission wants and what was the purpose of the Mission?

WITNESS: He told us that the Mission would inquire into our way of life, why we were arrested and so on.

The CHAIRMAN: Thank you.

#### 118. WITNESS No. 29

The CHAIRMAN: When and where were you arrested?

WITNESS: I was arrested on 14 September when returning from school. There were two people standing at the door of my house.

The CHAIRMAN: Did you take part in the demonstration?

WITNESS: Yes.

The CHAIRMAN: Were you told why you were being arrested?

WITNESS: I was not told anything except that they had been told that I had taken part in some organization.

The CHAIRMAN: How long after the demonstration were you arrested?

WITNESS: After the demonstration.

The CHAIRMAN: One day after?

WITNESS: About one week after.

The CHAIRMAN: Where did they take you when you were arrested?

WITNESS: I was taken to the Security Police and I was detained there for one month.

The CHAIRMAN: How many other students were there?

WITNESS: Several hundreds.

The CHAIRMAN: How many were girls?

WITNESS: Fifty to sixty.

The CHAIRMAN: Do Buddhists in this country enjoy the same rights as the Catholics?

WITNESS: I do not know.

The CHAIRMAN: What did you demonstrate against?

WITNESS: To show my sympathy for my religion.

The CHAIRMAN: What was done to your religion that made you want to show your sympathy?

WITNESS: The reason why I demonstrated has no political background; monks were arrested and beaten; I rebelled against that.

The CHAIRMAN: Have you been in contact with your parents and relatives since you have been arrested, before you came here?

WITNESS: When I was detained at the Security Headquarters, my brother came twice a week. Since I moved here, apart from Sunday, when I can come and go, I have been here every day.

The CHAIRMAN: How old are you?

WITNESS: I am seventeen.

The CHAIRMAN: During the arrest and afterwards, were you beaten, were you tortured?

WITNESS: I was not a victim of beating, but I was told by my friends that they were beaten.

The CHAIRMAN: Thank you.

#### 119. WITNESS No. 30

Mr. KOIRALA: When were you arrested and where?

WITNESS: On 7 October, in my house.

Mr. KOIRALA: Why were you arrested?

WITNESS: I was a member of a group opposing the Government, not an organization, but a group where we discuss political questions, not only religious. I am more interested in the political.

Mr. GUNWARDENE: Do you have any religious grounds for opposition?

WITNESS: I oppose the Government not only on grounds of religion but on many grounds, of which Buddhism is one.

Mr. GUNWARDENE: What are your religious grounds?

WITNESS: For me, the religious grounds are minor. I wanted the Government to release those monks, nuns and other people who were arrested.

Mr. GUNWARDENE: Did you take part in the demonstration?

WITNESS: No.

The CHAIRMAN: Thank you.

#### 120. WITNESS No. 31

Mr. AMOR: Did you take part in religious demonstration?

WITNESS: Yes.

Mr. AMOR: Have you demonstrated in the interest of Buddhism on religious grounds? Did you demonstrate because you felt that Buddhists were less well treated than adherents of other religions in South Viet-Nam?

WITNESS: My friends have told you all about this already.

121. It was explained again to the student that he could talk freely, that all he said would be held in the greatest confidence.

WITNESS: I took part in the demonstrations because I had known there was oppression against Buddhists and that is why I joined.

Mr. AMOR: When and where were you arrested?

WITNESS: I was arrested in my house on 7 October.

Mr. AMOR: Were you beaten?

WITNESS: No.

Mr. AMOR: Do you know any young men who have been beaten or tortured?

WITNESS: I heard that some were beaten.

Mr. CORRÊA DA COSTA: Do you consider the course given here effective?

WITNESS: I do not know yet because my course will start tomorrow. The treatment here is very good, but in the security place it was just like a prison and I was miserable.

Mr. AMOR: Thank you.

#### 122. WITNESS No. 32

Mr. AMOR: Did you participate in the latest events?

WITNESS: No.

Mr. AMOR: Why were you arrested?

WITNESS: They wanted my brother who was not available, so they arrested me.

Mr. AMOR: Where is your brother now?

WITNESS: My brother may now be at home. At the time of the arrest I was at home with my brother. The police showed up at the house but my brother left and they arrested me. I do not know where my brother is and I fear he may have been arrested.

Mr. AMOR: Why are you here then if your brother has been arrested and you have done nothing?

WITNESS: The reason why they arrested me was to find out where my brother was. I told them my brother was at home. They may now have arrested him.

Mr. AMOR: Were you beaten to be made to tell where your brother was?

WITNESS: No.

Mr. GUNWARDENE: At the time you were arrested, did you know where your brother was?

WITNESS: When the police came to my house I was with my brother. I was in my parents' house and I was arrested.

Mr. AMOR: Thank you.

#### 123. WITNESS No. 33

Mr. AMOR: Were you arrested following the latest demonstrations?

WITNESS: I was arrested on 25 September. On the evening of the same day there was a big demonstration. I was arrested just before.

Mr. AMOR: Why were you arrested, since arrest took place before the demonstration?

WITNESS: I was one of the eighteen leaders and that is the reason. The authorities knew there was to be a demonstration.

Mr. AMOR: You were arrested preventively?

WITNESS: I have been known for a long time as a leader of a student organization for Buddhism.

Mr. AMOR: Had you been arrested before, preventively?

WITNESS: No, it was the first time.

Mr. AMOR: What are the reasons for the demonstrations in your opinion?

WITNESS: We demonstrated because of the action of the Government against the Buddhists.

Mr. AMOR: What were those measures taken by the Government against the Buddhists?

WITNESS: They followed from the incidents in Hué

Mr. AMOR: Do you think Buddhism is less favoured than Catholicism in South Viet-Nam?

WITNESS: Yes.

Mr. AMOR: In what way?

WITNESS: For example, in the Army and in Government service, Catholics are favoured and then there is an attempt to convert Buddhists into Catholics.

Mr. AMOR: How is it attempted to convert Buddhists to Catholicism?

WITNESS: They try to show to the Buddhists that when they become Catholics they will have better positions, and so forth.

Mr. AMOR: In what form is this propaganda made?

WITNESS: It is not done in writing, but the very fact that Catholics are favoured shows that if you want privileges you should become a Catholic.

Mr. AMOR: Is that the reason why some of the monks burned themselves?

WITNESS: Yes.

Mr. AMOR: Were you beaten?

WITNESS: Yes.

Mr. AMOR: By whom and where?

WITNESS: By the security forces.

Mr. AMOR: Do you have any marks?

WITNESS: No, they use electricity.

Mr. AMOR: Do you know other young men here who received the same treatment?

WITNESS: There are many of my friends among the leaders who received the same treatment, but they were released this morning.

Mr. AMOR: When were you told today that we were coming here and how was it presented to you?

WITNESS: I was not told of the arrival of the Mission, but we were told there would be some visitors.

Mr. GUNWARDENE: Do you approve of the Buddhist flag being banned on the day of the birth of the Buddha? Do you approve of the Buddhist flag being smaller than the national flag?

WITNESS: The flag question is not as important as the others. The question of the flags is not so very important. All this trouble about the flags comes from the Americans. The Americans have a great part in everything connected with the Buddhist situation in this country.

Mr. GUNewardENE and Mr. KOIRALA: How?

WITNESS: Those who are really patriots, who love their country and wish to serve their country, they are not hired by the Americans. They use somebody else.

Mr. GUNewardENE: Have you been used by the Americans?

WITNESS: I have never been hired by the Americans. I am here on Buddhist grounds. One who serves his country from the bottom of his heart is not used by the Americans because they love their country.

Mr. GUNewardENE: Is your opposition purely on Buddhist grounds?

WITNESS: The fact that there are some reactionaries among the young people is because they thought the Americans did not help this country really and truly.

Mr. AMOR: Do you have any grievances to formulate in your own name or in the name of your group?

WITNESS: I have two grievances: that all those monks, nuns and students that have been arrested be released, and that the Americans help this country truly and fully.

124. It was pointed out to the witness that the Mission did not represent the United States of America but the United Nations.

WITNESS: The Americans are putting pressure on the Diem Government so that the Diem Government will be more attached to them and more obliged to them.

Mr. AMOR: Thank you very much.

#### 125. WITNESS No. 34

Mr. AMOR: Are you a Buddhist?

WITNESS: I am neither Buddhist nor Catholic, but no Communist. I have no religion.

Mr. CORRÊA DA COSTA: What is the reason for your arrest?

WITNESS: I am no Communist. My trouble is political because I have political affiliations.

Mr. AMOR: What do you think of the Buddhist problem?

WITNESS: I would not be able to comment on the question. Being a political student I look at the question differently.

Mr. IGNACIO-PINTO: As a political science student, the Buddhist question does not affect you at all?

WITNESS: Being a political science student with political aims of my own it is not that I am not moved by the Buddhist affair, but I can make it smaller or bigger. In this way my reaction would not be like that of a normal citizen.

Mr. KOIRALA: Did you take part in the demonstrations?

WITNESS: I did not take part in group demonstrations, but I am the head of a political group of students and I have stood up on every occasion to point out my views. I do not follow the group in road demonstrations.

Mr. GUNewardENE: Did you raise your voice on the Buddhist question?

WITNESS: I have been doing this and opposing this Government for a long time and on religious grounds it is very difficult. I would like those Buddhists that have been arrested to be released.

Mr. KOIRALA: Do you feel that the Buddhist affair is a manifestation of a greater malaise in the country?

WITNESS: For those who have seen it, they may feel a lot of compassion for the movement, but for those who have not seen anything, they may be misled.

Mr. IGNACIO-PINTO: Were you beaten?

WITNESS: My case is a special case. As it is known that I am a leader of a political group of students, I was never beaten; they leave me alone. It may be different for others, of course. In the past, I have known no grief and as far as I am concerned on the political scene, I was always looked at as a leader and they spare me a lot and try not to touch me unless it was on other grounds. On political grounds, they let me do what I want.

Mr. GUNewardENE: As a man who does not believe in any religion, how do you view the attack by the Army on the pagodas?

WITNESS: I have not seen it. I have heard about it, but I have not seen it.

Mr. AMOR: Thank you very much.

#### 126. WITNESS No. 35

Mr. GUNewardENE: When were you arrested?

WITNESS: On 15 September.

Mr. GUNewardENE: When did you come to this camp?

WITNESS: I do not remember, maybe about fifteen days ago.

Mr. GUNewardENE: After your arrest were you taken to the security police?

WITNESS: Yes.

Mr. GUNewardENE: Were you beaten?

WITNESS: Yes, with a whip, but not much; but my friends were beaten more than me...

The CHAIRMAN: What were you demonstrating against when you were arrested?

WITNESS: I did not participate in the demonstration, but I operated the mimeograph machine for the reproduction of pamphlets connected with the movement.

The CHAIRMAN: Thank you.

#### *Visit to Du-Tan Hospital, Saigon*

#### 127. The group was greeted by the Resident Doctor.

Mr. AMOR: As you know, we are a United Nations Mission and we have come at the invitation of the Government of Viet Nam to investigate the relations between the Government and the Buddhist community in this country.

DOCTOR: I am sorry that the Director of the hospital is at present in Manila. The Deputy Director is on his way over. I am only the Resident Doctor.

Mr. AMOR: With your permission, we shall await the arrival of the Deputy Director.

Mr. KOIRALA: Maybe you could give us some answers on questions of a general nature?

DOCTOR: If you wish.

Mr. KOIRALA: Is this hospital run by the Government or is it a public hospital?

DOCTOR: It is a public hospital under the jurisdiction of the Ministry of Health.

Mr. KOIRALA: How many patients can you accommodate or rather how many beds does the hospital have?

DOCTOR: Between 220 and 250 beds inside the hospital.

Mr. KOIRALA: Do you give treatment to out-patients also?

DOCTOR: It is impossible to count as it is the biggest hospital in Saigon treating people from the outside. In the morning we have an incredible number of people who come, from 1,800 to 2,000 every morning.

#### 128. The Deputy Director of the Hospital came in.

Mr. AMOR: We shall have a few questions to ask and would appreciate your answering them in accordance with the information in your possession. We have been told that during the latest Buddhist troubles, some Buddhist priests who had been wounded, either during the events or later, were under treatment in your hospital. Are there any still here?

The DEPUTY DIRECTOR: At the moment we have one. Some were hospitalized, then we discharged them when we judged they were well enough.

Mr. AMOR: How many were there after the demonstrations?

The DEPUTY DIRECTOR: On 20 August we had five monks and four bonzesses.

Mr. AMOR: Following those events there were monks and nuns hospitalized. Were there also civilians hospitalized at that moment?

The DEPUTY DIRECTOR: A young girl, I do not quite remember when, about two or three days later.

Mr. AMOR: Apart from those five bonzes and four bonzesses, the one here now and the young girl, no one has been hospitalized or received treatment and subsequently discharged since those events?

The DEPUTY DIRECTOR: No.

Mr. AMOR: Did they come by themselves or were they transported here?

The DEPUTY DIRECTOR: The bonzes and bonzesses were brought here by the police.

Mr. AMOR: Were they brought in jeeps, police cars or in ambulances?

The DEPUTY DIRECTOR: In police ambulances.

Mr. AMOR: Among those nuns and monks you treated, were there some that were in serious condition? How many days of hospitalization did the most serious case require?

The DEPUTY DIRECTOR: The most seriously hurt was hospitalized during sixty days and the least seriously wounded three days.

Mr. AMOR: Were all the nuns and monks brought here the same day?

The DEPUTY DIRECTOR: Yes, by ambulance, the same day.

Mr. AMOR: Therefore the one who is still here, how many days in all has he been hospitalized?

The DEPUTY DIRECTOR: The one who is still here was here sixty days, then we saw he was well and that he could walk and we discharged him; he was away ten days but came back saying he was not yet completely well.

Mr. KOIRALA: Did he come back on his own?

The DEPUTY DIRECTOR: The head of the monks wrote asking that we readmit him.

Mr. AMOR: What was the nature of his wounds?

The DEPUTY DIRECTOR: I have the feeling that they were scratches, a wound on his heel.

Mr. AMOR: According to you, as a doctor, can you tell us the nature of the injury and by what kind of weapon the wounds could have been caused?

The DEPUTY DIRECTOR: We see the patient as he comes, someone who, falling on his heel, could have cut himself. It could be done by the stroke of a knife. We know they have wounds and injuries but we do not know what caused them.

Mr. AMOR: Was anybody injured by a bullet?

The DEPUTY DIRECTOR: No.

Mr. AMOR: Injured by crushing?

The DEPUTY DIRECTOR: No.

Mr. AMOR: Burns?

The DEPUTY DIRECTOR: No.

Mr. AMOR: According to the information you received, were the nuns and monks who were brought here all at the same place of demonstration or at different places?

The DEPUTY DIRECTOR: This is a question I cannot answer because when an injured person is brought here at 1 a.m. we first have to treat him and the other question concerns only the police.

Mr. AMOR: Do you know if they are all from the same pagoda or not and to what pagoda they belong?

The DEPUTY DIRECTOR: According to the police they would have come from Xa-Loi.

Mr. AMOR: Even the one who is still here is from Xa-Loi?

The DEPUTY DIRECTOR: Yes.

Mr. IGNACIO-PINTO: As a supplement to the reply you gave to the question asked by Ambassador Amor, when a sick person is admitted with injury, on the register there is usually a brief mention as to the type of wound such as bullet wound, cut, contusion and so forth. It is from this point of view I would like to know in what state they were when they arrived?

The DEPUTY DIRECTOR: When they arrived, the diagnostic which was established is a professional secret. If you wish to

know the exact nature of the wound you can ask further specific questions but we would ask you to respect the professional secret.

Mr. KOIRALA: On what part of the body were the majority of the injuries?

The DEPUTY DIRECTOR: On lower limbs, heels, legs, feet. None were wounded on the upper part of the body.

Mr. AMOR: Were some made ill by tear gas or other gas?

The DEPUTY DIRECTOR: No.

Mr. AMOR: We thank you and would not try to pry into the professional secret. It is your domain and we respect it.

The DEPUTY DIRECTOR: You asked me only about the wounded among the monks and the nuns. It is my duty to add that we have received also wounded among the police. At that moment we treated twenty policemen.

129. Mr. Amor explained that when he inquired about civilians he had felt that included the police. The Doctor had understood otherwise and that was the reason why he had not mentioned the case of injuries to policemen.

Mr. AMOR: What was the nature of the injuries to the policemen? Were they bullet wounds?

The DEPUTY DIRECTOR: No.

Mr. AMOR: Sharp weapons?

The DEPUTY DIRECTOR: No.

Mr. AMOR: Burns?

The DEPUTY DIRECTOR: No. Contusions, blows, no fractures. Oh yes, there was one case of fracture of the foot.

Mr. KOIRALA: Among the bonzes and bonzesses were there any fractures?

The DEPUTY DIRECTOR: No.

Mr. AMOR: How long did you keep the civilian injured, among whom we include the police?

The DEPUTY DIRECTOR: The Chief of Police was here one month and then he was taken to the Police Dispensary. The others were here about fifteen days.

Mr. KOIRALA: Why were the police brought here instead of to their own dispensary?

The DEPUTY DIRECTOR: It is more a dispensary than a hospital.

Mr. AMOR: Were there civilians injured, other than police, who are still in the hospital?

The DEPUTY DIRECTOR: No.

Mr. IGNACIO-PINTO: Were the people injured in Hué brought here?

The DEPUTY DIRECTOR: No.

#### *Interviews with witnesses who appeared voluntarily before the Mission*

##### 130. WITNESS No. 36

The CHAIRMAN: Must every citizen here have an identity card like the one you have shown us?

WITNESS: Yes, everyone has to have an identity card.

The CHAIRMAN: We would like to know why you came here, what made you come here, was it the Mission's communiqué in the Press? We will then let you tell us what you want to tell us.

WITNESS: I came here because I saw in the Viet-Nameese papers the Mission's communiqué inviting all interested persons to come to see the Mission. I came in view of that statement from you.

The CHAIRMAN: Would you please tell us what you wish to tell us.

WITNESS: I came here to present facts about the Buddhist affair. I am a Viet-Nameese citizen, and I am a Buddhist. My father and my forefathers all were Buddhists. I have worked for an American firm; I do not work for the Government. I

was very pleased to learn of the arrival of the Mission to this country and I thank you for giving me the opportunity to come and tell the facts about religious affairs. It is good that the Mission has come to Viet-Nam because the only way to see things is with your own eyes. If you wish to ascertain something you have to be on the spot.

I am a refugee from North Viet-Nam. I fled from the Communists in 1955 to seek refuge and liberty in the southern part of the country. The question of the Buddhist Affair is not very recent. It took shape over a year ago and now has come to its climax.

The Communists, as you know, are trying to infiltrate this country and since you are seeking the truth there is no doubt that following the Buddhist incidents the communist Viet-Cong has been trying to take advantage of the situation. I am a Buddhist; my forefathers, my father, were Buddhists. Being a Buddhist, I have to tell everything in the interest of Buddhism. I would not tell anything which is against this interest. I want you to know that I do not come here to support the Government or anybody; I come here independently. I am working for a private firm; I am not a Government official. I just work for my own living.

I do not come here either because I am a Buddhist to defend Buddhism; I come here as a citizen, because I want the Mission to know the true facts. I come here to make myself available to the Mission, if the Mission should need anything. I come here because I think the Mission would need the true facts from citizens and I stand ready to help the Mission in any way the Mission may wish.

As to the suicides by burning and the demonstrations, that was inspired by the Communists. The Government has given freedom of worship; the Government has not oppressed the Buddhists. I approve the Government's not taking any measure to persecute the Buddhists. I can show you the place and the documents showing that the Viet-Cong has taken advantage of the situation and has interfered in order to carry out its political aims in this country. I am a Buddhist. I know everything that concerns the Buddhist religion in this country. I know what is going on in connexion with Buddhist affairs in this country. I am a Buddhist and as a Buddhist why should I tell the bad things about Buddhism. I should be ashamed of myself. The Government is fighting and making every effort to fight the Communists in this country. Since it cannot use the ordinary civilian population, the Viet-Cong turns its efforts to the religious people and tries to use them as a means of infiltration into the affairs of the Government. The Buddhist affair came to a head in this country maybe for just one purpose, but then the Buddhists never realized that the Viet-Cong was behind them to take advantage of their movement.

I thank the Mission for having given me the opportunity to come to see it and for having welcomed me to this table. I am one of many thousands that think the same way and, should the Mission wish to enquire further into the affairs of Buddhism, I am ready any time to help the Mission.

In my statement I am impartial. I have not been used by anyone, because you see if there is any case of persecution, somebody says yes, somebody says no. The Mission is here to investigate for itself whether a fact is true or not and by asking many people, by this kind of testimony, it would be able to have a true picture of the situation.

As regards the demonstrations which have been termed Buddhist demonstrations against persecution, I think these were also incited by foreign elements, the Viet-Cong. I was myself urged and incited and sometimes threatened if I did not join the ranks of the demonstrators. Even for those who worked for the Americans, there was pressure to join the ranks of the demonstrators. We were threatened that we might be beaten. I can bring you witnesses of such pressure and threats. They incited the people to take their own life by suicide so that the Buddhist affair would become a big affair and would draw the attention of people in this country and abroad, to stir sentiment and emotion.

Those who have been touched by those attempts decided to join in the demonstrations. Those who have not been persuaded

by the agents just did not participate in the demonstrations. There is no particular reason behind the suicides. They were incited by people to do so. I can inform you here that the Government of Viet-Nam has given freedom of worship.

If you have any questions, I will be pleased to answer them.

The CHAIRMAN: Since when have you had this job?

WITNESS: Since January 1963.

The CHAIRMAN: And before that?

WITNESS: I was a teacher in a private school and even now in my spare time I have private classes.

The CHAIRMAN: Have you ever worked for the Government before?

WITNESS: I worked for the Government prior to 1958.

The CHAIRMAN: Where? In what type of work?

WITNESS: ... As a secretary/clerk in the Administration of Security. I was a clerk at the time of the French.

The CHAIRMAN: Do you still belong to the civil service and are you now just seconded?

WITNESS: I have no connexion with the Government whatsoever now.

The CHAIRMAN: Where do you work now?

WITNESS: I am a private teacher.

The CHAIRMAN: Considering that the question is not new and that the people who burn themselves by fire constitute isolated acts, why have people not burned themselves earlier, in your opinion?

WITNESS: They were incited gradually, incited and pushed, and this urging takes some time before it materializes.

The CHAIRMAN: By whom were they incited?

WITNESS: I attribute that to the Viet-Cong, even in the case of the first suicide, Thich Quang Duc. He was a priest all right, the others were sometimes not priests themselves. In the ranks of the monks there was infiltration and some monks urged the old monks to commit suicide and some old monks would feel that all of a sudden they would become heroes.

The CHAIRMAN: When you came to see us, did anybody ask you where you were going, what you wanted, what was your business?

WITNESS: I went to the counter and told the people at the counter that I wished to see the Mission. They took my name and address and sent my name up to you. I would have no right to just walk in.

Mr. IGNACIO-PINTO: You said that you had been invited to join the demonstrations. By whom were you invited?

WITNESS: People urged me and incited me to go and if you want I will show you the people who urged me to join the ranks of the demonstrators. Tomorrow I could bring you to see those people.

Mr. IGNACIO-PINTO: Were these people who incited you to join the demonstrations arrested?

WITNESS: No. Those people also work with American firms, and they are also Buddhists; they go to the temple.

Mr. IGNACIO-PINTO: Do you find it normal that the people who incited you to join the demonstrations were not arrested when so many were already arrested?

WITNESS: Sometimes they manage to escape arrest. Those who incited me to join the demonstrations even asked me why I did not take my own life by burning so that I could become a hero.

The CHAIRMAN: Among those people who urged you to demonstrate, whom you said you were ready to point out to us, do you know any who were arrested?

WITNESS: I do not know of any who were arrested. As you know, sometimes these people take advantage of the fact that they work for American firms and under the cover of the American firm they are working for the authorities would not come to get them.

Mr. KOIRALA: We know, and the Government has admitted it, that there are hundreds of Buddhists in prison. How do you account for this?

WITNESS: The priests and monks have only one thing to do, to stay in their temples and say their prayers; if they come out and cause disturbances, it is normal that they are placed in a quiet place so that they cannot carry out such activities.

Mr. KOIRALA: Thich Tinh Khiet, a most respected Buddhist, was he not also arrested?

WITNESS: During a time when the Government is fighting for its freedom and liberty in this country, whoever creates a threat to the security of the nation must be put in jail.

Mr. KOIRALA: You say you were approached by people and incited to demonstrate. Were they Viet-Cong agents?

WITNESS: I know these people; I can show them to you; but to tell you whether they are Communist agents or not I cannot because they are under all kinds of disguise, some are Government officials, and so forth.

Mr. KOIRALA: At the outset you said that the Communists were trying to infiltrate and as a good citizen of your own country would you not inform your Government of such activities?

WITNESS: I revealed their identities to the police but I do not know whether the police has arrested them or not. My revelations to the police are still in the police station.

Mr. GUNWARDENE: You have repeated no less than six times that you are a Buddhist. What was the necessity for you to impress on us that you are a Buddhist, so many times?

WITNESS: Because I want to impress you with the fact that I am a Buddhist and that in this country Buddhists can practise their religion.

Mr. GUNWARDENE: You start by saying that you are working in a private American firm; you are not employed in an American firm now?

WITNESS: My profession when I do not have a job is private teaching.

Mr. GUNWARDENE: You are now without a job?

WITNESS: Right now I am teaching in a private school.

Mr. GUNWARDENE: How many years were you employed by the Government?

WITNESS: Four years.

Mr. GUNWARDENE: Did you see any of the demonstrations?

WITNESS: I saw the demonstrations at a distance, I did not go near.

Mr. GUNWARDENE: Did you see great crowds?

WITNESS: There were many people but not crowds as large as some in other places in the world.

Mr. GUNWARDENE: You say you made a report to the police about the people who incited you to demonstrate. How many names did you disclose in this report?

WITNESS: Four names.

Mr. GUNWARDENE: All four persons are personally known to you?

WITNESS: Yes.

Mr. GUNWARDENE: When did you make this complaint?

WITNESS: I do not remember the exact date but it was about July.

Mr. GUNWARDENE: Since you made the complaint, have you met these four people?

WITNESS: If you go to the American firm you may find them.

Mr. GUNWARDENE: American firms employ people after screening only?

WITNESS: If it is a Government outfit like MAAG they would screen; private firms do not.

Mr. GUNWARDENE: Did you mention you were employed in an American firm at that time?

WITNESS: Yes.

Mr. GUNWARDENE: Did you mention to your superior officers that you had been incited?

WITNESS: Yes, to the storekeeper and to my supervisor.

Mr. GUNWARDENE: Did you mention to your bosses which American firms these inciters were employed in?

WITNESS: The four were working in the same room with me.

Mr. GUNWARDENE: Did your superior officers hold an enquiry?

WITNESS: I did not ask them whether they made an enquiry or not.

Mr. GUNWARDENE: Did the police get in touch with those people?

WITNESS: They were asked to go to the police station for enquiry.

Mr. GUNWARDENE: They were not arrested but were still working in the firm?

WITNESS: After the enquiry was made I do not know whether they are still working there.

Mr. GUNWARDENE: You left the firm on 23 August; so they were working there on 23 August?

WITNESS: Yes. One man among the four filed his resignation because he knew he was going to be fired.

Mr. GUNWARDENE: Which one?

WITNESS: I do not know.

Mr. GUNWARDENE: You know there is a security police in this town, a very big one?

WITNESS: I do not know whether they have a big force or not.

Mr. GUNWARDENE: When you said some people induced the priests to burn themselves, you were only expressing an opinion, you do not know personally?

WITNESS: I did not see it; you know Communists are just like ghosts.

Mr. GUNWARDENE: We only want you to testify to things that you know personally.

WITNESS: That is why I had to relate everything together.

The CHAIRMAN: The Mission thanks you for coming to testify before it.

WITNESS: I will be at your disposal.

### 131. WITNESS No. 37

WITNESS: It all started with a very insignificant incident. I am a teacher. In 1957-58 there was in my class a pupil who was undisciplined. So I sent her to the library to work so that she would not disturb the others. She reported it to her father who complained to the headmistress. The headmistress is a fervent Buddhist and I am a Catholic. The headmistress then incited all her former pupils to slander me all over town. For a very insignificant incident all those women wanted to do me wrong. They said that I was a Communist. I am not a Communist, I am a practising Catholic. They tried to know what I tell the priest in confession. They say I do wrong. I never do wrong. I am not a prostitute as they claim. I am out of job. All I have to live on is the money the Government pays me for the land which it requisitioned from me. They gave me 40,000 piastres per year and I give some private lessons and that is all I have as a means of living. There is a Buddhist friend whose story you may have heard. She entered a pagoda as a nun but as she was dressed like a monk, there was a bad woman who thought she was a man and wanted to have intercourse with him. The saint refused, naturally. The bad woman then had a baby by another man and she said that the saint was the father, so that the saint was slandered and beaten by the people in the town. And you may see a statue of that saint in a monk's habit with a child in her arms because the people forced her to bring up the child. I used to think that all religions were good—whether Buddhism, Catholicism, all other religions—I thought they all advocated good and virtue, but now they have done me so much harm that I could not consider Buddhism as a true religion. They are ambitious and they use slander for their own purposes. I have read in books we all read in this country, even in novels, that the head monk of a pagoda has the duty to receive in the pagoda anybody, even criminals, without denouncing them to the police



and that is why I think they even receive in the pagodas Communists with arms. To receive even criminals, everybody, even evil persons, without denouncing them to the police, I think that is why they received Communists with arms in the pagodas.

The CHAIRMAN: Tell me, did this Buddhist lady do all this to you only because you were Catholic or were there other reasons?

WITNESS: I believe there were other reasons. The headmistress was on the side of the pupil because the pupil saw a relative of hers and they are associated financially in a big rice mill and that is why she incited the pupils against me. Also, my sister lost her husband and she had to live without being married with a man who used to be a commissioner of the third district. That man has now lost his job. The wife of the headmistress' half brother tried to take her man from her. There was a lot of trouble. There is a good Buddhist lady whose son is Assistant Governor of the province. She lives next door to me. A security agent came to the neighbourhood pagoda to arrest people who were living with the monks and were hiding there because they were having political activity against the Government.

The CHAIRMAN: If I understand right, this complaint is a complaint against personal revenge?

WITNESS: I used to have to teach fifteen classes and I used to teach French but the pupils complained that I was teaching too fast. So they took a class away from me and they made me teach child care. Well, I did not know anything about child care. I had to study in books, to ask a doctor.

The CHAIRMAN: Are the Buddhists very much against the Catholics in this country?

WITNESS: They do not do it openly but they use magic against us, especially against the women and girls. They want to lead us astray to make us do wrong and then laugh at us.

The CHAIRMAN: Then, thank you witness.

### 132. WITNESS No. 38

WITNESS: It is for me a great honour to be here among you. Because of my age, my experience and my career, I know the country well. I am a member of the largest family in Viet-Nam. It is a well-educated family. We are Buddhist-Confucians and practise both the ancestor cult and Buddhism. I have lived in North Viet-Nam, but I come from Central Viet-Nam. I know these people and this country. My children live in Saigon. It is for me an honour to be heard by you great people from the highest echelon in the world. It is my intention to put my knowledge at your service, and thus in the service of the world and my country. Since I am sure that you know well what has happened in Viet-Nam, perhaps it will only be to verify your understanding of the situation. If you have any questions about these things, I think I can help you.

Mr. AMOR: Were you in Hué last May when the events took place?

WITNESS: Yes.

Mr. AMOR: Did you witness them?

WITNESS: I heard about the events and witnessed some of them, but not all.

Mr. AMOR: Which ones did you see?

WITNESS: I was at the Tu-Dan Pagoda ceremonies.

Mr. AMOR: What happened there?

WITNESS: Thich Tri Quang was explaining the slogans written on the banners. These slogans were of an anti-Government nature.

Mr. AMOR: So in other words, some people took advantage of the ceremonies to make propaganda against the Government?

WITNESS: Yes, but this was only the beginning.

Mr. AMOR: What else?

WITNESS: They had recorded the statement of Thich Tri Quang and they wanted to broadcast it on the radio station that night. There was an argument between Thich Tri Quang and the government officials, and the people gathered at the

radio station at this stage. It was during these discussions that the incident occurred.

Mr. AMOR: How can you explain the fact that certain monks have taken their lives by burning?

WITNESS: The Viet-Nameese are a very credulous and religious people. We worship almost any kind of religion. You can even see temples to ancestors on some of the small islands in the rice fields and sometimes, when there is a sickness in the family, we even go to pray in a Catholic church.

But if I talk about the suicides, that is entering into politics. I was an adviser and even at that time the Viet-Cong succeeded in fooling all kinds of people. Rumours started by the Viet-Cong were running around everywhere.

Moreover, it is possible for anyone to be a monk. There are true monks and false monks, true Buddhists and false Buddhists. Since there is no control in the pagodas (even the Government cannot control the pagodas) there is no way of checking. It is therefore possible that these people are in disguise. I would say that the most violent monks are Communists. The true monks are those who practise true Buddhist virtues such as non-violence, non-jealousy and charity.

Here we practise great religious tolerance. Anyone can construct a pagoda without prior authorization. So if there are Communists, it can't be controlled. I know that the Viet-Minh are now trying to start a religious war.

Mr. AMOR: Is it true that one of the causes of these demonstrations was favouritism of Catholicism over Buddhism?

WITNESS: That would surprise me. In every service and every branch of activity, the Buddhists outnumber all others.

Mr. AMOR: How do you explain the Government's action in banning the Buddhist flag on Wesak of this year?

WITNESS: The celebration of the Buddhist and Confucian birthdays was promulgated by this Government. Before this Government, there was no holiday on these days. Ngo Dinh Diem is a Catholic, but he tolerates all religions. In military camps there are pagodas next to Catholic churches. The Minister of the Interior decreed that the flags of the Catholics and the Buddhists are to be the same size, but that they are to be only two thirds the size of the national flag.

The incidents happened in the city itself. It was 34° C. in the shade that day. The population hoisted the flags and the national flag was often smaller than the religious flags. This had also happened in all other provinces, but there the Chief of the province went himself to verify the carrying out of the order. Here the Chief gave the order to the police. There were isolated cases of the police having harassed the populace.

Mr. AMOR: Were the ceremonies broadcast on the radio on that day?

WITNESS: I didn't hear them.

Mr. GUNWARDENE: Do you receive a salary?

WITNESS: Yes.

Mr. GUNWARDENE: At what time were you at the Tu Dan Pagoda?

WITNESS: Between 10 and 11 a.m. I was only passing by. I am a Buddhist, without being a practitioner, but my daughters and sisters practise their religion.

Mr. GUNWARDENE: You didn't go in?

WITNESS: No. I am a civil servant. I have changed my career because I didn't want to get mixed up in religious and State conflicts.

Mr. AMOR: Thank you.

WITNESS: I feel that I have served my country in coming.

### 133. WITNESS No. 39

WITNESS: First, I wish to introduce myself, not out of vanity, but because it might shed some light on some aspects of the question. I am a doctor. I studied in France. I am a Buddhist; my family has been Buddhist for generations; my sister has

been a Buddhist nun since 1950 and since I returned from France I have been doctor to almost all the nuns and monks in Saigon, especially the monks of the Sangha which is the pillar of the Buddhist movement. You can ascertain the truth of what I tell you by asking all the monks. I have attended all of them, the Superior in Huế, the President of the Committee, all the members of the league who are either free or under surveillance and for the last three years I have on occasion attended President Diem. I have served as intermediary between President Diem and the Buddhists when it was necessary. At the beginning of the movement in May 1963, at the request of the Buddhist leaders I served as intermediary between the Buddhists and President Diem directly. I do not mean the Government, ... I had direct access to the President himself.

First, I think I should give a definition of the word "discrimination". It must not be confused with certain aspects of favouritism. As I understand it, discrimination is a systematic policy imposed from top to bottom against something, in this case the Buddhist religion. I do not consider that certain favours which may be granted by President Diem to the Catholic priests and laymen who are carrying on an armed struggle against Communism mean discrimination against Buddhism.

I was an eyewitness at interviews granted by President Diem to certain Buddhist leaders before the incidents of 8 May. Those interviews were organized, arranged for the granting of certain favours to those leaders, such as: the granting of land, forest or gifts of money for the building of pagodas. I saw President Diem two or three days after 8 May and I can testify that he considers these events one of the greatest misfortunes which could befall this country. He asked me to intervene, myself alone and also with my family and friends, to mitigate as much as possible the disastrous consequences which could easily follow.

It is true that on the local plane, I mean the villages and hamlets, there have been certain facts detrimental and even humiliating for certain Buddhists, especially in the regions of Huang-Hai, Huang-Nam and Binh Dinh three provinces which were under Viet-Minh domination until 1954 and in which certain Viet-Minh cadres in order to protect themselves against action by the Government have adopted the Catholic religion. If I am not mistaken, these neo-Catholics have caused harm to the Buddhist community.

The CHAIRMAN: Those were originally Buddhists who later converted to Catholicism?

WITNESS: In Viet-Nam many Buddhists are only Buddhists because their parents are, for instance, people who never go to the pagoda, never attend the ceremonies, but call themselves Buddhists because their father, mother, wife and in-laws are Buddhists. I wish to add this. The Government lacked soldiers to ensure the security in certain regions and certain Catholic priests offered their services to the Government to assure security. There is the example of a village priest called Sea Swallow. When those priests offer their services they receive arms. In my own native village certain persons belonging to my family were in the Viet-Cong and then became Catholics to avoid action by the Government. Then they were taken with such zeal that they were armed by the Government, although deep inside they are not in favour of the Government.

The CHAIRMAN: Since we are expecting other witnesses we would appreciate if you could sum up your general statement in a few words which would then enable us to ask questions.

WITNESS: I prefer that you ask questions. I shall answer as best I can.

The CHAIRMAN: In accordance with the Constitution of the country and the laws of the country, I would like to know if all citizens of Viet-Nam can exercise their rights equally and particularly if these rights are extended on a basis of equality in all spheres of life to the Buddhist community.

WITNESS: I think the Constitution is respected. I am a genuine Buddhist. If we count the officials in this country, we find

that the majority of the Council of Ministers is Buddhist. Fifteen generals out of twenty are Buddhists and at least seventy deputies out of 113 are Buddhists.

The CHAIRMAN: Can you tell us if you are acquainted with the highest officers in charge of the Army in Saigon?

WITNESS: Brigadier General Nguyen Van La.

The CHAIRMAN: Are you acquainted with the name of another General, Ton That Dinh?

WITNESS: This General was named Governor of Saigon during the state of siege, but usually he is Commander of the Third Region.

The CHAIRMAN: Could you tell us to what religion these two officers belong?

WITNESS: General La is, I believe, a Buddhist and General Dinh a Catholic, I think.

The CHAIRMAN: What is the proportion of the Buddhists in this country as compared with other religions?

WITNESS: As I have told you it is very difficult to give the exact number of Buddhists. The Buddhists are not unified; there are at least twenty sects, of which the main ones are the Co Son Mon which controls about four-tenths of the Buddhist population of Viet-Nam, then there are the Lut Hoa Tag, the Nguon Thuy, the Khat Thuc and the Sangha which, with the General Buddhist Association of Viet-Nam, is the pillar of the movement. The Sangha is made up of monks and the General Buddhist Association is made up of laymen and monks. The Sangha controls about one-tenth of the Buddhists and the pagodas in the South and one-third in the centre of the country where it is very prosperous.

I belong to the Sangha. The Sangha is the Co Son Mon with a more modern philosophy and is more suited to people who have had a Western education. That is the reason why lately the Sangha is the only one that has developed much more than the other sects.

The CHAIRMAN: How many members of the Cabinet in the Government are non-Catholics?

WITNESS: The Vice-President, the Secretary of State to the Presidency, the former Minister of Foreign Affairs, the Minister of Public Health, the Minister of Labour, the Minister of Justice, the Minister of National Education, the Minister for Rural Affairs. I am not quite sure whether I listed them all. There are thirteen ministers; four only are Catholics, I believe. The present Minister of Foreign Affairs is a Catholic; he was formerly Minister of Cultural Affairs.

Mr. KOIRALA: I would like to supplement the question of the Chairman. Irrespective of sects, what would be the percentage of Buddhists in this country?

WITNESS: If we count only the practising Buddhists of all sects, I would say five million irrespective of sects.

Mr. KOIRALA: What is a practising Buddhist?

WITNESS: I count those who go to the pagodas on religious holidays and have given to their children the Buddhist baptism.

Mr. KOIRALA: What do you call the others that are neither Catholics nor anything else?

WITNESS: For the intellectuals in Viet-Nam Confucianism is not considered as a religion, but a percentage of the population call themselves Confucians and think it is a religion.

Mr. KOIRALA: Leaving aside Christians, Moslems or any other religions, would the rest be considered Confucians?

WITNESS: The majority. Some have no religion at all; there is also Cao Dai and Hoa Hao which may be considered as religions.

Mr. KOIRALA: In your statement you said certain favours that may be granted to Catholic priests that are fighting against the Communists should not be interpreted as discrimination against the Buddhists. Do you mean to say that the Buddhists did not fight against the Communists?

WITNESS: The true Buddhist is the one who is against all acts of violence. The Buddhists do not adopt communism but they prefer not to have to go to war against it.

Mr. CORRÊA DA COSTA: As a doctor you said that you take care of many Buddhists monks, including Thich Tinh Khiet. Can you tell us if you consider that, despite his age which is probably in the neighbourhood of 90, he is of perfect state of mind?

WITNESS: Yes. I wish to say that the Reverend monk has his lucidity of mind but, because of his religion, he has abstained from any activity in the field of international politics. Since he was put in that place, he cannot control the movement and I think it is wrong to consider him as the Pope of Buddhism because in reality it is Thich Thien Hoa, the President of the General Association of the Sangha who has always been the highest authority in this country on Buddhism. There is something to explain at this stage. Thich Thien Hoa had been a follower of Thich Tinh Khiet and those who elected the Thich Tinh Khiet speculated on this and made it believed in Viet-Nam and outside that Thich Tinh Khiet was the most important.

Mr. CORRÊA DA COSTA: What would you tell us of the students, the demonstrations and the police action against them?

WITNESS: The student movement and the demonstration decided the Government to establish a state of siege which the Government would not have done had it not been afraid of a catastrophe.

The CHAIRMAN: What was the Government afraid of?

WITNESS: It was afraid of being overthrown. In the army and other sectors of the population people were very excited by underground propaganda saying that the Government was out of breath and that if it could not deal with two or three pagodas how could it deal with difficulties spreading to the whole population.

Mr. IGNACIO-PINTO: You said that you attended several interviews the President had with the Buddhists during which he presented them with gifts of land, scholarships, subsidies, and so forth. Can you give us an idea of what the Government gave, to whom and how? Would you know what the President might have given toward the construction of Xa-Loi Pagoda?

WITNESS: I believe Xa-Loi received help.

The CHAIRMAN: Thank you very much.

WITNESS: By virtue of my personal contacts with the President I am in a position to say that, although he is Catholic, he has studied the Buddhist and Confucian philosophies. He is no closer to the Catholics than he is to the Buddhists. He understands the Buddhists perfectly. Certain tendencies of his mind are more Buddhist than Catholic. Should the conclusions derived from the investigation be that there is discrimination on the part of the Government against the Buddhist community, it is my opinion that the President does not pursue a discriminatory policy against the Buddhists.

#### 134. WITNESS No. 40

Mr. AMOR: We have received your letter telling us that you would like to give us your personal opinion on the situation in Viet-Nam and I would like to point out that you should limit yourself to remarks on the Buddhist question.

WITNESS: That is what I had intended. I have lived here for fourteen years and have not left the country during that time. I feel, therefore, that I know the Viet-Nameese people and the country. You have certainly heard of the Buddhist question. Here is my opinion: there is no Buddhist question; there never was one and there isn't one now.

I am a Viet-Nameese citizen. I have nothing against anyone, Buddhist, Catholic, Protestant—and the Viet-Nameese people are the same. The Viet-Nameese is not a fighter. He is indifferent. He has been under domination off and on for a thousand years. So my personal opinion is this: the affair was a Buddhist affair only in the sense that it was launched by Buddhists.

What interests me is what I have seen, not what has happened in the past. So this is what happened in May. In the

course of a Buddhist procession, people were being told to go to the radio station. They came there to present a manifesto. I have told you that there had never been a Buddhist affair, and now all of a sudden there was one. Obviously, there must have been some collusion, but not from inside the country.

The Army is 80 per cent Buddhist. The Government is 60 per cent Buddhist. But neither the Government nor the Army went along with this movement. So it seems to me that this was simply a revolution assisted from the exterior. That is why I say that there is no Buddhist question. There never has been one, or else I must be blind. I am impartial; I have travelled almost all over the world. You can imagine that I am fairly well educated. I am an observer and I can tell you that I have seen nothing that looks like a Buddhist question in Viet-Nam.

I don't have anything to do with politics, but I have seen this affair grow to very serious proportions, and it shouldn't. I think it is simply within the framework of internal affairs.

Mr. AMOR: Are you a Catholic?

WITNESS: Yes, and I practise my religion.

Mr. AMOR: In your opinion, has the Buddhist movement been inspired by the Viet-Cong and the Communists, as we have been told?

WITNESS: I can tell you that I don't know. There was an abrupt outbreak, all of a sudden—that much I know. Where it originated, I don't know. To say that one or two nations were behind this, I don't know. They have incited Buddhist leaders who don't know much about this either. If you know much about Buddhism, you know that the leaders are for the most part relatively uneducated. How could you believe that such people would set up a coup by themselves? But if you asked me if there were any political parties in this country seeking to overthrow the Government, which might have originated a coup of this kind, I might perhaps believe it.

Mr. VOLIO: Do you think that before the incidents of May of this year, there was any discrimination against Buddhists in this country?

WITNESS: I never saw or heard of it, and I have friends here of all professions and all religions. Do you speak of discrimination on the part of the Government?

Mr. VOLIO: Yes, by the Government.

WITNESS: No, because the people would have known of it. This affair broke out suddenly. It broke on 8 May. That is why I would like to give you an elucidation of this, because it seems so incomprehensible. I have talked to friends of many different religions. My Buddhists friends sometimes tell me that the Buddhists had some demands to make.

Mr. GUNWARDENE: Is your position that the Buddhist priests are uneducated?

WITNESS: Yes.

Mr. GUNWARDENE: And the Buddhist community is uneducated?

WITNESS: No, I did not say that! There are well-educated Buddhists, but they do not have access to the higher priesthood. In my opinion, high positions in the Buddhist hierarchy are attained by faith and devotion rather than by learning. But Buddhists are far from being uneducated. Some of them are extraordinarily well-educated, but they are not monks.

Mr. GUNWARDENE: As a community?

WITNESS: It is not my religion, but I can say that as a community it is perfect. They have hospitals, schools, some magnificent things.

Mr. GUNWARDENE: Do you consider them far behind the Catholics in the matter of education?

WITNESS: No, not in any way.

Mr. GUNWARDENE: In Viet-Nam, are the Catholics in a more privileged situation than the Buddhists?

WITNESS: No, I have never seen anything like that. There are more Buddhists in the population.

Mr. GUNWARDENE: Are Buddhist celebrations recognized by the Government?

WITNESS: Yes. They stop work and the big Buddhist festivals are holidays. You can see this for yourself on the calendar.

Mr. GUNewardENE: Would you say that the Foreign Minister who shaved his head and left the Government was crazy?

WITNESS: No. If that was his opinion, all right. Why not?

Mr. GUNewardENE: Were you at the pagodas often?

WITNESS: Yes, I go often to see the ceremonies.

Mr. GUNewardENE: Did you go West?

WITNESS: No, I wasn't there.

Mr. GUNewardENE: Is the radio station owned by the Government?

WITNESS: Yes.

Mr. AMOR: Thank you.

### 135. WITNESS No. 41

WITNESS: I brought here a manuscript [see annex XVI] which I wrote during the state of siege. I tried to send it abroad but could not manage it because students' luggage was thoroughly searched. So I kept that manuscript in order to bring it to the Mission and to tell the Mission all my heart obliges me to say.

The CHAIRMAN: You can tell us all that is in your heart. We shall listen with the greatest attention.

WITNESS: If I were to tell you all that is in my heart, it would waste very much of your precious time. So, all I want to do is to give you manuscript.

136. The witness then took out the manuscript which was in an envelope in between the pages of a magazine which had been pasted together to hide the manuscript.

WITNESS: You understand I do this for reasons of security. I am sure you understand.

Mr. CORRÉA DA COSTA: Can you tell us what is the nature of this manuscript?

WITNESS: This is a story in the form of fiction. I wrote it as if it were an exchange of correspondence between a boy student and a girl student. There are fifteen letters.

Mr. KOIRALA: That is the story of occurrences?

WITNESS: Yes. All that happened between the Hué incident and 17 September.

Mr. KOIRALA: Is there anything in that manuscript that is fiction?

WITNESS: No.

Mr. KOIRALA: Is there anything in the manuscript beside those letters between students?

WITNESS: Yes, I attached a letter addressed to the Mission by myself. Now I want to ask something. When I came into the hotel I was followed by a security agent and a paratrooper.

Mr. KOIRALA: Did they ask you any questions?

WITNESS: No. They took my identity card and looked at it.

Mr. GUNewardENE: Anything else?

WITNESS: If, as I leave the Hotel Majestic, I am arrested or if I am arrested afterwards, what will the Mission be able to do for me?

The CHAIRMAN: What is your address?

WITNESS: I have just come from Dilat. I was living here but after students were imprisoned in October, I fled to Dalat and I am going back tomorrow.

Mr. VOLIO: Then give us your address both in Saigon and in Dalat.

### 137. The witness then gave both these addresses.

Mr. GUNewardENE: Did you take part in the Wesak celebrations?

WITNESS: Yes.

Mr. GUNewardENE: Where?

WITNESS: In Saigon.

Mr. GUNewardENE: Was there any trouble?

WITNESS: No. Only the Buddhist flag was struck down.

Mr. GUNewardENE: By whom?

WITNESS: I don't know. I was going around town to see the celebrations and on my way back I noticed that the flags were no longer there.

Mr. GUNewardENE: At what time did you first see the flags?

WITNESS: Early in the morning.

Mr. GUNewardENE: At about what time did you notice that they were no longer there?

WITNESS: At about 11 a.m.

Mr. GUNewardENE: What were your feelings about it?

WITNESS: I was very surprised.

Mr. GUNewardENE: Did you go to the Xa-Loi Pagoda?

WITNESS: Yes.

Mr. GUNewardENE: Was there a large crowd?

WITNESS: Yes. There was a film show. They were showing the picture called "The Light of Asia".

Mr. GUNewardENE: At what time?

WITNESS: At 7 p.m.

Mr. GUNewardENE: Everything was quiet?

WITNESS: Yes, only we noticed that there were many national flags. Usually the national flag is only displayed in the main places, but on that day it was everywhere.

Mr. GUNewardENE: Who had put up those flags?

WITNESS: The Buddhists of the pagoda. But that is not important.

Mr. GUNewardENE: Did you take part in any demonstrations?

WITNESS: Yes. I went to the Faculty of Medicine on Friday, 23 August 1963, at 3 p.m.

Mr. GUNewardENE: Was it the first student demonstration?

WITNESS: Yes. But it was not exactly a demonstration. The students elected a committee of students.

Mr. GUNewardENE: What for?

WITNESS: Because of the Buddhist problem.

Mr. GUNewardENE: Was it a big meeting?

WITNESS: Five hundred students.

Mr. GUNewardENE: Did you demonstrate afterwards?

WITNESS: No. Not on that day. A medical student asked the Dean of the Faculty why he was not authorized by the Government to attend Buddhists as a doctor. Then the students cheered and it was believed that it was a demonstration. Many students spoke, especially those who wanted to be members of the committee. They gave their reasons and after they had spoken, there was a lot of cheering. Some security police came into the room but they were expelled by the students. We adopted a motion addressed to the President of the Republic and we drafted a statement from the students which was cabled to the United Nations, to President Kennedy, to Pope Paul VI, and—I am afraid I don't remember the fourth addressee.

Mr. GUNewardENE: Was it an orderly meeting?

WITNESS: Yes.

Mr. GUNewardENE: Was it broken up by the police?

WITNESS: No.

Mr. GUNewardENE: Did you know of the raids on pagodas on 21 August?

WITNESS: Yes.

Mr. GUNewardENE: Have you any idea of the number of pagodas raided in Saigon?

WITNESS: I wanted to visit Xa-Loi and An-Quang Pagodas but they were barricaded.

Mr. GUNewardENE: When was that?

WITNESS: On the morning of the 21st. I remained behind the barricade.

Mr. VOLIO: Do you know the motives of the Hué incident of 8 May?

WITNESS: It is all in my manuscript.

Mr. VOLIO: In the past, have you always exercised your freedom of worship without Government interference?

WITNESS: I went freely to the pagoda. There were only a few notable incidents. For example, the Buddhist scouts, the members of the Buddhist Youth Association, wanted to organize a camp in Nyakrong in 1959, but at the last minute the Government refused to authorize it.

Mr. VOLIO: Did they say why?

WITNESS: The Government said it was for reasons of security, but I don't understand why it was at the last moment that they gave that reason when that place was perfectly quiet.

Mr. VOLIO: Do you understand the meaning of the presidential decree on flags?

WITNESS: You mean very long ago?

Mr. VOLIO: No. Shortly before the fact, a few months ago, perhaps a year ago, the President promulgated some rules on the use of national and religious flags. Do you know why?

WITNESS: There is a Buddhist document that refers to the number of that decree. I don't know any more recent texts. That has been freely implemented since 1953.

Mr. GUNWARDENE: Any other incidents?

WITNESS: I was very young, so I was not watched, but the scout chiefs were very closely watched.

Mr. GUNWARDENE: Did you take part in any other meeting after 21 August?

WITNESS: Yes. On 24 August we went to the Law Faculty to welcome the former Foreign Minister, Mr. Ru Van Man, who had just resigned.

Mr. GUNWARDENE: What happened?

WITNESS: This is a very long story. It is all in my manuscript.

Mr. GUNWARDENE: Were there any disturbances?

WITNESS: As I came out I was arrested.

Mr. GUNWARDENE: Oh, you were arrested? And when were you released?

WITNESS: The same evening.

Mr. GUNWARDENE: Do you consider that the Catholics are in a position of superiority over Buddhists in this country?

WITNESS: Yes, and you will see all that in my manuscript.

Mr. GUNWARDENE: Why do you say that they are?

WITNESS: Because I saw it with my own eyes. I heard one of my brothers in the Buddhist movement—as you know we call the Buddhist movement a family, so I call him a brother. When he was a soldier, he had several things to tell me.

Mr. GUNWARDENE: Such as?

WITNESS: In the Wesak month, he was obliged to take part in military operations but during those operations he did not meet with anything. Also, another Wesak, he happened to be in the mountains, the Annamitic range, and he did not know how to celebrate Wesak. Like the others he did put up a Buddhist flag but the Catholic priest prevented him from doing so. That is all I have to say, but I want to ask a question. If I am arrested after my return to Dalat, how can my family send a letter to the Mission to inform the Mission of my arrest?

Mr. AMOR: We shall be here until Sunday and after that they can send the letter to New York.

WITNESS: Yes, but this letter will never go past the post office in Saigon. I wrote several letters to my friends in France. They never received any.

Mr. GUNWARDENE and Mr. VOLIO: We are sorry that the Mission cannot do anything about this. Thank you.

138. WITNESS No. 42

Mr. AMOR: Are you a Buddhist?

WITNESS: No, I am not, but my wife and all of her family are Buddhist.

Mr. AMOR: Can you tell us anything about the events which took place on 8 May in Hué?

WITNESS: There was an intensive preparation for days before this celebration. In all homes there were small lamps and Buddhist flags. In our house we had a Buddhist flag. But on 8 May we received an order not to fly this flag.

This interdiction applied to religious flags—not only to the Buddhist flag. None the less, we noticed a degree of discontent, even among some of my colleagues. They said why was that order given just on the eve of the celebration? That I cannot answer. I have nothing to do with politics. When I asked the police about it, all they told me was that the order had been given before and that the Government was only reaffirming it on that day.

On 8 May, I took my whole family to the beach. We came back at about 10 o'clock p.m. When we drove by the radio station, we noticed a large gathering of people, as well as tents, about 200 or 300 metres from the radio station. So I told my wife—let's stay and see what is happening. After five or ten minutes my wife became afraid for the children, so we went home.

About an hour later, I heard gunshots. I live not far from the radio station, about 100 metres. After that, I went to sleep, but the next morning my wife told me that a little later on she had heard an explosion.

The next day, I saw people walking by saying "we die for religion" and I wondered what had happened. After I had taken my mother to the airport, I went to the hospital, where they told me that there were some dead people in the morgue. I rushed to see what had happened. It was a horrible spectacle, but we didn't know what had happened because we couldn't find any bullets and there were no signs of crushing. We concluded that it must have been the result of a blast, perhaps from an explosion of a plastic bomb.

The following day, I noticed that a large meeting was being held, so we asked the people passing by what the reason was. They told us that they had been asked to come in from the country because some Buddhists had been killed. It was then that I began to think that there must be something behind it all, because the people no longer listened to the Heads of Departments.

So the days went by. After 16 June, I thought that everything was all over. I had read in the paper that the Government would do anything possible to satisfy the Buddhist demands. But then the attitude of the temples changed. Before that, there had been no injurious talk, but now there were insults against the Government on the loudspeaker and I myself heard them saying at Tu-Dan Pagoda that the Government was not worthy to hold power.

This is all that I knew up until the day when the professors signed the letter of protest. There were three articles protesting the fact that the Government had stolen from the temples, that it remained indifferent to the events and the dismissal of the Rector of the University. The professors signed for all three reasons, but in particular because of the dismissal of the Rector. In Tu-Dan temple, however, they took out this third article.

This was followed by strikes. Most of the students who took part supported the Rector. During the last few days, however, the movement switched. Then came the curfew. I am telling you these facts as one who has seen them.

Mr. AMOR: It has been alleged that in the May incidents toxic gas was used against the demonstrators.

WITNESS: I didn't see evidence of toxic gas, but I did see that their bodies were marked with a lot of little burns. Among the fifty people admitted for treatment to the hospital, there were five or six who had to stay.

Mr. AMOR: To what do you attribute these burns?

WITNESS: I discussed this with doctors at the hospital and reached the decision that the flasks of tear gas which were thrown must have exploded before reaching the ground. Normally, the grenade breaks on the ground and the gas disperses



in the air, causing a blurring of vision, but it was supposed that in this case the tear gas grenades exploded on contact with the human body and had thus become a burning substance. They were not serious burns, however.

Mr. AMOR: Have you noticed any difference in medical treatment in the hospital between Catholic and Buddhist patients?

WITNESS: There has never been any distinction.

Mr. AMOR: But did the administration of the hospital ever discriminate in any way in the treatment of patients, such as giving them better rooms, and so forth?

WITNESS: Some people accused the Director of the hospital of being pro-Buddhist, but I never noticed it.

Mr. AMOR: Do you think the May demonstrations at Huế could have been inspired by elements opposed to the Government?

WITNESS: On 9 May, there were scattered meetings. I thought they were just meetings of Buddhist monks. When, in the course of the following days, I heard anti-Government cries, I thought to myself that there must have been something else, and those around me say the same thing. Only we have no proof. We think it was probably Communists or the opposition who wished to overthrow the Government; but after 16 June, everybody who heard the anti-Government shouting thought it was a political movement.

Mr. VOLIO: Are you a Catholic?

WITNESS: Yes.

Mr. VOLIO: What is the proportion of Buddhists to Catholics in the hospital?

WITNESS: I can give you the proportion of Catholic to non-Catholic, but Buddhist I cannot ascertain, because the majority practise the ancestor cult. There are only three Catholic doctors out of twenty.

Mr. GUNewardENE: The Catholic Rector of the University was dismissed?

WITNESS: Yes, three months ago.

Mr. GUNewardENE: Why?

WITNESS: Nobody knows. We wondered why, because he is an intimate friend of the President.

Mr. GUNewardENE: Forty-seven professors signed a protest against the dismissal of the Rector, the treatment of the Buddhists, and for the settlement of grievances. Is that true?

WITNESS: Yes, I have said this, but that is not the whole story. The number was not forty-seven, because there were only twenty-eight professors in Huế. I myself counted the signatures. We found signatures of twenty-three different people, but since some signed several times, there were forty to fifty signatures on the protest. This was on the first day.

Mr. GUNewardENE: Were some of those who signed Catholics?

WITNESS: Yes, two of them.

Mr. GUNewardENE: Is it correct that there were sixty victims of the police in the hospital?

WITNESS: I have already told you that there were fifty or sixty. Among these, only five were to be hospitalized.

Mr. GUNewardENE: Do you know Dr. Hans Holterscheidt and Dr. Wulff?

WITNESS: Yes. Dr. Wulff is a psychiatrist. He is very young, only 28 years old. He had just left medical school. Both of them worked in the hospital as assistants.

Mr. GUNewardENE: Did they treat these patients?

WITNESS: No, all these patients were taken to a room where there were only Viet-Nameese doctors.

Mr. GUNewardENE: Have Dr. Wulff and Dr. Holterscheidt left now?

WITNESS: Yes. They were expelled because, according to what I have heard people say, they gave bottles of acid to students and army officers were burned with it. They were behind the students and inciting them.

Mr. GUNewardENE: As far as you know, the 8 May incidents were spontaneous?

WITNESS: I don't know. All I know is that the gathering of the crowd looked spontaneous.

Mr. GUNewardENE: Did you think that the Buddhists thought they had grievances?

WITNESS: Of course they had grievances then; some were dead. A daughter of one of my friends was dead. So of course they were angry. But on the following day, the situation seemed to get back to normal.

What I tell you is only from the point of view of a spectator. I did notice with regard to Buddhist temples an enormous difference between 1950 and 1962. For example, Xa-Loi Pagoda is completely new, and the meeting room at Tu-Dan Pagoda is new. My colleagues and friends never talked about any oppression before that date.

Mr. AMOR: Thank you.

*Witnesses whom the Mission had requested to see*

#### 139. WITNESS No. 43

WITNESS: I wish first of all to welcome the Chairman and the Members of the Mission. I would like to know if all the information that I give you will remain confidential. I come here with an open heart. If you wish to hear all the truths about the situation here, I shall tell you, but I would ask you the favour of telling me if you will communicate this information to the Viet-Nameese authorities.

The CHAIRMAN: This Mission is here to find facts in regard to the relations between the Government of Viet-Nam and the Buddhist community in this country and as far as we are concerned the Viet-Nam Government is one of the parties concerned in this situation. We have no relation in our investigation here with the Government of Viet-Nam. We want to hear facts from both sides and I assure you that everything you say will remain confidential, absolutely confidential.

WITNESS: I would again ask you another favour. Some of the information that I am going to give you, you can say where you obtained it; but some other information I can give you, I would prefer that the Mission only say that it has gathered it without attributing it to me.

The CHAIRMAN: We do not give the sources of information to anybody. Everything is confidential.

WITNESS: First I wish to give you an idea of the general situation, then you can ask questions. You are sure there are no microphones?

#### 140. The Chairman reassured the witness.

WITNESS: First of all I will tell you that the situation here is extremely grave—serious, very serious. All organizations, popular as well as governmental, are in fact puppets. To begin, I present to you a document for the National Assembly, for the deputies. All the names had been designated beforehand. There are 123 units, only four were not elected. This is not an election. The lists were prepared in advance. They say they have a great success with strategic hamlets. They can appoint anybody on the Committee for Strategic Hamlets but it does not mean anything; they are just names. There are no elections, there is no democracy. Do you want a copy of this list? Of course, if I give this one to you and I am asked for it I will not be able to produce it.

The CHAIRMAN: If you wish to give us a copy . . .

141. The witness showed the document to the Mission and it was returned to him because the Mission had no time to make a copy.

WITNESS: The list was established on 13 August 1963.

Now I wish to speak of the financial situation which is the most important. The Nhu family has transformed Viet-Nam into a firm. With regard to trade, commerce, there is a firm called Hang Truong that receives all licences, permits, and so forth. Its address is 11 rue Pasteur. They receive all the foreign exchange and it is that firm that does practically everything. For sea products there is another firm: Nguyen V.



Buú, 231 quai Văn Den. Now for forestry products: Tan Mai is the firm. The other firms and the population get practically nothing. I will now speak of social action. All popular organizations which have some prestige were made up of veterans who were in the struggle in the maquis, the underground in the struggle against the French. Most of them have been eliminated. I now speak about education, the scholarships for students abroad. An investigation was made which went back three generations; if the father, grandfather or great-grandfather have had any political activities, nothing doing. For pharmaceutical products there is also a firm: Viet Nam, Duoc Pham, 34 Nguyen Hué. This organization buys and sells all pharmaceutical products.

I have nothing to add.

Last month at a meeting for the training of cadres Mr. Nhu said: "You, gentlemen, do not wish to educate yourselves but you want to move quickly on the road of progress. You have said it is not worth while to work, to educate ourselves. If we are in higher positions and we better ourselves it will be for the benefit of the Nhu family, not the country. This is not true; you will be working for the country, not for our family." I do not wish to abuse your time so I am going to conclude with the problem of the Buddhist religion. You have already a general idea of the general organization of our country and before going on I wish to sum up. Everything is false; in fact they are all puppets, incapable people; we are surrounded by that. We have trained executive agents but no able collaborators. Another ridiculous fact I must tell you. It has happened on occasions that Mrs. Nhu has slapped the face of high officials. She even raised her voice and had quarrels with the Vice-President. In conclusion, everything that has happened was directed by Mr. and Mrs. Nhu. President Diem is just there, just present. Now I come to Buddhism. As you know, the incident broke out when there was a demonstration all around the offices of the Voix du Vietnam in Hué. All that was asked was that the ceremony of the Birth of Buddha should be broadcast. The request was rejected. They wanted the crowd to disperse; there were more than 3,000 persons; they did not know how to go about it; first they used water hoses, finally they crushed the people with tanks. Afterwards, there were five demands but it was not much. The President and the Vice-President wanted to settle the matter, to come to an arrangement, but Mrs. Nhu would not have it and then the Buddhist affair broke out. At first there were no Communists; it was purely religious, but later, you know Communist activities, not only here but also elsewhere... Letters of encouragement and of condolence were sent to the families and to the Buddhist leaders. It was said that during the searching operations they found arms and ammunition and plastic. I do not know, but I heard that it was the Viet-Nameese army that had planted them. I am surprised that they did not find them in the pagodas but they looked in the gardens and found them there.

The affair was not started by the President or by Mr. Nhu, but by Mr. Ngo Dinh Can. This Government cannot stay as long as the attitude of the United States does not change. First of all, in the Army there is a lack of justice. The Government has not won over the population. For the demonstrations they have to summon the help of officials. I myself announced that there would be 15,000 demonstrators in the demonstration in favour of the President—15,000, but it is only a number.

The CHAIRMAN: We are particularly interested in the Buddhist situation. What is the number of the labourers in the Confederation of Labour?

WITNESS: Before there were more than one million, I mean the Confederation. Now there are only 200,000...

The CHAIRMAN: You say "before"; what do you mean by "before"?

WITNESS: One year ago there were over one million; now there are only 200,000. Those who work the land are now organized by the Government. Why are the workers of the land organized by the Government and not by the Confederation?

The CHAIRMAN: What would be the percentage of Buddhists in the Confederation?

WITNESS: In the country in general there are 80 per cent. In the Confederation there is no distinction between Buddhists and Christians. I am neither Buddhist nor Christian. My wife is Buddhist.

The CHAIRMAN: Does the Government discriminate in the sphere of labour on religious grounds?

WITNESS: Most certainly. It is not obvious, but I think yes.

The CHAIRMAN: Can you give us examples?

WITNESS: There are two confederations here. There is the Confederation of Christian Trade Unions, but in fact they are not all Christians, they include some Buddhists. The President of the Confederation of Christian Trade Unions is not a Catholic. Mr. Tran Van Lam who is now Ambassador, though I do not remember to which country, was formerly Governor of South Viet-Nam. They wanted to eliminate him because he was a Buddhist. He was afraid; he was a coward. He was swimming at Cap St. Jacques and he said "the Holy Mother has saved me; I was drowned". After that he converted himself to Catholicism and he remained as Governor of South Viet-Nam.

In all investigations which are made when you ask for a position in Government or semi-Government bodies you have to fill a form and one of the questions is whether you are Buddhist or Christian. I put down Confucian but it is not a religion, it is a philosophy. It is obvious.

The CHAIRMAN: Would you please tell us, as a matter of policy, what is the position of the Confederation regarding the Buddhist affair?

WITNESS: It is only concerned with labour problems and the question of religion is never brought up.

Mr. GUNewardENE: I want to ask you one question where you mentioned the Army. We have been told there are fourteen Buddhist generals. What are their functions; are they all active?

WITNESS: First I want to give you general information before answering the precise question. The reason why there are Buddhists in the Government is because there are not enough Catholics but they were appointed before the movement started, more than two or three years ago. The Buddhists are very numerous, more than 80 per cent of the population, and the Government cannot find Catholics to replace them. In all spheres there are many Buddhists but they go to church, they deny that they are Buddhist because they are afraid. It is the same in the Army. Every Sunday if the President is there they all go to church. I also went to church.

Mr. GUNewardENE: Are the Buddhist generals really active and in control of the Army?

WITNESS: They are nothing. Mr. Nhu is the only one who has power. They are nothing, they are puppets, even Col. Tan who is in charge of the secret police.

Mr. GUNewardENE: Who manages the secret police?

WITNESS: Of course it is Mr. Nhu. He controls everything. President Diem does not count.

Mr. GUNewardENE: With regard to the distribution of land in the provinces, as far as you know, is there any discrimination in favour of Catholics?

WITNESS: There are facilities for Catholics, yes. Not only for the distribution of land, but for everything.

Mr. KOIRALA: You mention that the Christian Confederation also includes Buddhists. In that case why has it taken this name of Christian Confederation?

WITNESS: Because there are not enough Christian members, so it accepts everybody.

Mr. KOIRALA: Why do they call it "Christian"?

WITNESS: Because it was organized under the French administration by the Catholic missionaries.

Mr. GUNewardENE: Are the Buddhists in this country treated as second class citizens?

WITNESS: It is natural. One final word. I place all my confidence in you and I tell you everything. It is very dangerous for me and I count on your assurance of complete secrecy.

Mr. AMOR (now in the Chair): You can rest assured.

WITNESS: All this is in the interest of my own country. I wish you a pleasant stay and I rely on you for the future of our country.

Mr. AMOR: Thank you.

#### 142. WITNESS NO. 44

Mr. AMOR: Are you a Buddhist?

WITNESS: Yes.

Mr. AMOR: Did you participate in the May events in Hué?

WITNESS: Yes.

Mr. AMOR: Can you tell us the reasons for these demonstrations?

WITNESS: As you know, 80 per cent of the population is Buddhist. I don't know what reasons the monks had, but as for the civilians, they were having difficulties with their religion. There were atrocities and the Association in Phu-Yên, Binh Dinh and Quang Ngai provinces had made demands for religious freedom. They had written to the Government, but had received no answer.

At the time of Wesak, these Buddhists were already discontented. Then, on the eve of this celebration, the question of the flags was raised. Order 9195 regulating the use of religious flags was promulgated. As the time of the celebration was near and the Buddhist flags were already flying, nothing could be done, so the students went to the house of the Government delegate and requested that the use of the flag be restored.

There seemed to be a concession. An information car with a loudspeaker went around the streets announcing that the flag could be flown, but by that time the flags had already been removed. It was too late. Some of them had been removed by the police, some by the people, and some had been torn down by the students because they were disgusted with the order. The Minister of the Interior came to Hué on the 7th and announced that he would go to see the President to ask for the cancellation of this decree. He went back to Saigon, but nothing about a cancellation reached Hué before the day of the celebration. I have heard and seen all of these things myself.

For three or four years on similar celebrations of Wesak, the radio station had reserved one hour periods at three different times on the air for a broadcast. This year they were only given forty-five minute periods. From 6.15 to 7 a.m. for Buddhist students; from 1.15 to 2 p.m., and from 8 to 8.50 p.m. for the Buddhist Association of Central Viet-Nam. But on the Wesak this last broadcast was not given; they played music instead. So the people began to gather around the station and shout for their rights. There were about two to three thousand. I was there.

First the Director of the radio station gave the reason that the broadcasting machine was out of order. Later he said that they had no permission to make the broadcast. At 9.30 p.m. the delegate of the Government came to the radio station to talk to the Buddhists, but he came with five armoured cars. After about twenty minutes of shooting, half of the crowd remained and half of it dispersed. Nine people died and twenty were injured.

Following this incident, the Buddhist Association sent demands to the Government. A delegator went to Saigon, but the President didn't receive them. It wasn't until one month later that the Inter-Ministerial Committee was set up and negotiations took place.

On 3 June 1963, five thousand people came to Tu-Dan Pagoda for a religious function. They were stopped at one of the bridges by soldiers using forty or fifty police dogs. When they stayed there waiting for permission to continue, the police loosed the dogs on them. They threw stones. Sixty-nine were seriously injured; three or four have since become crazy; and they are terrified now when they even see troops.

When I went to see some of those who were injured, I myself was arrested on my return. I was detained for twenty-five days.

Mr. GUNewardENE: Do you know Dr. Wulff?

WITNESS: Yes.

Mr. GUNewardENE: Were you in the hospital?

WITNESS: Yes.

Mr. GUNewardENE: Did Dr. Wulff come to see you there?

WITNESS: No.

Mr. GUNewardENE: Were you ill-treated or manhandled?

WITNESS: I was in a miserable situation, but I was not beaten.

Mr. GUNewardENE: What kind of injuries did the sixty-nine people sustain?

WITNESS: I went to see them because they were Buddhists and I am a Buddhist supporter. Their faces were swollen up and some were in a state of coma when they were taken to the hospital.

Mr. GUNewardENE: Were you asked by the Government to make a statement about Thich Tri Quang?

WITNESS: I was questioned about him—such questions as is he a Communist and are you in his movement—but I didn't give them an answer. Maybe they wanted to know if he had any foreign connexions.

Mr. AMOR: Thank you for answering our questions.

WITNESS: I would like to ask that the Mission intervene for my release.

Mr. AMOR: We will see what we can do.

#### 143. WITNESS NO. 45

WITNESS: I am ready to answer any specific questions that the Mission may wish to ask. We are a non-political, professional organization. There have been many political conflicts, much political instability in the country and our policy has been to remain aloof and not to be involved in this political unrest. Nevertheless, I am quite ready to answer any specific questions the Mission wishes to ask.

The CHAIRMAN: Did you find it easy to remain aloof from a conflict like the one between the Buddhist community and the Government which affects the position of the overwhelming majority of the population of the country and, if you did, how did you manage to succeed in this very difficult task?

WITNESS: It is not difficult. Since 1949 there has been a political conflict in this country but thanks to the fact that we were perfectly non-political and solely, exclusively, a professional organization, we managed to penetrate the masses, the workers and the peasants. If we had taken a position in favour of the right side or the left side, we would have by now been crushed by one of the parties to the conflict. This is the political aspect. I am going to speak of the religious aspect later since there is a religious conflict.

As you know, in Viet-Nam the majority of the population is poor; it is made up of peasants and workers who are not interested in political problems. Their problem is that of the stomach; it is food. So far, we have always remained aloof; we wanted to be independent and strictly professional and we have rejected any proposition, even the most attractive ones, from the political parties, from the Government or from any other source. We were determined to be essentially professional and non-political and that is how we managed to have the trust of the poor.

I come now to the Buddhist conflict. This Buddhist conflict was very worrying for us, it bothered us very much, because, although we are an organization of Christian obedience and affiliated to the World Confederation of Christian Trade Unions with Headquarters in Brussels, I am a Buddhist and the majority of the members of the organization are not Christians. They are Buddhists or they practise the cult of the ancestors, or they are Moslems, but not Christians. How-

ever, we must look at the situation serenely. I have to make a few remarks on the two Buddhist currents in this country, the two Buddhist movements: First, the "Lesser Vehicle", which is practised in Cambodia, Laos, Thailand and Ceylon, in which the monks are spiritual leaders, and second, the "Greater Vehicle" which is current in China and Viet-Nam where it is much more liberal. The monks up to now have not been spiritual leaders; they have only been entrusted with the cult of the Buddha.

Since 1954 when the Geneva Agreement was signed, about one million Catholics took refuge in South Viet-Nam; also the "Lesser Vehicle" began to take roots, to sink very deep roots in the country. Consequently, the "Greater Vehicle" had to do something; the others had true leaders so the monks of the "Greater Vehicle" made efforts to show that they also could be leaders of the masses. So the Buddhist monks of the "Greater Vehicle" have tried for the last seven or eight years not only to man the pagodas but to enlist the masses on a spiritual level. That was on a spiritual level but, unavoidably, there was a shift towards a slightly political position since, of course, the Government wanted to influence the masses on the political plane. There developed a conflict of influences in the masses, the Buddhists, the Catholics, the Government, and that is why I had foreseen that, if we did not keep completely aloof, the trade unions would have been liquidated long ago. To my mind this is the cause of the conflict: the monks who tried to enlist the masses on a spiritual plane came across the Government which wanted to monopolize this enlistment of the masses. I am impartial on the religious plane and I must say that the Government did not do anything. The number of pagodas augmented, in fact doubled, since the French administration; the biggest pagoda, Xa-Loi, was built in 1962. I have many friends among the monks and I told them to be careful. I was careful; I know this happens in all young countries, in Africa, in Asia, in Latin America; all chiefs of State are more or less totalitarian. We are private popular organizations and if we try to share their influence over the masses we shall be eliminated. I know the same questions come up in ILO every year.

The CHAIRMAN: Thank you. You said that in this process of enlistment of the masses by the Buddhists on one side and the Government which did not wish such an enlistment on the other, an organization like yours was confronted by certain attractive proposals. Could you tell us if those proposals were made to you by the Government only or also by some monks. If it was their political interest to have your organization on their side in connexion with the enlistment of the masses, would you explain in what way those proposals were attractive.

Before you answer my question you should understand that we also have the impression that you belong to an organization which is supposed to be non-political; we are glad that you have stressed your impartiality and that was our hope when we had put your name on our list and requested to see you. We will appreciate it if you will continue to keep your impartiality as you have while speaking to us.

WITNESS: Now I wish to reply to the questions. Our organization was created in 1949; that is thirteen years ago. In those thirteen years we have had four Governments and each and every one of these Governments tried to "politicize" us, to give us a political character in its favour in order to use us for political purposes. As to the opposition to the Government, the opposition parties also tried to win us over. They promised us that if we supported them we could obtain ministerial posts and that is what I mean by attractive proposals. But for the past thirteen years the political situation has remained unstable; Governments and ministers fell one after the other and it was in our interest to refuse. The only really stable thing in this country is the masses; all else is ephemeral. We are not saints, but we refuse those gifts. Those gifts, you see, are not lasting gifts. As to the monks' movements, they also tried, because we had a trade-union movement which is not extremely strong but, nevertheless, we have a certain influence on the masses, on the poor people who, as I told you, are fed up with politics. We have some influence over professional people, too. So we were asked by both sides to try and use

our influence, but we had to keep absolutely aloof. It is not always easy but we managed to keep a precarious balance.

The CHAIRMAN: Would you please tell us something of particular interest to the Mission. If we were interested in the political side of the Buddhist situation, I mean the political situation in Viet-Nam, the Mission would not be here since our mission is to find facts about the relations of the Government and the Buddhist community in connexion with violations of human rights. This Buddhist situation, of course, has its political aspects but it has also its humanitarian aspects. Has the political aspect of the situation between the different parties and the Government affected the sphere of humanitarian matters and, if it has, to what extent? By this I mean what suppression has it caused and what pressure has it caused to be brought upon the people; what rights of the people have been violated by the Government to fulfil the purpose of the Government in its own interest. Or is it in any way that the discrimination against the Buddhists is a pure religious conflict between the Catholics and the Buddhists?

WITNESS: I must say that it is true that the Buddhist conflict has had direct implications on the humanitarian problem. As I told you before, the conflict is religious in appearance though, in fact and deep inside, it is a political conflict. I mean with regard to enlistment of masses, and so forth. In any country where there is such a conflict, it is unavoidable that the Government should take repressive measures. In all young countries the same means are used.

You asked me whether there was conflict between Buddhists and Catholics. My answer is no, I do not think so. There is a conflict between the Buddhists and the Government, not between Buddhists and Catholics. So far Buddhists and Catholics get along very well. Even in our movement Catholics and Buddhists get along very well. There are no problems.

The CHAIRMAN: I will ask only one more question. In this conflict between the Government and the Buddhist community, if there is no conflict in reality between Catholicism and Buddhism among the population of Viet-Nam, the Government must give some reasons for the arrests of, pressure on, or suppression of Buddhists; that is natural. Have the actions and the measures taken by the Government been based or not on certain real excuses by the Government? I mean, has there been any conspiracy by the Buddhists against the Government or has the Government created or fabricated certain things to justify the arrests and the suppressions which are according to you for political aims. Secondly, I would like to know what are the current demands of the workers in general from the Government at the present time in this country. Do these demands include both the demands of the Buddhist and Catholic sections alike? Are there certain privileges given to Catholics of which the Buddhists are deprived?

WITNESS: This is my answer to the first question. I spoke rather at length to show you that the monks were trying to influence the masses to extend their influence over them and they immediately found the Government in front of them. I assume that in a country like Viet-Nam when such a movement in the masses appears, other parties and opposition personalities try to infiltrate such a movement to use it in order to take over the power. It is logical, I believe, that a government has to take necessary precautions to stop such a movement. In this conflict, I do not know, but probably there are both something fabricated by the Government and a movement of the Buddhists, not only the monks, to overthrow the Government, something on both sides, probably. I wish to stress that this is particularly true in Central Viet-Nam where, as you know, everything started with the Hué incident. After that they tried to spread the conflict to the whole country. In the central part of the country there is friction between Buddhists and the Government and also friction between Buddhists and Catholics. That is where the conflict is most serious.

The origin of the conflict is that the monks tried to enlist the masses; it is a struggle for influence in which they met with the Government and, after the Hué incident, the whole thing exploded.

To the second question I will reply this. I do not think there are Buddhist workers and Catholic workers. There are workers. We are affiliated with the World Confederation of Christian Trade Unions. Almost all of us are Buddhists. Our organization is the most representative one in the country but we are almost all Buddhists. In this Buddhist affair our Vice-President, Dam Si Hien, was arrested. He belongs to the "Greater Vehicle". Another person who was arrested is Son Tath Ai Nhuyen, who is active in the "Lesser Vehicle". He is Viet-Nameese but of Cambodian origin and he is chief of the trade-union section of the Viet-Nameese workers of Cambodian origin. Those two were arrested. We protested. They had been solicited by monks to sign this or that and pamphlets were discovered at their homes. They were pamphlets against the Government. They were arrested but released just before you arrived here.

The CHAIRMAN: Thank you and I apologize that I must now leave.

144. Ambassador Koirala then took the Chair.

Mr. KOIRALA: You said that the Buddhists tried to get the support of the masses and the Government wanted to do the same. Originally, was the support that the Buddhist monks wanted to have on political grounds or religious grounds? Or did it start as religious and then acquire political overtones?

WITNESS: I believe that, as I told you, the monks of the "Greater Vehicle" were not originally spiritual leaders but when they saw that the monks of the "Lesser Vehicle" and the Catholic priests were spiritual leaders they also wanted to lead the masses. At the beginning I sincerely believe it was purely religious. However, as they met with the resistance of the Government, they became angry and the movement took on political overtones.

Mr. KOIRALA: What do you mean by resistance from the Government?

WITNESS: I cannot give any specific facts, but the Government seeks to create difficulties, especially in Central Viet-Nam through its police agents, not in the exercise or practice of Buddhism in pagodas (there has been no interference there), but difficulties in the propagation of faith among the masses and the organization of the masses. As regards the incidents on the Day of the Buddha concerning the flag question, again it is a question of the struggle for influence. The Government did not want the Buddhist flag displayed everywhere because it exerts influence on the masses. It was not against the flag, but against its influence over the masses.

Mr. CORRÊA DA COSTA: I wonder why the Confederation is referred to as the Confederation of Christian Trade Unions since the majority of its members are Buddhists.

WITNESS: The explanation is that in 1949 there was in Viet-Nam a section of the French Confederation of Christian Workers. We Viet-Nameese workers belonged to it and with the moral and material help of that Confederation we created the Confederation of Viet-Nameese Christian Workers and our organization is affiliated with the International Confederation. The reason at the origin was that we were part of the French Confederation of Christian Workers.

Mr. CORRÊA DA COSTA: You said that two labour leaders whom you mentioned had been asked by the monks to sign political papers supposedly against the Government. Do you have any idea of the substance or of the type of document they were asked to sign? Do you have any information about this?

WITNESS: The police found in their homes subversive pamphlets against the Government which have been retained by the security police.

Mr. CORRÊA DA COSTA: How do you know they were asked by monks to sign documents?

WITNESS: They have just been released. I asked them why they had been arrested and they told me that the police had found subversive pamphlets in their homes.

Mr. CORRÊA DA COSTA: Did they say that the monks had asked them to sign something? Where do the monks come

into the picture? Does the fact that the pamphlets were found prove that they had been asked to sign something?

WITNESS: I do not think the monks asked them to sign anything; it is they who wrote the pamphlets against the Government. I think they were written by them and found in their homes.

Mr. KOIRALA: You used the word subversive; did those pamphlets contain incitement to violence or were they just seditious, containing criticism of the Government?

WITNESS: I have not read the pamphlets, but I think they are like those which have appeared all over the place recently which incite the students and the population to demonstrate in favour of the monks.

Mr. IGNACIO-PINTO: After the Hué incident, what was the position taken by your group as an organization of workers in relation to the role and position which the Vice-President then took and the role of the other one who was arrested?

WITNESS: After the incident we called a meeting of all district chiefs of the unions and as in all cases of such political events we wanted to keep aloof to await the decision of the officials of the Confederation, but the case of the two gentlemen who were mentioned is a special case. In every movement there is a minority which, without really being in opposition, does not share the opinions of the whole of the movement. Those two persons acted in their personal capacity, not on behalf of the organization.

Mr. KOIRALA: We extend our sincere thanks to you for having taken the trouble to come to see the Mission and helping us in ascertaining facts. As the Chairman has already explained, the Mission is here to find facts, and your visit has been of help to us in our search for the truth.

WITNESS: If my statements are to be kept strictly confidential, I would add something. This is a political problem. For the last few years the political situation in Viet-Nam has been very difficult. There is Communist subversion and the Government uses this as a pretext to throttle the legitimate demands of the population and that has created discontent not only among the Buddhists but also among the Catholics. And now this is an opportunity for it to explode. The conflict is not essentially religious; it is not essentially Buddhist. Consequently, Buddhism is not the cause of the conflict but the effect of those politics.

Mr. CORRÊA DA COSTA: You mean that, because of the general discontent, the moment the Buddhist situation appeared at a strictly religious level, everybody used it as a pretext to go against the Government, including the Catholics and other religions.

WITNESS: That is right.

#### 145. WITNESS No. 46

Mr. AMOR: Would you give us your view of the Buddhist situation?

WITNESS: I would prefer to answer specific questions.

Mr. GUNewardENE: Did you write a letter to President Diem?

WITNESS: Yes. It was because of this that I was misunderstood.

Mr. GUNewardENE: Was it signed by other people?

WITNESS: Yes, by fifty-two.

Mr. GUNewardENE: What were they?

WITNESS: They were all teachers.

Mr. GUNewardENE: What did this letter say?

WITNESS: The contents were generally as follows. In the introduction we said that we had wanted to write to the President because we believed in him. Both Buddhists and Catholics took part in the meeting before we finalized the letter. We wanted the President to consider the Buddhist question as an important one and to make every effort to solve it. Secondly, in the difficult times facing the nation, we wanted to know how the President would try to solve the problem of better understanding between the people and the Government. If the

Government has good intentions but it doesn't make them known, it doesn't do any good.

Thirdly, we informed the President about a few problems that we considered were facing the people and the Government so that he would know what the people were thinking about. Fourthly, we asked the President to make every effort so that students could return to school to resume their studies without fear.

Mr. GUNWARDENE: What were the problems as you set them out?

WITNESS: I may not remember all of them. We are now facing a problem of co-operation. There should be closer co-operation between the people and the Government so as to remove misunderstanding. The things Madame Nhu does cause misunderstanding. We look for every possible way of helping the students resume their studies.

Mr. GUNWARDENE: What sort of things does Madame Nhu do?

WITNESS: Just one example will make you understand. I may be wrong, but I feel that she has made some statements in the papers which she controls that hurt the monks, in which she blames them. This arouses their anger and provokes people against the Government. We didn't want her to continue to cause trouble in this manner.

Mr. AMOR: What does she say, for instance, about the Buddhists?

WITNESS: She uses words like "villains" and "vagabonds" to apply to whoever she thinks is doing the wrong thing. The trouble is that in her position such a statement becomes more important than it might be if an ordinary person made it, and thus it arouses the people. Moreover, I can't stand to have a woman saying things like this which arouse the people.

Mr. GUNWARDENE: Did you write this letter in a spirit of co-operation?

WITNESS: Yes, so that the Government would have the confidence of the people.

Mr. GUNWARDENE: What has happened to you since?

WITNESS: I was detained for one month and three weeks.

Mr. GUNWARDENE: Were you beaten?

WITNESS: No.

Mr. GUNWARDENE: You have lost your job?

WITNESS: Yes.

Mr. AMOR: Are you a Buddhist?

WITNESS: Yes.

Mr. AMOR: Do you believe that Catholics are favoured over Buddhists?

WITNESS: In South Viet-Nam the Catholics may be favoured, but I do not believe that there is really oppression of Buddhists.

Mr. AMOR: How would you explain the suicides by burning?

WITNESS: I don't know. In my own opinion, there must be a reason. I think it must be for a religious cause, but they may have other reasons. I don't know. Anyone must feel really strongly to do such a thing. But I may be wrong.

Mr. AMOR: Do you think that some political opponents of the Government have profited by the situation to try to find a way of overthrowing the Government?

WITNESS: I don't know for sure whether there were foreign elements who could take advantage of this movement. These things touch upon the truly political elements. But in the ranks of religious people, there were no political reasons.

Mr. GUNWARDENE: Thank you.

#### 146. WITNESS No. 47

WITNESS: I wish to thank you for inviting me to come. In answer to this invitation I would prefer to place myself at your disposal to answer your questions and, if necessary, I could supplement my answers with a statement. This might avoid repetitions since I am not the first one to come before the Mission.

The CHAIRMAN: Thank you. We are particularly interested in finding out the facts about the relations existing between the Government of South Viet-Nam and the Buddhist community in this country and in finding out if there have been any violations of the rights in general, and religious rights in particular, of the Buddhists. We have interviewed different categories of people and, of course, our expectations have been different for each category. The question being a most complicated social problem in this country, it made it necessary for us to seek some facts and information in regard to the Buddhist community from scientific and intellectual personalities, people who have the knowledge and the ability of analysing the many facets of the problem. This is why all witnesses have been requested to see the Mission. The questions will not be as complicated as the answers. The questions are simple. The Government of Viet-Nam has been accused of having violated generally the rights of the Buddhist community and particularly its religious rights. We would like to hear what you can say to us about the truth of this accusation.

WITNESS: Before replying to your question I would like to ask a primary question. May I give you feelings and impressions as a citizen and an intellectual or do you want me to express precise facts? I am a citizen and I know what I feel and what I can tell you; otherwise, I can give you only facts, how important facts are. In my profession, since I am a man of science, facts are so important but I cannot bring you documents or furnish any proof. I would like you to tell me what you expect from me.

The CHAIRMAN: I have said what our interest is. I do not want to impose any questions on you. I would just ask you to tell us what you feel could help us in finding the truth. Is it a fact that the Government has generally violated the rights of the Buddhist community and particularly their religious rights?

WITNESS: If you authorize me to express what I feel it would not always come from something I have seen but from what I hear about things that have happened far from Saigon, but, if you want exclusively facts that I have seen, then that would be of a very limited nature.

The CHAIRMAN: I would like you to give us a general idea of the feelings of other intellectuals in this country, how they feel about the Buddhist situation without putting any limitation on your answers. I would particularly appreciate it if you would elaborate on the points which we cannot ask from other witnesses who are not particularly intellectual. They have either purely political interests or purely emotional feelings.

WITNESS: From this point of view, I am not a politician. Concerning emotion I can tell you I am a Buddhist but I consider religions without compartments. As a civil servant I have been present at church because I wanted to show my impartiality in this cause as a Buddhist.

Mr. CORRÊA DA COSTA: Do you mean you were forced to go to church because you were a civil servant?

WITNESS: Not at all. I just want to show that I have very liberal ideas in the matter of religion. It is among the duties of a civil servant to go to church sometimes. But on the question of religion I do not see it with emotion and I am quite ready to be detached in my statements.

The CHAIRMAN: That is why we want to seek information from you. Some other people might be politically inclined only or others emotional, but from you we hope to hear things without emotion or political considerations.

WITNESS: I want to reply to the first question, what intellectuals think of this problem. There are several categories, religious, political, different impressions, especially if they are more connected with one aspect of the problem. As to the Buddhist problem in Viet-Nam, from what has happened Buddhists have suffered both in their minds and in their bodies and it is of this double suffering I want to talk here.

The CHAIRMAN: What do you mean that they have suffered in their minds and their bodies? What do you mean when you say they have suffered in their bodies?



WITNESS: By suffering in the mind I mean that pagodas, which represent temples and churches for the great majority of the country, have been violated and destroyed by arms. It is true; I live rather close to Xa-Loi and I heard shots and explosions but I did not see myself what happened, but when I knew it was the violation of the pagoda, it was suffering in the mind. I will tell you a story. The following day I met a Catholic priest and I asked him what he would feel if a bomb fell on his church. He could not reply, but he wept in front of me. Turning now to suffering in the body. Many Buddhists were arrested, detained, without mentioning those who have died. This is truly suffering in the body.

The CHAIRMAN: What do you think about the real reasons behind the suicides by burning, including your scientific views if you have any?

WITNESS: First of all what we can call "scientific" is the question. It is more a religious elite that can find in immolation a road that a Buddhist can take to free himself. If I can explain the fact in a scientific manner. The reason for doing it I think is that it consists in the best expression of the thought of those Buddhists who wish to demonstrate and mark as clearly as possible the dramatic aspect of the problem. If you wish, the suicide would be a mode of expression for them at a certain period.

The CHAIRMAN: Apart from this what are the other reasons, other than scientific, in connexion with discrimination against Buddhists?

WITNESS: It is the result of what one might call discrimination which brings them to this point.

The CHAIRMAN: What measures do the intellectuals in this country think would solve the problem?

WITNESS: First of all I think that a double solution is necessary. The first and essential one is the religious solution. The fact that has emerged is that the Buddhist at this moment is in an unhappy situation. He sees pagodas that are no longer real pagodas. If you had come before, you would have seen another aspect of the pagodas, bonzes who were real bonzes, true faithful in the pagodas. Followers cannot go as before to the pagodas. I know many followers who do not come to the pagodas because they no longer find bonzes whom they can have confidence to confide in or to seek advice from. There are even false bonzes. From the religious point of view the problem is not at all resolved. The solution that we read about in the papers is not a real solution but only an apparent solution. That is what causes suffering to the people. That is what affects the popularity of the Government. The second solution is the political solution but since I am not a politician I cannot suggest any solution, though there may be some relation between the two. The religious problem must be resolved first and I would wish sincerely that the Government would take courage in resolving it. I hope that the Mission will succeed in helping the solution of the religious problem so that the political solution can then be found. The Government suffers from this as well as the population.

The CHAIRMAN: Would you say that in this religious movement, as we have heard from many sources, there is any interference on behalf of foreign political interests particularly inciting the Buddhist community against the Government?

WITNESS: I am not a politician and it is difficult for me to reply to this question but I can only tell you that I have seen international reporters when the students went on strike in the university and also I have seen them in Buddhist ceremonies before the events took place. What their relations were I do not know.

Mr. CORRÊA DA COSTA: As to student activities, do you think the students were strictly moved by religious motives or was there an infiltration either Communist or on the part of internal political movements?

WITNESS: The activities of the students are entirely independent. To reply to your question, guessing more than being able to prove it, I feel there are students acting from religious considerations and since the Hué incident they have been much

affected by what happened. Also, there may be students who use this to play politics, but I do not know how much.

Mr. CORRÊA DA COSTA: Do you know of any hostility towards students that have been arrested or detained?

WITNESS: Personally, I did not see any. I have heard of it but since I did not see it I cannot report it as a fact. It is not at all extraordinary; it has happened in the case of other arrests. This happens in this country.

Mr. CORRÊA DA COSTA: What do you think of the re-education camps for students where the Government sends them for periods of two or three weeks for re-education?

WITNESS: Personally I do not think it is a good thing because, far from re-educating them, on the contrary the Government makes them even more hostile to the Government. I do not think they benefit from this. There should be a better solution than placing them in camps and in those cases it is dangerous that hypocrisy should be demanded of them. Intellectually, I think it is a bad thing.

The CHAIRMAN: Do you know anything about the methods of teaching in these schools? What is your opinion as to what extent the development of the personalities of these young boys and girls may be affected?

WITNESS: I am sorry, but I have no details on the methods of teaching.

Mr. KOIRALA: How many people do you think were killed or wounded during any incidents after 8 May?

WITNESS: This was the point I made in my introduction. These are things I have not seen but from what I have heard, there were some. I think it is possible to count by hundreds and not by tens.

Mr. KOIRALA: What would be the percentage of Buddhists in this country according to your estimate?

WITNESS: The proportion of 70 to 75 per cent is fairly accurate.

Mr. KOIRALA: How many generals are there in the Army?

WITNESS: I know some of them but not all of them.

Mr. KOIRALA: How many of them are Buddhists?

WITNESS: I do not know them individually.

Mr. KOIRALA: Are there Buddhist generals?

WITNESS: Yes.

Mr. KOIRALA: We were told that Buddhists are pacifists and do not wage war. How come there are Buddhist generals?

WITNESS: There are degrees in Buddhism. It is the same as in the Catholic religion. Not all are priests. They have their living to make. That might be the practical reason why some Buddhists are generals. There may be a difference in how a Buddhist general would approach the problem of war. A Buddhist general might wish to kill as few as possible.

Mr. IGNACIO-PINTO: You said that you live near the Xa-Loi Pagoda. I wondered if you had seen the incident.

WITNESS: Personally, no.

Mr. IGNACIO-PINTO: Have you felt any discrimination?

WITNESS: Not as far as I am concerned. For my part no, it is a question I could answer yes and no. This concerns other fields than mine. Things can be felt. There are also political aspects. I am not involved in politics; my interests are spiritual and intellectual and that may have some bearing.

Mr. IGNACIO-PINTO: What would you say the percentage of Buddhist and Catholic teachers is?

WITNESS: There are more Buddhists. Catholics and Buddhists do not consider the question as dual. One happy aspect is that all this has not resulted in any clash between the Buddhists and the Catholics. The relations are still very good but if this situation should continue it could have serious consequences in this respect.

Mr. CORRÊA DA COSTA: If there is no clash, no problem between the Catholic community and the Buddhist community as religions in this country, the source of the conflict is in your opinion the Government itself as, if it is not a religious



problem, someone is responsible for these repressions and discriminations. Is it in your opinion the Government itself?

WITNESS: I believe so. I think that the Catholics and the Buddhists are wise in their attitude in this conflict and I consider that the centre of the problem is not far from the Government.

The CHAIRMAN: Thank you very much. You have helped us by being so kind as to answer the questions we have put to you and before I adjourn this meeting I would like to ask only one question myself. If the Buddhist problem is not solved one way or another and a solution is not found, what do you think the consequences might be for the country?

WITNESS: I think there might be several consequences. First, life in South Viet-Nam would become heavier and heavier and if you cannot see certain explosions at this moment it is because Orientals know how to contain their sufferings; secondly, from the point of view of religion, there could develop coolness and breaks between the various religious groups which is, of course, most undesirable; thirdly, there would be economic and political consequences but since I am no specialist I would not comment on those points. But there are also moral consequences in the sense that older people who can think and consider the problem and analyse it might see it from the right angle, but what about the young ones who might see it from the wrong angle? It would be a bad example for the younger generation. I consider this a very important point. When one sees the triumph of what is not moral it is painful in a country where morality has always been most important and it is very dangerous for the coming generations.

The CHAIRMAN: Thank you very much.

WITNESS: I wish to thank you for hearing me. I have presented the question with all my intellectual honesty. There is a real problem even though it is said that there is no problem. The problem has not at all been settled and I take the liberty of formulating a wish to the Mission that it may work towards solving it one way or the other.

147. One witness in Saigon handed to the Mission, through its Chairman, a statement written in Viet-Name, and requested that it should not be translated aloud in the place where the interview was taking place, or even in Viet-Nam. In accordance with this request, the Mission took note of this statement after its return to New York. The statement read as follows: "(1) Quang Do, after being released, is said to have got in touch with the Americans to obtain a fellowship for going to the United States. This would be the reason for his being re-arrested. He was beaten up dreadfully. For three days he did not eat. On the fourth day, I saw him being taken to the toilet; he could not walk; he had to be carried. (2) There have also been actual crimes. We have no proofs to produce but we know who killed our Buddhist friends. We know two of them were buried alive."

148. Another witness requested the Mission that the following remarks should be regarded as being off the record: "Since five o'clock this morning, people have not been allowed to circulate in the streets. After your departure today, I expect to be put in prison, but I prefer that to staying here in this pagoda in this situation. I have nothing against the President but against his brother and sister-in-law. All we ask is religious equality."

#### B. COMMUNICATIONS RECEIVED BY THE MISSION

149. Rule 13 of the Mission's rules of procedure and plan of work states:

"The Mission shall seek factual evidence. The Mission shall collect information, conduct on-the-spot investigations, receive petitions and hear witnesses."

150. In compliance with this rule, the Mission, on four different occasions, through its Chairman, issued statements to the Press, inviting all interested persons to appear before it to give testimony or to submit petitions in writing. These statements were issued on 17 October 1963, before the Mission's departure to Viet-Nam on 24 October, on the arrival of the Mission at Saigon on 26 October and on 29 October. The statements of 17 October and 26 October were, as indicated above, reproduced in the Viet-Name Press.

151. The Mission received a total of 116 communications from individuals, groups of individuals and non-governmental organizations. Of these communications, 49 were received by the Mission while it was in Viet-Nam, all of which seem to have emanated from citizens of that country. The remaining 67 communications were received at United Nations Headquarters in New York; only 24 of the latter seem to have come from Viet-Name citizens residing abroad or in Viet-Nam. The 43 other communications received in New York emanated from individuals and organizations in the following countries: 16 from the United States, 6 from India, 5 from Japan, 3 from Belgium, 3 from Ceylon, and 1 each from the United Kingdom, Australia, Canada, Czechoslovakia, France, Germany, Malaysia, Nepal, New Zealand and Venezuela.

152. Names and addresses were not given in twelve of the communications received in Viet-Nam. Of these petitioners, five stated the reason for not giving their name and address was "fear of retaliation by the Government"; the remaining seven gave no reason. The name and address was also missing in one communication received at United Nations Headquarters. The signature on one of the communications received in Viet-Nam was illegible.

153. Three of the communications received in Viet-Nam from persons residing at Hué contained requests by the petitioners to be allowed to appear before the Mission. All three petitioners were granted hearings by the delegation of the Mission which visited Hué. In one of the communications received in Viet-Nam, the petitioner said that he had wished to see the Mission and had gone to the Hotel Majestic, but that he had been prevented from contacting the members of the Mission. In two other communications, also received in Viet-Nam, the petitioners stressed the "difficulties of getting in touch with the Mission".

154. Of the 116 communications received, about 54 contained more or less detailed statements either alleging or denying discrimination against, or persecution of, the Buddhist community in Viet-Nam.

155. All these allegations of discrimination were brought to the attention of the Government of the Republic of Viet-Nam.

#### *Allegations regarding events prior to 8 May 1963*

156. About 14 communications contained allegations in connexion with events prior to 8 May 1963. In these communications, the main aspects of discrimination and persecution allegedly suffered by Buddhists were outlined as follows:

(a) Preferential treatment of Catholics and discrimination against Buddhists were apparent in the law, mainly in Ordinance No 10 of 1950 (never repealed) under which the Buddhist community had to obtain government permission to hold public ceremonies, while the Catholic Church, not subject to that Ordinance,

enjoyed full freedom in its operations. Many more Catholic than Buddhist holidays were given official recognition. Marriage and family matters had been the subject of Catholic-oriented legislation, contrary in some respects to Buddhist customs and beliefs.

(b) In practice, discrimination against Buddhists had taken many forms: Catholics were appointed to all the important public offices; various facilities were granted to the Catholic Church for the acquisition of land, and denied to Buddhists; relief goods were distributed in preference to Catholics and through Catholic agencies.

(c) As regards acts of worship, the communications alleged that Catholic ceremonies were celebrated with great brilliance, the Vatican flag being largely displayed, and all Government employees, even non-Catholics, being required to attend; in contrast, Buddhist ceremonies in public places were subjected to all kinds of restrictions and harassments, and one attempt had been made by the Government in 1957 to remove Wesak from the list of official holidays. Acts of vandalism against Buddhist holy places or property were carried out by certain elements, including private Catholic armies, with the tacit support of the Government. While it was true that several pagodas had been built or rebuilt since 1954, this was due to the generosity of Buddhist believers and not to any substantial grants from the Government. President Diem had made a small contribution to the building of Xa-Loi Pagoda, mainly, it was alleged, to keep a semblance of religious neutrality after Catholic churches, including a chapel in the Presidential Palace, had been erected at a high cost.

(d) From about October 1960 mainly in the provinces of Quang-Ngai, Phu-Yen and Binh Dinh in Central Viet-Nam, local Government officials had attempted to compel a number of Buddhist believers to become Catholics either by threats of being sent to re-education camps and of being subjected to forced labour as suspected pro-communists, or while detained in such camps by the promise of an earlier release in case of conversion, or by threats of persecution against their families. Some Buddhists who resisted these attempts were forced to surrender their identity cards to the authorities, and some were ordered to migrate to other regions. Others were kidnapped, arrested and tortured, and one, in Quang-Ngai province, was said to have been buried alive. After their arrests, some Buddhist leaders were not heard of any more. One bonze who had strongly protested against such persecution, in Phu-Yen province, had allegedly been murdered. One communication alleges that, as a result of such persecution, 208,000 persons had been converted to Catholicism from 1956 to 1963. It recalled that in 1954, there had been only 450,000 Catholics in the Republic of Viet-Nam.

*Allegations regarding the events of 6-8 May 1963 at Hué*

157. The events of 6-8 May 1963 at Hué were referred to in six communications, three of which contained detailed allegations.

158. All communications referred to presidential directive No. 9195 of 6 May 1963 as the main cause of public unrest, but while some communications stated that the directive prohibited the display of all religious flags and emblems, others mentioned only the prohibition of the display of Buddhist flags. Doubts were expressed as to whether the directive stemmed from a

premeditated Government policy, or whether it was the result of an impulsive gesture owing perhaps to the fact that a few days before the head of the Buddhist community had allegedly refused to send congratulations to Archbishop Ngo Dinh Thuc on the occasion of the anniversary of his ordination. It was stated in one communication that on 7 May, the Chief of Province had publicly announced that the directive would be rescinded.

159. All communications consistently stated that during the morning procession on 8 May, a few placards had been displayed denouncing restrictions on Buddhism and that Thich Tri Quang, President of the Hué Buddhist Association, had made a recorded speech referring to those placards as expressing legitimate demands.

160. The communications concur in their accounts of most of the subsequent events: the Government refused to allow the radio broadcast of the morning ceremonies to be made, although such a broadcast was customary on Wesak; when that decision was announced, in the evening, the large crowd which had gathered in front of the radio station became perplexed and did not disperse; water was sprayed on the crowd; there was machine-gun fire and explosion of grenades; armoured cars were present. Two communications allege, in addition, that the armoured cars rammed through the crowd and crushed fallen bodies. In one communication, it was stated that Dr. Le Khac Guyen of the Hué Hospital, was subsequently imprisoned for refusing to sign a medical certificate prepared by Government authorities; and that the Government falsely claimed that the wounds on the victims had been made by the explosion of plastic bombs of the type used by the Viet-Cong.

*Allegations concerning the period between May and September 1963*

161. About thirty communications contain specific allegations concerning the events subsequent to 8 May 1963. These allegations may be summarized as follows:

(a) *In the period from 8 May 1963 up to the signature of the joint communiqué on 16 June 1963*

It is alleged that numerous memorial services for the victims of the incidents of 8 May as well as other peaceful meetings of protest by monks and Buddhist believers, at Saigon, Hué and other localities, were severely repressed by the police and armed forces; that several pagodas were sealed off by barbed wire; that crowds of believers were forcibly prevented from worshipping at or near the pagodas; and that a number of Buddhist believers were arrested for having supported the five Buddhist demands formulated on 10 May 1963. The Buddhist leaders are said to have made every effort to restrain the believers in their demonstrations.

(b) *From the signature of the joint communiqué on 16 June 1963 up to the raids on pagodas of 20 August 1963*

According to most of the communications, the Government and local authorities failed to implement various provisions of the joint communiqué. It is alleged that a campaign of calumnies was launched by Government agents to convince the population that the Buddhist protest movement was communist-inspired; that the peoples in various localities were forced to adopt anti-

Buddhist resolutions; that certain provisions of Ordinance No. 10 continued to be applied to Buddhist associations; that the display of the Buddhist flag was permitted only on buildings belonging to the General Buddhist Association and not in other places; that the Government was giving increased recognition to the Co Son Mon sect, regarded by other sects as not being representative of Buddhist orthodoxy; that arbitrary restrictions were placed by Government officials on the travel of Buddhist monks; that in spite of the promise of the Inter-Ministerial Committee, a number of Buddhists who had been arrested for supporting the five demands had not yet been released (one writer claims that the number of detained Buddhists was thirty, as of mid-July 1963, on the basis of a random check made in 100 houses and temples); that, before being released, arrested persons were forced to sign certain papers prepared by the authorities. Several communications stress that the Republican Youth movement had strongly disapproved of the signing of the joint communiqué, and that a secret order issued by the Presidential palace had allegedly instructed local officials to yield temporarily to Buddhist demands and to prepare themselves for a new offensive against Buddhism. In reply to numerous letters of protests written by Buddhist leaders, the Government was said to have merely denied all allegations. On 17 July 1963, a peaceful demonstration of protest by Buddhist monks before the Xa-Loi Pagoda in Saigon was repressed with great brutality by the Government forces and many monks, nuns, women and children were arrested.

(c) *The raids on the pagodas of 20 August 1963 and subsequent events*

It is alleged that most Buddhist leaders, with the exception of Thich Tri Quang, were arrested during these raids or immediately thereafter. Several communications state that at least two Buddhist monks were killed during the raid on Saigon pagodas and two others at Hué pagodas. According to most communications, several of the Buddhist leaders arrested were beaten or subjected to torture. Some older monks, such as Thich Tinh Khiet, were released but confined to certain pagodas under the surveillance of Government agents. Other monks released were denied access to their pagodas and could not easily find shelter since people who were willing to give them hospitality feared Government reprisals. Most communications allege that the arrested monks were replaced by Government agents disguised as monks and that, shortly after the raids, the Union Committee of Pure Buddhism, a puppet organization, was established by the Government to deceive the people. According to the communications, during the raids, objects of worship were desecrated and destruction of books, furnishings and other objects took place on a large scale. This damage was repaired quickly at the beginning of September when the pagodas were again opened under new leadership sponsored by the Government.

162. Peaceful demonstrations by students which had started in July and gained momentum in August, were brutally repressed. One communication states that a total of about 3,000 students, including both boys and girls, were arrested; another estimates the number of students arrested in Saigon at about 1,000. Some communications allege that students were beaten and tortured and that the living conditions in the jails and prisoners wards in hospitals were atrocious. It

is alleged in one communication that, when the Mission arrived in Viet-Nam, about 2,000 students were still detained in jails or camps. According to one communication, Catholic students for whom Catholic priests interceded were released without difficulty and were subject only to pressure to co-operate with the police.

163. Allegations concerning the arbitrary arrest or disappearance of named Buddhist leaders, monks or students were contained in six communications.

164. Several communications warn the Mission against various devices allegedly used by the Government to conceal the truth: police surveillance of the Mission's quarters, making it very difficult for witnesses to approach the Mission; replacement of genuine monks in the pagodas by Government agents who were paid to give false testimony; the sending of pro-Government petitions by puppet Buddhist organizations, and so forth. It is alleged that, after the arrival of the Mission in Viet-Nam, persecution against Buddhists was still going on, although this might be difficult to detect; for example, students were being kidnapped or arrested at night or surreptitiously.

*Allegations concerning the reasons which underlay the persecutions*

165. The Mission found in nine communications statements concerning the reasons which allegedly underlay the persecution of the Buddhist community. In five of these communications, the authors allege that such persecutions were the result of a deliberate policy of the Government. It is stated in one communication that the goal of this policy was to convert most of the Buddhist population to Catholicism, on the ground that only Catholicism could provide a creed strong enough to resist successfully the propagation of Communist doctrines.

166. In four communications, the persecutions were regarded as being essentially the acts of anti-Buddhist elements in the population or of local authorities, and the central Government is held responsible only for not paying enough attention to Buddhist grievances, for not being decisive enough in its interventions to settle the problems or for being unable to control local authorities.

*Communications denying the existence of discrimination and persecutions against the Buddhist community*

167. The authors of twelve communications deny that the Buddhist community was ever the victim of discrimination and persecution by the Government. It is stressed in four communications that, under the Diem Government, the Buddhist community had grown larger and that numerous pagodas had been built or repaired with the financial help of the authorities. Freedom of worship and religious propagation existed, although one communication admits that Buddhists sometimes were not entirely free, due to the exigencies of the national struggle against the Viet-Cong. The so-called Buddhist protest movement was organized by a small number of political adventurers within the Buddhist community with the help of certain foreigners. They had engaged in extremist activities, poisoned the public mind and organized demonstrations with a view to overthrowing the Government. It is stated in two communications that a small misunderstanding, or a small conflict between minority groups within the Government on the one hand and the Buddhist community on the other, had been exploited for political purposes

by outsiders. The five demands had been met by the provisions of the Constitution or granted by the Government long ago. At any rate, the so-called Buddhist problem was now settled and Buddhist believers were entirely free to worship and propagate their faith.

168. The Mission had neither the means nor the time to verify the detailed allegations contained in these communications. It took into account however the contents of communications it received in drawing up its lists of prospective witnesses and in formulating certain questions which it put to government officials and witnesses during the interviews which have been related elsewhere in this report.

169. The Mission took note of the names of Buddhist monks, leaders and students who had allegedly been arrested, kidnapped or killed. Later it was able to interview Thich Tri Tu, Thich Quang Lien, Thich Tam Giac, and Thich Tien Minh who, in some communications, were said to have been killed. The Mission also interviewed one student who, according to some communications, had disappeared.

170. Upon its arrival in Saigon, the Mission received a letter from a Buddhist nun expressing her deep concern about the persecution of Buddhists. She stated that concerning Buddhism, she was deeply grieved to note that this religion was in danger, that monks, nuns and other adherents of this religion were in prison or had been deported. She suffered greatly because she was unable to carry out her desire to sacrifice herself by fire in order to pray for Buddhism, because the Inter-sect Committee of Buddhism had not given her authorization to take her life and because, at present, she had lost all freedom. She complained about the fact that her son, a government official, had taken a position adverse to her and to Buddhism. The Mission was able to interview the writer and to verify the authenticity of her letter. She explained, however, that the whole matter had been a misunderstanding between her and her son, and that he had confirmed to her that he would change his attitude towards that affair and would not say anything which would displease her with regard to her religious life.

171. The Mission was also able to verify the signature of a prominent Buddhist leader who had sent several communications to the Mission and was subsequently interviewed.

### C. GENERAL OBSERVATIONS

#### *Xa-Loi Pagoda*

172. This was the Headquarters of the General Buddhist Association and, incidentally, one of the places where serious incidents had occurred. When the Mission arrived at the pagoda for the purpose of being briefed by the Association, there were many members of the international and local press and press photographers, but there were no monks or worshippers in sight. The members of the Mission had to wait some ten minutes before an elderly monk in a dark brown robe, accompanied by a younger but almost speechless monk, appeared.

173. In spite of the Chairman's statement describing the purpose of the Mission, and the assurances given them that their statements would remain secret, the two monks did not prove very communicative and refused to permit the interview to be recorded on tape. They said that they would prefer not to give their names and, in fact, did not do so.

174. Xa-Loi is the largest pagoda in Saigon and includes several bedrooms, a sickroom, a large dining-hall, a conference room and a well-stocked library. There were several chairs around a large conference table and the premises seemed to have been used to receive many people. The Mission observed the presence of barbed-wire piled on either side of the gate suggesting that the pagoda had been barricaded.

#### *Giac-Lam Pagoda*

175. This pagoda was the meeting place of the Co Son Mon Sect.

176. When the Mission arrived, there were some monks in yellow robes and several in brown robes lined up in front of the entrance to greet the members of the Mission. The premises had apparently been prepared in advance to receive the Mission and tea was immediately served. During tea, some monks, most of whom were very young, walked past reciting prayers aloud. The pagoda was richly decorated and, according to the monks, it was not raided by the police.

#### *An-Quang Pagoda*

177. A religious service was being held when the Mission arrived. One of the members asked whether that was the usual hour for a religious service; it was answered that prayers were being said on that day especially in honour of the arrival of the Mission and on behalf of world peace. The service lasted approximately a quarter of an hour and the Mission was then welcomed by three monks in yellow robes in a library where refreshments were served.

178. After their interview with these three monks, the members of the Mission went up to the second storey to interview certain witnesses. During this interview, one of the monks in yellow robes wanted to be present and several young monks remained nearby and seemed to want to listen to the conversation. It required all the insistence and vigilance of the members of the Mission to ensure that the interrogation was conducted in private.

#### *Tu-Doh Pagoda*

179. When the Mission's delegation to Hué arrived at this pagoda, it was received by a nun and three monks in brown robes who immediately withdrew with the members of the Mission to a room, stating that they wished to take all necessary precautions to avoid possible indiscretions. The other monks who were present were asked by their superiors to withdraw, and the interview with the members of the delegation took place after tea had been served. During the whole conversation, a nun who was in attendance watched the windows and the entrance to see if anybody was listening. The atmosphere in this pagoda seemed to be one of uneasiness.

#### *Trung-Tam Tham-Van Cua Nha Tong-Giam-Doc Canh Sat-Quoc-Gia Prison*

180. The Mission was welcomed by the prison Director and his deputy and invited to conduct its interviews in a room with two doors opening on to a courtyard. The far end of this room gave onto a corridor leading to an upper storey by a flight of stairs. Because of the location and arrangement of the room, the conversation between the members of the Mission and the witnesses necessarily took place in a low tone and was often interrupted because the prison

officials were frequently passing to and fro between the ground floor and the second storey by the stairs and because the Director had to return to answer the telephone, which was in the room occupied by the Mission.

#### *Youth Camp*

181. At the youth camp, a disused army camp, the Mission was received by the Director.

182. Some young people were assembled in a dormitory and they conversed in a desultory fashion with the members of the Mission. However, after a quarter of an hour's conversation, the Mission, for reasons of efficiency and discretion, selected some fifteen persons and requested and obtained the use of a room for hearing these witnesses individually. In this way it was possible to get specific and detailed statements.

#### *The hotels*

183. While there was nothing particular about the appearance of the Hotel Central at Hué where the Mission's delegation spent a single night, because it had been recently opened and nobody other than the members of the Mission and the officials assigned to accompany them resided there, that was not the case with the Hotel Majestic at Saigon.

184. The Hotel Majestic, which had been chosen by the Government as the Mission's residence and in which the rooms made available to its members had been reserved in advance, was guarded by police and soldiers who stood at times in the hall, in the ground-floor bar and in the public rooms. Armed military guard and radio-equipped jeeps were permanently stationed at the entrance to the hotel. It was brought to the attention of the members of the Mission that visitors entering the hotel were being challenged and questioned as to the reasons for their visit. It was not clear whether this large deployment of security forces was simply due to the state of siege which had been in force in Saigon since 20 August 1963 and reflected a desire to protect the members of the Mission or, on the contrary, was designed to discourage visits by any witnesses wishing to talk to the members of the Mission.

#### *Hospitals*

185. It was reported to the Mission that there had been no cases of serious injury among the victims of the police raids; but the Mission observed one such case.

#### *National Day celebrations*

186. In the programme of the Viet-Nameese National Day celebrations, of the three religious celebrations noted, the Catholic celebration was mentioned first and the Buddhist last.

#### *The coup d'état*

187. The following article appeared in *The Times of Viet-Nam* on the morning of the *coup d'état*, on 1 November 1963:

"Counsellor Ngo Dinh Nhu has promised to intervene with the President of the Republic in an effort to obtain the release of the members of the Inter-Sect Committee who are presently under detention, the Viet-Nam press reported last night 'according to Presidency sources'. The news agency said Venerables Thich Mien Hoa and Thich Nhat

Ninh, Chairman and Vice-Chairman of the Buddhist Union Committee, accompanied by Professor Buu Hoi, called on the Counsellor with a request for intervention. They asked for the release of all Buddhist dignitaries, laymen and students still under detention . . ."

188. Probably because of the events of 1 November the Mission never received certain documents promised by the Government, nor did the Mission receive the answer of the Government to the allegations contained in the two lists mentioned in chapter I, paragraphs 17 and 26. However, the Mission has reproduced in this report accounts of its interviews with various officials on behalf of the Government of President Diem.

189. Upon the Mission's return to New York, the following cable was received from the Inter-Sect Committee:

"Please accept and convey investigating Delegation our deep gratitude for activities for liberty sake in favour Viet-Nameese Buddhism which will be unforgettable to us."

#### *Co-operation with the Mission*

190. From its arrival in Viet-Nam until the *coup d'état* on 1 November 1963, the Government of President Diem co-operated with the Mission. The authorities who took over the Government after 1 November spontaneously offered their assistance to the Mission.

#### *Decisions of the Mission*

191. All decisions of the Mission taken throughout the course of its work on matters large and small, including the adoption of this report, were taken unanimously.

#### **ANNEX I**

##### **Draft resolution submitted by Chile and Costa Rica**

(See document A/L.425 and Add.1.)

#### **ANNEX II**

##### **Rules of procedure and plan of work of the Mission**

###### *Officers*

1. The Chairman of the Mission having been appointed by the President of the General Assembly, the Mission shall elect at its first meeting a Rapporteur from among its members.
2. If the Chairman is absent from a meeting, the Rapporteur shall preside.
3. The Secretary-General of the United Nations shall designate a Principal Secretary and shall provide the staff required by the Mission.
4. The Principal Secretary shall keep the members of the Mission informed of any questions which should be brought before it for consideration.
5. The Principal Secretary or his representative may make oral as well as written statements to the Mission.
6. The Principal Secretary shall be responsible for all the necessary arrangements for meetings of the Mission.

###### *Quorum, power of the Chairman, voting*

7. A majority of the members of the Mission shall constitute a quorum.
8. The Chairman shall declare the opening and closing of each meeting of the Mission, shall direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The Chairman, subject



to these rules, shall control the proceedings of the Mission and the maintenance of order at its meetings.

9. Each member of the Mission shall have one vote.

10. Decisions of the Mission shall be taken by a majority of the members present and voting. For the purpose of these rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting are considered as not voting.

11. Members of the Mission shall have the right to register an explanation of their votes in the final report of the Mission.

#### *Terms of reference of the Mission*

12. The Mission is an *ad hoc* fact-finding body and has been established to ascertain the facts of the situation as regards the alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community of that country.

13. The Mission shall seek factual evidence. The Mission shall collect information, conduct on-the-spot investigations, receive petitions and hear witnesses. The impartiality of the Mission shall be demonstrated at all times.

#### *Collection of information*

14. The Mission in collecting information shall keep itself informed on:

- (a) The provisions of the law and regulations in force in the Republic of Viet-Nam;
- (b) Writings and articles in the Press;
- (c) Activities of organizations interested in the observance of human rights.

#### *On-the-spot investigations*

15. The Mission shall carry out on-the-spot verifications or investigations.

16. The itinerary for the visits shall be drawn up on the basis of a detailed study of the regions and the incidents in respect of which complaints are presented to the Mission.

#### *Petitions*

17. The Mission shall receive petitions from individuals, groups or associations.

18. The Mission shall proceed in private session to examine petitions and subject their acceptance to a preliminary examination. The petitions should indicate the date, the place and the facts to which the precise allegations relate.

#### *Hearing of witnesses*

19. The Mission shall decide on the witnesses from whom it shall hear evidence. Such witnesses may include persons under restriction and the Mission shall make arrangements to hear such persons under conditions as it may deem necessary.

20. Each witness before testifying shall take an oath.

#### *Public statements*

21. Statements or comments to the Press shall be strictly avoided, except those agreed to unanimously by the members of the Mission. Statements shall be issued on behalf of the Mission by the Chairman or by the spokesman appointed by him.

### ANNEX III

#### **Statement by the Chairman before the Mission's departure**

The United Nations fact-finding Mission will leave New York for South Viet-Nam on Monday, 21 October 1963.

The Mission is an *ad hoc* fact-finding body, and its members were appointed by the President of the General Assembly, following the invitation of the Government of the Republic of Viet-Nam, to ascertain the facts of the situation as regards the alleged violations of human rights by the Government of

the Republic of Viet-Nam in its relations with the Buddhist community of that country.

The Mission will carry out on-the-spot verifications in accordance with the decision of the General Assembly and will receive petitions from individuals, groups and associations. The impartiality of the Mission will be maintained at all times in seeking factual evidence.

The Mission will report to the General Assembly at the present session.

In my capacity as the Chairman of the Mission, on behalf of the Mission and on my own behalf, I appeal to all parties concerned, individuals, groups, associations and organizations, to refrain from any demonstrations, in any form, on the arrival of the Mission in South Viet-Nam, and during the stay of the Mission in that country. I strongly hope that the media of information generally, and in Viet-Nam particularly, will co-operate in conveying this appeal on behalf of this United Nations Mission.

### ANNEX IV

#### **Statement by the Chairman on the Mission's arrival at Saigon airport**

As you are aware we come here as a United Nations *ad hoc* "fact-finding body" to ascertain the facts of the situation as regards the alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community of this country.

The Mission was established by the General Assembly of the United Nations and its members selected by the President of the General Assembly on the authority given to him by the General Assembly following the invitation of the Government of the Republic of Viet-Nam.

The Mission will carry out on-the-spot verifications in accordance with the decision of the General Assembly, will receive petitions from individuals, groups and associations and will report to the General Assembly as soon as possible at the present session.

Just before the departure of the Mission from New York, I, in my capacity as the Chairman of the Mission, appealed to all parties concerned, individuals, groups, associations and organizations, to co-operate with the Mission and particularly to refrain from any demonstrations during the stay of the Mission. Before everything else I repeat this appeal once again.

I assure all concerned that the impartiality of the Mission will be maintained at all times in seeking the facts of the situation as a responsibility only to the General Assembly of the United Nations.

We are fully aware of the importance of our absolute objectivity in fulfilling our task. We are here with our minds open to the truth and determined to report the facts.

The acceptance of the invitation of the Government of the Republic of Viet-Nam by the General Assembly of the United Nations to send this Mission shows the concern of so many nations of the world represented in the United Nations in the welfare of each and every one of the people of this country in the interest of all communities as a whole. Therefore, representing the United Nations we hope that each and every one of them will co-operate with us. I wish to make it clear that the Mission is concerned only with the humanitarian aspect of the situation in this country and intends to start its work immediately.

### ANNEX V

#### **Proposed programme for the Mission's visit**

THURSDAY, 24 OCTOBER

12.25 a.m. Arrival at Tân-sơn-nhất Airport. The Mission will be met by representatives of the Secretariat of the Ministry of Foreign Affairs  
Departure for Saigon (Hotel Majestic)



- 11.00 a.m. Courtesy call on the Secretary of State for Foreign Affairs
- 11.30 a.m. Courtesy call on the Secretary of State of the Interior
- 3.00 p.m. Briefing on Buddhism in Viet-Nam
- 5.00 p.m. Audience with H.E. the President of the Republic
- 8.00 p.m. Dinner given by the Secretary of State of the Interior

## FRIDAY, 25 OCTOBER

- 9.00 a.m. Audience with the Vice-President of the Republic, Nguyen Van Tho
- 10.00 a.m. Audience with the Political Adviser to the President, Ngo Dinh Nhu
- 3.30 p.m. Contact with the General Association of Buddhism in Viet-Nam (Xa-Loi Pagoda, No. 89 Ba Huyen Thanh-Quan Street)
- 5.30 p.m. Contact with the Buddhist hierarchy and the Committee for Buddhist Unity (An-Quang Pagoda, Su Van Hanh Street)
- 7.00 p.m. Contact with the Co Son Mon Committee (Giac-Lam Pagoda, 15 Le-Dai-Hanh Street extension)
- Evening Free

## SATURDAY, 26 OCTOBER

- 7.00 a.m. National Day ceremonies (Review of Troops)
- Afternoon and evening free.

## SUNDAY, 27 OCTOBER

- 8.00 a.m. Departure for Vung-Tan by car (Cap St. Jacques)
- 10.00 a.m. Visit to Chùa Mối Pagoda and to tourist spots in the region
- 12.30 p.m. Luncheon given by the Chief of the Province
- 4.00 p.m. Return to Saigon by car
- 8.30 p.m. Dinner given by the Secretary of State for Foreign Affairs

## MONDAY, 28 OCTOBER

- Departure for Dalat in special plane at 7.00 a.m.
- 9.00 a.m. Ceremony at opening of the Institute of Applied Nuclear Research
- 3.00 p.m. Briefing on the general situation and on Buddhism
- 5.00 p.m. Visit to a pagoda and contacts with Buddhists
- 8.00 p.m. Dinner given by the Mayor of Dalat

## TUESDAY, 29 OCTOBER

- Visit to the Danhim Dam and to tourist areas

## WEDNESDAY, 30 OCTOBER

- 8.30 a.m. Departure for Hué by special plane
- 11.30 a.m. Courtesy call on the Government delegate
- 3.00 p.m. Briefing on the general situation and on Buddhism
- 5.30 p.m. Visit to Tu-Dan Pagoda and contact with Buddhists
- 8.00 p.m. Dinner given by the Government delegate

## THURSDAY, 31 OCTOBER

- Morning Visit to the Imperial City and to tourist sites (Thien-Mu Pagoda, Temple of Confucius, Royal Tombs of Tu-Duc and Minh Mang)
- Evening Promenade on the "Rivière des Parfums"

## FRIDAY, 1 NOVEMBER

- 8.00 a.m. Departure for Phan-Rang by special plane
- 10.00 a.m. Briefing on the general situation and Buddhism
- 12.00 noon Departure for Phan-Thiet by plane. Luncheon given by the Head of Province
- 3.00 p.m. Visit to a pagoda and contact with Buddhists
- 5.30 p.m. Return to Saigon by plane
- Evening Open

## SATURDAY, 2 NOVEMBER

- 8.00 a.m. Departure for Ba-Xuyen and Vinh-Binh by special plane
- 9.00 a.m. Briefing on the general situation and Buddhism
- 12.30 p.m. Luncheon given by the Head of Ba-Xuyen Province. Contacts with monks and Buddhists of Khmer origin
- 5.00 p.m. Return to Saigon by plane
- 9.00 p.m. Evening of entertainment at Anh-Vu Cabaret

## SUNDAY, 3 NOVEMBER

Free

## MONDAY, 4 NOVEMBER

- 8.00 a.m. Visit to Strategic Hamlet of Cu-Chi (by car)
- 11.00 a.m. Return to Saigon
- 4.00 p.m. Audience of Farewell with H.E. the President of the Republic
- 8.00 p.m. Departure for New York (same ceremony as arrival)

## ANNEX VI

**Communiqué issued by the Mission on 26 October 1963**

The United Nations Fact-Finding Mission on alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community has set up its headquarters at the Hotel Majestic in Saigon. The Mission invites all interested persons to appear before it to give testimony and will also receive petitions in writing. Persons desiring to testify before the Mission should communicate with the Principal Secretary of the Mission at the Hotel Majestic, Room 104, Tel. 23711.

## ANNEX VII

**Note verbale dated 27 October 1963 from the Chairman of the Mission to the Secretary of State for Foreign Affairs transmitting a list of witnesses**

The Chairman of the United Nations Fact-Finding Mission presents his compliments to the Secretary of State for Foreign Affairs and has the honour to send him herewith a list of witnesses whom the Mission wishes to interview.

The Mission hopes that the Viet-Nameese Government will co-operate with the Mission in this matter and will make the necessary arrangements for bringing the witnesses before the Mission.

## LIST OF WITNESSES

*Members of the Inter-Ministerial Committee*

- Nguyen Dinh Thuan (Minister of the Office of the President)
- Bui Van Luong (Minister of the Interior)

*Members of the Buddhist delegation*

- Thich Thien Minh (Head of the Delegation)
- Thich Tam Chau (Member of the Delegation)
- Thich Thien Hoa (Member of the Delegation)
- Thich Huyen Quang (Secretary of the Delegation)
- Thich Duc Nghiep (Assistant to the Secretary of the Delegation)
1. Thich Mat Nguyen (President of the Sangha in Central Viet-Nam)
  2. Thich Thien Sieu (President of the Buddhist Association of Thua Thien)
  3. Venerable Dang Van Cac (Buddhist monk)

4. Thich Tri Thu (Buddhist monk)
5. Thich Quang Lien (Buddhist monk)
6. Rev. Phap Tri
7. Thich Tam Giac
8. Krich Tang Thai
9. Mr. Mai Tho Truyen
10. Dieu Hue (Buddhist nun)
11. Dieu Khong (Buddhist nun)
12. General Pham Xuan Chieu (Chief of Staff of the Army)
13. Mr. Tran Van Do (former Minister of Foreign Affairs, if present in Viet-Nam)
14. Former Minister of Justice
15. Dr. Phan Huy Quat (former Minister of National Defence and National Education)
16. Mr. Le Quang Luat (former Minister of Information and Propaganda)
17. Mr. Nguyen Thai (former Director-General, Press)
18. Nguyen Van Binh (Catholic Archbishop of Saigon)
19. Mr. Tran Quoc Bui (President of the General Confederation of Catholic Workers)
20. Mr. Ton That Nghiep (Student Leader; Secretary, Buddhist Association of Saigon)
21. Mr. Ho Huu Tuong (Writer and Professor)
22. Professor Pham Bieu Tam (Dean of Faculty of Medicine of Saigon University)
23. Mr. Nguyen Xuan Chu (Journalist)
24. Parents of the girl who was shot and killed during the 25 August demonstrations
25. Office bearers of the Bar or Jurists Association in Saigon
26. Office bearers of Labour Unions (if any)
27. Committee recommending the release of monks

#### Hué

1. Thich Tinh Khiet (Buddhist supreme leader, President of all Viet-Nameese Buddhist Associations)
2. Phan Dinh Binh (Buddhist Student leader of Hué, Secretary of the Buddhist Students Association in Hué)
3. Thich Dong Hau (Chairman of the Celebrations Committee of the Buddhist Holiday Festivities of 6 May 1963)
4. Father Cao Van Luan (Catholic rector of the University of Hué)
5. Bui Tuong Huan (Dean of the Law Faculty of Hué University)
6. Dr. Le Khac Guyen

#### Addendum 1

1. Thich Quang Do
2. May Thay Con o Trong
3. Thich Ho Giac
4. Thich Giac Duc
5. Thich The Tinh
6. Thich Thien Thang
7. Thich Pham Quang Thanh
8. Thich Lien Phu
9. Thich Thanh Lac
10. Nguyen Thi Loi (nun)
11. Dieu Cat (nun)
12. Ni Co Mu Tang Bich (nun)

#### Addendum 2

1. Nguyen Huu Dong
2. Nghie Xuan Thien
3. Duo Nhuan

#### ANNEX VIII

*Notes verbales* dated 28 and 31 October 1963 from the Chairman of the Mission to the Secretary of State for Foreign Affairs transmitting lists of allegations

28 October 1963

#### A

The Chairman of the United Nations Fact-Finding Mission presents his compliments to the Secretary of State for Foreign Affairs of the Republic of Viet-Nam and has the honour to send him herewith a first list of allegations.

The Mission would appreciate receiving any comments and explanations which the Government may wish to make in connexion with these allegations.

#### *First list of allegations*

It has been alleged that:

1. One monk in the Xa-Loi Pagoda who tried to resist was thrown bodily from the balcony to the courtyard 20 feet below.
2. Army men forced the monks outside the Xa-Loi Pagoda by tear gas and gunshots.
3. Raiders carted away the charred heart of Buddhist martyr Thich Quang Duc.
4. Army men inflicted injury to hundreds of monks and nuns before sending them to prison on the day the incident occurred.
5. A number of people were taken to the hospital in Hué seriously affected by an unknown toxic gas.
6. On 21 August the army destroyed furniture within the temples.
7. After the May incident, on 3 June, the water supply for the Hué pagodas was cut off.
8. The Director of the Radio Station in Hué refused to broadcast a tape on Buddhist religious celebrations.
9. The Government imposed restrictions to land ownership on Buddhist monks, but not on Catholics.
10. The Government grants tax exemption on forest and farmland owned and exploited by Catholics.
11. The Government denied to the Buddhist hierarchy army engineering facilities for building pavilions, arches, and so forth, while the Catholics were given such facilities.
12. The Government recognizes six Catholic holidays but only one Buddhist.
13. There are repeated instances of individuals being instructed and encouraged by Government officials to disrupt Buddhist ceremonies, to steal food and offerings from Buddhist shrines and to desecrate Buddhist holy places. Buddhist households have felt obliged to remove family altars from the traditional position of prominence to a hidden alcove to protect them from Government-inspired goons.
14. On 16 September 1963, the Government imposed leaders on the Buddhist community.
15. Mr. Phan Dinh Binh, Secretary of the Buddhist Student Association in Hué, was arrested and tortured almost beyond recognition.
16. Mr. Ton That Nghiep, Secretary of the Buddhist Student Association in Saigon, was also arrested on 4 June 1963 and is still in prison.

31 October 1963

#### B

The Chairman of the United Nations Fact-Finding Mission presents his compliments to the Secretary of State for Foreign Affairs, and has the honour to communicate herewith a second list of allegations concerning the relations between the Government of the Republic of Viet-Nam and the Buddhist community.

*Second list of allegations*

It has been alleged that:

1. On Christmas day, Radio Saigon broadcasts programmes which include the Catholic mass and hymns whereas it ignores Buddha's birthday completely.
2. Buddhist soldiers and officers are sent to remote and isolated military posts and conversion to Catholicism is a condition for any officer who wants to get quick promotion.
3. Poverty-stricken Buddhist families are persuaded to become converted to Catholicism under the promise of money, rice or jobs.
4. Land-development centres are set up composed entirely of Catholic inhabitants; Buddhists are encouraged to settle there and persuaded to become Catholics. In case of refusal they are subjected to threats of various kinds.
5. Strategic hamlets are set up in rural areas; country people have to dismantle their houses and demolish their pagodas and move into these hamlets. Inside the hamlets only private houses can be built, but no pagodas. If Buddhist monks refuse to dismantle their pagodas and move into the strategic hamlets they are suspected of being "indifferent toward the anti-communist struggle".

**ANNEX IX****Aide-mémoire dated 28 October 1963 from the Secretary of State for Foreign Affairs to the Chairman of the Mission**

In consequence of the contacts which the Viet-Nam authorities have had at different levels with the United Nations Mission since its arrival in Viet-Nam, it appears necessary to clarify a certain number of points concerning the character and purpose of the Mission, and the procedure which it will follow in fulfilling the task with which it has been entrusted.

In order to avoid any inaccurate or tendentious interpretations by the Press or by international and local public opinion concerning the Mission's role in Viet-Nam, it is suggested that statements and documents emanating from the Mission refer whenever appropriate to the invitation of the Government of the Republic of Viet-Nam. This invitation was addressed on behalf of the Government of the Republic of Viet-Nam by Ambassador Buu Hoi, Permanent Observer to the United Nations, through the President of the General Assembly and the Secretary-General of the United Nations, to visit Viet-Nam and see for themselves the true state of the relations between the Government and the Viet-Nameese Buddhist community. The character and purpose of the Mission's visit have thus been clearly defined.

Within the framework thus delimited, as the Secretary of State for Foreign Affairs was careful to reaffirm when the Mission visited him on 24 October, the Government of the Republic of Viet-Nam will stand by its undertaking to grant the Mission every facility compatible with the state of war existing in Viet-Nam to enable it to carry out its task impartially and objectively and as completely as possible.

In particular, the Government of the Republic of Viet-Nam has no objection to the Mission receiving evidence and petitions from individuals or groups, or to its entering into contact with persons likely to give it useful information about the problem of the relations between the Government and the Buddhist community, including Buddhists, whether monks or laymen, who are detained on the grave charge of plotting against the State. This facility is an exception to ordinary rules of judicial procedure. The Mission cannot fail to have noted that the Government of the Republic of Viet-Nam could not have furnished better proof of its goodwill and good faith than by thus allowing it complete liberty to obtain information by all available means. The Government's only desire is to see that the truth of the allegations of persecution of Buddhists is revealed.

Nevertheless the Government of the Republic of Viet-Nam, guided by the same spirit of justice and complying with the established principles of law, believes that the allegations and

testimonies received by the Mission must, to be valid, be compared with the facts and evidence which the Viet-Nameese Government is entitled to present. Consequently, to enable the Government of the Republic of Viet-Nam to inform the Mission of the degree of veracity of the allegations contained in the testimonies and petitions received by the Mission, such evidence and petitions should be communicated to it. Otherwise these allegations or testimonies would have no validity whatsoever.

The Government of the Republic of Viet-Nam is convinced that the procedure proposed above is in keeping with the Mission's desire to be objective and impartial and has the further advantage of forestalling reaction or confusion in public opinion which might impair the prestige of the United Nations.

**ANNEX X****Meeting held on 28 October 1963 between the Chairman of the Mission and the Secretary of State for Foreign Affairs**

The FOREIGN MINISTER: I would like to thank the Chairman for coming here to meet with me. As I have said to the President at our first meeting, the Viet-Nameese Government wishes to give to the Mission all facilities. As for its wish to receive petitioners, I would like first of all to give the Chairman the following aide-mémoire [see annex IX]. I will hand it to you at the end of the meeting, but I would like you to have a summary translation of it before we start our discussion.

The CHAIRMAN: For myself and on behalf of the Mission, we fully appreciate the co-operation extended to us by His Excellency's Government. We hoped that we would receive such co-operation before our departure and we have found we were justified. We hope that it will continue and we wish to thank you for it. I should like a clarification of the meaning of "such evidence and petitions should be communicated to it".

The FOREIGN MINISTER: We would like to know if there are among these petitions and testimonies any charges against us and we ask that these precise facts be communicated to us so that we can tell you from our point of view whether these claims are exact or not. We will let you see these people, but we would like the Mission to tell us about their testimony so that we can tell the Mission what we think about the matter. The Mission is free to investigate these things by itself, but it should not judge by itself alone whether the testimony received is true or not. The Mission is not in a position to verify these facts by itself. The Mission should give us a list of these allegations. Either the Government will accept them or not, and in this case, we have the right to present our own point of view and our own proof of our position. The Mission will then be free to judge the evidence impartially. If there are any charges among them which are not presented to us, we reserve the right to deny the validity of those charges. It is up to us to furnish the proof.

The CHAIRMAN: I thank His Excellency very much for bringing up this question, because it means bringing about more understanding between the Mission and the Government of the Republic of Viet-Nam. I shall consider the aide-mémoire that has been given to me and after consultation with the Mission, I shall give him the assurances necessary for the clarification of this situation, if any clarification is needed. But I would like to say a few words now in my capacity as Chairman of the Mission. The first point in this aide-mémoire refers to the mention in statements which will be issued by the Mission of the fact that the Mission has come to Viet-Nam on the invitation of the Government of Viet-Nam. Is this what is stated in paragraph 1?

The FOREIGN MINISTER: Yes. The Mission is a fact-finding mission invited by the Government and we do not want public opinion to think of it as an investigation commission sent by the United Nations. In this connexion, I should like to point out that there were two proposals before the United Nations: one proposal by the USSR to the effect that the matter be placed within the terms of reference of the International Commission for Supervision and Control in Viet-Nam and another by Costa Rica and other Western countries asking for a United Nations investigation mission. Both these pro-

posals have been withdrawn because Viet-Nam took the middle road by inviting a mission to inform itself on the situation on the spot. So we would like to have this made clear in statements that it is a fact-finding mission sent by the President of the General Assembly on the invitation of the Government of Viet-Nam so that the people will understand exactly what is the Mission's function: that it is not an investigation commission. The President himself has said this.

The CHAIRMAN: Of course, I will give you a final answer after consulting with the Mission. I will, however, give you my own opinion now, in my capacity as Chairman. This Mission is a fact-finding mission that has come to Viet-Nam to ascertain the facts as to the relations between the Government of Viet-Nam and the Buddhist community of this country, in regard to the alleged violations of human rights by the Government of the Republic of Viet-Nam, following the invitation of the Government.

The FOREIGN MINISTER: The point which we are discussing is that it is a fact-finding mission and not an investigation mission. We only want it made clear that the Mission is here at our invitation and that it has not been imposed on us. This is important: it must be understood that there is consent on both sides in this matter—that action was not taken unilaterally.

The CHAIRMAN: My understanding of the Mission is also that we are here on the invitation of the Government of Viet-Nam and we have never considered ourselves as a mission that has been imposed on the Government of Viet-Nam.

The FOREIGN MINISTER: There is no misunderstanding on this point. That is all there is to the first point in the aide-mémoire.

The CHAIRMAN: There is no need to insist on this. It was a fact. But the point which you raised was that the Government would like the Mission to mention in any release which it makes to the Press, foreign or local, that it is here at the invitation of the Government of Viet-Nam. Is that correct?

The FOREIGN MINISTER: Yes.

The CHAIRMAN: On this point, I want to assure Your Excellency that the Mission has released only three statements to the Press. First, the statement which was issued in New York before our departure; in that statement, it was mentioned that the Mission was going to Viet-Nam at the invitation of the Government. The second statement, I made on my arrival at the airport in Saigon. I clearly mentioned the fact that we were here at the invitation of the Government. The third statement was issued when we invited witnesses and petitioners. The purpose of this last statement was only to tell the people where we had established our Headquarters and to tell them that we were receiving petitioners and were ready to hear witnesses in person or letters. We gave them the name of our hotel as well as our telephone number. This statement was [made] after the other two in which the invitation was mentioned, so we presumed everybody knew that we were here on that basis. The nature of the statement did not require this because we wanted to make it as brief as possible.

Afterwards I was told that some newspapers wanted to make this clarification. I said that since this statement had already been released, it could not be changed, but that if they wished to mention it either in the announcement or in an editorial, they could certainly do so. But now that this has resulted in some kind of difficulties, I would like to assure His Excellency that in any statement which is made from now on, whether it is superfluous, as in the latter case, or not, we will mention it.

The FOREIGN MINISTER: I thank the Chairman. It was just because of this third statement that I have mentioned this in the aide-mémoire. I am in agreement with the Chairman about the first two statements, but in the third statement there was no reference of the invitation and that is why I brought up this point. With the firm pledge of the Chairman, I can say that the Viet-Nameese Government is satisfied that this point has been met.

The CHAIRMAN: I am not here to argue with the Viet-Nameese Government, but to seek the co-operation of the Gov-

ernment, and I do not in any way intend to be in the position of somebody who wishes to impose. I am glad that he is satisfied with this clarification. I call this point a clarification although I might add that my own explanation was that this fact could have been understood without clarification.

Concerning the point raised in paragraph 2 of the aide-mémoire, certain allegations were made when this question of the situation in Viet-Nam was proposed for the agenda of the General Assembly for discussion. Certain allegations were made when this question was being discussed in the General Assembly and the third category came from miscellaneous sources. Certain allegations might come under a fourth category after we hear witnesses and petitioners. In our meeting with the authorities of the Viet-Nameese Government, some of these allegations have already been answered and the point of view of the Government on these has been made clear. Some of them have been answered by the briefings that we heard from the Government authorities. The part which remains is the part which might come out of our interviews with different persons. When we have finished our interviews and examinations of the petitioners and hearing of witnesses, I shall submit a list of all allegations made against the Government of Viet-Nam but of course without any reference to their sources, just as accusations. I shall ask the co-operation of the Government of Viet-Nam to make their own position and point of view clear to me on each one of these accusations. The Government is entitled to know what it is accused of and we as a Fact-Finding Mission cannot find the facts if we do not know all points of view. Since our time is running short, I will try to submit these allegations if not altogether, then in parts as soon as they are ready for submission, and the Government will give us the answers. No conclusions will be reached by the Mission on the situation until the Government of Viet-Nam has expressed its point of view about these accusations. As a matter of fact, I was going to do this myself, and His Excellency will receive either this afternoon or tomorrow morning a list of these allegations that I have been able to prepare. I wanted your point of view on them.

The FOREIGN MINISTER: I am very happy about what you have just said, since it is just what we wished. The answer of the Chairman is completely satisfactory.

The CHAIRMAN: In our first meeting with Your Excellency you promised your complete co-operation and in answer, I pledge myself to absolute objectivity even if you will not keep your promise, which I never for a moment think. On this point I want to address His Excellency personally.

The FOREIGN MINISTER: I am faithful to the promise which I made at our first meeting.

The CHAIRMAN: Have all the points in the aide-mémoire been covered?

The FOREIGN MINISTER: Yes. I would like now to go on to several other problems.

The CHAIRMAN: I would request His Excellency to accept what I have said as an explanation of our answer to that note. I will send a short note to him on this subject, but what I have said now should be considered an explanation of that note.

The FOREIGN MINISTER: I accept it. Now we have finished with these points which I consider as principles of action. We should now go on to the modalities of work. It seems that up until now we are in agreement. The Mission has come to find out if there are proofs of persecution against Buddhists. If there are none, the problem has been solved. If there are any, we would be very happy to know them so that we can rectify them. We will accept this for our own rectification. I would also like to draw your attention to the fact that the Government has given its permission for the Mission to visit people in the prisons. Very few Governments would let any foreign Mission go and see any plotters who are awaiting trial. I would like to point out that the Mission is absolutely free to see any people—religious or lay—who are still in prison on accusations of plotting against the Government. This is a very exceptional procedure.

Concerning the list of witnesses, I would like to make a few observations. With regard to the Ministers, I can assure the President that the Ministers are at the disposal of the Mission, but not in the manner proposed. The Mission can meet with any Minister; you have only to ask for an appointment. I am sure that you will understand that it would be difficult for them to present themselves as witnesses before the Mission, so it would be better to make an appointment with them. It is simply a question of form and procedure.

The CHAIRMAN: The object of the Mission is to find facts. I personally express my agreement with what you have said and I shall send you the affirmation of this agreement after I depart from here and inform the Mission of my having raised no objection to this procedure. Which means in my capacity as Chairman, I accept this, but I have to confirm this with the Members of the Mission.

The FOREIGN MINISTER: With regard to other witnesses, we accept all persons if they are in Viet-Nam or Saigon—religious or lay—who are linked with the Buddhist affair. We have no objection to the Mission receiving as witnesses people of the Buddhist community, either religious or lay. Among these people, there are two categories: those still in prison and those who are free. Concerning those in prison, we assure the Mission that we will arrange for them to meet with them. Concerning those who are free, we will ask them on behalf of the Mission to meet with you, but we will leave it to them to do so or not. If they don't want to do so, we cannot oblige them. They must give their own agreement.

The CHAIRMAN: On this point, I would like to thank Your Excellency for your co-operation in arranging this and making available the persons who are in prison. As for the other category, we shall be satisfied if we hear from them that they do not have anything to say to us or do not wish to answer any of our questions.

The FOREIGN MINISTER: I only make this reservation; the people must give their consent. We can't force them. We will do everything so that you can hear them.

The CHAIRMAN: We are not asking the Government to impose anything on anybody, in the same manner as we don't want to impose anything on the Government. Therefore, once they are made available to us to ask them if they have something to say or if it is their desire to answer any of our questions, if they tell us that they do not have any statements to make or they do not wish to answer our questions, we will be satisfied only to note that this is their position.

The FOREIGN MINISTER: If the people don't want to come, we cannot make them. We will invite them for you and hope that they will come, but if they don't there is nothing we can do. For those in prison, we can make them available. For those who are free, either they can answer, or come to tell you that they don't want to answer, or they will inform you that they will not come because they have nothing to say. I accept the position of the Chairman with this reservation: that these people who don't want to come will write to the Mission to tell them that they won't come.

The CHAIRMAN: I agree that there should be no imposition. We will hear those who accept and take note of the position of those who come before us to tell us that they do not want to say anything. Some may say that they will not come. I shall go to them to hear what statement they gave or if they have no statement. But in no case will there be an imposition.

The FOREIGN MINISTER: I accept this. I only wanted to clarify the cases of those who do not want to come. Do you accept the principle that they should be free?

The CHAIRMAN: There will be no imposition.

The FOREIGN MINISTER: The Government is ready to facilitate your seeing all those who are linked with the Buddhist problem. But I see on the list a lot of people who have nothing to do with this problem, but are political opponents of the régime. Why does the Mission wish to meet these people who have nothing to do with the Buddhist affair?

The CHAIRMAN: We obtained the names from publications containing allegations and those names and sources of information have been connected with the Buddhist situation. We do

not know whether these allegations are correct or not, but it is our job to verify this on the spot. This is why I thought that if we submitted this list and the Government tells us that these people have nothing to do with the religious problem, but are rather political, then that statement shall be the point of view of the Government of Viet-Nam. By seeing these people and interviewing them, we shall find out from them whether they consider themselves connected with the Buddhist problem or another problem. That will be the point of view of the other side. That is why we put the names of those people on the list.

The FOREIGN MINISTER: On this point, I must make a clear answer. For us it is a question of principle concerning our sovereignty. We have no apprehensions on this matter about what our political opponents could tell you. They have already said everything they have to say for months, and thanks to the foreign Press and the American Press in particular, everything has been proclaimed to the world concerning our régime. Falsities, charges, lies, rumours, calumnies, and so forth, have been launched against us. So we have no fear because we know that they cannot say anything further. But for us it is a question of principle. The Government cannot ask its political opponents to testify before you because our sovereignty would be encroached upon. The Mission has come to find the facts on the Buddhist problem. The Government of Viet-Nam is very clear on this point. Where there is opposition to the régime on the part of a person who has nothing to do with the Buddhist problem, then we do not want to ask them to come to see the Mission.

The CHAIRMAN: We have also a principle which is the respect for your sovereignty. As I explained before, in finding facts it is also for us a question of principle to request you, and insist on our request with all the power of request and efforts at our disposal, to enable us to see these people and to talk to them. But if you, as you have stated, attach this to the principle of sovereignty, and you, out of deep political considerations which it is your right to have, are not in a position to accept our request, in that case your answer to the note of request we have submitted to you can state your position and after we have your position stated to us we shall not insist any more because we have agreed on the principle of non-imposition. There is one thing more which I would like to clarify in this connexion. I should like to be clear that although we have heard some journalists' provocations concerning some allegations, I personally, knowing very well what the Press unfortunately is in the world today, have been very careful not to confine myself or to give undue consideration to press accusations and I have been very careful to distinguish between information and misinformation. I quite understand your concern on this matter.

But the list has not been prepared out of press information only. We have received a series of requests and information from non-governmental organizations, most of them internationally recognized and some of them recognized as affiliated with certain organs of the United Nations. Some of them are from non-governmental organizations of a humanitarian and social character. Some are from individuals, humanists, intellectuals, and professors concerned about this situation and their tone is intellectual. They say they don't know but they have heard about this situation and are concerned. So you should know that our list is not derived from propaganda sources and we will not pay any attention to these. From the beginning, we have been careful about not listening to propaganda. This we will remain to the end. Otherwise, I will not be able to use this and say that I have been objective. One week before my departure from New York, two correspondents came to see me and asked me if I had any statement to make in my capacity as Chairman. I told them I had one statement and that was to appeal to all concerned to refrain from demonstrations. They asked what I had to say about the press reports. I said that from among all of the press reports, I had clipped only one: the one in which Mme Nhu said that she and her Government would accept the findings of the Mission.

The FOREIGN MINISTER: First, we have nothing to fear concerning these persons. They couldn't say anything more



than what they have already said. Secondly, now that you have agreed to make available a list of all accusations without mention of source, so that we can verify them...

The CHAIRMAN: For your comments...

The FOREIGN MINISTER: Yes. Then we have no reason to refuse that these people see you. But it is a question of sovereignty. From the moment we do that we would be permitting the Mission to control and intervene in internal affairs.

The CHAIRMAN: This position should be explained in your note answering ours. We give you our co-operation, you give us yours; it is a happy situation. The only request I have to make now is that if these arrangements to meet with witnesses could be made as soon as possible so that we could expedite the matter, we would be most grateful. It was expected that the Mission would complete its work in two weeks. If we stay longer, it might be misunderstood; they might think we were having difficulties. So, in order that no such misinterpretations be made, we should like to be able to keep our plans. Before leaving, I would like to tell you that my colleagues and I shall send you a reaffirmation and then we shall consider the matter settled.

#### ANNEX XI

##### *Note verbale* dated 29 October 1963 from the Secretary of State for Foreign Affairs to the Chairman of the Mission

In reply to the note dated 27 October 1963 from the Mission and pursuant to the interview which took place on 28 October 1963 between the Secretary of State for Foreign Affairs and the Chairman of the Mission, the Secretariat of State for Foreign Affairs has the honour to confirm the following:

In a spirit of full and frank co-operation with the Mission, the Government of Viet-Nam is prepared to do its utmost to assist the Mission in taking testimony from persons who may be able to provide information concerning the relations between the Government and the Buddhist community in Viet-Nam. However, the list of persons the Mission wishes to hear which is appended to the above-mentioned note from the Mission, calls for some observations.

1. Among the persons called upon to give evidence before the Mission are two members of the Government. For reasons of national sovereignty, the members of the Government regret their inability to appear before the Mission as witnesses. That being said, the Secretariat of State for Foreign Affairs is prepared to make the necessary arrangements so that the Mission may converse with the two members of the Government whose names appear on the above-mentioned lists or with any other member of the Government it may wish to meet. The Mission is merely requested to be good enough to inform it in good time of the questions which it intends to ask, so that the members of the Government may assemble the necessary documents.

2. In regard to the Buddhist monks and bonzesses whose names appear on the lists, the Viet-Nameese Government has no objection to the Mission examining these witnesses. In fact, the Mission has already met a number of them during its visits to the pagodas of Xa-Loi and An-Quang (the Venerable Thich Thien Hoa, the monks Thich Tri Thu and Thich Thien Thang, and the bonzess Dieu Hue). A number of the monks whose names appear on the Mission's lists are unknown to the Viet-Nameese authorities. These are the Venerable Dang Van Cac, Phap Tri, Thich Thanh Thai, Pham Quang Do, Thich Pham Quang Thanh, Thich Lien Phu, and the bonzesses Nguyen Thi Loi, Dieu Cat and Ni Co Mu Tang Bich.

3. It is also noted that the lists include the names of persons who have no connexion whatever with the Buddhist problem and who consequently do not seem qualified to give any useful evidence about it. In any case, in accordance with the principle of respect for individual liberty, the Viet-Nameese Government has no means of compelling these persons to appear before the Mission. The Government will, however, inform them of the Mission's desire to hear their evidence, and leave them completely free either to appear before the Mission and

answer the questions asked of them or to refrain from doing so. With regard to a number of politicians whose names appear on the lists and who consider(ed) themselves as opponents of the régime, the Viet-Nameese Government, while having no objection to the Mission hearing their evidence, does not see why the Mission should have any direct interest in meeting them. As the Secretary of State for Foreign Affairs stressed in his interview with the Chairman of the Mission on 28 October 1963, the Viet-Nameese Government could not, in any event, invite them to appear before the Mission, because of the principle of its sovereignty. It should be pointed out that Mr. Nguyen Thai and Mr. Ho Huu Tuong are not present in Saigon, the former being in the United States and the latter serving a sentence in a place outside Saigon.

4. Mgr. Nguyen Van Binh, the Archbishop of Saigon, is at present in Rome attending the Ecumenical Council.

5. No young girl was killed during the demonstration of 25 August 1963; the Viet-Nameese authorities have not received any report of such an incident.

6. There is no student in any of the Viet-Nameese universities bearing the name Ton That Nghiep.

7. The Committee for the Release of the Monks is a clandestine organization and the Viet-Nameese Government has no knowledge of its headquarters or membership.

#### ANNEX XII

##### Statement by the Chairman on the Mission's programme of work

As you know, the terms of reference of this United Nations Mission, which is here at the invitation of the Government of the Republic of Viet-Nam, are to ascertain the facts of the situation as regards the alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community of this country. This is, therefore, the only problem with which we are concerned, and in fulfilling our mission we shall hear statements on all sides of the question and give all interested parties the opportunity to be heard.

Therefore, we shall receive petitions and interview as witnesses all who wish to come forward and be heard. Indeed, I stated this fact on the Mission's arrival at the airport last Thursday morning, and since then the Mission has issued an invitation to all the interested parties, reading: "The Mission invites all interested persons to appear before it to give testimony, and will also receive petitions in writing".

On our arrival, the Government of the Republic suggested to us a programme of work. This suggested programme was discussed with the Government. We have informed you of the parts of it with which we agreed. Now we are in a position to give you the programme which has been fixed until the evening of Thursday, 31 October, which is as follows: "Tuesday, 29 October, afternoon, interview of witnesses from 1800 hours; Wednesday, 30 October, 0735 hours, Mission delegation consisting of Mr. Amor, Mr. Gunewardene and Mr. Volio goes to Hue. Main body of the Mission remains in Saigon to interview witnesses. Thursday, 31 October, the main group continues interviews, 1020 hours, Hue delegation returns. Afternoon, interview of witnesses and visit to Du-Tan hospital".

I should also like to tell you that it has been agreed with the Government of the Republic that the Mission is free to interview all witnesses it has asked to see and who are connected with the Buddhist problem, and the Government has offered its co-operation in helping to locate witnesses and make them available.

It has also been agreed that the Mission will be free to see all religious personalities it wishes to interview, as well as laymen, connected with the Buddhist problem, including those under detention. The Government has stated it would be contrary to the principle of its sovereignty to let the Mission see the leaders of the political parties in opposition to the Government.



Yesterday, the Mission interviewed students at Le Van Duyet Youth Camp and this morning it visited Quoc Gia detention camp, and interviewed a number of monks whom the Mission had requested to see.

As to the length of our stay here, that is not yet decided since the term cannot be fixed before we can estimate the time that may be needed to complete our mission.

### ANNEX XIII

#### Statement issued by the Mission on 3 November 1963

The United Nations Fact-Finding Mission to the Republic of Viet-Nam will leave Saigon, as scheduled before the recent events, today, 3 November, to return to New York after completing its mission.

Yesterday afternoon, the Chairman of the Mission made a courtesy call on behalf of the Mission, on Generals Duong Van Minh, Tran Van Don and Le Van Kim to request facilities for the departure of the Mission today and conveyed to them the Mission's thanks for the courtesy and assistance extended to the Mission by the people of the Republic of Viet-Nam.

At his last meeting with the Press on 29 October, the Chairman of the Mission stated that he would make public the names of those interviewed by the Mission in prison. The names are the following: Thich Tri Thu, Thich Quang Lien, Thich Tam Giac, Thich Tam Chau, Thich Duc Nghiep, Thich Tien Minh, and Mai To Truyen.

In answer to questions, the spokesman of the Mission stated that the Mission had interviewed the following three categories of persons: spokesmen put forward by the previous Government, persons selected by the Mission, and persons coming forward of their own accord. Written statements were also received from the latter.

The spokesman also stated that the Mission had not been able to interview Thich Tri Quang, who was in asylum at the United States Embassy. The former Government of the Republic had informed the Mission that, according to the laws of asylum, a person in asylum was not allowed to make any contacts whatsoever while in asylum.

### ANNEX XIV

#### Joint Communiqué issued by the Inter-Ministerial Committee and members of the Buddhist religious hierarchy on 16 June 1963

To seek a satisfactory resolution for the five demands presented by the General Association of Buddhists of Viet-Nam

Members of the Inter-Ministerial Committee consisting of:

Nguyen Ngoc Tho, Vice-President  
Nguyen Dinh Thuan, Minister of the Office of the President  
Bui Van Luong, Minister of the Interior

Members of the Buddhist delegation consisting of:

The Most Venerable Thich Thien Minh, head of the delegation  
The Most Venerable Thich Tam Chau, member of the delegation  
The Most Venerable Thich Thien Hoa, member of the delegation  
The Most Venerable Thich Huyen Quang, secretary to the delegation  
The Venerable Thich Duc Nghiep, assistant-secretary to the delegation

Introduced by letter No. 24 of 14 June 1963 of the Most Venerable Thich Tinh Khiat, President of the General Association of Buddhists of Viet-Nam

Met at the Dien Hong Conference Hall:

Friday, 14 June 1963

In the morning from 9 a.m. to 12 noon.

In the afternoon from 3 p.m. to 6 p.m.

Saturday, 15 June 1963

In the morning from 9 a.m. to 11 a.m.

In the afternoon from 2.30 p.m. to 5 p.m.

In the evening from 9 p.m. to 12 midnight.

Sunday, 16 June 1963

From 9 a.m. to 1.30 p.m.

After the debates, the Inter-Ministerial Committee and the Buddhist delegation agreed upon the following points:

#### 1. NATIONAL FLAG — RELIGIOUS FLAG

The national flag, the symbol of the spirit of the nation, should always be respected and be put at its appropriate place.

A. On national holidays: only the national flag will be flown.

B. On Buddhist holidays:

(1) At the pagoda:

Arch	}	The national flag on the right
Main gate		The Buddhist flag (two-thirds smaller) on the left

Half-mast: only the Buddhist flag will be flown

In the pagoda yard: only small paper Buddhist flags hung on lines can be used for decoration

Inside the pagoda: only the Buddhist flag will be flown

(2) On the ceremonial platform:

At the foot and around the platform	}	The national flag on the right
		The Buddhist flag (two-thirds smaller) on the left

On the platform (which can be considered as the inside of the pagoda): only the Buddhist flag will be flown

(3) In the procession:

In the front:

If there is only one person marching in the front, this person will hold two flags (the national on the right and the two-thirds smaller Buddhist flag on the left)

If there are two persons marching in the front, each will hold one flag in the same way depicted previously

In the rear: attendants hold small Buddhist flags only

(4) On Buddhist personnel's cars:

No flag will be flown at all

(5) At private homes (Buddhist):

In front of the house: two flags (as those in front of the pagoda)

Inside the house: only the Buddhist flag will be flown

In order to have these agreements carried out correctly, it is decided that:

On the right: "right" means the right side of a person entering the pagoda from the street

Smaller flag: "smaller" means two-thirds smaller than the size of the national flag (officers in charge should not be too strict about the measurements)

#### 2. ORDINANCE (Du) No. 10

To detach religious associations from the regulations of Ordinance No. 10 and set up new regulations suitable to the particular characteristics concerning the activities essential to these religious associations.

These regulations will become law prepared by the National Assembly in direct consultation with the religious associations involved.

The National Assembly will vote for this law at the latest date at the end of 1963 or at the beginning of 1964.

While awaiting the passing of the new law, the Inter-Ministerial Committee agreed to issue notices as will be required so that the execution of Ordinance No. 10 will not be too strict to all of the present Buddhist associations or Buddhist Research centres. The Buddhist delegation promised to give

instructions to all Buddhist priests and nuns to observe strictly the national laws and to use all disciplinary measures to correct all deviated actions.

### 3. ON THE PROBLEM OF ARRESTING AND DETAINING BUDDHIST PEOPLE

The Government will set up a committee of investigation to re-examine the dossier of Buddhist complaints.

All those who are involved in the movement seeking the realization of the five demands of the General Association of Buddhists of Viet-Nam will be forgiven by the President, no matter where they are.

The Government acknowledges that corrective instructions have been issued to all Government officials for the fulfilment of the Government policy of religious equality.

### 4. ON FREEDOM TO PROPAGATE AND PRACTISE RELIGION

The normal and purely religious activities such as the 14th, the 15th, the 30th, and the 1st day of the month of the Lunar Calendar, the ceremonies of the commemoration of the death, the celebration of Saints' days, the masses for peace, if performed within the boundary of the pagodas or the headquarters of the Association, will not require any permission from the Government. Other activities besides those mentioned above and those performed outside the boundary of the pagodas and of the headquarters of the Association are required to obtain a permit from the Government.

About the village pagodas which are of purely local concern, it is necessary for the central authority to have enough time to gather all related documents. Consequently, in the meantime, it is possible only to have the executive committee of these village pagodas re-elected if necessary, in order to allow Buddhist people to participate in the administration of these pagodas.

Acknowledge that the Bulletin No. 166-TTP-TTK of 23 September 1960 does not apply to the acquisition as well as the selling of properties and estates belonging to the Buddhist institutions.

Leniency in matters of censorship of Buddhist literature and prayer-books will be shown in present regulations.

Leniency in the permission to build (pagodas, schools, and charity institutions).

### 5. ON RESPONSIBILITY AND ASSISTANCE

The Government officials of all departments responsible for the incidents which have been happening since 8 May 1963 will be severely punished if proved guilty from the investigation.

The assistance to the families of the victims is a great concern of the social services and of the Government.

The families of the victims in Hué have already received assistance in time and may receive more assistance according to the need of each family.

The Inter-Ministerial Committee will assume responsibility in checking the execution of the articles mentioned above, especially at local levels.

If there is any deviation, the General Association of Buddhists of Viet-Nam must inform the Inter-Ministerial Committee at once.

Written in two original copies in Saigon on 16 June 1963

*The Buddhist Delegation*

The Most Venerable Thich Thien Minh

The Most Venerable Thich Tam Chau

The Most Venerable Thich Thien Hoa

*The Inter-Ministerial Committee*

Nguyen Ngoc Tho

Nguyen Dinh Thuan

Bui Van Luong

Seen by the President of the General Association of Buddhists of Viet-Nam

(Signed) The Most Venerable Thich Tinh Khiet

The articles written in this joint communiqué have been approved in principle by me from the beginning.

(Signed) Ngo Dinh Diem

## ANNEX XV

### Ordinance No. 10 on rules and regulations governing the establishment of associations<sup>a</sup>

HIS MAJESTY BAO DAI, CHIEF OF STATE

Considering Decree No. 1 of 1 July 1949 organizing and regulating public bodies in Viet-Nam,

Considering Decree No. 2 of 1 July 1949 governing administrative services,

Considering Decree No. 1-QT of 5 January 1950 abrogating Ordinance No. 1-CP of 1 July 1949,

Considering Decree No. 35-QT of 27 April 1950 abrogating Ordinance No. 6-QT of 21 January 1950,

Considering Ordinance No. 37-QT of 6 May 1950 on the composition of the Government,

Considering the existing laws relating to the establishment of association,

Having regard to the recommendation of the Prime Minister,

Following the deliberations in the Council of Ministers,

HEREBY ORDERS

#### Chapter I

##### PRINCIPLES

*Article 1.* An association is an agreement by which two or more persons pool their knowledge and efforts on a continuing basis in order to pursue non-profit objectives such as worship, religion, politics, charitable works, science, literature, art, recreation, youth activities, sport and mutual assistance. To be valid, an association must conform to the general principles of law applicable to contracts and liability.

*Article 2.* Any association founded for purposes which conflict with the laws and traditions of the country shall be null and void.

*Article 3.* Any member of an association established for a specified or indefinite period may withdraw from membership at any time after settling any dues payable for past periods and those for the year of withdrawal.

#### Chapter II

##### AUTHORIZED ASSOCIATIONS

*Article 4.* An association as defined in article 1 of this Ordinance may not function until the Minister for the Interior, with the concurrence of the residents concerned, as provided in this Ordinance, has, by Ministerial Order, authorized its establishment. If the activities of the association are confined to one part of Viet-Nam, the Resident may, under authority delegated by the Minister for the Interior, sign the order authorizing its establishment; the Resident must report such action to the Minister for the Interior.

In the case of youth and sports associations, the Minister for Youth and Sports may exercise the powers reserved to the Minister for the Interior, by agreement with the latter.

*Article 5.* All associations which are granted the right of establishment acquire legal status under the provisions of this Ordinance.

*Article 6.* The founders of an association must address their request for authorization to the Chief of the Province, or to the mayor of the town in which the association will have its

<sup>a</sup> Excerpt from the *Journal officiel de la République du Viet-Nam*, No. 34, dated 26 August 1950, pp. 434-437, translated from the Viet-Namese text.

headquarters. If the headquarters are to be in Saigon-Cholon, the application must be addressed to the Prefect of Saigon-Cholon.

The founders must be at least twenty-one years of age (according to the Gregorian calendar) and must not have been convicted of any criminal offence.

Three copies of the by-laws of the association together with a copy of the founders' police records must accompany the application.

The by-laws must contain the following information:

1. Purpose of the association;
2. Name of the association;
3. Location of its headquarters;
4. Period for which the association is established;
5. Admission, resignation and expulsion of members;
6. Rights and obligations of members;
7. Assets of the association;
8. Rules relating to movable and immovable assets of the association;
9. Family names and first names of the founders;
10. Rules relating to election and suspension of members of the executive committee;
11. Grounds for dissolving the association;
12. Rules relating to liquidation and disposal of the acts of the association.

*Article 7.* The Minister for the Interior (if the association's activities are national in scope or extend beyond the boundaries of one region) or the Regional Resident (if the scope of the association is regional) has the right to refuse an application for the establishment of an association, without giving the grounds for such refusal.

An authorization which has been granted may be revoked if it is considered incompatible with the law or for security reasons.

The decision to revoke an authorization shall be taken by the authority empowered to grant it and in accordance with the same procedure.

*Article 8.* Within a month from the date on which the authorization is granted, members of the executive committee must arrange for publication in the *Journal officiel* or in the administrative bulletin of the region concerned, of a statement indicating the date of the authorization for the establishment of the association, the name of the authority who signed the authorization, the purpose of the association and its headquarters.

*Article 9.* Any amendment of the by-laws must be submitted for approval within one month in accordance with the procedure followed for the establishment of the association. Such amendments shall take effect only when officially approved.

*Article 10.* Any changes in the executive committee or administration of an association must be made known to the Chief of the Province, the mayor of the town or the Prefect of Saigon-Cholon as the case may be. These authorities must, in accordance with normal administrative procedures, inform the Resident and the Minister for the Interior of such changes. A receipt must be issued to the person concerned upon receipt of the statement.

The statement must cover any of the following which may apply:

1. Changes in the membership of administrative or executive organs;
2. Newly established branches and offices;
3. Change of address of the headquarters;
4. Purchase or sale of immovable property as provided in article 14 of this Ordinance; a statement describing such property and indicating the terms of sale or purchase must also be appended.

*Article 11.* The changes and modifications mentioned in article 10 shall not be enforceable against third parties until the

date on which they are notified to the competent authorities and published in accordance with the provisions of article 8.

*Article 12.* Administrative changes and changes in the by-laws of the association must be recorded in a register kept at the headquarters of the association. The register must indicate the date of filing such changes and the date of their approval.

Administrative and judicial authorities shall have the right to examine this register at the headquarters of the association.

The Chief of the Province, the mayor of the town or the Prefect of Saigon-Cholon, as the case may be, or their deputy shall number the pages of the register and sign and affix their seal to its first and last pages.

Private individuals may also apply to examine at the offices of the Resident, the Chief of the Province, the mayor or the Prefect, as appropriate, the by-laws, statements and subsequent modifications or changes relating to the association or to have a copy made from them at their own expense.

*Article 13.* Through the normal administrative channels, political associations and friendly societies must submit to the Resident for transmission to the Minister for the Interior, within a week from the date of their annual general meeting, two copies of their membership list and two copies of their financial statement, together with an explanation and justification of expenditures.

*Article 14.* With the exception of associations whose object is the study of Confucianism and cultural, artistic, recreational, charitable, youth and sports associations, no association shall have the right to receive a subsidy from the central Government or from local, provincial or communal authorities.

All associations shall have the right to collect dues from their members, to make use of such funds and to sue or be sued.

Any association may also acquire, purchase, administer or own such immovable property as is strictly necessary for the fulfilment of its objectives.

Any party concerned and the *ministère public* may take court action to have annulled any purchase of immovable property which conflicts with this article. Such immovable property shall be sold at auction and the proceeds of the sale shall be paid to the association.

*Article 15.* Associations may be established for a specified or indefinite period.

If an association is established for a specified period, such period shall be indicated in its by-laws.

It may also be stipulated that the association will terminate when its purposes have been accomplished.

*Article 16.* Notwithstanding the period specified in the by-laws, if a majority of the members decide to dissolve the association, it shall be dissolved.

The by-laws of an association may provide that such a decision must be taken by a majority or unanimously.

*Article 17.* An association may be dissolved upon expiry of the period for which it was established or when its objectives have been fulfilled.

An association shall be dissolved before expiry of the above-mentioned period if its membership reaches a level lower than the minimum level specified in its by-laws or if there is only one member left.

*Article 18.* The by-laws may establish the conditions for admission to membership, by providing for admission on the basis of eligibility or qualifications or on approval by a committee or the general meeting or by at least two-thirds of the members.

*Article 19.* The by-laws shall also state the grounds and procedure for expulsion of members.

In principle, expulsion may be decided by a majority of the members.

*Article 20.* The by-laws must define clearly the rights and obligations of members.

Every member shall be required to conform to the by-laws.

*Article 21.* No member shall have any special claim on the assets of the association while the latter remains in existence.

*Article 22.* Associations shall be bodies corporate having rights distinct from those of their members.

An association may own assets which it may administer in accordance with the financial provisions of its by-laws.

All the assets of an association may be used to guarantee the fulfilment of its obligations.

*Article 23.* Normally, the governing or administration of an association shall be entrusted by it to one or more of its members who shall represent it and act on its behalf in dealings with third parties.

The by-laws may provide for extension or restriction of these rights.

*Article 24.* The person entrusted with the power to represent the association may resign before expiry of his term of office. However, in civil law he shall continue to be held responsible for all acts committed during his term of office.

If the representative dies, his successor or successors shall become responsible for all acts he has committed in managing the association's affairs, up to the time of his death.

*Article 25.* The general meeting shall have absolute power to decide any matter pertaining to the association. It shall be convened by representatives of the association in accordance with the provisions laid down in the by-laws or at the request of one-quarter of the total membership.

*Article 26.* The general meeting shall decide on the admission or expulsion of members; it shall elect its officers; it shall have supervisory power over their actions and may end their term of office, but must give the grounds for such termination.

The general meeting of an association shall have jurisdiction over all matters which are not within the competence of the committees of the association.

*Article 27.* All members shall have equal voting rights at the general meeting.

All questions shall be decided by majority vote.

*Article 28.* The amount of membership dues shall be clearly stated in the by-laws. In the absence of such statement, all the members shall bear an equal share of the expenses necessary for the fulfilment of the objectives of the association and for the settlement of its debts.

*Article 29.* Members who resign or who are expelled from an association shall lose all claim on its assets.

*Article 30.* Once the authorization for the establishment of an association has been granted, the executive committee shall file a copy of the by-laws with the local authorities, the Minister for the Interior or the Resident, through the normal administrative channels.

*Article 31.* Authorized associations shall adhere to the provisions of their by-laws. When it is considered that an association, directly or indirectly, is pursuing purposes other than those specified in its by-laws, the said association shall be dissolved, and the members of the executive committee may be prosecuted.

*Article 32.* Associations whose establishment has not been authorized shall be deemed not to exist and their acts shall have no validity. The premises in which they have their headquarters may be ordered closed by the competent authorities.

Anyone may apply to the courts in order to obtain the dissolution of an unauthorized association.

*Article 33.* Founding members, executive officers or administrative officers of unauthorized associations or of associations whose authorization has been revoked but which nevertheless continue their activities or whose activities are not consistent with the purposes stated in the by-laws, or whose activities conflict with the laws and customs of the country, shall be liable to a fine of 50 to 5,000 piastres and from six days' to six months' imprisonment. Ordinary members shall be liable to six days' to two months' imprisonment or a fine of 50 to 200 piastres, or both.

Persons who further meetings of unauthorized associations or associations whose authorization has been revoked shall be liable to the same penalties.

An association which is prosecuted shall be ordered dissolved by the court.

Founding members and executive officers who contravene articles 8, 9, 10, 12 and 13, or whose activities are incompatible with the purposes of the association, as set forth in its by-laws, shall be fined from 50 to 200 piastres. The fine shall be doubled if the offence is repeated.

### Chapter III

#### ASSOCIATIONS DEEMED TO BE IN THE PUBLIC INTEREST

*Article 34.* Associations authorized under this Ordinance may be recognized as being in the public interest by a decree issued by the Head of State upon the recommendation of the Minister for the Interior and after consultation of the Council of Ministers.

*Article 35.* All applications for such recognition must be signed and submitted by the members elected by the general meeting.

*Article 36.* The application must be accompanied by the following:

1. A copy of the order authorizing the establishment of the association;
2. A copy of the report indicating the reasons for the establishment of the association, its achievements and its aims which are deemed to be in the public interest;
3. Two copies of the by-laws;
4. A list of the addresses of its headquarters, branches and other offices;
5. A list of the founding members and of the officers of the executive committee indicating their age, occupation, nationality, place of birth and place of residence;
6. A copy of the financial statement of the association for the last two financial years;
7. A list of the association's immovable and movable assets;
8. A copy of the report of the general meeting approving the application for recognition that the association serves the public interest.

All these copies must be certified.

*Article 37.* The application must be addressed to the Prefect of Saigon-Cholon, the mayor or the Chief of the Province, as the case may be.

These authorities shall, after consulting the municipal council or local committee, transmit the application to the Resident who shall in turn send it with his recommendations to the Minister for the Interior. The Minister for the Interior shall submit a draft decree to the Head of State at a meeting of the Council of Ministers.

*Article 38.* Associations which are recognized as being in the public interest may carry out such financial transactions as are compatible with its by-laws but may acquire or purchase only such immovable property as is necessary for carrying out its stated objectives. Any unexpended balance of dues must be invested in Government bonds.

An association, if so authorized by the Minister for the Interior, may accept gifts or bequests from its members.

If such gifts or bequests consist of immovable property not considered necessary for the functioning of the association, they shall be sold according to pertinent regulations and within such period and in such manner as are prescribed in the order granting special status. The proceeds of such sale shall be transferred to the funds of the association.

Associations may not accept gifts of movable or immovable property where the owner retains a usufructuary right in the property.

*Article 39.* Articles 8, 9, 10, 11, 12, 30 and 33 of this Ordinance shall also apply to associations recognized as being in the public interest.

## Chapter IV

## RULES APPLICABLE BOTH TO AUTHORIZED ASSOCIATIONS AND TO ASSOCIATIONS RECOGNIZED AS BEING IN THE PUBLIC INTEREST

*Article 40.* In the event of dissolution of an association, whether voluntary or statutory or upon court or administrative order, its assets will be liquidated and disposed of according to its by-laws, or, in the absence of any provision in the by-laws, in accordance with rules established at a general meeting.

*Article 41.* If the by-laws of the association do not specify the manner in which the assets shall be liquidated and disposed of, or if the general meeting does not so specify, the court shall, upon application by the *procureur général*, appoint a liquidator, who, for the entire period of the liquidation, shall have the powers of receiver.

During such period, the receiver shall convene a general meeting to decide on the manner of liquidation and disposal of the assets.

If, for any reason, a general meeting cannot be convened, the receiver shall ask the court to rule on the liquidation and disposal of the assets.

*Article 42.* If it is the general meeting which decides these matters, it may not award to any member a share larger than his own contribution to the association.

## Chapter V

## GENERAL PROVISIONS

*Article 43.* Laws which are inconsistent with this Ordinance, and particularly Ordinance No. 73 of 5 July 1945 concerning trade unions, are hereby repealed.

Any trade union already in existence must suspend temporarily its activities and, within a month from the date of this Ordinance, its executive committee, having regard to the present Ordinance concerning the establishment of associations, must secure approval of its by-laws, failing which the trade union shall be deemed dissolved.

*Article 44.* A special status shall be prescribed later for Catholic and Protestant missions and for Chinese congregations.

*Article 45.* This Ordinance shall be published in the *Journal officiel* and shall enter into force as a law of the State.

(Signed) BAO DAI  
Vichy, 6 August 1950

For and by order of the Prime Minister

NGUYEN KHAC VE  
Minister of Justice  
(in charge of current affairs)

State of Viet-Nam  
No. 24

HIS MAJESTY BAO DAI, CHIEF OF STATE,

Considering Ordinance No. 1 of 1 July 1949 organizing and regulating public bodies,

Considering Ordinance No. 2 of 1 July 1949 governing administrative services,

Considering Ordinance No. 10 of 6 August 1950 governing the establishment of associations,

Considering Decree No. 57/TN of 18 May 1950 defining the functions of the Minister for Youth and Sports,

Considering Decree No. 49/CP of 6 June 1952, supplemented by Decrees Nos. 51, 52, and 55/CP of 23 and 25 June 1952 on the composition of the Government,

Having regard to the recommendations of the Minister for Youth and Sports,

Following the deliberations in the Council of Ministers,

## HEREBY ORDERS

*Article 1.* Article 4, paragraph 3, of Ordinance No. 10 dated 6 August 1950 governing the establishment of associations is amended to read as follows:

"Article 4, paragraph 3 (new version): In the case of youth associations and sports associations whose activities extend over part or the whole of the country, the Minister for Youth and Sports is empowered to grant or withdraw authorization for the establishment of such an association in agreement with the Minister for the Interior and the Resident concerned."

*Article 2.* All provisions inconsistent with this Ordinance are hereby repealed.

*Article 3.* The Prime Minister and the other Ministers concerned are required in so far as they are severally concerned to enforce this Ordinance. This Ordinance shall be published in the *Journal officiel*.

(Signed) BAO DAI  
Saigon, 19 November 1952

(Signed) VU HONG KHANH  
Minister for Youth and Sports

(Signed) NGO THUC DINH

For and by order of the Prime Minister

State of Viet-Nam

No. 6

HIS MAJESTY BAO DAI, CHIEF OF STATE,

Considering Ordinance No. 1 of 1 July 1949 organizing and regulating public bodies,

Considering Ordinance No. 2 of 1 July 1949 governing administrative services,

Considering Ordinance No. 10 of 6 August 1950 governing the establishment of associations,

Considering Decree No. 4/CP of 11 January 1954 on the composition of the Government,

Having regard to the recommendation of the Prime Minister,  
Following the deliberations in the Council of Ministers,

## HEREBY ORDERS

*Article 1.* Article 11 of Ordinance No. 10 of 6 August 1950 concerning the establishment of associations is supplemented as follows:

"The authorities which have granted the authorization for the establishment of an association shall also have the power to order, without giving any reason, the dismissal of one or more members of the executive committee of such association.

"Any association which fails to comply with this rule shall be dissolved by the above-mentioned authorities."

*Article 2.* This Ordinance shall be published in the *Journal officiel* and shall enter into force as a law of the State.

Approved by HIS MAJESTY BAO DAI  
Dalat, 3 April 1954

(Signed) BUU LOC  
Prime Minister

## ANNEX XVI

## Manuscript communicated to the Mission by witness No. 41

Witness No. 41, a Viet-Nameese student, voluntarily appeared before the Mission, handed it a manuscript written by him entitled: "Letters written in Viet-Nam in 2507", and gave testimony on various questions (see chapter IV).

On some of the questions put to him by members of the Mission, he specifically referred to his manuscript. The Mission decided to include below extracts or summaries of this manuscript, especially of the parts dealing with the questions in respect of which the witness referred to his manuscript.

The manuscript contains fifteen imaginary letters exchanged by two Viet-Nameese students, dealing with the relations between the Government and the Buddhist community from 6 May to 17 September 1963.

## ALLEGATIONS CONCERNING THE BACKGROUND OF THE CRISIS

*Inequality between Buddhists and Catholics and discrimination against Buddhists*

On these matters, the witness was asked questions by the Mission and, in reply, referred to his manuscript. The relevant passages of this manuscript are as follows:

"Under Ordinance No. 10, article 1, all religions except Catholicism are regarded as associations.

"Under article 1 of the same Ordinance, the Government has the right to suspend the activities of such associations for security reasons.

"Under article 10, religions, with the exception of Catholicism, are subject to strict supervision by any agent whatsoever of the Government.

"Under articles 14 and 28, religions, except Catholicism, are entitled only to receive money given to them in the proper manner by the faithful and to establish only such immovable property as is strictly necessary.

"Furthermore, under Order No. 116/TTO/TTKI of the Office of the President, dated 23 September 1960, the immovable property of associations (of which Buddhism is one), however minor, must be authorized by the President of the Republic, otherwise the owners of such property must pay taxes like all other property-owners.

"In view of these articles we find that there is religious inequality under this democratic régime and that the facts contradict the aim pursued by the Government in the policy of Strategic Hamlets, which is termed the struggle against disharmony.

"Ordinance No. 10 came into existence in 1950, that is, under a monarchy. Since that régime was overthrown in 1954, we ask why Ordinance No. 10, which is incompatible with the articles of the Constitution of the Republic, still exists and always will exist. We ask the Government to repeal this Ordinance and replace it with another.

"In Viet-Nam, especially in the country, Government officials are acting mistakenly or in a biased manner. We have put these facts before the President and the Assembly but to our regret have received no response. We ask the President to end these activities, to establish a commission of inquiry with instructions to re-examine in good faith, impartially and indulgently, the files of Buddhist complaints, to ensure the safety of Buddhist leaders (religious as well as lay dignitaries) and to grant Buddhist members of the armed forces and civil service facilities for their religious observances.

"Furthermore, Mr. Paul Hieu, the Secretary of State for Civil Action, said at a conference of civil servants convened by the League of Officials of the National Revolution that 'Buddhism is public enemy No. 1'."

Quotations from an article published by the review *Newsweek* on 27 May 1963, which the police allegedly tried to confiscate:

"The Buddhists (estimated at some ten million) have long been resentful of the mandarins of Hué and their ruling Catholic oligarchy; the Buddhists particularly resent a host of restrictions imposed on their religious freedom by President Diem.

"Most of Ngo Dinh Diem's high Government officials, chiefs of provinces and military officers are Catholics, and most young army officers are convinced that they must be at least nominal Catholics if they wish to rise above the rank of captain. Diem apparently believes (and with some reason) that Catholics are more loyal to him personally and also more genuinely dedicated in their anti-communism. Catholicism, therefore, seems to have become a kind of status symbol, as well as a prerequisite for advancement . . .

"The Buddhists say that most Government supplies pass through Catholic hands and are distributed chiefly to Catholics. One American adviser has reported that Catholic battalion commanders in South Viet-Nam's army get better

equipment and heavier weapons than the non-Catholics. In the countryside, there are a number of villages where Christian priests are in control and maintain their own private armies. In the northern coastal region around Hué, small units of these troops, known as 'The Bishop's Boys', are directly responsible to the Archbishop, and their primary mission is to protect churches and priests. They are armed with United States weapons and trained at least in part by United States advisers.

"Vast supplies of United States food relief (wheat, flour, rice, cooking oils) are distributed in South Viet-Nam through Catholic Relief Services to Catholic priests in the provinces. Some Viet-Nameese are convinced that many of these supplies never reach the intended beneficiaries but find their way into the black market instead."

Extract from a conference given by a Buddhist monk at Xa-Loi Pagoda on 28 July 1963:

"When will Buddhism and its campaign end?"

"That depends on the Government, not on the Inter-Sect Committee for the Defence of Buddhism, which can only abide by the Government's laws. It can be halted straight away if the Joint Communiqué and 'the Government's utmost desire for reconciliation' are put strictly and sincerely into effect, not on paper but in reality. As long as Buddhist officials are not permitted to go freely to the Pagoda, as long as it is difficult for Buddhist officers to secure promotion, the Buddhists' campaign will go on.

"On 19 August the Inter-Ministerial Committee, led by Vice-President Nguyen Ngoc Tho and a press delegation, left Saigon for Phu-Yen, a coastal province in Central Viet-Nam, to examine and settle the complaints which were reported by the Inter-Sect Committee in its recently circulated information bulletin which alleged that acts of discrimination and repression had been committed against Buddhists in Central Viet-Nam during the period 1960-1961. By the time it had made a few contacts among the Buddhists, the delegation knew that many villagers had been obliged to turn Christian in order to avoid being mistreated by local officials of the Government and to be taken under the protection of the Catholic priests.

"In some villages, in the presence of local agents of the Government, Vice-President Nguyen Ngoc Tho asked the Buddhists not to be afraid and not to 'recite their lesson by heart!'"

*The incidents of 6-8 May 1963 at Hué and the reasons therefor*

In his manuscript, the author described in detail the events of 6-8 May 1963 at Hué. His description is very similar to that contained in the communications which have been summarized in the section: "Communications received by the Mission".

As to the motives of the Hué incidents, a question which was put to the witness during his interview and in respect of which he referred to his manuscript, the manuscript contains the following passage:

(Account of a conference between Thich Tri Quang and high-ranking Government officials at Tu-Dan Pagoda in Hué on 18 May 1963:)

"Cause of the struggle: The Venerable gave as examples of indirect causes the ill-treatment of Buddhists in agricultural development centres on the High Plateaux and the arrest and repression of Buddhists in several villages in Central Viet-Nam.

"All these facts have been recorded in dossiers presented to the Government and the Assembly, but it is not known why the Buddhists have received no reply.

"As the direct cause, the Venerable cited the forced lowering of the Buddhist flag. Why should this obligation be imposed at the time of Wesak and not on another date? Why is a telegram from the Office of the President sufficient to repeal the whole of an Order which has long been in force?"



*Period from 8 May 1963 to the signature of the Joint Communiqué on 16 June 1963*

In his manuscript, the witness deals with the sending of the Five Demands to the Government and describes the events which allegedly took place during that period, *inter alia*, the repression of meetings, processions, and memorial services to the victims of the Hué incidents, the sealing off of several pagodas by barbed wire to prevent believers from worshipping and assembling at those pagodas and the arrest of Buddhists for having supported the Five Demands. His account is similar to that contained in several communications received by the Mission. Extracts from his manuscript read as follows:

"On 2 June 1963 the new Representative of the Government in Central Viet-Nam issued an important communiqué:

"In recent days, after the regrettable incidents of 8 May at Hué, some of our compatriots have not yet attained to an adequate degree of understanding and awareness of the nation's difficulties. They have assembled without permission in several places, disseminated uncensored documents and walked in long lines through the streets, disrupting traffic. In short, they have engaged in actions prejudicial to security and to law and order. I must therefore appeal to all our compatriots to obey the following orders:

"(1) Meetings are strictly forbidden.

"(2) Permission to use microphones and loudspeakers must be obtained in advance from the Mayor.

"(3) Permission to hold meetings must be requested in advance from the Mayor.

"(4) Documents, slogans, posters and speeches must be censored before publication.

"(5) It is unlawful to hold or place in circulation any printed matter, document or tract."

"While the bonzes and Buddhists were fasting as a means of asking the Government to settle the Buddhists' claims quickly, some hundreds of students, schoolchildren and scouts were demonstrating near a bridge at Hué at 2 p.m. on 3 June 1963. Hoses were again turned on this crowd of demonstrators, but the young people remained sitting motionless, looking down at the ground. A few moments later the jets of water were turned off and replaced by jets of acid in a fairly strong concentration. At the same time grenades were thrown at the crowd. Fifty-four young people were seriously wounded; the remainder fled or returned to the Tu-Dan Pagoda to continue fasting.

"On 3 June 1963 the Venerable Thich Tam Chau, Chairman of the Inter-Sect Committee for the Defence of Buddhism, sent a letter to President Ngo Dinh Diem:

"...At Hué, as at Saigon, we have declared that our struggle is being waged through passive resistance and in accordance with the law. However, the Government is going about its work in an obscure and unclear fashion.

"The Government had done many things in the past few days; for example:

"(1) Many Buddhist associations have been forced to sign motions condemning the Buddhist action in brutal terms.

"(2) The movements of bonzes and bonzesses between the interior and the capital are impeded on many highways to prevent them from going to the capital for treatment at Saigon hospitals.

"(3) The luggage of bonzes returning from Saigon after taking part in the hunger strike has been searched and all those in possession of Buddhist documents have been arrested.

"(4) Security agents have been placed in restaurants and bars and in the streets to overhear and arrest anyone speaking of the Buddhist affair.

"(5) Military policemen, security agents, combatant young republicans, gendarmes and soldiers, armed with rifles and radio sets, have been stationed near the pagodas to search the bonzes and terrorize Buddhists who want to go to the pagodas.

"(6) All Buddhist soldiers have been confined to barracks.

"(7) Persons taking an active part in our campaign have been prosecuted and arrested.

"(8) Viet-Cong documents have been thrown into Buddhists' cars or into pagodas in order to trump up grounds for imprisoning the Buddhists.

"(9) Anti-Buddhist demonstrations have been organized at which security agents may be seen disguised as bonzes and Buddhists.

"(10) Members of Buddhist committees have been forced to sign motions, and so forth. ..."

*Period from the signature of the Joint Communiqué on 16 June 1963 to the raids on the pagodas on 20 August 1963*

In his manuscript, the witness quotes the texts of the Joint Communiqué and of several letters addressed by Buddhist leaders to the President of the Republic, alleging several cases of violations of the Joint Communiqué by Government officials. The texts of those letters, also contained in several communications received by the Mission, have been summarized in the section dealing with communications. The author also describes several public meetings and several conferences in pagodas organized by Buddhists to secure the implementation of the Joint Communiqué. Extracts from his manuscript read as follows:

"At 9 a.m. on 16 July, 150 bonzes and bonzesses gathered in front of the residence of the United States Ambassador to Viet-Nam to call on the United States Government to intervene in settling the Buddhist case in Viet-Nam.

"After the demonstration one bonze entered the residence to present a motion to Ambassador Frederick Nolting. As he left the building he was arrested by the police. Some Americans intervened to rescue the bonze and took him back inside the United States Ambassador's residence.

"At 8.30 a.m. on 17 July 150 bonzes and bonzesses demonstrated in front of Saigon central market to ask the Government for strict implementation of the Joint Communiqué. The police promised to drive them to the pagodas, but instead drove them to a concentration camp. Some bonzes jumped out of the lorries en route and were seriously injured.

"At the same time 1,000 bonzes and Buddhists, most of whom were young people carrying a single banner which read 'we want to visit our Venerables who are fasting at the Xa-Loi Pagoda', left the Giac-Minh Pagoda for that of Xa-Loi, where a great many bonzes and bonzesses had been on hunger-strike for forty-eight hours. However, 200 metres from the latter pagoda, two barbed-wire entanglements had been set up. The Buddhists sat there in silence for over an hour. When they refused to disperse, the military police charged and clubbed the Buddhists. A large number of bonzes and Buddhists were taken in police lorries to the Binh Chanh cemetery. The bonzesses were seized by the military police, four policemen to each, and thrown in the lorries like sacks of cargo. The wounded, not being allowed to go to the hospitals in the capital for treatment, wanted to be taken to the Xa-Loi Pagoda, where a bonze nurse was working with meagre facilities."

Extract from a conference given by a Buddhist monk in Xa-Loi Pagoda on 3 August 1963:

"The same day a press conference was held at the Xa-Loi Pagoda, at which the Venerable Thich Tam Chau explained why the Inter-Sect Committee for the Defence of Buddhism was not taking part in the Mixed Commission:

"Before speaking of a legal and effective mixed commission the Government must: release all the Buddhists who are still in prison; end all forms of inequality and trickery directed against Buddhism; prosecute those responsible for the Hué massacre; implement the Joint Communiqué in the proper manner."

*Period from the raids on the pagodas on 20 August 1963 to 17 September 1963*

In this manuscript, the author states that he was not a witness to the raid on Saigon pagodas but heard of it through

the Press and various rumours. He points out that the Government communiqué alleged that fire-arms and plastic had been found in the pagodas, but believes that those weapons were planted there by the police. Most of the ten last pages of the manuscript deal with students' manifestations, their repression and the mass arrests of students by the police. Extracts from his manuscript read as follows:

"That afternoon 1,500 students were released. One of the students, who had been living at a military training camp near Saigon, told me:

"The first day we fasted for twenty-four hours and held a simple ceremony in memory of Miss Le Hanh and the other Buddhist martyrs whose names were unknown.

"In the evening the Directorate of Psychological Warfare had planned to hold a cinema show but we refused to attend.

"After lunch next day we broke all the bowls and sang the song 'Let's twist again', which is well known all over the world but forbidden in Viet-Nam. In the evening the Psychological Warfare officers wanted to hold a lecture, but one of the students told them: 'We know more about politics than you do'. The lecture was cancelled.

"Next day we were issued with military uniforms and treated like soldiers; we had to run, climb, crawl, build latrines, weed the grounds and so on . . .

"Despite the strict military discipline, the students never lost their sense of irony in that concentration camp. After one meal a student saluted a lieutenant, remained standing and said:

"'Good-day lieutenant.'

"'Good-day.'

"'Please, sir, can you give me a toothpick?' . . .

"As the days went by many students were given permission to go home but refused to leave the camp.

"'I shall not leave the camp', they said, 'unless my friends leave too.'

"On Saturday evening, 31 August, under pressure from the students and their parents, the Military Governor was obliged to release us."

(Extracts from the programme of action of the Students' Committee for Assistance to Buddhism, received by the author on 16 September 1963:)

"Our campaign is divided into five stages:

"Stage 1. Students and schoolchildren write letters to the Chief of State, secretaries-general and army generals setting forth our five desiderata.

"Stage 2. Pupils stay in their secondary schools or colleges to fast for twelve, twenty-four or forty-eight hours, depending on how the campaign goes.

"(a) During the twelve-hour hunger strike the following slogans will be written on blotters and sheets of paper and posted up on the school walls . . . These slogans will be posted up on the walls of schools and other prominent places.

"(b) During and after the forty-eight-hour hunger strike, in addition to the above fifteen slogans, five new slogans will be used:

"(1) Who has attacked the pagodas and arrested the bonzes and Buddhists?

"(2) Who has killed students who loved their country?

"(3) Does the Government uphold the freedom of the Press by putting Tu Do journalists and foreign reporters in prison?

"(4) Viet-Nameese women are proud to have Mai Tuyet An and Le Thi Hanh, and greatly ashamed to have Mrs. Ngo Dinh Nhu, among them.

"(5) Soldiers cannot be misused to defend a throne.

"These slogans will be posted up wherever the students wish.

WARNING! The street doors of all school buildings must be kept closed and guarded during hunger strikes.

"If you are attacked by Government agents, keep calm. Tie your hands with your handkerchiefs and get quietly into the lorries.

"In the concentration camps, keep on with our campaign. Go home only if everyone goes.

"If the schools are closed, turn libraries, cinemas, restaurants, and so forth, into schools.

"Stage 3. All students and schoolchildren go to the Government prisons together.

"Stage 4. Students and schoolchildren have the right to disembowel themselves, burn themselves or fast to death.

"Stage 5. Last and emergency stage. General strike and *coup d'état*."

#### *Arrest of the author on 24 August 1963*

Questions concerning the arrest of the witness were put to him by the Mission. In reply, the witness referred to his manuscript. The relevant passage reads as follows:

"On Saturday morning, 24 August, the students gathered at the Faculty of Law to meet Mr. Vu Van Mau, holder of the degree of *agrégé* in law, Secretary-General of the Ministry of Foreign Affairs and professor in the Faculty of Law, who had tendered his resignation to President Ngo Dinh Diem.

"On leaving his car at 9 a.m. Mr. Vu Van Mau was cheered by the students. In the Faculty courtyard they sat on the ground to hear what he had to say, but there were so many of them that an amplifier had to be used. Some of the students went into the largest classroom, while the rest stayed in the yard. After they had heard what Mr. Vu Van Mau and the Dean of the Faculty of Law advised, a student Declaration was put forward. This Declaration was acclaimed, and the students clapped their hands and banged the desks with their shoes, breaking some of them.

"While this was going on, soldiers entered the Faculty in strength. Mr. Vu Van Mau asked them to withdraw and leave the students alone. The students were thus able to leave without incident.

"With another 200 students I went to the Faculty of Sciences to ask the students there not to go on with the entrance examination for the Faculty of Medicine. The candidates tore up and burned their examination papers. There was a clash between the students and the police. The latter arrested three American reporters.

"On the way back, when I was 100 metres from the Faculty, I heard someone shout: 'There he is! There he is! Catch him!'

"I turned round but was suddenly punched twice in the eyes and thrown face downwards onto the floor of a jeep.

"Give me your handkerchief', ordered a soldier. I obeyed; he blindfolded me, held his dagger to my neck and threatened:

"'If you shout I shall kill you!'

"Within a few moments there were three others in the jeep, who were given the same treatment. Lying blindfolded on the floor we were driven for an hour and a half, after which the jeep stopped.

"Get down and follow me!'

"We obeyed the order, but each of us was led away in a different direction.

"I am in the Intelligence Corps', one man told me, holding his dagger to my side; 'Don't tell any lies. Are you a member of the Inter-faculty Committee?'

"No, no . . . like all the other students, I only went to the Faculty of Science.'

"Where is your identity card?'

"In my back pocket, sir.'

"He felt in my pocket and a few minutes later said:

"Very well . . . Do you need the 100 piastres in your wallet?'

"No, no, I don't, sir.'

"Very well. Stay here. If you run I shall kill you.'

"A few moments later the jeep drove off. I took the handkerchief off my eyes. I was in a rubber plantation. I shouted at the top of my voice:

"Hollo! Is anyone here?"

"A voice answered:

"Hollo! Here we are!"

"I ran towards the voice. How happy I was to see two students! Without saying a word, we hugged one another warmly.

"My two friends' shirts were torn and splashed with blood.

"How did you get like that?"

"They tore my shirt," explained one of my friends, "and drew lines on my chest with their dagger. Look!"

"With that he unbuttoned his shirt. Drops of blood were still oozing from his chest.

"Where is the other student?" I asked them.

"We have no idea."

"Now I am just going to bandage my wounds and then we shall go and look for our comrade."

"Applying the first-aid I had learned from scouting, I tore up my pullover and looked for a few herbs to stanch the flow of blood.

"When the bandages were in place, we set off to find the fourth student, but in vain. There was no sign of him. The sun began to sink behind the rubber-trees.

"Perhaps our friend was taken away by the soldiers," said one of the others; "now we must get out of this plantation."

"We walked due west along a plantation track. An hour's walking brought us to highway No. 15. We were 50 km from the capital on the Saigon-Cap Saint-Jacques road. A short while later we met a bus and got aboard. When we reached the bus terminal at Saigon we had not a piastre to pay our fares, for the Intelligence Corps soldiers had taken all our money by force. In view of our plight, the bus-owner did not ask for our fares.

"When I reached home at 7 p.m., I know that a whole area of skin around my eyes was blue-black."

## DOCUMENTS A/L.425 AND ADD.1\*

### Chile and Costa Rica: draft resolution

[Original text: Spanish]  
[7 October 1963]

#### *The General Assembly,*

*Bearing in mind* the letter dated 4 October 1963 from the Head of the Special Mission of the Republic of Viet-Nam to the United Nations addressed to the President of the General Assembly, in which the Government of the Republic of Viet-Nam proposes that representatives of States Members of the United Nations should visit Viet-Nam for the purpose of studying the situation regarding relations between the Government and the Viet-Nameese Buddhist community,

*Considering* that in present circumstances it would be useful for a commission composed of representatives of States Members of the United Nations to proceed to the Republic of Viet-Nam for the purpose of collecting as much information as possible on the facts and circumstances which prompted the item "The violation of human rights in South Viet-Nam",

*Considering* that it is desirable that the commission referred to in the preceding paragraph should carry

out its assignments and report to the General Assembly at the eighteenth session, so as to enable the Assembly to complete its consideration of the item before the close of the session,

1. *Instructs* the President of the General Assembly to appoint a Commission of representatives of Member States with a view to its proceeding forthwith to the Republic of Viet-Nam and collecting as much information as possible on the facts and circumstances to which the item "The violation of human rights in South Viet-Nam" refers;

2. *Requests* that the said Commission submit to the General Assembly, at the eighteenth session, a report on the results of its inquiries, so that the Assembly can complete its consideration of the aforementioned item before the close of the session;

3. *Urges* the Government of the Republic of Viet-Nam to afford the Commission every facility to enable it to carry out its terms of reference completely;

4. *Requests* the Secretary-General to give the Commission the necessary assistance to enable it to carry out its assignment.

\* Document A/L.425/Add.1, dated 10 October 1963, forms operative paragraph 4 of the draft resolution.

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1234th plenary meeting, on 8 October 1963, the General Assembly decided to establish a United Nations Fact-Finding Mission to South Viet-Nam, the members of which were to be appointed by the President of the Assembly.

At the 1239th plenary meeting, on 11 October 1963, the President of the General Assembly announced that the Mission would be composed of the following Member States: Afghanistan, Brazil, Ceylon, Costa Rica, Dahomey, Morocco and Nepal.

At its 1280th plenary meeting, on 13 December 1963, the General Assembly decided not to continue the consideration of this item.

**CHECK LIST OF DOCUMENTS**

NOTE. This check list includes the documents mentioned during the consideration of agenda item 77 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5616	Twenty-fourth report of the Advisory Committee on Administrative and Budgetary Questions	<i>Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 57</i>
E/CN.4/800	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (twelfth session)	Mimeographed



Agenda item 78: Question of Oman\*

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A/5562	Report of the Special Representative of the Secretary-General on his Visit to Oman.....	2
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Fourth Committee*, 1495th to 1509th meetings; *ibid.*, *Fifth Committee*, 1054th meeting; and *ibid.*, *Plenary Meetings*, 1277th meeting.

DOCUMENTS A/5492 AND ADD.1

**Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen: request for the inclusion of an additional item in the agenda of the eighteenth session**

**DOCUMENT A/5492**

[*Original text: English*]  
[11 September 1963]

**Letter dated 9 September 1963 from the Permanent Representatives of Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen to the United Nations addressed to the Secretary-General**

Upon instructions from our respective Governments, we have the honour to request that the following item be placed on the agenda of the eighteenth session of the General Assembly: "The question of Oman".

An explanatory memorandum under the terms of rule 20 of the rules of procedure of the General Assembly will follow.

(Signed)  
A. CHANDERLI  
*Algeria*  
A. M. PACHACHI  
*Iraq*  
A. M. RIFA'I  
*Jordan*

(Signed)  
S. J. KHANACHET  
*Kuwait*  
G. HAKIM  
*Lebanon*  
F. B. JILAYEL  
*Libya*

A. T. BENHIMA  
*Morocco*  
J. M. BAROODY  
*Saudi Arabia*  
O. A. H. ADEEL  
*Sudan*  
S. E. D. TARAZI  
*Syria*

T. SLIM  
*Tunisia*  
M. RIAD  
*United Arab Republic*  
Y. H. GEGHMAN  
*Yemen*

**DOCUMENT A/5492/ADD.1**

[*Original text: English*]  
[16 September 1963]

**Explanatory memorandum**

1. The question of Oman has been before the United Nations since 1957. The British armed aggression against the independence, sovereignty and territorial integrity of the Imamate of Oman was considered by the Security Council on 15 August 1957, and the question of Oman was inscribed in the agenda of the General Assembly during the fifteenth, sixteenth and seventeenth sessions. During the last two sessions of the General Assembly, a substantial majority of the Mem-

bers of the United Nations recognized the right of the people of Oman to self-determination and independence and called for the withdrawal of foreign forces from Oman. However, the people of Oman are still denied their right to freedom and independence. Such a situation can no longer be tolerated particularly since the adoption of the historic Declaration on the granting of independence to colonial countries and peoples. The United Nations, which has assumed a primary responsibility for the total liquidation of the colonial system, cannot be indifferent to the fate of a people who have,

for years, struggled for the attainment of their freedom and independence.

2. In view of the continued policy of repression pursued by the Government of the United Kingdom and its failure to take steps to end its colonial rule, and transfer all sovereign powers to the genuine representatives of the people in accordance with the provisions of the Declaration on the granting of independence to colonial countries and peoples, the General Assembly must, once again, consider the question of Oman, and deal with it as an essentially colonial problem.

## DOCUMENT A/5562

### Report of the Special Representative of the Secretary-General on his Visit to Oman

[Original text: English]  
[8 October 1963]

#### NOTE BY THE SECRETARY-GENERAL

1. On 11 December 1962, at the 1191st plenary meeting of the General Assembly, the representative of the United Kingdom transmitted to the Secretary-General an invitation from the Sultan of Muscat and Oman to send a representative on a personal basis "to visit the Sultanate during the coming year to obtain first-hand information as to the situation there".<sup>1</sup>

2. The Secretary-General accepted the invitation and appointed as his Special Representative Mr. Herbert de Ribbing. Mr. de Ribbing left New York on 18 May 1963, visited the Sultanate and returned to New York on 1 July 1963.

3. The report of the Special Representative of the Secretary-General is made available in view of the decision of the General Assembly to place the question of Oman on the agenda of its eighteenth session.

<sup>1</sup> See *Official Records of the General Assembly, Seventeenth Session, Plenary Meetings*, 1191st meeting, para. 45.

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## LETTER OF TRANSMITTAL

21 August 1963

Sir,

I have the honour to transmit to you herewith the report on the question of Oman, with nine annexes, which I have prepared as a result of the mission undertaken on your behalf to the territory of Oman.

I have limited the report as much as possible to the terms of reference which were formulated in your letter to me of 30 April 1963, part of which I have quoted in chapter VII of the report. The mission, therefore, has concentrated on the fact-finding elements of this mandate. Other questions which have consistently come up during discussions in the General Assembly could not be ignored, however. I have tried to approach these questions with the utmost care, but a thorough evaluation of them would require much more time and experience than the mission had at its disposal.

While it would not be appropriate, bearing in mind the terms of reference of my mission, to include in the report the discussion I had with the Imam of Oman and his representatives, during which he reiterated, *inter alia*, the views contained in his letter to the Secretary-General dated 1 June 1963,<sup>2</sup> I wish to inform you, however, that I found in the Imam and his representatives a willingness to co-operate with efforts to bring the question of Oman to a peaceful conclusion.

I should like to take this opportunity to thank you for the confidence you have shown in me and for all the co-operation I have received from you and the officials in the Secretariat. I hope that the report will be of assistance to you in your efforts to find a solution to the question of Oman.

Accept, Sir, the assurances of my highest consideration.

(Signed) Herbert DE RIBBING  
Special Representative of the  
Secretary-General

His Excellency

U Thant

Secretary-General of the United Nations

New York

## I. INTRODUCTION

1. The name "Oman" has been used in different ways depending on who is referring to it and in which context it has been used. Generally speaking, "Oman" has been identified with the whole of the great bulge of the Arabian peninsula enclosed on three sides by the sea (on the north by the Persian Gulf, on the east by the Gulf of Oman and on the south by the Arabian Sea). As one of the notables stated during a discussion with the members of the mission: "It corresponds to the whole area from Zufar in the south to Qatar in the north, with the sea and the desert as ultimate frontiers". But the name has also been used for the interior of the bulge.

2. During the more recent past the area known as Trucial Oman or the Trucial Coast—roughly the southern shore of the Persian Gulf from Qatar to the promontory of Ru'us al Jibal—has had a separate political life.

3. Oman, as described above, can be subdivided into: a long stretch of a coastal plain called the Batinah (ten to twenty miles wide), the towns of Muscat and

Matrah, a northern peninsula (Ru'us al Jibal), the region of Zufar (in the far southern part) and a long area lying south-west of the Hajar Mountain Range. The latter part consists of a wide plain, the Zahirah, with the important town of Ibri, Inner Oman or Central Oman around the Jabal al Akhdar (the Green Mountains) and to the east of it the Sharqiyah. Ja'lan lies south and east of the Sharqiyah and borders on Zufar.

4. The name of Oman during the last 100 years has been used also for the core of the region east of the Hajar Mountain Range; it is also known as Inner or Central Oman. This area has been the centre of the Imamate. It is a wild mountainous area which has been isolated by deserts and high ranges, peaks in the Jabal al Akhdar rising to 10,000 feet; it is inhabited by tough, individualistic tribesmen. Annex I shows the geographical location of this area and the surrounding territories.

5. The political forms in which these different territories have been cast have varied greatly during the long history of this part of the Arabian peninsula. The Imamate of Oman has had a long historical record, but the record is difficult to understand without a good deal of research. One gets the impression that at times the Imamate has been merely a loose association of tribes, and at other times it has become strong enough to impose its will on adjacent territories and expand its authority to the Batinah and Trucial Coast. The Imam is primarily a religious figure; he has often assumed secular power. To one familiar with the history of Islam this is not a surprise.

6. It appears that the boundaries of the Imamate cannot be determined with certainty. No treaties or agreements seem to exist between the Imamate and neighbouring territories. The active influence of an Imam has often been based on the strength of tribal support. In this respect, two paramount sheikhs, one of the Harthy tribe in the Sharqiyah and one of the Bani Riyam tribe in the Jabal al Akhdar region, have played an often decisive role.

7. During the last 200 years, the Sultan of Muscat has played a dominant role in the affairs of Oman. A significant date was the election of Imam Ahmed bin Said from the tribe of the Al bu Said. Around 1749, instead of a tribal sheikh as such, Ahmed was a merchant and shipowner. His grandson transferred the capital from Nazwa to Muscat. He and his successors used the title of Sayid (lord). Later the title of Sultan became familiar. The Al bu Said dynasty from then on ruled from Muscat and became more and more orientated towards the sea, commerce and the outer world. On the other hand, Imams, or in their absence the tribes from the interior region, often had a different outlook on the political problems of the area.

8. The present problem can in a very general way be traced down to that basic conflict. Whenever the Sultan and his government were weak, the tribal forces from the interior region saw their chance and advanced their rule towards the plains. As a result of the very close ties that have existed between Great Britain and Muscat since the end of the nineteenth century, the Sultans were often supported and sometimes rescued by their British allies.

9. The present Sultan, who has ruled since 1932, calls himself Sultan of Muscat and Oman and considers himself the ruler of the entire territory including the interior region. The Imam who at this moment lives

<sup>2</sup> See annex VI below.

in Dammam in Saudi Arabia, claims to be the legitimate temporal ruler of the interior region.

10. Approximately seven-eighths of the population of the area for which the Sultan considers himself the legitimate ruler are Arabs, the rest being aborigines, Baluchis, remnants of Persian colonists, an African element and small communities of Indian merchants in a few cities.

11. No census has been held and estimates of the population vary from 500,000 to 750,000 people for the entire area, which covers approximately 28,000 square miles. There are at least 200 different tribes. The map appearing in annex I shows the location of some of the most important tribes in the area. Most of these tribes are settled, but there are still a few bedouin tribes. The mission did interview during its visit the sheikh of the important Duru tribe—a bedouin tribe—in the area around Ibri. If one attempted to guess the size of Inner or Central Oman, the best approximation would seem to be 6,000 square miles and the population would probably not amount to more than 100,000 people.

12. The tribal situation is further complicated because of a split between two factions, the Hinawi and the Ghafiri. The origin of the split is difficult to trace, but the eighteenth century saw a long struggle between these two factions. In addition, there are in the area orthodox Sunni Moslems and a majority of Ibadhis. The Ibadhis trace their history back to the time of the first Moslem period and an Imam is chosen from among them.

13. The people in the area live in clusters of grey mud and stone houses normally grouped together in villages and small towns. With the exception of Matrah, a town of 14,000 people, the towns never exceed a population of 8,000.

14. The economy, still of a very primitive nature, is centred around date palms. Towards the end of the nineteenth and the beginning of the twentieth century, dates were exported to Europe and the United States but during the last twenty or thirty years, the export has been mainly towards India. This export provides the main source of revenue and foreign currency. In addition, the population earns a living from other forms of agriculture, breeding of livestock and certain skilled trades. In the coastal plains, fishing and shipbuilding are important.

15. Efforts to find oil started during the twenties. An interesting undertaking, dated 10 January 1923, by the father of the present Sultan can be found in C. U. Aitchison's *A Collection of Treaties, Engagements and Sanads*:

"We inform Your Honour in reply to your letter No. 1751, dated 16th December 1922, that we agree that we will not exploit any petroleum which may be found anywhere within our territories and will not grant permission for its exploitation without consulting the Political Agent at Muscat and without the approval of the High Government of India. What we heard about the existence of the mineral oil in our territory at Masirah is still not certain. We are beginning to enquire into the existence of this mine and after we know about it there will be a discussion between Your Honour and us regarding its exploitation, taking measures, arrangement of works and necessary conditions. It will of course be a monopoly. We believe in the complete assistance of the High

Government of India in this important matter as it has always assisted us for which we are grateful."<sup>3</sup>

16. The mission was informed by the British Government that, although there was no formal instrument of release, it does not consider the undertaking made with the present Sultan's father as binding on his successors.

17. The first concession to explore for petroleum, natural gas and other products was given some time afterwards to a subsidiary of the Anglo-Persian Oil Company; this, however, lapsed after a few years. The present Sultan granted a concession in 1937 to the Petroleum Development (Oman and Dhofar), Ltd., a subsidiary of the Iraq Petroleum Company. Article 1 of the Agreement reads as follows:

"The area to which this Agreement applies is the Sultanate of Muscat and Oman including all Islands and Territorial Waters appertaining thereto, but excluding Dhofar and Gwador (hereinafter referred to as 'the Leased Area'), and being all that Territory within the boundaries of the Sultanate of Muscat and Oman."

A few years ago, the Shell Oil Group took over the concessions.

19. Actual survey operations started only during the fifties in the Fuhud country bordering the desert and inhabited by the Duru tribe. The Imam protested around that time against the legality of these concessions on the basis of the autonomy which, according to him, was given in the Treaty (Agreement) of Sib (see chapter VIII).

20. Since 1953, two American companies have obtained a concession in Zufar (Dhofar), one of which is still operating.

21. As of the date of writing this report, no exploitation of oil had started.

## II. THE QUESTION OF OMAN IN THE UNITED NATIONS

22. The question of Oman has been before the United Nations since 1957 when the Permanent Representatives of eleven Arab States requested the President of the Security Council, in a letter dated 13 August 1957,<sup>4</sup> to convene, in accordance with Article 35 of the Charter, an urgent meeting of the Council to consider:

"The armed aggression by the United Kingdom of Great Britain and Northern Ireland against the independence, sovereignty, and the territorial integrity of the Imamate of Oman."

In addition, the letter charged that the British Government had subjected the people of Oman to armed aggression which had taken the form of full-scale war, involving the use of modern destructive weapons and military operations. These acts of aggression were designed to destroy the sovereignty of Oman, a country of long-standing independence, and they would, if permitted to continue, lead to serious consequences. It was therefore imperative that immediate action be taken by the Security Council, entrusted with the primary responsibility for the maintenance of international peace and security.

<sup>3</sup> See *A Collection of Treaties, Engagements and Sanads*, vol. XI, compiled by C. U. Aitchison (revised and continued up to the end of 1930 under the authority of the Government of India, Delhi, Manager of Publications, 1933), p. 319.

<sup>4</sup> *Official Records of the Security Council, Twelfth Year, Supplement for July, August and September 1957*, documents S/3865 and Add.1.

23. The Sultan of Muscat and Oman addressed a cable on 17 August 1957<sup>5</sup> to the President of the Security Council protesting against this proposal on the ground that these matters fell exclusively within the internal jurisdiction of his Government. The representatives of Iraq and of the United Kingdom explained their respective points of view on this matter at the 783rd and 784th meetings of the Council.

24. The agenda was not adopted, having failed to obtain the affirmative votes of seven members.

25. The question of Oman was subsequently considered at three sessions of the General Assembly. During the fifteenth session the Permanent Representatives of ten Arab States requested the Secretary-General, in a letter dated 29 September 1960,<sup>6</sup> to place the question of Oman on the agenda. An explanatory memorandum was attached to the letter.<sup>7</sup> The Special Political Committee discussed the items at its 255th to 259th meetings held from 19 to 21 April 1961. At the 259th meeting the Committee decided to recommend to the Assembly that further consideration of this item be deferred and, at its 995th plenary meeting, the General Assembly took note of this recommendation.

26. At the sixteenth session the item was discussed during the 299th to 306th meetings of the Special Political Committee, held from 27 November to 4 December 1961. A draft resolution (A/SPC/L.78 and Add.1)<sup>8</sup> was submitted by eleven Arab Members and five other Members.

27. A request by eleven Arab representatives that the Special Political Committee hear an Omani delegation<sup>9</sup> was approved by the Special Political Committee at its 299th meeting.

28. On 29 November 1961 the Sultan of Muscat and Oman informed the Assembly of his protest against any debate about Oman because the matters involved fell "exclusively under the internal jurisdiction of the Sultanate".<sup>10</sup>

29. On 4 December 1961, the draft resolution was approved by the Committee by a roll-call vote of 38 to 21, with 29 abstentions. At its 1078th plenary meeting, on 14 December 1961, the General Assembly failed to adopt the draft resolution, the required two-thirds majority not having been obtained.

30. At the seventeenth session the question was again considered as a result of the request of eleven Arab States.<sup>11</sup> On 25 October 1962 the Sultan of Muscat and Oman cabled asking that the Assembly refuse to permit any further moves to intervene in matters which fell exclusively within the internal jurisdiction of the Sultanate.<sup>12</sup>

31. A request by eleven Arab representatives to hear a representative of Oman<sup>13</sup> was approved by the Special Political Committee at its 351st meeting.

32. The question was considered by the Special Political Committee at its 351st to 357th meetings, held between 19 and 28 November 1962. A draft resolution (A/SPC/L.88)<sup>14</sup> submitted by eleven Arab Members and seven others, the text of which was slightly different from that submitted at the sixteenth session, was adopted at the Committee's 357th meeting by a roll-call vote of 41 to 18, with 36 abstentions.

33. The General Assembly took up the question of Oman at its 1191st plenary meeting, on 11 December 1962. On that occasion the representative of the United Kingdom transmitted an invitation by the Sultan to the Secretary-General to send a representative on a personal basis to visit the Sultanate to obtain first-hand information (see chapter VI below). In a paragraph-by-paragraph vote, none of the paragraphs having obtained the required two-thirds majority, the draft resolution submitted by the Special Political Committee was not adopted.

### III. SUMMARY OF ARGUMENTS PRESENTED BY THE ARAB STATES IN SUPPORT OF THEIR DRAFT RESOLUTION

34. The Arab Members claimed that the Imamate of Oman, or the State of Oman, was an independent and sovereign political entity ruled by an Imam who was chosen by popular election. It thus constituted a democracy in the purest sense of the word—perhaps the oldest democracy still surviving as a State—as it dated back to the eighth century. It had been ruled for about 1,200 years in almost uninterrupted succession (some interregna have taken place because of a lack of a suitable candidate) by eighty-five elected Imams, including the present Imam Ghalib bin Ali. The Imamate had never been a mere vassal state but had consistently enjoyed full sovereignty, with all the attributes of statehood; it had played a major role in the history of Arab civilization. The Imam as a sovereign thus had levied taxes and enforced the law. He had also been responsible for defence and had kept military forces. As early as the ninth century the Imamate had established a powerful naval force to protect its coasts. In the seventeenth century its fleet had been strong enough to drive the Portuguese invaders from its territory and the surrounding area. By the mid-eighteenth century Oman had become the most powerful Arabian State, controlling part of the Zanzibar coast in East Africa, as well as parts of Persia and Baluchistan.

35. However, the strength of the Imamate, its strategic position on the route from Europe to the Orient and its flourishing trade had made it a target for British imperialism, which as a result of its victory over France in the Seven Years' War had acquired a free hand in the area. Under the pretext of combating slavery and piracy and by means of armed forces, intrigues and financial subsidies, Great Britain had finally, following the policy of *divide et imperare*, achieved its imperialistic aims, by separating Zanzibar from the Sultanate of Muscat, including the coastline on both sides of it, which was within shooting distance of British gunboats. It had broken up greater Oman into nine States, the Imamate of Oman, the Sultanate of Muscat and the seven so-called Trucial States or Sheikdoms. Oman had not been dismembered because of religion, language, race or aspirations, for the people of Oman were one in all those respects; British imperialism was

<sup>5</sup> *Ibid.*, document S/3866.

<sup>6</sup> *Official Records of the General Assembly, Fifteenth Session, Annexes*, agenda item 89, document A/4521.

<sup>7</sup> *Ibid.* See also annex III below.

<sup>8</sup> See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda item 23, document A/5010, paras. 9-10. See also annex IV below.

<sup>9</sup> *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda item 23, document A/SPC/59.

<sup>10</sup> *Ibid.*, document A/SPC/62.

<sup>11</sup> *Ibid.*, *Seventeenth Session, Annexes*, agenda item 79, document A/5149.

<sup>12</sup> *Ibid.*, document A/5284.

<sup>13</sup> *Ibid.*, document A/SPC/73.

<sup>14</sup> *Ibid.*, document A/5325, paras. 7-8. See also annex IV below.

responsible for it. The Sultanate of Muscat, created only some 200 years ago, was in reality not an independent State. It could, since 1871, be considered as a British protectorate or vassal—is distinguished from the sovereign State of Oman. The United Kingdom representative in the Persian Gulf was in effect solely responsible for the conduct of the foreign affairs of Muscat. Not less than twenty-seven times during the past two centuries the British had intervened in order to defend the city-state of Muscat—or rather the family of Al bu Said, to which the present ruler belonged.

36. Until 1954, when British prospecting of oil within the Imamate was about to begin, the United Kingdom had been content to control the puppet Sultanate of Muscat and the seven Trucial Sheikdoms, while the Imamate had continued to be fully independent and sovereign. This had been confirmed by the signing of the so-called Treaty of Sib in 1920 between the Sultan of Muscat (not the "Sultan of Muscat and Oman") and representatives for the Imamate. This Treaty was a result of British intervention and mediation in order to bring to an end seven years of warfare between the Omanis and the Sultanate. The Treaty demonstrated the independence of Oman and the existence of two separate political entities; it laid down mutual obligations binding the two States. It constituted a *de facto* recognition of Omani independence and it must be considered as an international legal instrument concluded by two equal and independent negotiators, with a third party, the United Kingdom, as witness. By that Treaty between two sovereign parties, the Sultan had undertaken, among other things, that all the people of Oman should enjoy security and freedom "in all the towns of the coast" (of the Sultanate). The Treaty also governed trade regulations, extradition, non-aggression and matters relating to residence and legal process, all of which were matters normally regulated by international instruments. It also bound the parties to refrain from any intervention in the other's domestic affairs.

37. When, in 1955, it became evident that Imam Ghalib bin Ali, who had been elected Imam in 1954, opposed and systematically refused to recognize the oil concession to a British company that the Sultan had, without the Imam's knowledge or acquiescence, granted in 1937 (contrary to the Treaty of Sib), the United Kingdom, being convinced that Oman had large oil-fields, had found it opportune to extend the Sultan's rule to the Imamate. The United Kingdom, in addition to this violation of the Treaty of Sib, had committed, the same year, in collaboration with the Sultan, an armed aggression, using machine guns, heavy mortars and jet aircraft against the defenceless people of Oman. They had thus violated Oman's political independence, sovereignty and territorial integrity. The United Kingdom pretended that it had been helping to defend the rights of the Sultan, but the Sultan was a mere puppet of a kind too familiar to people striving to throw off the yoke of imperialism. The United Kingdom had thus sought to gain possession of the oil-fields at all costs, namely by extending its rule, which had previously been confined to the small Sultanate of Muscat with its mere coastal territory, into the Oman interior and in that way providing an ostensible legal basis for the concessions and rights of exploitation in the hinterland. The British action was an anachronism and it was illegal. It constituted a colonial problem related to the policy of the United Kingdom in the Persian Gulf. It was inspired by greed

for Arab oil. The United Kingdom, helped by a few feudal sheikhs in its pay, gave these sheikhs a semblance of independence and kept them in power by force of arms against the will of the people. In doing so it deprived the people of their exploitation of the rich natural resources which belonged to them. Moreover, the British action of naked aggression constituted a flagrant violation of Article 2, paragraph 4, of the Charter of the United Nations, as it was an infringement of the sovereignty of the Imamate and an interference in its internal affairs, likely to endanger international peace and security and to increase tensions in the Arabian Peninsula and in the Middle East. It was also inconsistent with General Assembly resolutions 1514 (XV) and 1654 (XVI) on the liquidation of colonialism, as well as with the Universal Declaration of Human Rights and the principles of self-determination set forth in Article 1, paragraph 2, of the Charter.

38. The United Kingdom aggression of 1955 had been repeated later with increased strength when the Omani leaders had reorganized their people and inflicted considerable losses on the Sultan's forces. Around that time the United Kingdom had again interfered militarily in order to secure Oman for British oil interests, but this time also in order to defend British prestige, which had suffered in the area as a result of the Suez failure in 1956. Important British oil interests in the Persian Gulf were at stake.

39. As the Omani people's fight against the British aggression was still going on, it was essential that the General Assembly should take effective measures to put an end to the armed aggression and to restore the *status quo ante* in Oman and, in the meantime, to bring about the withdrawal of British forces and the release of political prisoners.

40. With regard to British allegations that there was no sovereign State of Oman it ought to be declared that this State had existed for about 1,200 years, while the Sultanate had not been established until the eighteenth century. The fact that the reigning Sultan at certain periods had been elected to the office of Imam, by which act a temporary union of the Imamate and the Sultanate had been created, did not give the Muscat dynasty any right over Oman, because the Imamate was not hereditary but elective.

41. The allegation that the Imam had only religious, and not temporal or secular, authority was contradicted by the fact that in Islamic tradition there was no distinction between temporal and spiritual authority. The Imam, in particular, combined in his person the two kinds of authority. Furthermore, Oman had maintained a governmental system of its own, which was radically different from that prevailing in Muscat. Moreover, the Imamate had its own national flag (white), while Muscat had another flag (red).

42. The United Kingdom's contention that it had to intervene militarily to support the Sultan because the Imamate received foreign aid was futile because the question of Oman was a colonial question. The Arab brothers were, therefore, entitled to give the population of Oman every kind of help it needed in order to recover its liberty and independence. It was a tradition among Arabs to help their brothers to defend their sovereign rights and freedoms and it was their duty to go to the aid of the Imamate. But the United Kingdom had no right to intervene in conflicts arising between Arab brothers.



43. Furthermore, Sir Hartley Shawcross (now Lord Shawcross), the distinguished British international lawyer and former Attorney-General of the United Kingdom, had written:

"In international law intervention by a foreign power was inadmissible even if it took place at the request of a Government engaged in suppressing an armed insurrection or in pursuance of a treaty which was alleged to provide some justification".

44. With regard to the negotiations conducted in the winter of 1960-1961 between representatives of the Imam and the United Kingdom, it could be said that they had not succeeded because of British opposition. The Imam was, however, prepared to come to terms on the basis of the following principles: (a) the right of the people of Oman to independence and self-determination; (b) the withdrawal of British armed forces and the dismantling of military bases; (c) the release of political prisoners; and (d) indemnity for the damage and destruction caused by British military action.

#### IV. SUMMARY OF ARGUMENTS PRESENTED BY THE UNITED KINGDOM AGAINST THE DRAFT RESOLUTION

45. The United Kingdom representative declared that confusion existed regarding the present area of Oman and the State of Muscat and Oman. These terms had been used interchangeably. There had never been a separate state under an Imam independent of, and separate from, the Sultanate of Muscat and Oman.

46. It was true that the first Imam had been elected in the eighth century and the Imam had thereafter acquired temporal significance at times and lost it at others, principally because it had been exploited in the struggle between the tribes. There had never been a dividing line between Oman and Muscat. The so-called Imamate was only an inland area within the Sultanate, in the mountainous country sometimes called the Jabal al Akhdar (the Green Mountains). While Arabs usually referred to Oman, foreigners whose contacts were almost entirely through the port of Muscat, referred to the country as Muscat. Finally the country was called by people of today Muscat and Oman.

47. In the middle of the eighteenth century the founder of the present Al bu Said dynasty, Ahmed bin Said, had been elected Imam and his son Said had followed him in this capacity in 1783. The following year, however, this new Imam, who had continued to hold the title until 1821, had been instrumental in making a definite separation between his spiritual or religious function and his temporal or secular power, the latter being transferred to his own son Hamad, who had become Sultan of Muscat and Oman, residing in Muscat. The successive members of the Al bu Said dynasty had been the sovereign rulers of Muscat and Oman. Contrary to what has been affirmed, namely, that a continuous series of Imams had ruled Oman from the eighth century until the recent so-called British aggression, there had been no Imam from 1821, when Imam Said died, until 1913, except for a few years in the middle of the nineteenth century (1868-1871). Thus the office of Imam was, or had been, a spiritual one and had not been in existence continuously.

48. There was in fact no indication of any desire on the part of the present generation of the people of Muscat and Oman **ever to revive the religious office of Imam**, still less an Imamate with secular powers, for the obvious reason that to do so would be an attempt

to put back the clock to the eighteenth century. It was the view not only of the Sultan but also of the vast majority of the present day Omanis that the Imamate was an archaic institution which had no constructive role to play in the evolution of Oman to a modern State.

49. In the closing years of the nineteenth century there had been a renewed struggle for power, combined with a deterioration in the relations between the interior region and the Sultan. The religious leaders of the interior had objected to the tolerance accorded by the ruling Sultan to other religions, to his engagement in foreign trade and to his modern outlook in general. They had been particularly incensed by his efforts, at the instigation of the British Government, to suppress the slave trade and the traffic in arms.

50. The main factions of the interior had combined in 1913 to revive the Imamate, but troubles had continued between the tribes, and following the murder of the Imam in 1920 and the election of a new one, his principal supporter had asked the British Political Agent and Consul in Muscat, Mr. Ronald Wingate (now Sir Ronald Wingate), to mediate. As a result the Agreement of Sib had been concluded in 1920 with a number of the sheikhs in the interior. The preamble of the Agreement reads: "Between the Government of the Sultan Taimur bin Faisal and Sheikh Isa bin Salih on behalf of the Omanis who signed their name here". The Agreement amounted to this: in return for a large measure of provincial or local autonomy accorded to the tribes of the interior—as was inevitable in view of the primitive state of the country and the lack of communications—and for an undertaking made by the Sultan not to interfere in certain of their internal or domestic affairs, the tribes for their part had contracted to remain in peace and amity with the Sultan's Government. Thus the tribes had in effect been acknowledging the Sultan's sovereignty. It was however true that during the negotiations the sheikhs had requested independence, but there had been no historical justification for the request, which had been categorically refused and had been abandoned. The Agreement had been a purely internal arrangement, of a not uncommon nature, between the Sultan and certain of his tribal leaders and was in no way an international instrument, in no way a treaty. It did not recognize Oman as an independent State.

51. Furthermore, the Agreement of Sib nowhere stated that the parties to it were two foreign States, but should be considered as concluded between the Government of the Sultan, and the one hand, and a number of tribal leaders in the interior of Oman, on the other. It spoke of only one Government, not of two, and did not convey any territorial definition. It mentioned only the sultan and not the Sultan of Muscat and Oman, which lent force to the argument that the agreement was not an international treaty. That title on the contrary was spelled out in treaties with the United States of America in 1958 and with India in 1953, as in the Treaty of Friendship, Commerce and Navigation with the United Kingdom of 1891. The reference to the Political Agent and Consul for Great Britain was not made because the United Kingdom should have been a party to the Agreement of Sib, only that the parties agreed to the mediation of the British Consul.

52. The Agreement of Sib had worked well for more than thirty years and the country was at peace.

The Sultan's Government had retained charge of all external affairs and his over-all sovereignty had been recognized by the Imam in a number of practical ways. Correspondence with foreign administrations over the status and lawsuits of individuals had been carried out through the Sultan's Government. The decisions of Muscat's appellate courts had been sought and accepted by the interior. A number of the principal remaining supporters of the ex-Imam Ghalib bin Ali had been amongst those who applied for the Sultanate's passports—Sheikh Talib, his brother, for instance, on 19 June 1946 and also on 6 March 1954; in these applications made before the Agreement of Sib had been broken in 1954 by the ex-Imam, they had described themselves as subjects of the Government of the Sultan of Muscat and Oman. During the Saudi-Arabian intrusion into the Buraymi Oasis in 1952, the then Imam had sought in writing the Sultan's advice in dealing with various approaches which had been made to him by the Saudi authorities and had also responded to the Sultan's requirement as his overlord for men to help him expel the intruder by sending a substantial contingent of his own tribesmen.

53. Shortly before the death in May 1954 of Imam Mohammed bin Abdullah, certain sheikhs, among them Suleiman bin Himyar and Salih bin Isa, conscious of the very considerable benefits which oil revenues had brought to some of the rulers in neighbouring territories, had decided that the exploitation of oil would provide them with an opportunity to promote their own personal ambitions. Therefore, they had wanted to capture for themselves the benefits of future oil revenues which should have gone to the Sultanate as a whole. They had secured the appointment of a new Imam, Ghalib bin Ali, whose election had taken place in an atmosphere of intrigue, with considerable doubt expressed in Oman as to its conformity with Ibadhi customs. Ghalib had at once claimed to be an independent ruler and purported to annul the oil concession of 1937 which had been granted to a British company by the Sultan, who alone had the right to grant such concessions.

54. Ghalib's action was treasonable enough. But he had not stopped there. In 1954 he had started to issue his own passports and had applied for membership in the League of Arab States. Significantly his application for membership had not been accepted at the time, which suggested that the Governments of the Arab countries had some doubts about the qualification of Oman as an independent Arab State. Far from wishing to maintain the peaceful relationship based on the Agreement of Sib, he and his friends were thus intent on establishing a new State in part of the Sultanate. As soon as he had learnt that a party of geologists was to enter the Duru area, which is outside the area covered by the Agreement of Sib, Ghalib, encouraged by certain foreign powers, had sent his forces against the Duru and seized 'Ibri, their principal marketing town. The Sultan had responded by sending his Field Forces to suppress the insurrection, a move which had apparently been welcomed by the tribesmen and most of the sheikhs. Ghalib's garrison at 'Ibri had at once surrendered. The Sultan had allowed Ghalib to retire to his village, but his treasonable activities had continued in his tribal area.

55. The cause of the trouble in 1954, therefore, had not been the United Kingdom's desire for oil, but Ghalib's conspiracy and flagrant treason, based on the

greed of certain people to seize any oil revenues for themselves instead of allowing them to be used for the benefit of the country as a whole.

56. In 1955 it had become clear that foreign Powers were abetting this rebellious movement by smuggling arms and ammunition into the country to Ghalib's conspiracy. The Sultan had then decided to reassert his authority and in December 1955 had moved his forces into Oman. Not only had there been no opposition from the local tribes, but they and the majority of their sheikhs had given every appearance of welcoming his move.

57. There had then followed an extensive propaganda campaign in certain Arab countries and a so-called Oman Liberation Army, trained and equipped in Saudi Arabia, had arrived in Oman in the summer of 1957 under the command of Talib, the real leader of the rebellion, who had fled the country after the suppression of the 1955 rebellion. He had been joined once more by his brother Ghalib and by Sheikh Suleiman bin Himyar. The rebels had raised a new revolt and seized a part of Oman. In view of the foreign-inspired nature of this insurrection the Sultan had requested, by letter, aid from the United Kingdom,<sup>15</sup> which aid had been granted just for that reason.

58. The revolt had been quickly suppressed and the ringleaders had fled to the mountain area of Jabal al Akhdar together with a few hardcore rebels and mountain tribesmen and had from there continued a guerrilla warfare campaign with the assistance of arms and money from abroad. During 1958 the Sultan's forces had carried out limited operations against the rebels with small-scale assistance from British forces and in January 1959, together with less than 300 British troops, had occupied Jabal al Akhdar. The rebel leaders had then fled to Saudi Arabia and there had been no rebellion since. The rebels abroad were unable to foment further serious trouble in the Sultanate. They had, however, occasionally sent individual infiltrators to lay mines on roads in an attempt to provoke a few individual incidents of terrorism and to justify stories of continued fighting. Such casualties as had occurred had been inflicted, not on the British Army, but on civilians, and the murderous activities had alienated the population, who assisted the Sultanate's authorities in frustrating the mine-laying campaign; eight out of ten mines were recovered unexploded and, for example, in the first half of 1961, forty of them had been handed in by the people ordered to lay them.

59. Claims of continuing aggression by British combatant troop units permanently staying in the area and of military bases had no foundation. Only a small num-

<sup>15</sup> The text of this letter from the Sultan addressed to the British Consul-General in Muscat of 16 July 1957 was read by the British representative in the Security Council at the 783rd meeting, on 20 August 1957, and reads as follows:

"You have full knowledge of the situation which has now developed at Nizwa and I feel the time has now come when I must request the maximum military and air support which our friend Her Britannic Majesty's Government can give in these circumstances, as on those past occasions which have so cemented our friendship and for which I bear lasting gratitude. I shall be most deeply grateful if such assistance can be given again to restore the position and to prevent further loss of ground and loss of confidence.

"Events are now moving so fast that I need hardly add that the speed with which support can be given will be vital to its value, and I shall be very grateful if you will take up the matter with Her Britannic Majesty's Government accordingly". (S/PV.783, para. 48.)



ber of British personnel were seconded to the Sultan's army and air force, and small British units sometimes went to Oman for training exercises of short duration.

60. Oman had been for several years at peace and for the first time in its history the tribes were no longer at war amongst themselves. Law and order reigned, allowing the people of an impoverished and underdeveloped country to improve their own welfare, prosperity and happiness. The authority of the Sultan was recognized everywhere and the ambitions of the former leaders were thoroughly discredited and received no support from the people of the area while the way was open for them to return home if they wished, according to the Sultan's offer to grant amnesty to the rebel leaders and their followers subject to satisfactory guarantees of keeping the peace. Impressive numbers of Omanis, formerly misled by the dissident chieftains, had taken advantage of this amnesty and returned. Many political prisoners had been released and the sentences of others were being reviewed. Only people such as proven mine-layers remained in custody in the Sultanate.

61. Since the collapse of the rebellion the Sultan had, with the active co-operation of the people, set in train a commendably ambitious civil development programme—health centres, agricultural stations, schools and roads.

62. At the request of the Sultan the United Kingdom Government had, in 1960-1961, lent its good offices in negotiations with the rebels. The statements of the ex-rebel leaders at a meeting in January 1961 had afforded some hope that a settlement satisfactory both to the Sultan and to those leaders could be achieved, although patient negotiations had seemed still to be necessary. At a further meeting in February 1961, however, the ex-rebel leaders had completely reversed their previous attitude and demanded the recognition of sovereign status for a part of the Sultan's territory. This went even beyond the interpretation previously placed by the rebel leaders upon the 1920 Agreement of Sib, which they had in effect repudiated by their earlier actions but to which they now appealed. Still more did it go beyond the interpretation placed on that agreement by the Imam Mohammed bin Abdullah and the other sheikhs who had signed it.

63. As regards the reversal of the ex-rebel leaders' position between the January and February meetings it was perhaps not without significance that these people had in the meantime had conversations with some of the Arab politicians present at the Arab League Foreign Ministers' Conference in Baghdad in February 1961. At the subsequent meeting with the British representative, Talib bin Ali had been accompanied by an Egyptian official of the Arab League secretariat who had provided him with a written brief.

64. With regard to Lord Shawcross' condemnation of the right of a foreign Power to intervene in the internal affairs of another State, even if it took place at the request of a Government in suppressing an armed insurrection, which condemnation had been referred to by certain representatives of the Arab Members, it ought to be said that this thesis was not universally accepted as such. The putting down of a rebellion by a lawful authority was no violation of human rights. To deny a lawful Government recourse to such assistance as it needed for this purpose would be to deprive it of the means of ruling. The legitimacy of the United Kingdom assistance to the Sultan was

the right of a Government to seek foreign assistance in asserting the lawful authority against rebellion, especially when the rebellion was encouraged and armed by a third State. In Oppenheim's *International Law*, furthermore, it was said that intervention was unlawful only when it involved some dictatorial interference with the external independence or the sovereignty of the State concerned. There had been no such interference in the present case. The action of the United Kingdom in introducing troops into the Sultanate had been taken at the express request of the Sultan, in order to assist him in suppressing a rebellion fomented from outside the Sultanate. It was therefore action taken in complete accord and co-operation between two sovereign States. It was not contrary to the Charter of the United Nations or to the general rules of international law. Indeed, far from being a threat or use of force against territorial integrity or political independence, contrary to Article 2, paragraph 4, of the United Nations Charter, the introduction of United Kingdom troops was a step taken for the purpose of helping the lawful authorities of the Sultanate to preserve its political independence and territorial integrity. In training and equipping the "Oman Liberation Army" and continuing to provide arms and money for the rebels after the main revolt had been crushed, Saudi Arabia and other countries had been in breach of various General Assembly resolutions.

65. With regard to the allegation that the question of Oman constituted a "colonial" problem it should be said that Muscat and Oman was a sovereign and independent State in its own right, acknowledged as such by international treaties concluded with Great Britain in 1891 and 1951, with the United States in 1833 and 1958, with France in 1846 and with India in 1953.

66. Generally, for the United Nations to debate the so-called question of Oman constituted a gross interference in the internal affairs of a sovereign independent nation and a violation of Article 2, paragraph 7, of the Charter. There was nothing in the present situation in Oman which could possibly be a matter of concern for the United Nations. There had been no aggression. The area was at peace. There were no foreign troops stationed there and there were no foreign bases. The rebellion which had taken place there had ended several years ago. There was no "ceaseless struggle" and "massive fighting" going on. There had never been a State of Oman independent and distinct from the Sultanate. The Sultanate of Muscat and Oman was not a colony. The United Kingdom troops had intervened in 1957 at the request of the Sultan and in conformity with international law to assist the Sultan in putting down a revolt fomented from abroad, and those troops had since been withdrawn. Peace reigned in Oman and there was no "situation" which justified intervention by the United Nations in the internal affairs of a sovereign independent State. A steadily mounting number of rank-and-file rebels had accepted the amnesty and returned. Strong evidence of disaffection among the rebellion's leaders was at hand. The former rebel cause was not kept alive by a common purpose among the leaders or by the strength of their adherents. The so-called Omani independence movement was a façade maintained for propaganda purposes by parties whose interest was not the ensuring of peace and stability in the area but the fomenting of trouble from which they hoped to benefit. The rebel leaders claimed to be defenders of "Arab Unity" but

were in practice attempting to break up the unity that already existed in the area and to dismember an independent sovereign Arab State, the Sultanate of Muscat and Oman.

67. As to the operative paragraphs of the draft resolution approved by the Special Political Committee (see annex IV below), the following could be said.

68. With regard to operative paragraph 1, concerning the right of the people of Oman to self-determination, the principle of self-determination was not applicable to any section of a homogeneous population such as that of Muscat and Oman. The people of Oman were part of the Sultanate no less than other peoples of that State. The rebellion had collapsed and the leaders were discredited. For the United Nations to endorse the idea of an independent state of Oman was irrelevant because it did not bear a shadow of relation to the facts of the case or the wishes of the Omanis. It was also irresponsible that a handful of discredited exiles could with impunity induce the world Organization to recommend the fragmentation of a sovereign State. What the representative of India had said in the debate in the General Assembly in October 1962 should be recalled: self-determination cannot be merely a process of disintegration or fragmentation.<sup>16</sup>

69. With regard to operative paragraph 2 calling for the withdrawal of foreign troops, the foreign troops consisted solely of small detachments of British forces which occasionally conducted exercises in the area. Whether they were allowed to be there or not was something for the Sultan to decide, not the United Nations.

70. With regard to operative paragraph 3, which was an invitation to the parties concerned to settle peacefully their differences with a view to restoring normal conditions in Oman, it should be noted that conditions were normal in Oman and had been for a long time. The only occasion in recent years in which conditions had been abnormal had been during the abortive rebellion. The only differences were those between the Sultan and the ex-rebel leaders. The Sultan's offer of an amnesty still stood and indeed numbers of Omanis formerly misled by the dissident chiefs had returned. The adoption of the draft resolution would make it more difficult for a reconciliation between the Sultan and the ex-rebel leaders. The United Kingdom Government was ready to use its good offices—as in 1960-1961—is soon as there were any prospects of reconciliation between the ex-rebels and the Sultan. Such reconciliation depended primarily on the ex-rebels.

#### V. ATTITUDE OF SOME MEMBERS OF THE UNITED NATIONS

71. During the seventeenth session, especially at the 355th and 357th meetings of the Special Political Committee, on 26 and 28 November 1962, and also during the 1191st plenary meeting of the General Assembly, on 11 December 1962, a number of representatives of Member States expressed their doubts and uncertainties as to the contradictory statements made during the discussion on the question of Oman. The representative of France pointed out that although the question of Oman had appeared on the agenda before, its true nature was not clear and it seemed

to be magnified out of all proportion. The representative of Togo wondered whether, instead of adopting a draft resolution, the better course might not be to prepare the ground for a re-examination of the question on the basis of more objective information and thus enable the General Assembly to come to a decision in full knowledge of the facts. The representative of Ecuador stated that none of the doubts and hesitations referred to by his delegation at the sixteenth session of the General Assembly had been removed, and indeed they were more apparent than ever. The representative of Greece observed that the debate had not succeeded in clarifying many obscure points; for example, there was still a difference of opinion regarding legal aspects of the matter and the status of the territory. He added that the same uncertainties existed in relation to other points and it was therefore difficult for any delegation to take an impartial stand. The representative of Uruguay explained that his abstentions from voting were due in the main to a lack of clarity with regard to facts.

72. The representative of Dahomey, during the 1191st plenary meeting of the General Assembly, expressed his perplexity, concern and apprehension. The representative of Greece speaking again in the plenary session of the General Assembly asked for impartial information obtained *in situ*. The representative of Chile stressed the fact that there remained many points of uncertainty and he requested information.

73. The representative of Chile, speaking at the 355th meeting of the Special Political Committee, formulated eight specific questions, which remained unanswered. Firstly, why did the Sultan of Muscat and Oman not send a representative to the Assembly to defend his case? Was it because he was not independent or because he wished to give complete freedom of action to his "very capable and efficient defenders"? Secondly, was Talib bin Ali, who pleaded the case of Oman before the Special Political Committee, a representative of Oman or a rebel? Thirdly, did Oman and Muscat constitute a single state or two separate entities? Fourthly, was the principle of self-determination at issue or was it a matter of the dismemberment of a sovereign State? Fifthly, was the Treaty of Sib an international treaty between two sovereign independent States or was it only an agreement between the Government of the Sultan and Omani tribal chiefs concerning certain internal matters? Sixthly, what had happened during 1957 in Oman? Had there been intervention in the domestic affairs of Oman prior to the introduction of United Kingdom troops? Seventhly, were United Kingdom troops still there? Finally, what was the present situation in Oman? Was there oppression and were the inhabitants fighting foreign troops or did peace exist?

74. To these the representative of Peru, at the 355th meeting, added the following questions: Firstly, were United Kingdom troops in the Sultanate at the request of that State? Secondly, what was the extent of the rebel movement in Oman; did rebel forces control any part of the territory? If they did, they would automatically acquire a status of their own.

75. The representative of India, during the sixteenth session, at the 305th meeting of the Special Political Committee, referred to the difficulty that many of the historical facts seemed to be capable of interpretation in different ways. He expressed the

<sup>16</sup> See *Official Records of the General Assembly, Seventeenth Session, Plenary Meetings*, 1141st meeting, para. 229.

hope that in any case foreign intervention would cease. The relevance of the principle of self-determination was not clear, he said, because that principle would apply if Oman were under colonial rule—but it was not. The problem seemed to be whether one part of the area was independent of the other, and which was the sovereign authority for the parts or for the whole. All the people of Muscat and Oman were Arabs. His delegation believed, therefore, that there was a case for peaceful negotiations without any interference from outside.

#### VI. INVITATION OF THE SULTAN TO THE SECRETARY-GENERAL TO SEND A REPRESENTATIVE TO OMAN

76. The United Kingdom representative, speaking at the 1191st plenary meeting of the General Assembly, on 11 December 1962, referred to the representatives who had expressed the need for facts or information from an independent source so that they would be able to form a balanced judgement on the subject. The United Kingdom Government had conveyed the views expressed in the debate to the Government of the Sultan of Muscat and Oman. The United Kingdom representative said he was now authorized to state on behalf of the Sultan of Muscat and Oman that the Sultan, while preserving his position, which had already been conveyed to the President of the General Assembly,<sup>17</sup> did “not recognize the right of the General Assembly to discuss the internal affairs of his country” and, “on the understanding that the Assembly does not take any formal action at this stage”, he was “prepared to invite on a personal basis a representative of the Secretary-General of the United Nations to visit the Sultanate during the coming year to obtain first-hand information as to the situation there”.<sup>18</sup> In view of this offer the United Kingdom representative trusted that the Assembly would not seek to prejudge the issue at that stage by adopting the draft resolution then before it. The draft resolution was rejected, having failed to obtain the required two-thirds majority.

#### VII. TERMS OF REFERENCE

77. The Permanent Representative of the United Kingdom confirmed by letter to the Secretary-General on 4 January 1963 the invitation submitted on behalf of the Sultan of Muscat and Oman during the 1191st plenary meeting of the General Assembly.

78. The Secretary-General of the Arab League and the brother of the Imam, his representative during the discussions in the Special Political Committee at the sixteenth and seventeenth sessions, proposed to the Secretary-General, by cable dated 14 January 1963, that a representative of the Imam accompany a United Nations mission to Oman. Subsequently a letter dated 7 March 1963 sent from the Head of the Office of the Imamate of Oman in Cairo was received by the Secretary-General (see annex V below); this letter reported “horrible massacres committed by the colonial forces against the innocent citizens” and requested the Secretary-General to place these facts before the Members of the United Nations.

79. Discussions with the United Kingdom representative about the *modalités* of a visit to Oman

resulted in an assurance on the part of the Sultan that the representative of the Secretary-General would be free to move around in the area and visit any place of importance. The Secretary-General accepted the invitation which had been submitted officially by the representative of the United Kingdom at the 1191st plenary meeting. He did so in the hope that an objective report on the actual situation in Oman would contribute to peaceful developments in the Middle East.

80. On 30 April 1963 he requested the Swedish Ambassador to Spain, Mr. Herbert de Ribbing, to undertake the assignment as his Special Representative on the question of Oman. The Swedish Government agreed to make the services of Mr. de Ribbing available for a limited period. Mr. de Ribbing accepted, and arrived in New York for consultations on 10 May 1963. Two members of the Secretariat were selected to serve as political officer and interpreter, respectively.

81. The Secretary-General instructed Mr. de Ribbing to use as his main terms of reference the description of the invitation by the Sultan: “a representative of the Secretary-General of the United Nations to visit the Sultanate during the coming year to obtain first-hand information as to the situation there”. He requested Mr. de Ribbing to look into the matters reported by the Head of the Office of the Imamate of Oman in Cairo in his letter of 7 March 1963.

82. The primary task of the mission would be a fact-finding one. The mission would visit the area some time during May and would report on such questions as the presence of foreign troops in Oman, any evidence of oppression, instances of sabotage and fighting, the existence of a “rebel movement”, the existence of any “rebel forces” actually in control of a particular area, etc. The Special Representative of the Secretary-General would discuss with the Sultan, with Government officials, and with British authorities the necessary details for the visit to Oman.

83. The Special Representative, accompanied by the two United Nations officials, left New York on 18 May.

#### VIII. VISIT TO OMAN

84. The mission arrived in Bahrain on 20 May 1963 for consultations with the British authorities. Upon its arrival in Salalah on 23 May a meeting was arranged with the Sultan of Muscat and Oman for the following day. A general programme for the visit to Oman was discussed and agreed upon and a number of specific questions were reviewed. From 25 May to 9 June the mission was in Muscat for discussions of the programme and in Oman for its fact-finding assignment.

85. The mission then called again on the Sultan in Salalah (9 June) where it discussed with him in general terms its findings and raised a number of additional questions. After staying a few days in Bahrain for additional discussions with the British authorities (11 to 13 June), the mission proceeded to Beirut. From there it informed the Secretary-General in summary form of its findings and, upon his instructions, proceeded to Jidda, in Saudi Arabia, where it called on the Prime Minister of that country (19 to 23 June) and met the Imam Ghalib bin Ali, now living in Dammam, and his brother Talib bin Ali, who had represented the Imam in the General Assembly. The mission then had discussions with senior Foreign Of-

<sup>17</sup> *Ibid.*, Seventeenth Session, Annexes, agenda item 79, document A/5284.

<sup>18</sup> *Ibid.*, Plenary Meetings, 1191st meeting, para. 45.

office officials in London and returned to New York on 1 July. A detailed itinerary is given in annex VII.

86. The mission discussed the programme of its visit to Oman with British authorities in Bahrain and later in general terms with the Sultan in Salalah. The detailed itinerary was worked out in Muscat with the Sultanate's authorities a few days before the departure for the interior region. The mission requested and obtained complete freedom of movement and was able to indicate the specific places and areas it wanted to visit. As a result of the terrain—there are no asphalt roads—travelling was confined to Landrovers. From time to time light five-passenger carrying planes were used in order to save time and reach particularly inaccessible places. In spite of the extreme heat and the distances involved, the mission was able, in the short time at its disposal, to visit the main populated places in "Oman", including one of the few towns in the higher part of the Jabal al Akhdar region. It also went to the Sharqiyah and saw a part of the Batinah coast.

87. It was decided to interview Government officials, reach as many people as possible through meetings during which the mission would explain its purpose and question in private a number of representative people—sheikhs and notables.

88. The mission travelled some 900 miles during its visit to the interior, stopped in some twenty towns and villages, where it was welcomed by a considerable part of the population. The mission met with about twenty Government officials, interviewed eighty-six representative individuals and explained the purpose of its visit to approximately 1,200 people assembled at meetings. It received complete co-operation from all concerned and raised numerous questions which were readily answered. Many meetings with individuals or groups of prominent persons were held where no Government official was present.

89. The mission was impressed by the natural courtesy and dignity of the people with which it came into contact during its visit. On many occasions the mission received expressions of gratitude to United Nations its Secretary-General and his Special Representative for the efforts to find out what was happening in Oman. All hoped that this would contribute to finding a solution to the question of Oman.

90. The mission is well aware that in spite of all assistance and co-operation it received, its observation could not be fully comprehensive. It has tried to make the maximum use of the time at its disposal in order to concentrate on its fact-finding responsibilities. It has touched on a number of broader questions, which have come up again and again in the General Assembly. It does not pretend, however, to produce definite answers on all these items, some of which are so complex and difficult to assess that they require specific study and research by competent specialists. Furthermore, in order to ascertain beyond doubt the true wishes of the population, a much broader and more complete consultation of the people would be required.

91. During its discussions, interviews and talks, the mission, with slight variations, asked the basic questions which are listed below. It also tried to obtain from other available sources additional material on these questions.

92. The questions most frequently asked were:

(a) Is there any fighting going on in Oman?

(b) Has there been sabotage and what specific incidents have occurred recently?

(c) Are there any "rebels" and, if so, do they dominate a specific area? Are there cases of infiltration into Oman?

(d) Are there foreign troops in Oman?

(e) What is the evidence of oppression?

(f) What is the extent of the control of the area by the Sultan?

93. In addition, the mission reviewed other aspects of the question of Oman, such as:

(a) The attitude towards the Imam, his brother Talib and Sheikh Suleiman bin Himyar;

(b) The status of the Imamate, and the significance of the Treaty (Agreement) of Sib of 1920;

(c) The existence of development programmes for the area;

(d) Relations between the Sultanate and the United Kingdom Government;

(e) Efforts towards negotiations;

(f) Special questions.

94. The findings of the mission on these questions can be summarized as follows:

#### (a) *Fighting in Oman*

95. Although there are different opinions on which party started the fighting in Oman and what the motives were, there seems to be agreement on the following sequence of events:

(i) The death of Imam Mohammed bin Abdullah in 1954 represented the end of the *modus vivendi* which resulted from the signing of the Treaty (Agreement) of Sib.

(ii) The new Imam, Ghalib bin Ali, established an office of the Imamate in Cairo during 1954, applied for membership in the Arab League and started to issue Imamate passports. He also placed small garrisons in key centres of the interior region, among them Nazwa.

(iii) Nazwa was occupied in December 1955 by forces of the Sultan. Another force attacked the Imam's brother, Talib, at that time the *Wali* of Ar Rustaq. Ar Rustaq was occupied shortly afterwards.

(iv) The Imam went to his own village in the interior where he remained for a long time, whereas Talib escaped to Saudi Arabia.

(v) The real fighting started during the summer of 1957. A revolt broke out in May in the Sharqiyah which did not meet with success. Sheikh Ibrahim bin Isa al Harthy, who started the revolt, went to Muscat and was imprisoned.

(vi) Talib landed during June 1957 on the Batinah coast and his armed men reached the Jabal al Akhdar area. Soon after this the Imam and Sheikh Suleiman joined the revolt.

(vii) The Sultan's armed forces could not cope with the revolt in the first instance and lost the important town of Nazwa.

(viii) Around the middle of July 1957, the Sultan called on the United Kingdom Government for help. One company of Cameroonians, two troops of Ferret scout cars, one regiment of the Sultan's armed forces,



and two squadrons of Trucial Oman Scouts supported by Royal Air Force planes, reoccupied Nazwa and a number of other towns in the neighbourhood.

(ix) The leaders of the revolt withdrew into the higher regions of the Jabal al Akhdar. There followed a guerrilla type of campaign against the Sultan's forces.

(x) During the latter months of 1958 and the first weeks of 1959, increased use was made of the Royal Air Force. Two squadrons of special air service troops were flown in from Malaya and a squadron of the Life Guards joined the operation. The final assault during January 1959 represented the end of the military campaign. The leaders managed to leave Oman. Senior Government officials in Muscat, the *walis* (governors) in the interior, or, in their absence, the *cadis* (judges), and in some cases the senior sheikhs in sixteen different towns and villages were asked about fighting during the more recent past. In addition eighty-six individuals were interrogated on this point. Without an exception the answer was that there had been no fighting recently and that no active warfare had been going on since January when the Jabal al Akhdar region was taken by assault. The mission was unable to observe any evidence of active fighting in the area.

(b) *Incidents, sabotage*

96. During the discussions in the General Assembly many references were made to incidents and sabotage in Oman. The mission itself did not encounter any incident, nor did it notice any act of sabotage during its visit. It inquired in every place it visited about these matters.

97. In most instances testimony was given to the effect that recently—during the last six months—the area had been quiet. The mission passed the ruins of a small hospital in Bahlah, which had been blown up about a year ago. During the questioning the mission was told that it was not known who was responsible, that nobody had been caught, and that the people were unhappy about this act. The mission heard also from one of the sheikhs in the Nazwa area that some six months ago “somebody travelling through” had been caught. It heard in the Jabal al Akhdar region about an incident that had taken place a year ago. But in general the people testified that it had been quiet recently and that peace, order and security prevailed. Many also referred to the fact that traditional strife between the tribes seemed to have ended. A considerable number of the persons interviewed commented that there was no truth in the reports of incidents and disorders in the area. One of the prominent sheikhs exclaimed: “Believe what you see, not what you hear. For when the sun is up, you need not look for Venus!”

98. The Sultan and the Minister of the Interior also informed the mission that the situation recently had been quiet and peaceful. The mission questioned senior officers of the Sultan's armed forces and British officials in Bahrain about data on incidents and sabotage. It received a breakdown of incidents that had taken place during the last four years:

	1960	1961	1962	1963
Incidents:				
Mine explosions .....	7	26	17	1
Mine recovery .....	132	97	101 <sup>a</sup>	—
Shooting .....	—	5	17	1
Sabotage .....	2	4	3	1

	1960	1961	1962	1963
Casualties:				
Sultan's Armed Forces .....	1	—	1	—
British Military Forces .....	—	1	—	—
Sultan's retainers .....	—	3	2	1
Others .....	16	236 <sup>b</sup>	—	—

<sup>a</sup> Forty mines in one dhow.

<sup>b</sup> All in one boat in the open sea.

The mission has taken note of this information but it was not in a position to have these particular data evaluated.

99. The mission was aware of many statements regarding incidents, sabotage, etc., which were made during broadcasts from Cairo, Damascus, Mecca and Baghdad. It did not have the time, nor the facilities, to verify the accuracy of these statements. It brought up these statements during the interviews in the area and asked if there were any comments. In general the reply was that there was much exaggeration in the claims advanced during the broadcasts; many commented that they were living in the area and therefore should know if the incidents actually had occurred. The mission received from officials of the Sultanate and from the British officials material which showed a comparison between broadcast incidents and actual incidents recorded by the local authorities. The comparison made for the period 1 July 1961 to 1 June 1963 and applicable to incidents in the area shows that against a total claim of 203 persons killed and 171 wounded, mostly described as “British”, casualties to the Sultan's Armed Forces amounted to one killed and twelve wounded, to which should be added civilian casualties—four killed and twelve wounded.

(c) *“Rebels”*

100. The mission used every opportunity to find out about this matter. Again all those interviewed stated that there were no “rebels” and that nowhere in Oman was there an area actively controlled by “rebels”. During its travels through Oman, the mission saw no signs of “rebel” activity, nor was it able to find any evidence of areas not under the active control of the Sultan or his Government. Inquiring about the existence of infiltrators produced no information on specific facts. According to Government officials improved security arrangements have made it increasingly difficult for infiltrators to reach Oman.

101. According to the British authorities in Bahrain now only a handful of “rebels” are involved. A detailed estimate was provided by one senior officer of the Sultan's armed forces, who claimed that some 400 Omanis had been trained outside Oman; of these up to 200 had returned to Oman under the terms of the amnesty declared by the Sultan about two years ago.

102. The regular routes taken by infiltrators appear to be by dhow landing either at the Trucial coast or at the Batinah coast and from there on by off-the-track land routes to Oman. This officer estimated that not more than forty individuals are actively involved in these activities; they normally come, harass and leave again. They operate mostly in groups of two's and three's without support from the local people.

(d) *Foreign troops*

103. All the persons interviewed by the mission stated that the troops present in Oman were formally

and technically the Sultan's armed forces, wearing the uniform and the insignia of the Sultanate, with British officers in senior positions. The mission had ample opportunity to observe the existence of these troops. It actually spent the night in their camp during its journey, except on one occasion. The camps, many newly established, are well displayed throughout the area. At the mission's request the Secretary for Defence, Brigadier Waterfield, and one senior officer furnished details about the strength of the armed forces and the composition thereof. This information appears in annex VIII. According to this information the present strength of these forces amounts to 2,333 men, of which 304 belong to the *gendarmerie* mainly engaged in anti-smuggling activities. The plans now in hand call for a future strength of 2,480 men.

104. Of the total strength of the force approximately 50 per cent are Baluchis recruited from Gwadar (a territory originally belonging to the Sultan but sold in 1958 to Pakistan) and the rest recruited from among the tribes in the coastal and interior regions, the majority from the interior.

105. There are at the moment sixteen local officers; the highest in rank is second lieutenant. There are twenty-six seconded British army officers in the Sultan's armed forces; these officers retain their status and rights in the British armed forces and serve for a specific period, normally eighteen months. During this period they are on the payroll of the Sultan's armed forces. Plans call for an increase to thirty. There are also thirty-five officers on contract, of which thirty are British and five are Pakistani nationals. These officers have terminated their national service and have contracts with the Sultan's Government. In addition there are six foreign non-commissioned officers (mostly British); they are made available for periods of four months in connexion with a training programme.

106. The above information does not include the Sultan's air force which consists of eight planes and ten seconded Royal Air Force personnel.

107. The mission questioned the Sultan about the British influence in the Sultan's armed forces. The Sultan emphatically declared that "even if there are British officers, everything is in my hands". He pointed out that ever since 1921 British officers had been used ("they know the problems of the country"). Later the Sultan, commenting on the accusation that the Sultanate was a British puppet state, said: "We make all the decisions ourselves". He added that British officers had nothing to do with policy making.

108. The mission also looked into the question of the financing of the Sultan's armed forces and was informed that, early in 1958, the United Kingdom Government had agreed to give the Sultan financial and material assistance to help train and build up the forces. Senior officials of the Sultan's armed forces and the Sultan confirmed the existence of financial help. The Sultan, during the discussions with the mission, remarked that his Government was paying a part of the costs of these forces and that the British had agreed to contribute to the great increase in cost resulting from the events in 1957. The mission received no answer when it asked exactly how much the United Kingdom Government contributed. The Sultan concluded that "accepting aid does not mean surrender of sovereignty, conduct of foreign relations and financial decisions; all these decisions remain in our hands".

109. Finally, the mission must draw attention to the existence of arrangements whereby airfields in the southern part of the Sultanate, namely Salalah (the capital of Zufar) and Masirah Island, have been made available to the Royal Air Force.

#### (c) Evidence of oppression

110. According to Government officials, the main prison in the area is situated in Muscat in the old Fort Jalali, which was built by the Portuguese. The prison holds all the political prisoners of the country as well as the more serious offenders against common law. The Sultan did not permit the mission to visit the prison, nor did it receive official information on the number of political prisoners being kept there. But the Sultan did allow the mission to discuss the medical conditions in the prison with the senior medical officer of the Sultan's armed forces, and Indian doctor who is also responsible for the health conditions in the prison. There are approximately eighty persons in the prison corresponding to its capacity—of which it is estimated that some thirty to forty are detained for political motives.

111. The doctor visits the prison twice a week and whenever there is an urgent case. There is a cell in the prison for sick persons (two prisoners at the time of the mission's visit) but the more serious cases are cared for in the small hospital at the camp of the Sultan's armed forces in Muscat (one prisoner at the time of the visit).

112. The doctor stated that the diet of the political prisoners is better than that of the other prisoners. It amounts to approximately 2,000 calories per day and consists of coffee, rice, fish, potatoes and dates. The prisoners are allowed out in the fresh air every day for one or one and a half hours. They live in barracks, some of them containing five, some seven, and some twenty men. Prisoners can bathe once a week and there are primitive toilet facilities.

113. The doctor assured the members of the mission that there were no signs of malnutrition or torture. He did, however, admit that there was not enough for the prisoners to do. There is a copy of the Koran in the prison.

114. The doctor commented that he had noticed a considerable improvement during the last six years since regular medical attendance had started. Sanitation, water supply and food had improved greatly.

115. During its visit to the interior the mission brought up the question of oppression at every meeting and every interview. All the *walis* and the sheikhs as well as the great majority of the other persons interviewed denied that there was political oppression. They referred to those in prison in Muscat as mostly individuals who had been there since the troubles started in Oman. Here and there, however, there were indications, mostly carefully and cautiously expressed, of a certain amount of discontent and criticism.

116. The most outspoken sign of unhappiness with the present situation was encountered during the visit to Sayq, a mountain village in the Jabal al Akhdar area. This area was the stronghold of Sheikh Suleiman, often called the Ruler of the Green Mountains, to whom the dominant tribe of the Bani Riyam paid allegiance. The tribe has always played a predominant role in the affairs of the Imamate.

117. Upon its arrival in Sayq, the mission was welcomed by practically the whole tribe. It noticed that



the men did not wear the guns which normally are worn by the Omanis as status symbols. In addition, the questioning of nine of the more important tribal persons produced other signs of a conquered tribe. They all admitted that the situation in the area had been quiet since the end of the military campaign in January 1959. However, they told the mission that the damage, as a result of the military events, had not yet been repaired. They complained of poverty and difficulty in living conditions. They did admit that the Sultan was ruling in accordance with the *Shari'a*, but they stated that they could not travel outside Oman and that they could not go on pilgrimage.

118. These particular matters were subsequently discussed with the Sultan. His comment on the fact that the tribesmen had no guns was: "It is good for them to have no guns if anything happens." He denied that there was a general ban on pilgrimage because that would be against his religion. He stated, however, that according to the Koran there was no compelling need to go on pilgrimage more than once in a lifetime. He admitted the possibility that specific individuals might have been prevented from going abroad for security reasons.

119. In one of the more important places the mission received a request for pardon for one of the sheikhs and his son who had been in prison for a long time. The mission transmitted this request to the Sultan at its last meeting with him.

120. The mission inquired in a number of places if there were persons held in local prisons. The answer was that there were small prisons here and there, but that there were no political prisoners and seldom any others. The mission was informed, however, that recently one of Talib's retainers had been caught during an attempt to abduct members of the Iman's family.

(f) *Control of the area by the Sultan*

121. The mission discussed this subject with Government officials, with the Sultan himself, and with the persons interviewed during the meetings.

122. The area visited by the mission is still very much ruled in the traditional way. Political power has been, and to a great extent still is, in the hands of tribal chiefs, territorial notables and religious leaders, but some of that political power is in the process of being transferred from this traditional ruling group to the central Government.

123. Since 1957 the Sultan has made increasing use of *walis*, especially in the towns and those areas where no single tribe dominates. There are now more than thirty *walis* functioning in the Sultanate. Wherever there are areas where a particular tribe is in a dominating position—for instance, the Sharqiyah, the Duru area, the territory of Ja'lan—the sheikhs retain their authority.

124. The Sultan himself emphasized that his Government is still very much based on the tribal system and that each sheikh was and remains responsible for a large range of problems affecting the tribe. At the same time the *wali* as the government representative for a specific area acts as much as possible through the sheikh.

125. The *walis* and in certain cases important sheikhs have direct access to the Minister of Interior. In exceptional cases, especially involving disputes between the *walis* and the sheikhs, the Sultan himself intervenes. The Sultan stressed, however, that in gen-

eral the Government does not interfere in tribal matters unless there are serious difficulties which require Government action and decision. The Government respects the authority of the sheikhs.

126. Ever since 1957 when serious troubles broke out in the area requiring the Sultan to ask for British assistance, the Sultan has built up his own military forces, which are now in the process of being consolidated. At the same time he is relying in an increasing way on the *walis* to get his decisions implemented. In addition, the *walis* have their own armed retainers (not in uniform).

127. In almost all the towns and villages the mission was received by the *wali*, who acted as spokesman for the Government, or on some occasions by the *cadi*. In some cases sheikhs officially welcomed the mission.

128. The collection of taxes (*zakat*) was also a subject of special inquiry. In all cases it was found that the *zakat* was collected by employees in the service of the Government. The distribution was also in the hands of Government officials.

129. Even in places where, in a cautious manner, discontent and reservations were expressed, it was frankly admitted that the present power is concentrated in the hands of the Sultan. Often the theme was repeated: "There is security and safety now." Another comment was: "Before, people were at each other's throats. Now, there is peace." In a number of places the Sultan's rule was praised as it provided tranquillity and was in accordance with the principles of the *Shari'a*.

130. The possibilities of expressing political opposition are limited in the present circumstances.

131. It was clear to the mission that the security situation was well under control; the Sultan now has at his disposal a small but mobile military force which is displayed at strategic points throughout the area.

(g) *The attitude towards the Imam, his brother and Sheikh Suleiman bin Himyar*

132. The Sultan has protested several times against holding any debate in the United Nations because he considers that the matters involved fall exclusively within the jurisdiction of the Sultanate. He repeated during his discussions that the Imam, his brother and Sheikh Suleiman are subjects of the Sultanate and because they revolted against the rule during the events in 1957 they are "rebels". He handed to the mission photostat copies of passport applications, one of which was submitted by Talib, the brother of the Imam, dated 1954. This was to him a proof that Talib, and also others who had submitted passport applications before, considered themselves "subjects of the Government of Muscat and Oman".

133. During the meetings which the mission had with the Minister of Interior in Muscat, the Minister stated that the Imam was mainly a religious leader. He had no state powers, which belonged, the Minister remarked, to the Sultan only.

134. The mission asked every *wali*, every sheikh and every participant in the meetings it conducted about their attitudes towards these persons. The answers varied. The *walis* in general replied that the present rule—the Sultan's authority—was enough; they did not want any of the three notables back. One of the prominent persons whom the mission interviewed, a respected judge, differentiated between the Imam and the other two individuals by stating that the Imam

held an important office and that, therefore, the present conflict placed a heavy strain on the Omanis; it troubled the people. He himself hoped that the conflict would be solved. In any case the present Imam would not automatically resume his office because he had been absent from Oman for such a long period. He would have to be re-elected.

135. As far as the other persons interviewed were concerned, many stated that they would not like to see the Imam, his brother or Sheikh Suleiman return because "they were trouble-makers". Others, however, commented that they would not object to a return of these people, provided that they "made their peace with the Sultan".

(h) *Status of the Imamate; significance of the Treaty (Agreement) of Sib*

136. The mission did not have the time, nor did it consider itself to be competent, to evaluate the territorial, historical and political issues involved. It tried to grasp the most significant elements of the conflict which had been brought before the United Nations. The representative of India had already observed, during the discussions in the Special Political Committee, that the historical facts had been interpreted in different ways.<sup>19</sup>

137. It seems to be generally agreed that in earlier times the country of Oman, which was the name used to describe the whole of the area between the Indian Ocean and the Persian Gulf, was a sovereign State governed by an Imam, elected by notables of the tribes and acclaimed by the members of the tribe. This was often a loose confederation of tribes. In practice, leaders of two important tribes, the Bani Riyam (Jabal al Akhdar) and the Harthy (Sharqiyah) were often arbitrators during the process of election.

138. Oman consisted centuries ago of a large territory which has since been broken up. The population of this area was and still is organized on a tribal basis. An additional complication has been the split between the Hinawi and the Ghafri factions, which has led to conflicts about the designation of an Imam.

139. "Oman" in the more recent past has often become synonymous with "Inner Oman" or "Central Oman"; it consists generally of the area around the Jabal al Akhdar. This, roughly, has been the territory of the Imamate proper.

140. As explained in chapter I, the centre of power moved some two hundred years ago from the interior to the town of Muscat, situated on the sea. The rulers who have since reigned from this sea basis were often at odds with those who exercised spiritual and often temporal power in the interior region.

141. Whenever the Sultans were in trouble or were weak they were helped by their British allies. Such a period of weakness started during the more recent past in 1913 when the tribes of the interior expelled the Sultan's troops from Nazwa, Izki and Sumail. At one moment Muscat itself was threatened. It appears that only British military help rescued the Sultan.

142. At long last, in 1920, a settlement was reached through the mediation and good offices of the British Political Agent and Consul at Muscat. This settlement is known as the Treaty (Agreement) of Sib. It has been the subject of completely opposing interpretations.

143. According to one version the settlement represents nothing but an agreement between the Government of the Sultan and a number of tribal leaders in Oman. According to another version, the settlement represents in fact a treaty with international status between two independent States. According to others, the treaty is no longer valid or is a diplomatic act subject to international law and constitutes important evidence of Oman as an independent State.

144. The mission did its utmost to obtain factual information which could at least disentangle some of the confusion resulting from the opposing views. It approached the Sultan and the Minister of Interior in order to obtain their views in this matter. The Sultan admitted that as a result of the weakness of his father's Government around 1920 a certain autonomy had been given to the sheikhs of the tribes in the interior region, but at no point had the Imam ever been recognized as a kind of government. The Minister of Interior went even further, stating that there was nothing in the treaty which referred in any way to the Imamate.

145. The remarkable fact was that although many delegations offered interpretations of this agreement no authentic text was available. The mission therefore, at its first meeting with the Sultan, requested him to provide an authentic text. The Sultan was not willing to make this text available, stating that he did not recognize the agreement, which had been signed by a representative of his father and eighteen tribal sheikhs, of whom at this moment only Sheikh Suleiman bin Himyar, now in Cairo, was alive. When, at its second meeting with the Sultan and after it had visited the interior region, the mission asked again if a text could be made available, the Sultan replied that he did not recognize the agreement and that it was only a personal arrangement between his father and the sheikhs. "It is a dead issue," he said. If he handed out the text, it could be interpreted that he gave importance to it.

146. In the absence of an authoritative text an unofficial version, published in *The New York Times* of 13 August 1957, which is claimed to be close to the original, has been set forth in annex IX. In addition the mission considers illuminating the account of the actual negotiations made by the main architect of the Agreement of Sib, Sir Ronald Wingate, in his memoirs, *Not in the Limelight*. Wingate was, during 1919-1920, Political Agent and British Consul in Muscat and acted as mediator between the Sultan and the sheikhs in the interior.

147. Sir Ronald describes the difficulties which occurred during the initial discussions when the sheikhs insisted that the agreement should be between the Sultan on the one side and the Imam on the other:

"This was fatal, and I knew that I could not possibly agree to it on behalf of the Sultan, for this would mean that the Sultan acknowledged another ruler, and a ruler who was already an elected spiritual leader and an admitted temporal representative of the tribes. From such an acknowledgement it was only one step farther for the spiritual leadership and temporal representation of the tribes to develop into a claim for the spiritual and temporal leadership of all Oman."<sup>20</sup> He adds: "The word Imam was omitted from the body of the document, which simply read as conditions arranged between the Sultan's Govern-

<sup>19</sup> *Ibid.*, Sixteenth Session, Special Political Committee, 305th meeting.

<sup>20</sup> Sir Ronald Wingate, *Not in the Limelight* (Hutchinson of London, 1959), p. 89.

ment and Isa bin Salih as representing the Omani tribes".<sup>21</sup>

148. Wingate concluded the account by giving the following details of the signing of the Agreement:

"It was signed by me on behalf of the Sultan, with his full authority, and granted to the tribal leaders of Oman, all of whom signed individually, the right of self-government, or non-interference by the Sultan in their internal affairs in return for peace, and for the payment of the customary dues at the ports in the territory controlled by the Sultan. The question of sovereignty was never mentioned. Had it been, there would have been no agreement. It recognized the facts of the situation, a situation which was not a new one, but had been a source of controversy and conflict for three quarters of a century. For in Arabia allegiance is tribal, and the tribe has no defined boundaries. Yet the existence of a Coastal Sultanate, a tribal confederation, and a religious leader, who could claim through election the temporal allegiance of the tribes, had, up till then, made impossible a *modus vivendi* where, by agreement, the coast and the interior each looked after its own affairs, while remaining in friendly contact."<sup>22</sup>

149. A judgement on the question of which interpretation of the Treaty (Agreement) of Sib is correct falls outside the specific terms of reference of the mission. In any case, an authentic text should be the basis for a careful study, which is essential before any evaluation on this point can be made.

150. This *modus vivendi*, as Wingate describes the Treaty (Agreement) of Sib, lasted for thirty-five years. The arrangement appears to have functioned satisfactorily.

151. The mission took up the question of the status of the Imamate with every official, sheikh and notable it met. According to the Sultan, the Imam is mainly a religious leader. He also remarked that it would be impossible to have at the same time a Sultan and an Imam. The Minister of Interior called to the attention of the mission the fact that during the thirty-five years of the *modus vivendi* the Sultan had had no need to interfere in the affairs of the Imamate but that the Sultan had had to act in 1955 as a result of foreign intervention. One of the prominent and learned notables pointed out that the Imamate was a moral institution with many values, concepts and conditions. When a person failed to fulfil his functions he could no longer be considered an Imam. There was therefore a body of opinion which considered that an Imam by his absence from the country was not in a position to discharge his obligations as a high official. He also told the mission that the present conflict put a strain on the Omanis and that many of the people were perplexed by that situation.

152. Although the majority of the people interviewed indicated that they either were not interested in the return of the Imam or would be willing to see him return on condition that "he would make his peace with the Sultan", there was a minority among them which gave the impression that the idea of an Imamate was not dead.

(i) *Development programmes*

153. The mission was interested to observe what was being done for the population in the area. The

<sup>21</sup> *Ibid.*, p. 90.

<sup>22</sup> *Ibid.*

normal revenue—mostly taxes on import and export of goods—is totally inadequate to permit the allocation of substantial funds for development purposes. In July 1958 the United Kingdom Government agreed to help the Sultan to carry out a development programme. Financial assistance for this purpose has greatly increased since August 1960, and the tentative budget for it, for 1963-1964, amounted to approximately 190,000 pounds sterling, chiefly financed by the United Kingdom Government.

154. The mission had an interview with the Development Secretary at Muscat. It also visited the Agricultural Research Station at Nazwa, which has operated since 1959. In addition there was an opportunity to see the health centre at Ar Rustaq.

155. The economy is still a pastoral one in the process of transition into an agricultural economy. Instead of relying on the cultivation of dates—the main source of foreign currency and revenue—the Department tries to stimulate interest in other crops. Two experimental farms, in Suhar and Nazwa, carry out research on irrigation and fertilization techniques. Advice is given to the farmers on the cultivation of improved varieties of wheat, fruit, vegetables, sorghum, as well as on animal husbandry. Particular emphasis is laid on help in installing Diesel pumps to supplement the existing century-old network of underground irrigation channels. The Development Secretary estimated that at Nazwa approximately 300 pumps had been installed. Annual farmer days have been organized for the last three years. The attendance increased from 500 the first year to 1,100 the last year.

156. In addition to major assistance in the field of agriculture, a medical service has been organized. There are now nine health centres, each with a doctor in charge; four of these centres are established in the interior. In addition there are now fourteen dispensaries with a medical assistant in attendance. An anti-malaria unit has recently started periodic house-to-house spraying. During its visit to the centre at Ar Rustaq, the mission was impressed with what was being achieved with modest means.

157. Communications are important; they will be even more so when the agricultural production permits the export of surplus food. The Department is responsible for 400 miles of track. Constant work is needed to keep the track in its present minimum condition.

158. A formidable task confronts the Government with its long-term problems in the field of education. The present status of education is inadequate especially when progress is made in other aspects of the development programme which will require certain minimum standards of training. In addition to the existing schools, mainly Koranic school and two primary schools at Muscat and Matrah, three primary schools are planned. The first group of students for teacher training are in a college in the Hadhramaut.

159. An analysis of the budget for the Department showed that approximately 46 per cent is allocated to its programmes in the field of health, 15 per cent to the maintenance of tracks and about 15 per cent to agricultural projects.

(j) *Relations between the United Kingdom and the Sultanate*

160. Political relations between Great Britain and Muscat go back to 1798, the year of Napoleon's landing in Egypt, when a treaty was signed with the Sultan

in which a formal promise was made to exclude the French from his territory for the duration of the war which then was raging between England and France. Subsequently moral support from British India was given to the Sultan in order to help him against the seafaring tribes from the Trucial Coast and the Wahhabis who operated from what is now Saudi Arabia.

161. Although in general, after intervening in southern Oman in 1820-1821, Great Britain tried to stay out of direct military involvement in the politics of the Persian Gulf area, it always had an interest in the stability and integrity of the Sultanate. It never extended its protectorate over Muscat as it had done in the case of the Trucial sheikhdoms, but it went rather far when, by the Agreement of 20 March 1891, the Sultan agreed "... never to cede ... or otherwise give for occupation, save to the British Government, the dominions of Muscat or Oman or any of their dependencies ...".<sup>23</sup> A year earlier the Sultan had undertaken to be "guided" in all matters of policy by the advice of the British Government. The United Kingdom Government informed the mission, however, that it did not consider the 1891 agreement as binding on the Sultan.

162. The Treaty of Friendship Commerce and Navigation was concluded with the United Kingdom on 20 December 1951.

163. British military support during 1915 prevented the capture of Muscat and probably the overthrow of the Sultan by the tribes from the interior.

164. British interests have changed in emphasis. In the past they were centred around suppression of piracy, slave trade, protection of the sea routes; now they are geared to protect oil investments in the region of the Persian Gulf. The appearance of a naval vessel, sometimes the operation of it, could bring the desired result in the old days. This is no longer possible. The present-day relationships between the Sultan and the United Kingdom are different. The Sultan emphasized during the discussions with the mission that the major policy-making decisions were his and his alone. British Government officials made it equally clear that they would only act upon concurrence by the Sultan. Time and time again the mission was reminded that particular questions had to be referred to and decided by the Sultan.

165. More recent relations have centred around the difficulties in 1955 and 1957. Military assistance was given in 1957. An agreement with the United Kingdom Government concluded in 1958 resulted in material and financial assistance to the armed forces of the Sultan and financial help for the development programme. In return the Sultan extended the existing arrangements regarding civil aviation and allowed the Royal Air Force to continue using the airfields at Masirah Island and at Salalah in Zufar.

#### (k) *Efforts towards negotiations*

166. The mission inquired about the discussions which had taken place during 1960 and 1961 in Lebanon between representatives of the United Kingdom Government on behalf of the Sultan, and the Imam. Those discussions were arranged in order to ascertain the possibility of ending the conflict. No agreement was reached.

<sup>23</sup> See *A Collection of Treaties, Engagements and Sanads*, vol. XI, compiled by C. W. Aitchison (revised and continued up to the end of 1930 under the authority of the Government of India: Delhi, Manager of Publications, 1933), p. 318.

167. The representative of the Imam stated the terms under which they could return to Oman, namely:

(a) Their relationship with the Sultan should be based on continuing recognition of the Treaty (Agreement) of Sib;

(b) The Sultan should respect the provisions of the Treaty (Agreement) of Sib and the British should guarantee his good faith;

(c) The spiritual and temporal authority and the material rights of the rebel leaders should be restored "as before" with no more interference by the Sultan than before;

(d) Her Majesty's Government should guarantee the safety of the rebel leaders (against the Sultan);

(e) Her Majesty's Government should provide economic help in developing the country as a whole and Oman in particular;

(f) Omanis who had been imprisoned as a result of the war and subsequent guerrilla activities should be released; Her Majesty's Government should consider sympathetically the financial and material sufferings of the prisoners and of the people of the Jabal al Akhdar, with a view to offering them help.

168. The discussions on these terms did not result in any agreement. During the last meeting, in February 1961, the representative of the Imam presented a set of four basic conditions which must be accepted if negotiations were not to be broken off. These conditions were:

(a) A return to the situation as it had existed before the revolt;

(b) Sovereignty for Oman;

(c) Compensation for war damage;

(d) Release of prisoners.

The discussions were broken off and were never resumed.

#### (l) *Specific question*

169. The mission brought up a specific question raised by the representative of Chile during the seventeenth session of the General Assembly, at the 355th meeting of the Special Political Committee, namely, why did the Sultan of Muscat and Oman not send a representative to the Assembly to defend his case? Was it because he was not independent, or because he wished to give complete freedom of action to his very capable and efficient defenders?

170. The Sultan, during the discussion on 24 May 1963, in general emphasized his sovereignty and more specifically stated, firstly, that his country was not a Member of the United Nations; secondly, that he had informed the Secretary-General that the discussion by the General Assembly of the question of Oman represented interference in the affairs of his country; and thirdly, that he saw no reason why he should go to court, sit on the "bench for the accused" and be confronted with his own subjects on an equal footing.

### IX. CONCLUDING REMARKS

171. The mission wishes to stress the point that, because of the complex nature of the problems involved, it approached its task with great caution and with a special effort to examine and review facts and conditions in the most careful manner.

172. The body of the report contains the findings of the mission. In addition, the mission wishes to make the following general observations:

(a) All the people in "Oman" are, ethnically speaking, of the same racial stock, use the same language and practice the same religion;

(b) During long periods in the history of "Oman", for instance from 1821 to 1913, no Imam functioned, except from 1868-1871;

(c) "Oman" has witnessed, during the last two centuries, a struggle for power and domination between various tribes of the interior and the Sultans of Muscat. In that struggle the United Kingdom has, on a number of occasions, given support to the Sultan of Muscat;

(d) A *modus vivendi* existed for some thirty-five years between the Sultan and Imam Mohammed bin

Abdullah al-Khalili following the conclusion of the Treaty (Agreement) of Sib in 1920.

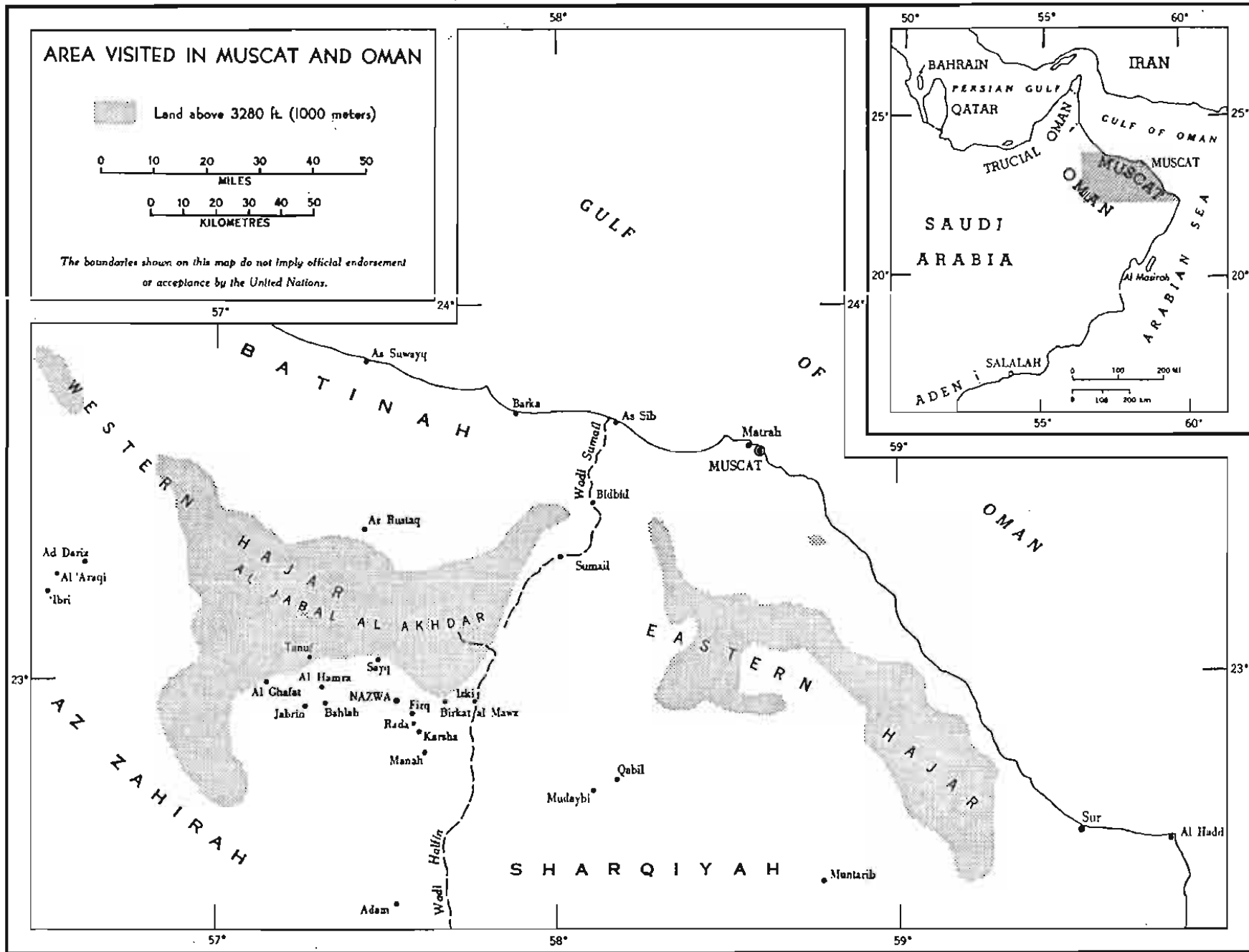
173. The mission expresses the hope that an amicable and peaceful solution between the parties concerned may be found through conciliation and negotiation. A start may be made by an undertaking to refrain from any action which might further aggravate the situation, so that an atmosphere conducive to mutual understanding may prevail.

174. In the meantime, the mission wishes to point out that additional efforts to improve the health and social conditions of the population are needed; perhaps the facilities of the United Nations and its family of organizations could be utilized in that connexion.

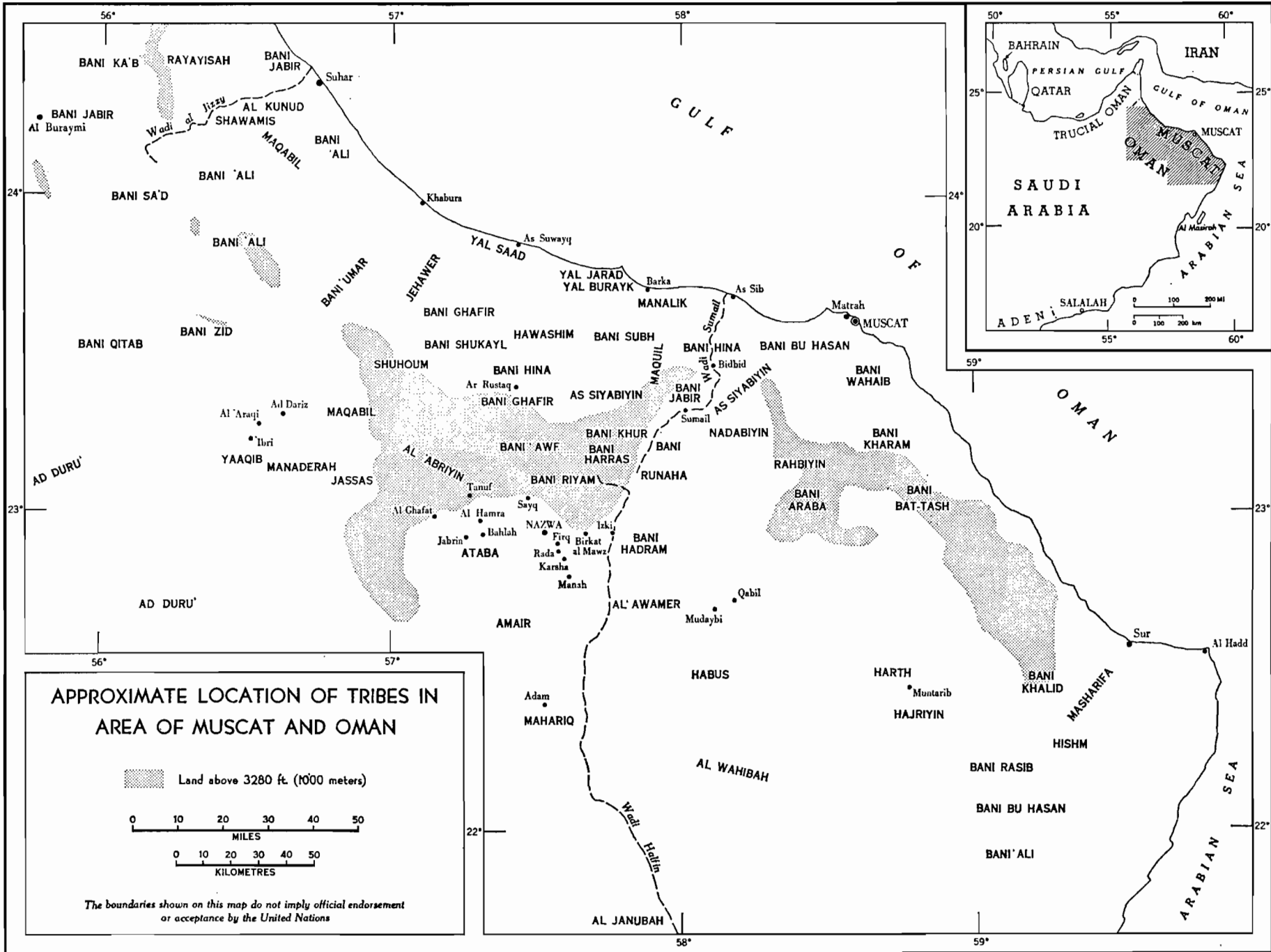
*(Annex I follows overleaf)*

ANNEX I

Area visited in Muscat and Oman







## ANNEX III

**Explanatory memorandum attached to the letter dated 29 September 1960 from ten Arab States, addressed to the Secretary-General<sup>a</sup>**

1. The Imamate of Oman lies at the south-eastern tip of the Arabian Peninsula. It is the hinterland of what is erroneously called the Sultanate of Muscat and Oman; in population and area the Imamate of Oman forms the greater part of that territory. As early as 1650, Omani troops succeeded in compelling the Portuguese, who had occupied Muscat in 1507, to evacuate the Imamate, thereby consolidating the independence and sovereignty of Oman.

2. Since the latter part of the eighteenth century when Britain sought to extend its influence over the southern part of the Arabian Peninsula to protect its imperial communications, it faced constant opposition from the people of Oman. This fact was manifested by the refusal of the people of Oman to accept as Imam, Said bin Sultan, whose rule was imposed by Britain over Muscat during the nineteenth century. Muscat maintained a hereditary Sultanate, while the people of Oman have continued for the past 1,200 years to elect their Imam. At the end of World War I, when the independence of Oman was threatened, a conflict ensued between Muscat and Oman, and led the Omani forces to lay siege to Muscat. When Muscat was about to surrender, the British intervened to settle the dispute and the Treaty of Sib was concluded between Muscat and Oman on 25 September 1920. This Treaty confirms without ambiguity the independence of Oman.

3. As is well known, the present conflict arose as a result of the constant refusal of the Imams of Oman to grant oil concessions to British companies in their territory. This led to the invasion of Oman by British-led forces resulting in the occupation of Nazwa, the capital of Oman, on 17 December 1955. Since then, the people of Oman have continued their resistance to the military aggression directed against their independence.

4. The armed aggression by the United Kingdom against the independence, sovereignty, and the territorial integrity of the Imamate of Oman was brought to the attention of the Security Council on 15 August 1957.<sup>b</sup> It is regretted that in spite of the gravity of the situation, the Security Council failed to deal with this problem. Since then, the situation has further deteriorated and British military intervention continues unabated, causing great suffering and wide-spread loss of life and property in violation of the fundamental principles of human rights. On 15 April 1959, the Imam of Oman appealed to the moral conscience of the world to put an end to these acts of repression. In June of the same year the Imam reiterated the firm determination of his people to defend their independence against United Kingdom aggression.

5. The tragic situation in Oman, where a relentless war continues, is of great concern to our Governments. The aggression against the people of Oman threatens peace and security in the Middle East, and constitutes a breach of the Charter of the United Nations and the rules of international law.

## ANNEX IV

**Draft resolutions recommended by the Special Political Committee****(a) DRAFT RESOLUTION RECOMMENDED BY THE SPECIAL POLITICAL COMMITTEE AT THE SIXTEENTH SESSION<sup>c</sup>**

*The General Assembly,  
Having discussed the question of Oman,  
Deeply concerned with the situation in Oman,*

<sup>a</sup> Official Records of the General Assembly, Fifteenth Session, Annexes, agenda item 89, document A/4521.

<sup>b</sup> Official Records of the Security Council, Twelfth Year, Supplement for July, August and September 1957, documents S/3865 and Add.1.

<sup>c</sup> Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 23, document A/5C10, para. 10.

*Recalling its resolution 1514 (XV) "Declaration on the granting of independence to colonial countries and peoples",*

1. *Recognizes* the right of the people of Oman to self-determination and independence;
2. *Calls* for the withdrawal of foreign forces from Oman;
3. *Invites* the parties concerned to settle peacefully their differences with a view to restoring normal conditions in Oman.

**(b) DRAFT RESOLUTION RECOMMENDED BY THE SPECIAL POLITICAL COMMITTEE AT THE SEVENTEENTH SESSION<sup>d</sup>**

*The General Assembly,*

*Having discussed the question of Oman,*

*Deeply concerned with the situation in Oman,*

*Convinced that a speedy restoration of independence to Oman is necessary for the peace and stability in the area,*

1. *Recognizes* the right of the people of Oman to self-determination and independence;
2. *Calls* for the withdrawal of foreign forces from Oman;
3. *Invites* the parties concerned to settle peacefully their differences in accordance with the purposes and principles of the Charter of the United Nations with a view to restoring normal conditions in Oman.

## ANNEX V

**Letter dated 7 March 1963 from the Head of the Office of the Imamate of Oman in Cairo, addressed to the Secretary-General**

I am directed by the Imam of Oman to convey to Your Excellency his thanks for the opportunity given to the Omani Delegation to put the question of Oman before the bar of the United Nations.

However, in the meantime, it is our duty to keep the Secretariat of the United Nations informed of developments of national struggle against the forces of aggression. The situation in Oman has considerably worsened since the debate of the issue in the last session of the United Nations. The United Kingdom still holds to its policy of imposing their colonial régime on our people. And the latest reports received from Oman tell of horrible massacres committed by the colonial forces against the innocent citizens.

Apart from daily military operations, the colonial forces resort to savage acts of terrorism and unlawfulness against the rank and file of our people. The colonial authorities make no secret of their tyrannical activities. People are innocently put to death, imprisoned, arrested and tortured. Illegal confiscation of properties and imposition of collective fines are common occurrence in Oman.

Up to this day the forces of occupation refuse to allow press agents and correspondents to visit Oman, in order to study the situation and report to the world public opinion. Even the Red Cross mission's appeal has been rejected. This signifies the highest degree of irresponsibility on the part of the colonial Power, to keep the whole world in darkness as what they commit in Oman.

The moral help of the United Nations has never been so essential as it is today with regard to the state of affairs in Oman.

In the circumstances, we appeal to Your Excellency to place these facts before the Members of the United Nations. The United Kingdom Government stands in Oman guilty of an act of aggression or violation of the United Nations Charter, and last but not least of all acts contradicting with the principles of international law and human value.

<sup>d</sup> *Ibid.*, Seventeenth Session, Annexes, agenda item 79, document A/5325, para. 8.

We hope further that this information will contribute in enlightening the Members of the United Nations with the present conditions in Oman, and enlist their support in solving this problem in a way commensurate with the Charter of the United Nations.

Himyer SULEIMAN  
*Head of the Office of the Imamate  
of Oman in Cairo*

**ANNEX VI**

**Letter dated 1 June 1963 from the Imam of Oman to the Secretary-General**

The Office of Imam Ghalib Bin Ali, Imam of Oman, presents its compliments to His Excellency, the Secretary-General of the United Nations, and has the pleasure in conveying to His Excellency the views of the Government of Oman concerning the visit of a United Nations mission to Oman.

The Office of the Imam of Oman has now learnt that the proposed mission has already reached Muscat with a view to making on-the-spot study of the situation in Oman, but unfortunately the Government of Oman were not made aware of this arrangement nor have they been informed of the nature of the mission, and the date of its departure, and the forms of the mission and the contacts it was going to make.

As we should have been informed in advance of this measure, and the legal authority in Oman should have been represented in this mission and their agreement obtained, we are of the opinion that the visit of the United Nations Mission to Oman without being accompanied by an official representative on behalf of the State of Oman, is a futile attempt, and unacceptable to the Government and the people of Oman.

It is evident that the mission is going to stay as guest of the colonial authorities in Muscat, and draw all their views and information from the colonial sources, a matter which would cause the mission to form mistaken views as to the actual conditions in Oman, and the rule of oppression and terrorism upon the people.

In the circumstances we feel constrained to express our strongest protest against United Nations action, and to state that we do not regard ourselves bound by the views and judgement of the United Nations mission, if such views and judgements fail to recognize the legal rights of the people of Oman.

Your Excellency will probably recall that when the idea of sending a United Nations mission to Oman was first proposed, the representatives of the Imamate of Oman in the United Nations insisted that an official representative on behalf of Oman should be included in the mission. In this view we were fully supported by the representatives of the Arab States in the United Nations.

It has, however, been felt at the time that no good could be served unless the legal Government of Oman have been given the opportunity to participate in the mission, and place their own views on the matter.

Last but not least, the people of Oman feel that they have been let down by the United Nations, and the United Nations Mission in its present form could serve no purpose other than that of the colonial authority who rule with the bullet and the gun.

We therefore appeal to Your Excellency to reconsider the matter in the light of this letter, and suspend the work of the United Nations Mission until the matter has been taken up with the representatives of the Arab States.

We look forward to hearing from Your Excellency immediately, and hope that Your Excellency's decisions in this matter will fully correspond with the principles of the Charter of the United Nations.

IMAM OF OMAN  
(Ghalib bin ALI)

**ANNEX VII**

**Schedule of meetings and discussions held by the mission**

(18 May-1 June 1963)

- 21-23 May Bahrain
- 24 May Salalah
- 25-27 May Muscat
- 28 May Qabil, Mudaybi, Bidbid
- 29 May Sumail, Izki
- 30 May Nazwa, Manah, Karsha, Rada, Firq
- 31 May Bahlah, Al Hamra', Al Ghafat
- 1 June Visit to Government Experimental Agriculture Station at Nazwa
- 2 June Ibri, Ad Dariz, Al 'Araqi
- 3 June Sayq
- 4 June Muscat
- 5 June As Suwayq
- 6 June Ar Rustaq, 'Awabi, and visit to Hospital at ar Rustaq
- 7-8 June Muscat
- 9 June Salalah
- 11-12 June Bahrain
- 13-19 June Beirut
- 20-21 June Jidda
- 22-23 June Dammam
- 24-25 June Beirut
- 27 June London

**ANNEX VIII**

**Information on the Sultan's armed forces, submitted to the mission**

I. STRENGTH OF THE SULTAN'S ARMED FORCES

	<i>All ranks</i>	
	<i>Present strength</i>	<i>Proposed future strength</i>
HQ and HQ troops.....	464	510
Two battalions .....	1,320	1,306
<i>Gendarmerie</i> .....	304	441
Recruit and tactical training centre .....	245	223
TOTAL	2,333	2,480

We are recommending that thirty British army officers be seconded in future—an increase of five. They are needed as:

- Battalion Signal Officers..... 2
- Force MT Officer..... 1
- Training Centre Instructors..... 2

We are not recommending any increase in Contract Officers of which we have at present:

- British ..... 30
- Pakistani ..... 5

The main object of our proposed reorganization is to increase the *gendarmerie* and the training facilities for locally commissioned and enlisted personnel.

## II. HISTORY OF THE SULTAN'S ARMED FORCES

(1) Around 1921 the Muscat Infantry was formed with about 230 men recruited among local people, including Gwadar (Gwadar was sold to Pakistan by the Sultan a few years ago). This was a garrison force. It never went outside Muscat. It provides for guards and escorts, etc. One British ex-army officer (on contract) was in charge. There were some Indian army officers.

(2) Around 1952 an all-Arab force (mainly from the Batinah) of some 100 men was organized along British army lines. They were stationed at Sohar, were known as the Batinah Force, and later renamed Northern Frontier Regiment. During 1954-1955 this force increased to 200.

(3) During 1953 another force was organized, the Oman Field Force. The main purpose was to support the oil company in its exploration work. It was approximately 300 men strong and was led by British officers under contract. This force was defeated by Talib's men: they ran out of ammunition, landmines demoralized them, they withdrew, were broken up and the Force was disbanded. The oil company paid towards the costs of this Force, because it was mainly responsible for ensuring the security of the company operations.

(4) Around 1958 everything was merged in agreement with the British Government, which provided military aid; RAF pilots and army officers were seconded. Second lieutenants and sergeants (not more than six for periods of four months) were made available for training purposes.

(5) The Sultan's armed forces now consist of: the Muscat Regiment; the Northern Frontier Regiment; and the Oman *gendarmerie*. The local officers amount to sixteen (maximum strength will be twenty). Lieutenant is the highest rank. A beginning has been made to train young boys of thirteen to fifteen years of age, who ultimately will replace the Pakistanis.

## ANNEX IX

Unofficial version of the Treaty (Agreement) of Sib of 25 September 1920, as quoted in *The New York Times* of 13 August 1957

In the name of God, the Compassionate, the Merciful

This is the peace agreed upon between the Government of the Sultan, Taimur ibn Faisal, and Sheikh Iso ibn Salih ibn Ali on behalf of the people of Oman whose names are signed hereto, through the mediation of Mr. Wingate, I.C.S., political agent and consul for Great Britain in Muscat, who is empowered by his Government in this respect and to be an intermediary between them. Of the conditions set forth below, four pertain to the Government of the Sultan and four pertain to the people of Oman.

Those pertaining to the people of Oman are:

1. Not more than 5 per cent shall be taken from anyone, no matter what his race, coming from Oman to Muscat or Matrah or Sur or the rest of the towns of the coast.

2. All the people of Oman shall enjoy security and freedom in all the towns of the coast.

3. All restrictions upon everyone entering and leaving Muscat and Mutrah and all the towns shall be removed.

4. The Government of the Sultan shall not grant asylum to any criminal fleeing from the justice of the people of Oman. It shall return him to them if they request it to do so. It shall not interfere in their internal affairs.

The four conditions pertaining to the Government of the Sultan are:

1. All the tribes and sheikhs shall be of peace with the Sultan. They shall not attack the towns of the coast and shall not interfere in his Government.

2. All those going to Oman on lawful business and for commercial affairs shall be free. There shall be no restrictions on commerce, and they shall enjoy security.

3. They shall expel and grant no asylum to any wrongdoer or criminal fleeing to them.

4. The claims of merchants and others against the people of Oman shall be heard and decided on the basis of justice according to the law of Islam.

WRITTEN on 11 Muharram 1339, corresponding to 25 September 1920.

## DOCUMENT A/5657

## Report of the Fourth Committee

[Original text: English]  
[10 December 1963]

1. In a letter dated 9 September 1963 addressed to the Secretary-General (A/5492), Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic and Yemen requested the inclusion in the agenda of the eighteenth session of the General Assembly of an item entitled "The question of Oman". On 16 September the sponsors submitted an explanatory memorandum (A/5492/Add.1).

2. The General Committee, in its first report dated 19 September 1963 (A/5530), recommended the inclusion of the item in the agenda and its allocation to the Fourth Committee. At its 1210th plenary meeting, on 20 September, the General Assembly approved the recommendations of the General Committee and thereby allocated the item "Question of Oman" to the Fourth Committee for its consideration.

3. In connexion with the consideration of this item, the Committee granted the following requests for hearings:

Petitioner	Meeting at which the request was granted
Representative of the Committee for the Rights of Oman (A/C.4/604) .....	1436th
Sheikh Talib bin Ali al-Hani, "Representative of Omani delegation" (A/C.4/604/Add.2)....	1494th

4. At the 1495th meeting, on 29 November, the Committee began the hearing of petitioners with a statement by Sheikh Talib bin Ali al-Hani. Mr. Faris Glubb, representing the Committee for the Rights of Oman, made a statement at the 1496th meeting, on 2 December. At the 1496th, 1497th and 1498th meetings, on 2 and 3 December, the two petitioners answered questions put to them by members of the Committee. Mr. Faris Glubb made a further statement to the Committee at the 1505th meeting, on 6 December.

5. At the 1436th meeting, on 3 October, the Committee decided to circulate as a document a memorandum on "The legal and historical aspects of the Oman question" submitted by Mr. Robert Edwards,

M.P., Chairman of the Committee for the Rights of Oman (A/C.4/604/Add.1). At the 1462nd meeting, on 30 October, the Committee decided to circulate as a document a communication dated 26 October 1963 concerning this item from "Said bin Taimur, Sultan of Muscat and Oman" (A/C.4/619). At the 1504th meeting, on 6 December, the Chairman informed the Committee of the contents of a further communication dated 5 December from Sultan Said bin Taimur.

6. The Committee also had before it a report by Mr. Herbert de Ribbing, Special Representative of the Secretary-General, on his visit to Oman (A/5562).

7. The general debate on the item took place at the 1498th to 1504th meetings, from 3 to 6 December. The Committee decided that the statements made by the representative of Syria (A/C.4/627) and by the representative of the United Kingdom (A/C.4/628) at the 1499th meeting, by the representative of Ceylon at the 1500th meeting (A/C.4/629) and by the representative of Chile at the 1502nd meeting (A/C.4/631) should be circulated as documents.

8. The Committee continued its consideration of the item at its 1505th to 1508th meetings, on 6, 9 and 10 December.

9. At the 1503rd meeting, on 5 December, the representative of Tunisia introduced a draft resolution sponsored jointly by Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia (A/C.4/L.783 and Corr.1). This draft resolution read as follows:

*"The General Assembly,*

*"Having discussed the question of Oman,*

*"Deeply concerned with the situation persisting there,*

*"Recalling resolution 1514 (XV),*

*"1. Recognizes the right of the people of Oman to self-determination and independence;*

*"2. Invites the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to examine the situation in Oman and to submit a report to the General Assembly at its nineteenth session."*

10. At the 1504th meeting, on 6 December, the representative of Tunisia introduced on behalf of the co-sponsors a revised text of the draft resolution (A/C.4/L.783/Rev.1), which deleted operative paragraph 1 of the original draft resolution.

11. At the 1506th meeting, on 9 December, the representative of Brazil informed the Committee that a draft resolution on this item, jointly sponsored by a number of delegations, had been handed to the Secretariat and that it would be formally introduced as soon as it had been circulated to members.

12. At the 1507th meeting, on the same day, the representative of Brazil introduced this draft resolution (A/C.4/L.784) which was sponsored by Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, Uruguay and Venezuela. He also proposed that priority in voting be given to this draft resolution.

13. In accordance with rule 154 of the rules of procedure of the General Assembly, the representative of the Secretary-General informed the Committee that should the General Assembly adopt draft resolution A/C.4/L.784, additional expenditures would arise in 1964. The exact level of those expenditures was difficult to determine at that time and would not be known until the proposed *Ad Hoc* Committee had determined its programme of work. However, it was reasonable to assume that the Committee would make at least one visit to the area, accompanied by the necessary supporting staff. Such a visit would cost \$30,000 for travel, subsistence and other miscellaneous expenditures. That estimate was based on the assumption that the visit would be of three weeks' duration. In the event that the expenses might exceed that amount, the Secretary-General would propose to meet any further requirements under the terms of paragraph 1 of the resolution relating to unforeseen and extraordinary expenses for the financial year 1964.

14. At the same meeting, the Committee decided, without objection, to give priority in voting to draft resolution A/C.4/L.784. The Committee then adopted this draft resolution by a roll-call vote of 95 to 1, with 7 abstentions. The voting was as follows:

*In favour:* Albania, Algeria, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cambodia, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Peru, Philippines, Poland, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia.

*Against:* United Kingdom of Great Britain and Northern Ireland.

*Abstaining:* Afghanistan, Australia, France, Iceland, Liberia, Tunisia, United States of America.

15. Following the adoption of draft resolution A/C.4/L.784, the Committee, on the proposal of the Chairman, decided not to vote on draft resolution A/C.4/L.783/Rev.1.

#### **Recommendation of the Fourth Committee**

16. The Fourth Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

#### **QUESTION OF OMAN**

*[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]*

## DOCUMENT A/5658

**Financial implications of the draft resolution submitted by the Fourth Committee in document A/5657  
Report of the Fifth Committee**

[Original text: English/French]  
[10 December 1963]

1. In accordance with rule 154 of the rules of procedure of the General Assembly, the Fifth Committee considered, at its 1054th meeting on 10 December 1963, the financial implications of the draft resolution on the question of Oman submitted by the Fourth Committee (A/5657, para. 16).

2. For its consideration of the item, the Committee had before it a note by the Secretary-General (A/C.5/1004) in which it was indicated that, while the adoption of the draft resolution would entail additional expenditure in 1964, particularly in connexion with possible visits to the area by the proposed *ad hoc* committee, the volume of expenditure could not be forecast with accuracy. On the assumption, however, that the *ad hoc* committee would make one visit to the area for a period of three weeks, accompanied by four staff members, the cost was estimated at \$50,000, the necessary provision to be made under section 18—Special Missions—of the 1964 budget. The Secretary-General proposed that, if the requirements exceeded that figure, he should have recourse to paragraph 1 of the General Assembly resolution relating to unforeseen and extraordinary expenses for the financial year 1964 in order to cover any such excess.

3. The Chairman of the Advisory Committee on Administrative and Budgetary Questions presented orally the report of that Committee, in which the point was made that, because of the difficulty of estimating at the present stage the budgetary requirements for the *ad hoc* committee, the additional appropriation under section 18 of the 1964 budget should be limited to \$20,000.

4. The hope was expressed in the Committee that, in accordance with operative paragraph 2 of the draft resolution, all the parties concerned would co-operate with the *ad hoc* committee by all possible means, including facilitating visits to the area, so that expenditure might be reduced.

5. By 67 votes to none, with 1 abstention, the Fifth Committee decided, in accordance with the recommendation of the Advisory Committee, to inform the General Assembly that the adoption for the year 1964 of the draft resolution submitted by the Fourth Committee (A/5657, para. 16) would give rise to additional expenditure for which an appropriation of \$20,000 should be made under section 18 of the 1964 budget estimates; any expenditure in excess of this amount to be met by recourse to paragraph 1 of the General Assembly resolution relating to unforeseen and extraordinary expenses for the year 1964.

## DOCUMENT A/C.4/619

**Telegram dated 26 October 1963 from the Sultan of Muscat and Oman  
to the President of the General Assembly**

[Original text: English]  
[31 October 1963]

Muscat, 26 October 1963

Your Excellency,

Last session the General Assembly rejected, as it had also done the previous year, a resolution expressing judgement on matters exclusively within our jurisdiction. Notwithstanding, the same subject is to be debated again this year, and, even more incongruously, in the Committee dealing with trusteeship matters and Non-Self-Governing Territories. We are compelled once again to remind the distinguished delegates that we continue to hold sole responsibility for all matters within our territories, which are sovereign and independent, not subject to any form of trusteeship nor in any sense non-self-governing. It was because we thought that these fundamental considerations might have been misunderstood by some delegates that we invited the Secretary-General to send an impartial observer to report on the situation in the Sultanate. His report<sup>24</sup> is now available to all who are interested and we hope that this will put an end to the matter. We request that this communication be circulated to all Members of the United Nations.

Said bin Taimur, Sultan of Muscat and Oman

<sup>24</sup> A/5562.



**DOCUMENT A/C.5/1004**

**Financial implications of the draft resolution submitted by the Fourth Committee in document A/5657**

**Note by the Secretary-General**

[Original text: English]  
[10 December 1963]

1. The operative paragraphs of the draft resolution submitted by the Fourth Committee (A/5657, para 16), *inter alia*, call for (a) the establishment of an *ad hoc* committee composed of five Member States appointed by the President of the General Assembly to examine the question of Oman, (b) the co-operation of all parties concerned, with the *ad hoc* committee "by all possible means, including that of facilitating visits to the area" and (c) the rendering of "all necessary assistance" to the *ad hoc* committee by the Secretary-General.

2. The Fourth Committee was informed in accordance with rule 154 of the rules of procedure of the General Assembly that while the adoption of the draft resolution by the General Assembly would entail additional expenditure in 1964, particularly in regard to possible visits to the area by the proposed *ad hoc* committee, it was difficult to forecast at that time the actual level of such expenditure. The Committee was, however, also informed that on the assumption that the *ad hoc* committee, together with supporting staff, might make one visit to the area for a period of three weeks, an additional expenditure estimated at \$30,000 would arise and that in the event the expenditure exceeded this amount, the Secretary-General would propose to meet such further requirements by recourse to paragraph 1 of the General Assembly resolution relat-

ing to unforeseen and extraordinary expenses for the financial year 1964.

3. The estimate of \$30,000 mentioned above also assumes that the visiting group would consist of all the five members of the *ad hoc* Committee and four staff members including one from the Language Services. The details of the estimate are as follows:

	<i>United States dollars</i>
<i>Travel</i> (New York/Sharjah/New York)	
5 representatives .....	9,750
4 staff members .....	5,120
<i>Subsistence</i> (3 weeks in the mission area and 6 days in transit)	
5 representatives .....	2,650
4 staff members .....	1,550
<i>Other expenses</i> (including local transportation, communications, freight, miscellaneous supplies and services) .....	11,000
<b>TOTAL</b>	<b>30,070</b>

4. The Secretary-General requests that in the event of adoption of the draft resolution under reference by the General Assembly, an additional appropriation of \$30,000 be made in section 18—Special missions—to cover the expenditure detailed above.

**ACTION TAKEN BY THE GENERAL ASSEMBLY**

At its 1277th plenary meeting, on 11 December 1963, the General Assembly adopted the draft resolution submitted by the Fourth Committee (A/5657, para. 16). For the final text, see resolution 1948 (XVIII) below.

**Resolution adopted by the General Assembly**

1948 (XVIII). QUESTION OF OMAN

*The General Assembly,*

*Having discussed* the question of Oman,

*Having heard* the petitioners,

*Deeply concerned* with the situation existing in Oman,

*Taking note* of the report of the Special Representative of the Secretary-General (A/5562) and thanking him for his efforts,

*Taking into consideration* the fact that in that report it is recognized that in the course of his mission the Special Representative did not have the time to evaluate the territorial, historical and political issues involved in the problem, nor did he consider himself competent to do so,

1. *Decides* to establish an *Ad Hoc* Committee composed of five Member States appointed by the Presi-

dent of the General Assembly to examine the question of Oman;

2. *Calls upon* all the parties concerned to co-operate with the *Ad Hoc* Committee by all possible means, including that of facilitating visits to the area;

3. *Requests* the *Ad Hoc* Committee to report to the General Assembly at its nineteenth session;

4. *Requests* the Secretary-General to render all necessary assistance to *Ad Hoc* Committee.

*1277 plenary meeting,*  
*11 December 1963.*

\* \* \*

*The President of the General Assembly, in pursuance of paragraph 1 of the above resolution, appointed the members of the Ad Hoc Committee on Oman.<sup>25</sup>*

*The Ad Hoc Committee will be composed of the following Member States: AFGHANISTAN, COSTA RICA, NEPAL, NIGERIA and SENEGAL.*

<sup>25</sup> See A/5688.

## CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 78 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5530	First report of the General Committee	<i>Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 8</i>
A/5688	Note by the Secretary-General	Mimeographed
A/C.4/604 and Add.1	Requests for hearing: letter dated 24 September 1963 from Mr. Robert Edwards, M.P., Chairman of the Committee for the Rights of Oman, addressed to the Secretary-General; and enclosed memorandum	Ditto
A/C.4/604/Add.2	Requests for hearings: letter dated 27 November 1963 from Sheik Talib bin Ali al-Hawi to the Chairman of the Fourth Committee	Ditto
A/C.4/627	Statement by the representative of Syria at the 1499th meeting of the Fourth Committee	Mimeographed; for summary see A/C.4/SR.1499, paras. 2-24
A/C.4/628	Statement by the representative of the United Kingdom of Great Britain and Northern Ireland at the 1499th meeting of the Fourth Committee	<i>Idem</i> , paras. 28-54
A/C.4/629	Statement by the representative of Ceylon at the 1500th meeting of the Fourth Committee	Mimeographed; for summary see A/C.4/SR. 1500, paras. 14-35
A/C.4/631	Statement by the representative of Chile at the 1502nd meeting of the Fourth Committee	Mimeographed; for summary see A/S.4/SR.1502, paras. 34-41
A/C.4/L.783 and Corr.1	Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	See A/5657, para. 9
A/C.4/L.783/Rev.1	Afghanistan, Algeria, Indonesia, Iraq, Jordan, Kuwait, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Somalia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: revised draft resolution	<i>Ibid.</i> , para. 10
A/C.4/L.784	Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Peru, Uruguay and Venezuela: draft resolution	Adopted without change. See A/5657, para. 16
A/C.4/L.785	Draft report of the Fourth Committee	For the text of this document, as amended by the Fourth Committee at its 1509th meeting, see A/5657
A/SPC/L.78 and Add.1	Afghanistan, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	<i>Official Records of the General Assembly, Sixteenth Session, Annexes, agenda item 23, document A/5010, para. 10</i>
A/SPC/L.88	Afghanistan, Algeria, Guinea, Indonesia, Iraq, Jordan, Lebanon, Libya, Mali, Mauritania, Morocco, Saudi Arabia, Sudan, Syria, Tunisia, United Arab Republic, Yemen and Yugoslavia: draft resolution	<i>Ibid.</i> , <i>Seventeenth Session, Annexes, agenda item 79, document A/5325, para. 8</i>



**Agenda item 79: Designation of 1968 as International Year for Human Rights\***

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Third Committee*, 1283rd and 1284th meetings; and *ibid.*, *Plenary Meetings*, 1279th meeting.

**DOCUMENTS A/5493 AND ADD.1**

**Jamaica: request for the inclusion of an additional item in the agenda of the eighteenth session**

**DOCUMENT A/5493**

**Note verbale dated 10 September 1963 from the Permanent Mission of Jamaica to the Secretary-General**

[Original text: English]  
[11 September 1963]

**EXPLANATORY MEMORANDUM**

1. The Permanent Mission of Jamaica to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour, on the instructions of the Government of Jamaica, to propose the inclusion in the agenda of the General Assembly at its eighteenth session of the following additional item: "Designation of 1968 as International Year for Human Rights", in accordance with rule 15 of the rules of procedure of the General Assembly.

2. In compliance with rule 20, the Permanent Mission of Jamaica will forward an explanatory memorandum and a draft resolution.

**DOCUMENT A/5493/ADD.1**

**Explanatory memorandum**

[Original text: English]  
[18 September 1963]

1. On 8 October 1962, the Hon. Hugh Shearer, Minister without Portfolio and Leader of Government Business in the Senate of Jamaica, proposed in a statement to the 1145th plenary meeting of the General Assembly that the United Nations concern in the field of human rights should be intensified through an International Year for Human Rights. The intention of the Minister's proposal was that, in a particular calendar year to be so designated by the United Nations, efforts should be intensified by Member Governments to see

that the fullest practical effect is given within their borders to the rights and freedoms set forth in the Universal Declaration of Human Rights.

2. The year 1968 will be the twentieth anniversary of the Universal Declaration of Human Rights and the United Nations, the specialized agencies and the Governments of Member States, together with non-governmental organizations, will wish to combine their efforts in celebrating its anniversary with appropriate ceremonies.

3. The Jamaica delegation therefore proposes that the year 1968 should combine the celebration of the twentieth anniversary of the Universal Declaration of Human Rights with the proposed period of intensive effort in the field of human rights and an international review of the progress made in giving effect to these rights.

4. It is suggested that, during the International Year for Human Rights, activities of the following kinds could be undertaken by Member Governments with the co-operation of their domestic non-governmental organizations and of the United Nations organs and the specialized agencies:

(a) For the purposes of the celebrations, each month or other convenient period of the year would be identified with a particular right and freedom or a particular group of rights and freedoms. Publicity and educational efforts would be concentrated on these rights or groups of rights during that period;

(b) During each period Governments would review their domestic legislation and the practices within their society in respect of the particular right or freedom against the standards set by the Universal Declaration of Human Rights. They would identify those rights which had been effectively secured, give publicity to them and make special efforts to promote amongst their citizens of all ages a basic understanding of the nature

and significance of these rights so that the gains already made might not easily be lost in the future. Where particular rights and freedoms had not yet been effectively secured further efforts would be made towards their achievement;

(c) Under the aegis of the United Nations or its specialized agencies special international meetings might be convened at which the progress towards achieving the rights and freedoms set forth in the Universal Declaration would be reviewed;

(d) Certain international conventions in the field of human rights, although open for ratification, have not yet been adhered to by all eligible States. These include: the Convention relating to the Status of Refugees; the Convention relating to the Status of Stateless Persons; the Convention on the Political Rights of Women; and the ILO Convention concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. The United Nations would endeavour to have all eligible States accede to these Conventions during 1968 if they had not already done so

(e) The United Nations and the specialized agencies, in co-operation with Member Governments of the United Nations, would intensify their efforts to secure the completion and ratification of other international conventions in the fields of human rights which are still in the process of study and preparation. Examples of

such conventions are: the draft Covenant on Civil and Political Rights; the draft Covenant on Economic, Social and Cultural Rights; and the draft Convention on Freedom of Information.

5. Inevitably the year 1968 would become a target year towards which the United Nations and Member Governments would work. Their efforts would be intensified in the intervening years so that the maximum possible progress might be reported by 1968. All Member Governments, for example, would endeavour to ensure that by 1968 they could report, in so far as their territories were concerned, that the grosser and more obvious denials of human rights such as slavery, the slave trade and institutions and practices resembling slavery, discrimination in respect of employment and occupation, and all forced labour, had been eliminated.

6. The Jamaica delegation intends to submit for consideration during the eighteenth session of the General Assembly a draft resolution proposing that:

(a) The year 1968 be designated International Year for Human Rights;

(b) The Commission on Human Rights be requested to work out a programme of activities for the celebration of that year and to report, with recommendations, through the Economic and Social Council, to the General Assembly at its nineteenth session.

## DOCUMENT A/5660

### Report of the Third Committee

[Original text: English]  
[11 December 1963]

1. By a *note verbale* dated 10 September 1963 (A/5493), the Permanent Representative of Jamaica requested that the item entitled "Designation of 1968 as International Year for Human Rights" be included in the agenda of the eighteenth session of the General Assembly. At its 1209th plenary meeting on 20 September 1963, the General Assembly decided to include it in the agenda as item 79 and to allocate it to the Third Committee for consideration and report.

2. The Third Committee considered the item at its 1283rd and 1284th meetings held on 6 and 9 December 1963.

3. In an explanatory memorandum of 18 September 1963 (A/5493/Add.1) submitted by Jamaica, it was proposed that the year 1968 should combine the celebration of the twentieth anniversary of the Universal Declaration of Human Rights with a period of intensive effort in the field of human rights and an international review of the progress made in giving effect to those rights.

4. At the 1283rd meeting of the Third Committee, Afghanistan, Argentina, Brazil, Costa Rica, El Salvador, Ghana, India, Iraq, Italy, Ivory Coast, Jamaica, Liberia, Nigeria, Saudi Arabia, Trinidad and Tobago, Uganda and Uruguay submitted a draft resolution (A/C.3/L.1181/Rev.1). At the 1283rd meeting, the sponsors of the draft resolution, together with Ecuador and Guatemala submitted a revised draft resolution

(A/C.3/L.1181/Rev.2). At the 1284th meeting, the sponsors of the revised nineteen-Power draft resolution withdrew that text and reverted to draft resolution A/C.3/L.1181/Rev.1, modified by replacing the word "interval" by the words "intervening years" in the sixth paragraph of the preamble.

5. The representative of Israel orally proposed the insertion of the words "representing a lasting contribution to the cause of human rights", between the words "activities" and "to" in operative paragraph 2 (a).

6. The amendment of Israel was adopted by 23 votes to 11, with 37 abstentions.

7. Operative paragraph 2 (a), as amended, was adopted by a vote of 67 to none, with 8 abstentions.

8. The nineteen-Power draft resolution as a whole (A/C.3/L.1181/Rev.1), as amended, was adopted unanimously.

#### *Recommendation of the Third Committee*

9. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1279th plenary meeting, on 12 December 1963, the General Assembly adopted the draft resolution submitted by the Third Committee (A/5660, para. 9). For the final text, see resolution 1961 (XVIII) below.

### Resolution adopted by the General Assembly

1961 (XVIII). DESIGNATION OF 1968 AS INTERNATIONAL YEAR FOR HUMAN RIGHTS

#### *The General Assembly,*

*Noting* that the year 1968 will be the twentieth anniversary of the adoption and proclamation by the General Assembly of the Universal Declaration of Human Rights,

*Taking into account* the fact that, since the adoption of the Declaration, a substantial measure of progress has been achieved in giving effect to these human rights and fundamental freedoms,

*Recognizing* that in spite of such progress the effective realization of the human rights and fundamental freedoms proclaimed in the Declaration remains unsatisfactory in some parts of the world,

*Believing* that the cause of human rights will be well served by an increasing awareness of the extent of the progress made,

*Convinced* that an appropriate way of celebrating the twentieth anniversary of the proclamation of the Declaration is to devote the year 1968 to intensified national and international efforts and undertakings in the field of human rights, and also to an international review of the achievements in this field,

*Confident* that the designation of the year 1968 as such a year of international review will encourage all Member States and interested organizations to intensify their efforts in the intervening years, so as to show the maximum possible progress by that time,

1. *Designates* the year 1968 as International Year for Human Rights;

2. *Requests* the Economic and Social Council to invite the Commission on Human Rights at its forthcoming sessions, with the assistance of the Secretary-General:

(a) To prepare, for consideration by the General Assembly, a programme of measures and activities representing a lasting contribution to the cause of human rights, to be undertaken by the United Nations, by Member States and by the specialized agencies during the year 1968, in celebration of the twentieth anniversary of the adoption of the Universal Declaration of Human Rights and in furtherance of the objectives of the present resolution;

(b) To prepare, for consideration by the General Assembly, suggestions for a list of goals in the field of human rights to be achieved by the United Nations not later than the end of 1968;

(c) To submit the programme of measures and activities and the suggestions for the list of goals in time for their consideration by the General Assembly at its twentieth session;

3. *Invites* the specialized agencies to render all assistance to the Commission on Human Rights in the preparation of the programme of measures and activities to be undertaken during the International Year for Human Rights in celebration of the twentieth anniversary of the Declaration;

4. *Invites* all Member States to intensify their domestic efforts in the field of human rights with the assistance of their appropriate organizations, in order that a fuller and more effective realization of these rights and freedoms might be achieved and might be reported at the proposed international review of such achievements in 1968 and thereafter.

*1279th plenary meeting,  
12 December 1963.*

## CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 79 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/C.3/L.1181	Afghanistan, Argentina, Brazil, Costa Rica, El Salvador, Ghana, India, Iraq, Italy, Ivory Coast, Jamaica, Liberia, Nigeria, Saudi Arabia, Trinidad and Tobago, Uganda and Uruguay: draft resolution	Replaced by A/C.3/L.1181/Rev.1
A/C.3/L.1181/Rev.1	Afghanistan, Argentina, Brazil, Costa Rica, El Salvador, Ghana, India, Iraq, Italy, Ivory Coast, Jamaica, Liberia, Nigeria, Saudi Arabia, Trinidad and Tobago, Uganda and Uruguay: revised draft resolution	See A/5660, paras. 4-9
A/C.3/L.1181/Rev.2	Afghanistan, Argentina, Brazil, Costa Rica, Ecuador, El Salvador, Ghana, Guatemala, India, Iraq, Italy, Ivory Coast, Jamaica, Liberia, Nigeria, Saudi Arabia, Trinidad and Tobago, Uganda and Uruguay: revised draft resolution	See A/5660, para. 4



**Agenda item 80: Restoration of the lawful rights of the People's Republic of China  
in the United Nations\***

**C O N T E N T S**

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Plenary Meetings*, 1242nd to 1244th, 1247th, 1248th and 1251st meetings; and *ibid.*, *General Committee*, 153rd meeting.

**DOCUMENT A/5498**

**Albania: request for the inclusion of an additional item in the agenda of the eighteenth session**

[*Original text: French*]  
[16 September 1963]

LETTER DATED 16 SEPTEMBER 1963 FROM THE MINISTER FOR FOREIGN AFFAIRS OF ALBANIA ADDRESSED TO THE SECRETARY-GENERAL

On the instructions of the Government of the People's Republic of Albania, I have the honour to request, in accordance with rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the eighteenth session of the General Assembly of the following item of an important and urgent character:

"Restoration of the lawful rights of the People's Republic of China in the United Nations."

(*Signed*) Behar SHTYLLA  
*Minister for Foreign Affairs of the  
People's Republic of Albania*

**EXPLANATORY MEMORANDUM**

1. The question of the restoration of the lawful rights of the People's Republic of China in the United Nations has a direct connexion with that of respect for the fundamental purposes and principles of the United Nations, and with the very fate of the Organization and its ability to achieve the main purposes laid down in the Charter.

2. For fourteen years the principles of the Charter have been systematically violated in the matter of the restoration of the lawful rights of the People's Republic of China in the United Nations. Because of the obstructive attitude of certain States Members of the United Nations, in particular the United States of America, which has occupied Taiwan and other Chinese islands and is holding them by force of arms, and which is pursuing a hostile policy towards the People's Republic of China, the latter has not yet occupied the

place in the United Nations to which it is fully entitled. This place continues to be illegally occupied by the Chiang Kai-shek clique, which was repudiated by the Chinese people in its triumphant revolution in 1949, and which has sought refuge on Taiwan under the protection of the bayonets of United States imperialists.

3. The People's Republic of China, a country with a population equal to one quarter of the world total, is a socialist, thoroughly democratic and peaceful State which has won impressive victories in the peaceful construction of the country, which pursues a consistent policy of international peace and co-operation, and which is a resolute champion of the rights of all peoples to freedom, democracy and social progress.

4. China is a founder Member of the United Nations and a permanent member of the Security Council. The Government of the People's Republic of China is the only Government which represents China, the only Government which is capable of carrying out the obligations incumbent upon the States Members of the United Nations under the Charter and which not only exercises undisputed authority in China but also enjoys the complete and whole-hearted support of the great Chinese people, 650 million strong.

5. The Government of the People's Republic of China maintains and constantly develops good-neighbourly relations and co-operation in various spheres with other States on the basis of the principles of the peaceful coexistence of States having different social systems. It has concluded treaties of friendship and co-operation with several States and it advocates the settlement of disputes by negotiation, as is borne out by the frontier settlements reached with neighbouring countries such as Burma, Nepal, Pakistan and Afghanistan.



6. The refusal to restore the lawful right of the People's Republic of China in the United Nations is not only a great injustice toward the Chinese people, but also a grave breach of international law and of the fundamental principles of the Charter. It is an act contrary to the interests of international peace and co-operation and prejudicial to the interests of the United Nations itself.

7. The restoration of the rights of the People's Republic of China in the United Nations is a question of an important and urgent character.

8. The Government of the People's Republic of Albania deems it necessary to submit this item to the General Assembly for the latter's consideration at its eighteenth session. It deems it essential that the General Assembly should immediately restore the lawful rights of the People's Republic of China in the United Nations, and at the same time should expel the representatives of the Chiang Kai-shek clique from the United Nations.

#### DOCUMENT A/L.427 AND ADD.1<sup>1</sup>

##### Albania and Cambodia: draft resolution

[Original text: French]  
[11 October 1963]

*The General Assembly,*

*Considering* the restoration of the lawful rights of the People's Republic of China in the United Nations indispensable to the consolidation of the Organization and to the cause to which it is committed under the United Nations Charter,

*Bearing in mind* that only representatives of the Government of the People's Republic of China are competent to represent China in the United Nations and all its organs,

1. *Resolves* that the representatives of Chiang Kai-shek, who are illegally occupying China's place in the Organization, shall be immediately removed from all United Nations organs;

2. *Invites* the Government of the People's Republic of China to send representatives to occupy China's place in the United Nations and all its organs.

#### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1248th plenary meeting, on 21 October 1963, the General Assembly rejected the draft resolution submitted by Albania and Cambodia (A/L.427 and Add.1).

<sup>1</sup>The purpose of document A/L.427/Add.1 dated 14 October 1963 was to add Cambodia as a co-sponsor of the draft resolution.



**Agenda item 81: Question of the composition of the General Committee of the General Assembly\***

**Agenda item 82: Question of equitable representation on the Security Council and the Economic and Social Council\***

**Agenda item 12: Report of the Economic and Social Council (chapter XIII (section VI))**

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\* For the discussion of these items, see *Official Records of the General Assembly, Eighteenth Session, Special Political Committee*, 417th to 429th meetings; and *ibid.*, *Plenary Meetings*, 1285th meeting.

**DOCUMENT A/5519**

**Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Malaysia, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta and Yemen: request for the inclusion of an additional item in the agenda of the eighteenth session**

[Original text: English]  
[17 September 1963]

LETTER DATED 16 SEPTEMBER 1963 FROM THE PERMANENT REPRESENTATIVES OF AFGHANISTAN, ALGERIA, BURMA, CAMBODIA, CAMEROON, CEYLON, CONGO (BRAZZAVILLE), CONGO (LEOPOLDVILLE), CYPRUS, DAHOMEY, ETHIOPIA, GABON, GHANA, GUINEA, INDIA, INDONESIA, IRAN, IRAQ, IVORY COAST, JAPAN, JORDAN, KUWAIT, LAOS, LEBANON, LIBERIA, LIBYA, MALAYSIA, MALI, MOROCCO, NEPAL, NIGER, NIGERIA, PAKISTAN, PHILIPPINES, RWANDA, SENEGAL, SIERRA LEONE, SOMALIA, SUDAN, SYRIA, TANGANYIKA, THAILAND, TOGO, TUNISIA, UGANDA, UNITED ARAB REPUBLIC, UPPER VOLTA AND YEMEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

procedure of the General Assembly, the inclusion of an additional item entitled "Question of the composition of the General Committee of the General Assembly" in the provisional agenda of the eighteenth regular session of the United Nations General Assembly. In accordance with rule 20 of the rules of procedure, an explanatory memorandum is attached.

*The Permanent Representatives of the following countries:*

(Signed)	(Signed)
Abdul Hakim TABIBI	BA THAUNG
<i>Afghanistan</i>	<i>Burma</i>
Idris JAZAIRY	CAIMEROM MEASKETH
<i>Algeria</i>	<i>Cambodia</i>

1. On the instructions of our Governments, we have the honour to request, under rule 15 of the rules of

(Signed)	(Signed)	(Signed)	(Signed)
Benoît BINDZI <i>Cameroon</i>	Nathan BARNES <i>Liberia</i>	E. NDAWULA <i>Uganda</i>	Jean-Baptiste TAPSODA <i>Upper Volta</i>
R. S. S. GUNewardENE <i>Ceylon</i>	M. A. EL-MASRI <i>Libya</i>	Mahmoud RIAD <i>United Arab Republic</i>	Yahya H. GEGHMAN <i>Yemen</i>
T. M. GUINDO-YAYOS <i>Congo (Brazzaville)</i>	ONG Yoke Lin <i>Malaysia</i>		
Théodore IDZUMBUIR <i>Congo (Leopoldville)</i>	Sori COULIBALY <i>Mali</i>		
Zenon ROSSIDES <i>Cyprus</i>	Dey Ould SIDI BABA <i>Morocco</i>		
Huguette ACHARD <i>Dahomey</i>	Ram C. MALHOTRA <i>Nepal</i>		
Girma ABEBE <i>Ethiopia</i>	Illa SALIFOU <i>Niger</i>		
Aristide ISSEMBE <i>Gabon</i>	S. O. ADEBO <i>Nigeria</i>		
Alex QUAISSON-SACKEY <i>Ghana</i>	V. A. HAMDANI <i>Pakistan</i>		
DIALLO Telli <i>Guinea</i>	H. J. BRILLANTES <i>Philippines</i>		
K. Natwar SINGH <i>India</i>	C. MUDENGE <i>Rwanda</i>		
L. N. PALAR <i>Indonesia</i>	Charles DELGADO <i>Senegal</i>		
M. VAKIL <i>Iran</i>	Gershon B. O. COLLIER <i>Sierra Leone</i>		
Adnan PACHACHI <i>Iraq</i>	Omer Q. ARTEH <i>Somalia</i>		
Julien KACOU <i>Ivory Coast</i>	Sir-E.-Khatim EL SANOUSI <i>Sudan</i>		
A. MATSUI <i>Japan</i>	S. TFRAZI <i>Syria</i>		
A. M. RIFA'I <i>Jordan</i>	K. R. BAGHDELEH <i>Tanganyika</i>		
Rashid A. AL-RASHID <i>Kuwait</i>	Chan nian KIATTINAT <i>Thailand</i>		
S. RATSAPHONG <i>Laos</i>	John ABALO <i>Togo</i>		
Georges HAKIM <i>Lebanon</i>	Taïeb SLIM <i>Tunisia</i>		

## EXPLANATORY MEMORANDUM

1. Rule 38 of the rules of procedure of the General Assembly lays down that the General Committee shall be so constituted as to ensure its representative character. In view of the fact that a large increase in recent years has taken place in the membership of the United Nations, particularly from Asia and Africa, the General Committee has lost its representative character and no longer reflects the principle of equitable geographical distribution.

2. The General Assembly last changed the composition of the General Committee in 1957 by its resolution 1192 (XII). By this resolution, the Assembly increased the number of Vice-Presidencies from nine to thirteen and confirmed the practice which had evolved over the years with regard to the distribution of the chairmanships of the Main Committees among the various regions. It will be recalled that the increase in the number of Vice-Presidencies was effected at that time in order that the composition of the General Committee might reflect more closely the increase over the years in the membership of the United Nations, particularly from Asia and Africa. When the resolution was adopted, the membership of the Organization stood at eighty-two, of which twenty-nine Members came from Asia and Africa. In the intervening years, the membership of the Organization has further increased from eighty-two to 111, of which fifty-six Members now come from Asia and Africa.

3. It is a pressing need today that the various organs of the United Nations should reflect more closely the increased membership of the Asian and African States in the Organization. This is all the more necessary in the case of the General Committee which is a Committee of the General Assembly, which body reflects the principle of sovereign equality of all Member States.

4. In view of the fact that the present composition of the General Committee was arrived at when the membership of the Organization stood at eighty-two and the membership of the Asian and African States stood at half its present strength, it is proposed that the General Assembly should again consider at the forthcoming session the question of the composition of the General Committee.

## DOCUMENT A/5520\*\*

**Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Kuwait, Laos, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Thailand, Tunisia, Uganda, United Arab Republic, Upper Volta and Yemen: request for the inclusion of an additional item in the agenda of the eighteenth session**

[Original text: English]  
[17 September 1963]

LETTER DATED 16 SEPTEMBER 1963 FROM THE PERMANENT REPRESENTATIVES OF AFGHANISTAN, ALGERIA,

\*\* Incorporating document A/5520/C.1.

BURMA, CAMBODIA, CAMEROON, CEYLON, CONGO (BRAZZAVILLE), CONGO (LEOPOLDVILLE), CYPRUS, DAHOMEY, ETHIOPIA, GHANA, GUINEA, INDIA, IN-

DONESIA, IRAN, IRAQ, IVORY COAST, JAPAN, KUWAIT, LAOS, LIBERIA, LIBYA, MALAYSIA, MALI, MAURITANIA, MOROCCO, NEPAL, NIGER, NIGERIA, PAKISTAN, PHILIPPINES, RWANDA, SENEGAL, SIERRA LEONE, SOMALIA, SUDAN, TANGANYIKA, THAILAND, TUNISIA, UGANDA, UNITED ARAB REPUBLIC, UPPER VOLTA AND YEMEN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

1. On behalf of our respective Governments, we have the honour to request the inclusion of the following additional item in the agenda of the eighteenth session of the General Assembly: "Question of equitable representation on the Security Council and the Economic and Social Council".

2. In conformity with rule 20 of the rules of procedure of the General Assembly, an explanatory memorandum is attached herewith.

The Permanent Representatives of the following countries:

(Signed)	(Signed)
Abdul Hakim TABIBI <i>Afghanistan</i>	DIALLO Telli <i>Guinea</i>
Idris JAZAIRY <i>Algeria</i>	K. Natwar SINGH <i>India</i>
BA THAUNG <i>Burma</i>	L. N. PALAR <i>Indonesia</i>
CAIMEROM MEASKETH <i>Cambodia</i>	M. VAKIL <i>Iran</i>
Benoît BINDZI <i>Cameroon</i>	Adnan PACHACHI <i>Iraq</i>
R. S. S. GUNewardENE <i>Ceylon</i>	Julien KACOU <i>Ivory Coast</i>
T. M. GUINDO-YAYOS <i>Congo (Brazzaville)</i>	A. MATSUI <i>Japan</i>
Théodore IDZUMBUIR <i>Congo (Leopoldville)</i>	Rashid A. AL-RASHID <i>Kuwait</i>
Zenon ROSSIDES <i>Cyprus</i>	S. RATSAPHONG <i>Laos</i>
Huguette ACHARD <i>Dahomey</i>	G. HAKIM <i>Lebanon</i>
Girma ABEBE <i>Ethiopia</i>	Nathan BARNES <i>Liberia</i>
Alex QUAISSON-SACKÉY <i>Ghana</i>	M. A. EL-MASRI <i>Libya</i>

(Signed)	(Signed)
ONG Yoke Lin <i>Malaysia</i>	Gershon B. O. COLLIER <i>Sierra Leone</i>
Sori COULIBALY <i>Mali</i>	Omer Q. ARTEH <i>Somalia</i>
M. S. LUQMAN <i>Mauritania</i>	Sir-El-Khatim EL SANOUSI <i>Sudan</i>
Dey Ould SIDI BABA <i>Morocco</i>	K. R. BAGHELLEH <i>Tanganyika</i>
Ram C. MALHOTRA <i>Nepal</i>	Chamnian KIATTINAT <i>Thailand</i>
Illa SALIFOU <i>Niger</i>	Taïeb SLIM <i>Tunisia</i>
S. O. ADEBO <i>Nigeria</i>	E. NDAWULA <i>Uganda</i>
V. A. HAMDANI <i>Pakistan</i>	Mahmoud RIAD <i>United Arab Republic</i>
H. J. BRILLANTES <i>Philippines</i>	Jean-Baptiste TAPSOBA <i>Upper Volta</i>
C. MUDENGE <i>Rwanda</i>	Yahya H. GEGHMAN <i>Yemen</i>
Charles DELGADO <i>Senegal</i>	

#### EXPLANATORY MEMORANDUM

Since the Charter came into force in 1945, sixty new Member States have been admitted to the United Nations. This increase, which has more than doubled the original membership of the Organization, is mainly due to the emergence, and admission to the United Nations of a large number of new States from Africa and Asia. At present, the Member States belonging to these two continents constitute more than half the membership of the United Nations. In view of this development and the likelihood of further increase in membership, it has become necessary to review the composition of the Security Council and the Economic and Social Council, with a view to providing for a more equitable representation that would reflect the increase in the membership of the United Nations. The General Assembly at its eighteenth session should be called upon to take measures deemed necessary for equitable representation in the Security Council and the Economic and Social Council.

### DOCUMENT A/5675

#### Report of the Special Political Committee

[Original text: English/French]  
[16 December 1963]

1. In a letter dated 16 September 1963 (A/5519), the Permanent Representatives of Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Malaysia, Mali, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Rwanda, Sene-

gal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, the United Arab Republic, Upper Volta and Yemen requested the inclusion in the agenda of the eighteenth session of the General Assembly of an item entitled "Question of the composition of the General Committee of the General Assembly". In an explanatory memorandum accompanying the request it was stated that rule 38 of the

rules of procedure of the General Assembly had laid down that the General Committee should be so constituted as to ensure its representative character. In view of the fact that in recent years a large increase had taken place in the membership of the United Nations, particularly from Asia and Africa, the General Committee had lost its representative character and no longer reflected the principle of equitable geographical distribution. The memorandum recalled that in 1957 the General Assembly, by its resolution 1192 (XII), had increased the number of vice-presidencies from 9 to 13. Since then, however, the membership had further increased from 82 to 111, of which 56 Members came from Asia and Africa. In view of that increase, the sponsors of the item felt it necessary that the Assembly, at its eighteenth session, should consider again the question of the composition of the General Committee.

2. In a letter dated 16 September 1963 (A/5520 and Corr.1), the Permanent Representatives of Afghanistan, Algeria, Burma, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Kuwait, Laos, Liberia, Libya, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Thailand, Tunisia, Uganda, the United Arab Republic, Upper Volta and Yemen requested the inclusion in the agenda of the eighteenth session of the General Assembly of an item entitled "Question of equitable representation on the Security Council and the Economic and Social Council". In an explanatory memorandum accompanying the request it was stated that since 1945, sixty new Member States had been admitted to the United Nations. That increase was mainly due to the emergence and admission to the United Nations of a large number of new States from Africa and Asia. At present, the Member States belonging to those two continents constituted more than half the membership of the United Nations. In view of that development and the likelihood of further increase in membership, it had become necessary to review the composition of the Security Council and the Economic and Social Council, with a view to providing for a more equitable representation that would reflect the increase in the membership of the United Nations.

3. Section VI of chapter XIII of the report of the Economic and Social Council (A/5503) reported the adoption of two resolutions by the Council at its thirty-sixth session. The first (974 B (XXXVI)), adopted on the recommendation of the Economic Commission for Africa,<sup>1</sup> proposed to the General Assembly that all measures be taken to ensure adequate representation of Africa in the Council on the basis of equitable geographical distribution. The second (974 C (XXXVI)) urged the Assembly, in the light of the additional increase in the membership of the United Nations, to take the necessary action at its eighteenth session to bring about an appropriate increase in the membership of the Council, in order to enable it to remain the effective and representative organ envisaged in Chapters IX and X of the Charter.

4. At its 1210th plenary meeting, on 20 September 1963, the General Assembly, acting on the recommenda-

tion of its General Committee, decided to include the above three items in its agenda and to allocate them to the Special Political Committee for consideration and report.

5. At the 416th meeting of the Special Political Committee, on 21 November 1963, it was agreed that the Committee would examine simultaneously the three items on its agenda. It was further agreed, however, that draft resolutions should relate specifically to a single item, and would be voted upon separately. The Committee discussed the three items at the 417th to 429th meetings, held between 27 November and 16 December 1963.

6. At the 421st meeting of the Committee, on 9 December, the representative of the United Arab Republic introduced a draft resolution (A/SPC/L.101 and Add.1 and 2), sponsored by Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, the Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, the United Arab Republic, Upper Volta, Yemen and Yugoslavia. The joint draft resolution provided, in its operative part, that the General Assembly would (i) decide to amend rules 31 and 38 of its rules of procedure by increasing to sixteen the number of Vice-Presidents specified in each rule; (ii) decide that the sixteen Vice-Presidents and the seven Chairmen of the Main Committees should be elected as provided in the annex to the resolution; (iii) decide to cancel all previous resolutions and stipulations in connexion with the composition of the General Committee of the General Assembly and to modify all related provisions in its rules of procedure. The following annex was attached to the draft resolution:

"1. The sixteen Vice-Presidents shall be elected according to the following pattern, subject to paragraph 2 below:

- "(a) Seven from African and Asian States;
- "(b) One from Eastern European States;
- "(c) Two from Latin American and Caribbean States;
- "(d) Two from Western European and other States;
- "(e) Five from the permanent members of the Security Council.

"2. The region from which the President is elected will, however, reduce by one the number of Vice-Presidents allocated in paragraph 1 of the present annex.

"3. The seven Chairmen of the Main Committees shall be elected according to the following pattern:

- "(a) Three representatives from African and Asian States;
- "(b) One representative from Eastern European States;
- "(c) One representative from Latin American and Caribbean States;
- "(d) One representative from Western European and other States;

<sup>1</sup> *Official Records of the Economic and Social Council, Thirty-sixth Session, Supplement No. 10, part IV, draft resolution IV.*

“(e) The seventh chairmanship shall rotate every alternate year among representatives of States mentioned in (c) and (d).”

7. At the same meeting, Canada submitted an amendment (A/SPC/L.106), co-sponsored by Australia, Canada and New Zealand, to draft resolution, A/SPC/L.101 and Add.1 and 2. The amendment provided that in the annex to the joint draft resolution a paragraph 4 be added to read as follows:

“4. At least one of the Vice-Presidents in categories (a), (c) and (d) of paragraph 1 above, or the President, or one of the Chairmen of the Main Committees in categories (a), (c), (d) and (e) of paragraph 3 above, will be from a Commonwealth country, without altering the pattern of the geographical distribution of seats in the General Committee as defined in paragraphs 1, 2 and 3 above.”

8. On 10 December Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela submitted two joint draft resolutions (A/SPC/L.104 and A/SPC/L.105).

9. Under the operative part of draft resolution A/SPC/L.104 as revised on 11 December (A/SPC/L.104/Rev.1) the General Assembly would (i) decide to adopt, in accordance with Article 108, the following amendments to the Charter and submit them for ratification by the Members of the United Nations:

“(a) In Article 23, paragraph 1, of the Charter, the word ‘eleven’ in the first sentence shall be replaced by the word ‘thirteen’ and the word ‘six’ in the third sentence by the word ‘eight’.

“(b) In Article 23, the second sentence of paragraph 2 shall read: ‘However, (a) in the first election of the non-permanent members, three shall be chosen for a term of one year, and (b) in the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to thirteen, one of the two additional members shall be chosen for a term of one year.’

“(c) In Article 27, paragraph 2, the word ‘seven’ shall be replaced by the word ‘eight’.

“(d) In Article 27, paragraph 3, the word ‘seven’ shall be replaced by the word ‘eight’;”

(ii) further decide that these amendments would be inoperative unless, within two years from the date of their adoption by the General Assembly, they were ratified as required by Article 108 of the Charter; and (iii) urge all Members of the United Nations to ratify the above amendments in accordance with their respective constitutional processes, with the least possible delay.

10. Under the operative part of draft resolution A/SPC/L.105 the General Assembly would (i) decide to adopt, in accordance with Article 108, the following amendments to the Charter and submit them for ratification by the Members of the United Nations:

“(a) Article 61, paragraph 1, shall read:

“1. The Economic and Social Council shall consist of twenty-four members of the United Nations elected by the General Assembly’.

“(b) Article 61, paragraph 2, shall read:

“2. Subject to the provisions of paragraphs 3 and 4, eight members of the Economic and Social Council

shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.’

“(c) In Article 61 the following new paragraph 4 shall be inserted:

“4. Of the six additional members of the Economic and Social Council first elected after the increase in the membership of the Council from eighteen to twenty-four becomes effective, two shall be replaced at each of the next three regular elections, in accordance with arrangements to be made by the General Assembly.’”

“(d) The present paragraph 4 of Article 61 shall be renumbered 5”;

(ii) further decide that these amendments would be inoperative unless within two years from the date of their adoption by the General Assembly, they were ratified as required by Article 108 of the Charter; and (iii) urge all Members of the United Nations to ratify the above amendments in accordance with their respective constitutional processes, with the least possible delay.

11. At the 425th meeting on 13 December, the representative of Czechoslovakia introduced amendments (A/SPC/L.107), co-sponsored by Czechoslovakia and Poland, to draft resolution A/SPC/L.101 and Add.1 and 2. The amendments provided for the insertion in operative paragraph 2, after the words “decides that” of the words “the President of the General Assembly;”; secondly, to add in the annex attached to the draft resolution a new paragraph 1 to read as follows: “1. The Presidency of the General Assembly shall rotate every year among the following regions: (a) Africa, (b) Asia, (c) Eastern Europe, (d) Latin American and Caribbean States, (e) Middle East, (f) Western Europe and other States”; and thirdly to renumber the remaining paragraphs of the annex accordingly.

12. On 13 December Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela submitted amendments (A/SPC/L.108) to draft resolution (A/SPC/L.101 and Add.1 and 2) to delete the words “and Caribbean States” in sub-paragraphs 1 (c) and 3 (c) of the annex and to replace the word “sixteen” in each of the four passages in which it occurred in that draft resolution by the word “seventeen” and replace the word “two” in sub-paragraph 1 (c) of the annex by the word “three”.

13. On the same day Algeria, Burundi, Cameroon, the Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, the United Arab Republic and Upper Volta submitted two draft resolutions (A/SPC/L.109 and A/SPC/L.110).

14. Under the operative part of draft resolution A/SPC/L.109 the General Assembly would (i) decide to adopt in accordance with Article 108 the following amendments to the Charter and submit them for ratification by the Members of the United Nations:

“(a) In Article 23, paragraph 1, of the Charter, the word ‘eleven’ in the first sentence shall be re-



placed by the word 'fifteen' and the word 'six' in the third sentence by the word 'ten'.

"(b) In Article 23, paragraph 2, the second sentence shall be reworded as follows: 'In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year'.

"(c) The former paragraph 3 shall be renumbered 4.

"(d) In Article 27, paragraph 2, of the Charter the word 'seven' shall be replaced by the word 'nine'.

"(e) In Article 27, paragraph 3, of the Charter the word 'seven' shall be replaced by the word 'nine'";

(ii) call upon all Members of the United Nations to ratify the above amendments in accordance with their respective constitutional processes by 1 September 1965 as required by Article 108 of the Charter; and (iii) further decide that the ten non-permanent members of the Security Council should be elected according to the following pattern:

- (a) Five from African and Asian States;
- (b) One from Eastern European States;
- (c) Two from Latin American and Caribbean States;
- (d) Two from Western European and other States.

15. Under the operative part of draft resolution A/SPC/L.110, the General Assembly would (i) decide to adopt in accordance with Article 108 the following amendments to the Charter and submit them for ratification by the Members of the United Nations:

"Article 61 shall read:

"1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

"2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

"3. At the first election following the increase in membership of the Economic and Social Council from eighteen to twenty-seven members, fifteen members of the Council shall be chosen. The term of office of three members so chosen shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

"4. Each member of the Economic and Social Council shall have one representative";

(ii) call upon all Members of the United Nations to ratify the above amendments in accordance with their respective constitutional processes by 1 September 1965, as required by Article 108 of the Charter; and (iii) decide that eight of the nine additional members of the Economic and Social Council should be elected from among the African and Asian Members. The ninth member should be elected from each of the geographical regions by rotation.

16. At the 427th meeting, on 14 December, the representative of Nigeria suggested that the second amendment submitted by Czechoslovakia and Poland in document A/SPC/L.107 should be amended to read:

"In the annex to the joint draft resolution add a new paragraph 1 to read as follows: 'In the election of the President of the General Assembly, regard shall be had for equitable geographical rotation of this office among the regions mentioned in paragraph 4 of the annex'." At the following meeting, the representative of Poland stated that the co-sponsors of the amendment would not press for a vote on their text if the wording as suggested by the representative of Nigeria was accepted by the co-sponsors of draft resolution (A/SPC/L.101 and Add.1 and 2).

17. Also at the 427th meeting Canada, on behalf of the sponsors of the amendments contained in document A/SPC/L.106, declared that they would not press their amendments to a vote.

18. At the 429th meeting, on 16 December, the representative of India, speaking on behalf of the sponsors, withdrew draft resolutions A/SPC/L.109 and A/SPC/L.110. He then introduced oral amendments to the twenty-one Power draft resolutions (A/SPC/L.104/Rev.1 and A/SPC/L.105). These amendments were co-sponsored by Afghanistan, Algeria, Burma, Burundi, Cameroon, the Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, the Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, the United Arab Republic, Upper Volta, Yemen, Yugoslavia and Zanzibar. The amendments to draft resolution A/SPC/L.104/Rev.1 were as follows:

"1. Add the following as the first preambular paragraph:

"'Considering that the present composition of the Security Council is inequitable and unbalanced';

"2. In operative paragraph 1 (a) replace the word 'thirteen' by the word 'fifteen' and the word 'eight' by the word 'ten'.

"3. Replace operative paragraph 1 (b) by the following:

"'(b) In article 23, paragraph 2, the second sentence should be reworded as follows: "In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year".'

"4. In operative paragraph 1 (c), replace the word 'eight' by the word 'nine'.

"5. In operative paragraph 1 (d), replace the word 'eight' by the word 'nine'.

"6. Replace operative paragraphs 2 and 3 by the following:

"'2. Calls upon all Members of the United Nations to ratify the above amendments in accordance with their respective constitutional processes by 1 September 1965;

"'3. Further decides that the ten non-permanent members of the Security Council shall be elected according to the following pattern:

"'(a) Five from African and Asian States;

“(b) One from Eastern European States;

“(c) Two from Latin American States;

“(d) Two from Western European and other States.”

The amendments to draft resolution A/SPC/L.105 were as follows:

“Replace the three operative paragraphs of the draft resolution by the following:

“1. *Decides* to adopt in accordance with Article 108 the following amendment to the Charter and submit it for ratification by the Members of the United Nations:

“Article 61 shall read:

“1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

“2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

“3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

“4. Each member of the Economic and Social Council shall have one representative’;

“2. *Calls upon* all Members of the United Nations to ratify the above amendments in accordance with their respective constitutional processes by 1 September 1965;

“3. *Further decides* that without prejudice to the present distribution of seats in the Economic and Social Council, the nine additional members shall be elected according to the following pattern:

“(a) Seven from African and Asian States;

“(b) One from Latin American States;

“(c) One from Western Europe and other States.”

19. At the same meeting, the representative of El Salvador, on behalf of the co-sponsors of draft resolutions A/SPC/L.104/Rev.1 and A/SPC/L.105, accepted the above amendments.

20. The Committee then proceeded to vote on the draft resolutions and the amendments before it. The sponsors of draft resolution A/SPC/L.101 and Add.1 and 2 accepted the amendment in document A/SPC/L.108. The amendments in document A/SPC/L.107, as modified, were adopted by a vote of 97 to 1, with 11 abstentions. Draft resolution A/SPC/L.101 and Add.1 and 2, as amended, was adopted by a vote of 109 to none (see paragraph 21 below, draft resolution I). Draft resolution A/SPC/L.104/Rev.1, as amended, was adopted by a roll-call vote of 96 to 11, with 4 absten-

tions (see paragraph 17 below, draft resolution II A). The voting was as follows:

*In favour*: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zanzibar.

*Against*: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining*: Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution A/SPC/L.105, as revised, was adopted by a roll-call vote of 95 to 11, with 4 abstentions (see paragraph 17 below, draft resolution II B). The representative of China stated that he would not participate in the vote. The voting was as follows:

*In favour*: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burma, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chad, Chile, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, Gabon, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Spain, Sudan, Sweden, Syria, Tanganyika, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zanzibar.

*Against*: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, France, Hungary, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*Abstaining*: Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

#### **Recommendations of the Special Political Committee**

21. The Special Political Committee, therefore, recommends to the General Assembly the adoption of the following draft resolutions:

*Draft resolution I*QUESTION OF THE COMPOSITION OF THE GENERAL  
COMMITTEE OF THE GENERAL ASSEMBLY

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

*Draft resolution II*QUESTION OF EQUITABLE REPRESENTATION ON THE  
SECURITY COUNCIL AND THE ECONOMIC AND SOCIAL  
COUNCIL

[Text adopted by the General Assembly without change. See "Action taken by the General Assembly" below.]

## DOCUMENT A/5686

Letter dated 23 December 1963 from the representative of the Union of Soviet Socialist Republics  
to the Secretary-General

[Original text: Russian]  
[31 December 1963]

I have the honour to transmit to you a statement by the Ministry of Foreign Affairs of the Union of Soviet Socialist Republics, dated 21 December 1963, on the question of expanding the membership of the Security Council and the Economic and Social Council.

Please arrange to have the text of the statement circulated as an official United Nations document.

(Signed) N. FEDORENKO  
*Permanent Representative of the Union of  
Soviet Socialist Republics to the United Nations*

STATEMENT DATED 21 DECEMBER 1963 BY THE MIN-  
ISTRY OF FOREIGN AFFAIRS OF THE UNION OF  
SOVIET SOCIALIST REPUBLICS

1. At its eighteenth session, which ended on 17 December 1963, the United Nations General Assembly took up item 82—"Question of equitable representation on the Security Council and the Economic and Social Council".

2. This question arose as a result of the great changes which have taken place in the distribution and balance of forces in the international arena since the founding of the United Nations in 1945, and in the light of which the present structure of the Security Council and the Economic and Social Council is indisputably unjust and discriminatory towards whole groups of States.

3. The United Nations had fifty-one Member States when it was set up in 1945; it now has 113. In the meanwhile the number of socialist States Members of the United Nations has more than doubled; the number of Asian Member States has been multiplied by 2.5 (from ten to twenty-four) and the number of African Member States by eleven (from three to thirty-four). Among the membership of the United Nations, the number of Latin American countries has been the only one to remain unchanged, and the number of Western European States has remained almost unchanged.

4. Yet the structure of the principal organs of the United Nations—and the Security Council and the Economic and Social Council—remains to this day exactly as it was laid down almost twenty years ago. The result is that in the Security Council, which is the principal organ of the United Nations for the maintenance of international peace and security, the Western Powers, as in the past, hold the majority of votes, whereas the socialist States and the African-Asian countries are grossly under-represented. Suffice it to say that, among the non-permanent members of the Security Council as now constituted, there are only two African

States (Morocco and the Ivory Coast) and not a single Asian country, while Czechoslovakia, representing the socialist States of Eastern Europe, has been elected, not for the usual two-year term, but for one year only.

5. A similar situation exists in the Economic and Social Council. Taking into account the results of the elections held at the eighteenth session of the General Assembly, we find that of the eighteen seats in this United Nations organ, which is entrusted with the implementation of measures of international economic and social co-operation, the socialist States, including the Soviet Union, hold three, the African States two, and the Asian States three. The remaining ten seats are held by the Western Powers and the Latin American countries.

6. There is obviously no justification today, even from the standpoint of the strength of the various groups of States in the United Nations, for a situation in which the Western Powers and countries bound to them by military treaties or by fetters of economic dependence hold the majority of votes in the principal organs of the United Nations. The structure of the principal United Nations organs has clearly ceased to correspond to the real state of affairs in the world. It has fallen far behind the march of history, and this is bound to have an adverse effect on all the work done by the United Nations in performing the tasks of strengthening peace and developing international co-operation which have been laid upon it by the peoples.

7. It is well known that, for a number of years now, the Soviet Union has championed in the international arena the need for a radical reconstruction of United Nations organs to bring their structure into conformity with the real balance of forces in the modern world and thus to secure the most favourable conditions for the work of the United Nations. As early as 1960 Mr. N. S. Khrushchev, Chairman of the Council of Ministers of the USSR, addressing the United Nations General Assembly at its fifteenth session,<sup>2</sup> submitted a proposal for the reconstruction of the principal United Nations organs calculated to secure equal representation on those organs for all three of the main groups of States existing in the world today—the socialist countries, the countries members of Western military blocs, and the neutralist States.

8. It is now evident to all that the need to change the structure of the United Nations organs is an inescapable fact of life. However, this is obstructed by

<sup>2</sup> See *Official Records of the General Assembly, Fifteenth Session, Plenary Meetings*, vol. I, 869th meeting.

the Western Powers, which are striving to perpetuate, or at least to prolong, their dominance in the principal organs of the United Nations—an aim which, of course, they can achieve much more easily if those organs are kept in their existing form.

9. The question of reconstructing the principal organs of the United Nations and of securing equitable representation for the African and Asian countries on those organs became even more acute at the eighteenth session of the United Nations General Assembly.

10. The Soviet Union and the other socialist States have treated with due respect and understanding the endeavours of the young independent African and Asian States to achieve as quickly as possible proper representation in the principal organs of the United Nations. On 5 September 1963, even before this question was taken up at the session, the Soviet Union proposed as a first step that agreement should be reached on a redistribution of the existing seats of non-permanent members of the Security Council and members of the Economic and Social Council, in favour of the African and Asian countries. The Soviet Union proposed that each of the six non-permanent seats in the Security Council should be earmarked for one of the six main geographical regions of the modern world—Africa, Asia, the Middle East, Latin America, Eastern Europe and Western Europe. If this proposal was adopted, the African and Asian countries would receive three non-permanent seats in the Council. The Soviet Government proposed that the question of redistributing the eighteen seats in the Economic and Social Council should be settled on the same basis.

11. However, this proposal failed to win the support, primarily of the Western Powers, and also of certain other States.

12. The States of Africa and Asia proposed at the eighteenth session of the General Assembly that the problem of increasing their representation in the principal organs of the United Nations should be solved by expanding the existing composition of the Security Council and the Economic and Social Council. They proposed that the membership of the Security Council should be increased from eleven to fifteen and that of the Economic and Social Council from eighteen to twenty-seven. Such a solution to the problem is possible, of course, and the Soviet delegation so stated, in definite terms, at the eighteenth session of the General Assembly.

13. It must be borne in mind, however, that in order to expand the membership of the Security Council and the Economic and Social Council it is necessary to amend the relevant Articles of the Charter of the United Nations, and that no amendment to the Charter can come into force unless it is ratified by two-thirds of the Members of the United Nations, including all the permanent members of the Security Council—the Soviet Union, China, the United States, the United Kingdom and France. In other words, the amendment of the Charter requires the consent of all five permanent members of the Security Council, which under the Charter of the United Nations bear primary responsibility for the maintenance of international peace. This procedure for amending the Charter of the United Nations is laid down by the Charter itself and, it stands to reason, cannot be violated without undermining the United Nations.

14. At present, however, one of the permanent members of the Security Council—the People's Republic of

China—is still deprived of its lawful rights in the United Nations. Everybody knows that the responsibility for this completely abnormal situation is borne by the Western Powers, led by the United States of America, which exert every possible form of pressure in order to keep China's place in the United Nations for the Chiang Kai-shek clique, which the Chinese people rejected long ago. Just as, in the past, the imperialist States refused for many long years to recognize the Soviet Republic which had appeared in place of Tsarist Russia; just as, only recently, they opposed the admission of a number of other socialist States—Romania, Hungary, Bulgaria and Albania—to membership in the United Nations; so today they block the restoration of the lawful rights of the People's Republic of China in the United Nations.

15. This policy of the Western Powers put obstacles in the way of a solution of the question of proper representation of African and Asian States in the principal organs of the United Nations by enlarging the membership of the Security Council and the Economic and Social Council, the Charter being amended accordingly.

16. We cannot but note in this connexion that in obstructing the restoration to the People's Republic of China of its legitimate rights in the United Nations, the Western imperialist Powers have also been relying on the votes of certain African and Asian countries which are helping them to prevent a solution of this question. After all, it is a fact that at the eighteenth session of the General Assembly only twenty-five African-Asian States voted for the restoration to the People's Republic of China of its legitimate rights in the United Nations and for the expulsion of Chiang Kai-shek's men from the United Nations, while sixteen African States (the Ivory Coast, Upper Volta, Gabon, Dahomey, Cameroon, the Congo (Brazzaville), the Congo (Leopoldville), Liberia, Libya, Madagascar, Niger, Rwanda, Senegal, Togo, the Central African Republic and Chad) and seven Asian States (Jordan, Iran, Malaysia, Thailand, Turkey, the Philippines and Japan) voted against. In addition, three African States (Mauritania, Nigeria, and Sierra Leone) and three Asian States (Kuwait, Lebanon and Saudi Arabia) abstained in the vote, which likewise did nothing to facilitate the solution of the question.

17. A simple count of votes shows that if at the eighteenth session of the General Assembly all the African-Asian States had voted unanimously for the restoration to the People's Republic of China of its lawful rights in the United Nations, the matter would have been decided at that session and, consequently, the way would now be clear for amending the Charter with a view to enlarging the membership of the Security Council and the Economic and Social Council, because in that case the partisans of the restoration of its rights to the People's Republic of China would have polled not 41 votes, as they actually did, but 70, while the opponents would have been unable to scrape together more than 34 votes, instead of the 57 which they actually mustered.

18. At the eighteenth session of the General Assembly, the USSR delegation repeatedly drew the attention of the African-Asian delegations to the obstacles in the way of a positive solution of the question of enlarging the membership of the Security Council and the Economic and Social Council, because of the present situation in which the People's Republic of China is still deprived of its rights in the United Nations. However,

with a view to meeting as far as possible the desire of the African-Asian States that the question of enlarging the membership of the Security Council and the Economic and Social Council should be decided here and now, the USSR Government informed them that it would be prepared to agree, by way of an exception, to the introduction of the appropriate amendments in the Charter prior to the restoration to the People's Republic of China of its lawful rights in the United Nations, provided the Government of the People's Republic of China explicitly declared its consent to such a solution. In that case the provision of the United Nations Charter calling for the consent of all five permanent members of the Security Council to all amendments to the Charter would not have been violated, as four of the permanent members of the Security Council (the USSR, the United States, the United Kingdom and France) would have ratified these amendments, while the fifth permanent member, the People's Republic of China, would have explicitly stated its consent to the introduction of such amendments in the Charter.

19. The USSR Government approached the Government of the People's Republic of China with a view to ascertaining the latter's stand on this question.

20. On 8 December 1963 the USSR Government received a reply from the Government of the People's Republic of China, which stated that in a situation in which China was still debarred from taking part in the work of the United Nations, the Government would not assume any obligations connected with the question of amending the Charter as regards the total number of seats on the principal organs of the United Nations.

21. Thus, the Government of the People's Republic of China refused, prior to the restoration of its country's legitimate rights in the United Nations, to give its consent to amending the Charter with a view to enlarging the Security Council and the Economic and Social Council. Moreover, the USSR Ambassador was told still more definitely by the Ministry of Foreign Affairs of the People's Republic of China that that country did not approve of solving this question by enlarging the membership of United Nations organs, and that it favoured its solution by means of a just distribution of the seats now available.

22. As a matter of fact, this stand of the Government of the People's Republic of China had already been known. For instance, over two years ago, in September 1961, an editorial in the newspaper *Renmin Ribao*, reflecting the views of the Government of the People's Republic of China, stated: "Without the participation of the People's Republic of China, which is one of the permanent members of the Security Council, any amendment of the United Nations Charter is illegal".

23. In view of all this a situation arose in which it proved impossible, without violating the Charter, either to amend it in the ordinary manner, i.e., with the ratification of all five permanent members of the Security Council, since the Western Powers were obstructing the restoration of the legitimate rights of the People's Republic of China in the United Nations, or to adopt the procedure which had been, as an exceptional measure, suggested by the USSR Government, under which four of the permanent members of the Security Council—the Union of Soviet Socialist Republics, the United States of America, the United Kingdom of Great Britain and Northern Ireland and France—would ratify the amendments, while the fifth member—the People's Re-

public of China—would clearly declare its consent to their incorporation in the Charter.

24. Moreover, the adoption of amendments to the Charter without the consent of the Government of the People's Republic of China, the only lawful representative of China, a permanent member of the Security Council, might play into the hands of those imperialist groups which are endeavouring to create what is known as "the two-China situation" and thereby legalize the forcible severance from China of the Island of Taiwan, an inalienable part of its national territory.

25. The USSR Government naturally could not take this path, fraught with serious dangers for the cause of peace and equitable international co-operation. Therefore the USSR delegation proposed at the eighteenth session of the United Nations General Assembly (429th meeting of the Special Political Committee) that voting on the draft resolutions on the enlargement of the Security Council and the Economic and Social Council submitted by African and Asian countries should be postponed, so that consultations could be continued with a view to reaching a solution acceptable for all. The USSR delegation stressed that there was no difference of outlook between the socialist countries and African-Asian countries on the need to ensure appropriate representation of the African and Asian States in the principal organs of the United Nations, and that the Soviet Union had always come out in favour of a positive solution of that question, including enlargement of the membership of the Security Council and the Economic and Social Council. Before that could be done, however, conditions must be created enabling the corresponding amendments to the Charter to be adopted not in violation of the Charter, but in strict compliance with it.

26. However, since the delegations of the African and Asian States insisted on taking a vote on the draft resolutions at the eighteenth session of the General Assembly, the vote took place and the resolutions were adopted (see A/5675, para. 20). In the circumstances, the delegations of the Soviet Union and other socialist countries were compelled to vote against those resolutions.

27. For reasons entirely alien to any concern for compliance with the United Nations Charter, and based on the desire to preserve their domination in the principal organs of the United Nations, three of the permanent members of the Security Council—the United States, the United Kingdom and France—did not support the draft resolutions submitted by the African and Asian countries; France voted against them, while the United States and the United Kingdom abstained.

28. Such are the results of consideration by the eighteenth session of the United Nations General Assembly of the question of equitable representation on the Security Council and the Economic and Social Council. These results obviously cannot satisfy any one who is sincerely interested in the improvement of the work of the United Nations, in the reconstruction of its principal organs to this end, and in ensuring a fair representation of the young independent countries of Asia and Africa on these organs. The countries of Asia and Africa themselves cannot be satisfied with these results.

29. Those States which really wish to contribute to a solution of the problem of ensuring proper representation of the African and Asian countries in the principal organs of the United Nations must continue to seek means of removing the obstacles blocking the



adoption of amendments to the United Nations Charter providing for an increase in the membership of the Security Council and the Economic and Social Council. Such means do, in fact, exist.

30. One way to accomplish that end is for all the African and Asian States to join in a united front with those who are demanding the immediate restoration of the lawful rights of the People's Republic of China in the United Nations. There is no question that, in that case, the imperialists will no longer be able to prevent the People's Republic of China from taking its rightful place in the United Nations and, consequently, giving its approval to the amendments to the Charter.

31. The difficulties preventing a solution can also be removed if the Government of the People's Republic of China finds it possible to make a clear statement agreeing to the Charter amendments called for by the resolutions on increasing the membership of the Security Council and the Economic and Social Council adopted at the eighteenth session of the General Assembly. In that case, the Soviet Union will of course be able to give its approval to the amendments, and the united efforts of the socialist States and the African and Asian countries can be directed towards obtaining the approval of the three other permanent members of the Security Council, the United States, the United Kingdom and France.

32. Deserving of mention in this connexion is the editorial published in the Chinese newspaper *Renmin Ribao* on 18 December 1963, the day after the General Assembly had voted on the draft resolutions calling for an increase in the membership of the Security Council and the Economic and Social Council. The editorial stated that a more convenient way to solve the problem of giving the African and Asian countries greater representation in the principal organs of the United Nations would be to redistribute the existing seats in those organs. At the same time, it said: "If the just demand of the African-Asian countries cannot be met by redistributing the seats in the Security Council and the Economic and Social Council through consultations and it proves necessary to amend the relevant articles of the United Nations Charter, we shall of course, in accordance with the position which we have always taken, support such amendments so that the demand of the African-Asian countries can really be met".

33. It should be noted that this was the first time China had taken that position, and that it did so after the vote on the draft resolutions calling for an increase in the membership of the Security Council and the

Economic and Social Council and after the General Assembly had ended its session.

34. If this statement in *Renmin Ribao* reflects the views of the Government of the Chinese People's Republic and is confirmed by that Government, the situation will be completely changed. It can be stated unequivocally that if such a statement, i.e., a statement agreeing to the adoption of amendments to the United Nations Charter providing for an increase in the membership of the Security Council and the Economic and Social Council, had been made by the Government of the People's Republic of China while the matter was being discussed in the General Assembly, the Soviet Union would of course have voted for the resolutions submitted by the African and Asian countries.

35. At the present time, when resolutions calling for an increase in the membership of the Security Council and the Economic and Social Council have been formally adopted by the General Assembly but a solution to the problem has not actually been found, the Soviet Government proposes that further consultations should be undertaken with a view to working out a solution. Such consultations should be directed towards finding means of solving as rapidly as possible the basic problem of restoring the lawful rights of the People's Republic of China in the United Nations and expelling the representatives of the Chiang Kai-shek clique from the Organization. It is essential to lose no time in bringing about a situation in which a genuine representative of the Chinese people, a representative of the People's Republic of China, takes his lawful place in the United Nations and participates directly in the settlement of all questions, including that of increasing the membership of the Security Council and the Economic and Social Council. The facts show that restoration of the lawful rights of the People's Republic of China in the United Nations depends largely on a proper understanding of the full importance of this matter on the part of the African and Asian countries, which today constitute a majority in the United Nations.

36. In the course of the consultations proposed by the Soviet Government, there could of course also be an exchange of views on steps which could be taken at the present time, even before the restoration of the lawful rights of the People's Republic of China in the United Nations, with a view to solving the problem of increasing the membership of the Security Council and the Economic and Social Council.

37. The Soviet Union is prepared to take part in such consultations, which can begin immediately if the other parties concerned are also prepared to participate.

### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1285th plenary meeting on 17 December 1963, the General Assembly adopted draft resolutions I and II submitted by the Special Political Committee (A/5675, para. 21). For the final texts, see resolutions 1990 (XVIII) and 1991 (XVIII) below.

#### Resolutions adopted by the General Assembly

1990 (XVIII). QUESTION OF THE COMPOSITION OF THE GENERAL COMMITTEE OF THE GENERAL ASSEMBLY: AMENDMENTS TO RULES 31 AND 38 OF THE ASSEMBLY'S RULES OF PROCEDURE

*The General Assembly,*

*Taking into account* the considerable increase in the membership of the United Nations,

*Taking also into account* that the General Committee of the General Assembly should be so constituted as to ensure its representative character on the basis of a balanced geographical distribution among its members,

*Believing* that for those reasons it is desirable to enlarge the composition of the General Committee,

*Noting* that the General Committee is composed of the President of the General Assembly, the Vice-Presi-



dents of the Assembly and the Chairmen of the Main Committees,

1. *Decides* to amend rules 31 and 38 of its rules of procedure as follows:

*“Rule 31*

“The General Assembly shall elect a President and seventeen Vice-Presidents, who shall hold office until the close of the session at which they are elected. The Vice-Presidents shall be elected, after the election of the Chairmen of the seven Main Committees referred to in rule 101, on the basis of ensuring the representative character of the General Committee.”

*“Rule 38*

“The General Committee shall comprise the President of the General Assembly, who shall preside, the seventeen Vice-Presidents and the Chairmen of the seven Main Committees. No two members of the General Committee shall be members of the same delegation, and it shall be so constituted as to ensure its representative character. Chairmen of other committees upon which all Members have the right to be represented and which are established by the General Assembly to meet during the session, shall be entitled to attend meetings of the General Committee and may participate without vote in the discussions.”

2. *Decides* that the President of the General Assembly, the seventeen Vice-Presidents of the Assembly and the seven Chairmen of the Main Committees shall be elected as provided in the annex to the present resolution;

3. *Decides* to cancel all previous resolutions and stipulations in connexion with the composition of the General Committee and to modify all related provisions in its rules of procedure.

*1285th plenary meeting,  
17 December 1963.*

**Annex**

1. In the election of the President of the General Assembly, regard shall be had for equitable geographical rotation of this office among the regions mentioned in paragraph 4 below.

2. The seventeen Vice-Presidents of the General Assembly shall be elected according to the following pattern, subject to paragraph 3 below:

- (a) Seven representatives from African and Asian States;
- (b) One representative from an Eastern European State;
- (c) Three representatives from Latin American States;
- (d) Two representatives from Western European and other States;
- (e) Five representatives from the permanent members of the Security Council.

3. The election of the President of the General Assembly will, however, have the effect of reducing by one the number of vice-presidencies allocated to the region from which the President is elected in accordance with paragraph 2 above.

4. The seven Chairmen of the Main Committees shall be elected according to the following pattern:

- (a) Three representatives from African and Asian States;
- (b) One representative from an Eastern European State;
- (c) One representative from a Latin American State;
- (d) One representative from a Western European or other State;
- (e) The seventh chairmanship shall rotate every alternate year among representatives of States mentioned in subparagraphs (c) and (d) above.

1991 (XVIII). QUESTION OF EQUITABLE REPRESENTATION ON THE SECURITY COUNCIL AND THE ECONOMIC AND SOCIAL COUNCIL

**A**

*The General Assembly,*

*Considering* that the present composition of the Security Council is inequitable and unbalanced,

*Recognizing* that the increase in the membership of the United Nations makes it necessary to enlarge the membership of the Security Council, thus providing for a more adequate geographical representation of non-permanent members and making it a more effective organ for carrying out its functions under the Charter of the United Nations,

*Bearing in mind* the conclusions and recommendations of the Committee on arrangements for a conference for the purpose of reviewing the Charter (A/5487, para. 9),

1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendments to the Charter and to submit them for ratification by the States Members of the United Nations:

(a) In Article 23, paragraph 1, the word “eleven” in the first sentence shall be replaced by the word “fifteen”, and the word “six” in the third sentence by the word “ten”;

(b) In Article 23, paragraph 2, the second sentence shall then be reworded as follows:

“In the first election of the non-permanent members after the increase of the membership of the Security Council from eleven to fifteen, two of the four additional members shall be chosen for a term of one year”;

(c) In Article 27, paragraph 2, the word “seven” shall be replaced by the word “nine”;

(d) In Article 27, paragraph 3, the word “seven” shall be replaced by the word “nine”;

2. *Calls upon* all Member States to ratify the above amendments, in accordance with their respective constitutional processes, by 1 September 1965;

3. *Further decides* that the ten non-permanent members of the Security Council shall be elected according to the following pattern:

- (a) Five from African and Asian States;
- (b) One from Eastern European States;
- (c) Two from Latin American States;
- (d) Two from Western European and other States.

*1285th plenary meeting,  
17 December 1963.*

**B**

*The General Assembly,*

*Recognizing* that the increase in the membership of the United Nations makes it necessary to enlarge the membership of the Economic and Social Council, with a view to providing for a more adequate geographical representation therein, and making it a more effective organ for carrying out its functions under Chapters IX and X of the Charter of the United Nations,

*Recalling* Economic and Social Council resolutions 974 B and C (XXXVI) of 22 July 1963,

*Bearing in mind* the conclusions and recommendations of the Committee on arrangements for a confer-

ence for the purpose of reviewing the Charter (A/5487, para. 9).

1. *Decides* to adopt, in accordance with Article 108 of the Charter of the United Nations, the following amendment to the Charter and to submit it for ratification by the States Members of the United Nations:

*"Article 61*

"1. The Economic and Social Council shall consist of twenty-seven Members of the United Nations elected by the General Assembly.

"2. Subject to the provisions of paragraph 3, nine members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

"3. At the first election after the increase in the membership of the Economic and Social Council from eighteen to twenty-seven members, in addition to the members elected in place of the six members whose term of office expires at the end of that year, nine

additional members shall be elected. Of these nine additional members, the term of office of three members so elected shall expire at the end of one year, and of three other members at the end of two years, in accordance with arrangements made by the General Assembly.

"4. Each member of the Economic and Social Council shall have one representative";

2. *Calls upon* all Member States to ratify the above amendment, in accordance with their respective constitutional processes, by 1 September 1965;

3. *Further decides* that, without prejudice to the present distribution of seats in the Economic and Social Council, the nine additional members shall be elected according to the following pattern:

(a) Seven from African and Asian States;

(b) One from Latin American States;

(c) One from Western European and other States.

*1285th plenary meeting,  
17 December 1963.*

### CHECK LIST OF DOCUMENTS

**NOTE.** This check list includes the documents mentioned during the consideration of agenda items 81, 82 and 12 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5487	Report of the Committee on arrangements for a conference for the purpose of reviewing the Charter	See <i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , agenda item 21
A/5503	Report of the Economic and Social Council (4 August 1962-2 August 1963)	<i>Ibid.</i> , <i>Eighteenth Session, Supplement No. 3</i>
A/AC.81/SC.1/4/Add.11	Committee on arrangements for a conference for the purpose of reviewing the Charter: additional replies to the letter dated 31 July 1963 addressed by the Chairman of the Sub-Committee to the Permanent Representatives of all Member States	Mimeographed
A/SPC/96	Statement by the representative of the Union of Soviet Socialist Republics at the 423rd meeting of the Special Political Committee	Mimeographed; for summary see A/SPC/SR.423, paras. 41-46
A/SPC/L.101 and Add.1 and 2	Question of the composition of the General Committee of the General Assembly—Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Indonesia, Iran, Iraq, Ivory Coast, Japan, Jordan, Kuwait, Laos, Lebanon, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Syria, Tanganyika, Thailand, Togo, Tunisia, Uganda, United Arab Republic, Upper Volta, Yemen and Yugoslavia: draft resolution	For the text of this document, as amended by the Special Political Committee at its 429th meeting, see A/5675, para. 21, draft resolution I
A/SPC/L.104	Question of equitable representation on the Security Council and the Economic and Social Council—Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela: draft resolution	Replaced by A/SPC/L.104/Rev.1
A/SPC/L.104/Rev.1	Question of equitable representation on the Security Council and the Economic and Social Council—Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela: revised draft resolution	For the text of this document, as amended by the Special Political Committee at its 429th meeting, see A/5675, para. 21, draft resolution II A
A/SPC/L.105	Question of equitable representation on the Security Council and the Economic and Social Council—Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Uruguay and Venezuela: draft resolution	<i>Idem</i> , draft resolution II B
A/SPC/L.106	Question of the composition of the General Committee of the General Assembly—Australia, Canada and New Zealand: amendment to document A/SPC/L.101 and Add.1 and 2	See A/5675, paras. 7 and 17

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/SPC/L.107	Question of the composition of the General Committee of the General Assembly—Czechoslovakia and Poland: amendments to document A/SPC/L.101 and Add.1 and 2	<i>Ibid.</i> , paras. 11, 16 and 20
A/SPC/L.108	Question of the composition of the General Committee of the General Assembly—Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela: amendments to document A/SPC/L.101 and Add.1 and 2	<i>Ibid.</i> , paras. 12 and 20
A/SPC/L.109	Question of equitable representation on the Security Council and the Economic and Social Council—Algeria, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta: draft resolution	<i>Ibid.</i> , paras. 13, 14 and 18
A/SPC/L.110	Question of equitable representation on the Security Council and the Economic and Social Council—Algeria, Burundi, Cameroon, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Liberia, Libya, Madagascar, Mali, Mauritania, Morocco, Nepal, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, United Arab Republic and Upper Volta: draft resolution	<i>Ibid.</i> , paras. 13, 15 and 18



**Agenda item 83: Measures in connexion with the earthquake at Skoplje, Yugoslavia\***

**C O N T E N T S**

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, General Committee*, 155th meeting, and *ibid.*, *Plenary Meeting*, 1240th meeting.

**DOCUMENTS A/5552 AND ADD.1-3<sup>1</sup>**

**Afghanistan, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Cambodia, Chile, Colombia, Czechoslovakia, Denmark, Ethiopia, Finland, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Italy, Jordan, Malaysia, Mali, Mauritania, Morocco, Nigeria, Norway, Poland, Romania, Senegal, Sudan, Sweden, Syria, Togo, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Republic, United States of America and Uruguay: request for the inclusion of an additional item in the agenda of the eighteenth session**

[Original text: English]  
[20 September 1963]

LETTER DATED 19 SEPTEMBER 1963 FROM THE PERMANENT REPRESENTATIVES OF ALGERIA, ARGENTINA, AUSTRIA, BOLIVIA, BRAZIL, BULGARIA, CAMBODIA, CHILE, COLOMBIA, CZECHOSLOVAKIA, DENMARK, ETHIOPIA, FINLAND, GHANA, GREECE, HUNGARY, INDIA, IRAN, ITALY, JORDAN, MALI, MOROCCO, NORWAY, POLAND, ROMANIA, SENEGAL, SUDAN, SWEDEN, SYRIA, TUNISIA, TURKEY, UNION OF SOVIET SOCIALIST REPUBLICS, UNITED ARAB REPUBLIC, UNITED STATES OF AMERICA AND URUGUAY TO THE UNITED NATIONS, ADDRESSED TO THE SECRETARY-GENERAL

On the instructions of our respective Governments, we have the honour to request, under rule 15 of the rules of procedure of the General Assembly, the inclusion of an additional item in the agenda of the eighteenth session of the United Nations General Assembly: "Measures in connexion with the earthquake at Skoplje, Yugoslavia".

In compliance with article 20 of the rules of procedure of the General Assembly, an explanatory memorandum is enclosed herewith.

<sup>1</sup> The purpose of document A/5552/Add.1, dated 23 September 1963, was to add Afghanistan and Indonesia to the list of countries requesting the inclusion of the item in the agenda; document A/5552/Add.2, dated 24 September 1963, added Iraq, Malaysia, Mauritania, Nigeria and Togo to the list; and document A/5552/Add.3, dated 24 September 1963, added Guinea.

- |                                    |                               |
|------------------------------------|-------------------------------|
| (Signed)                           | (Signed)                      |
| A. CHANDERLI<br>(Algeria)          | R. ENCKELL<br>(Finland)       |
| L. GARCÍA DEL SOLAR<br>(Argentina) | A. QUAISSON-SACKÉY<br>(Ghana) |
| F. MATSCH<br>(Austria)             | D. S. BITSIOS<br>(Greece)     |
| J. CABALLERO TAMAYO<br>(Bolivia)   | K. CSATORDAY<br>(Hungary)     |
| C. A. BERNARDES<br>(Brazil)        | B. N. CHAKRAVARTY<br>(India)  |
| I. BASHEV<br>(Bulgaria)            | M. VAKIL<br>(Iran)            |
| H. SAMBATH<br>(Cambodia)           | P. TALLARIGO<br>(Italy)       |
| H. DÍAZ CASANUEVA<br>(Chile)       | A. M. RIFA'I<br>(Jordan)      |
| G. ZEA<br>(Colombia)               | S. COULIBALY<br>(Mali)        |
| J. HAJEK<br>(Czechoslovakia)       | A. T. BENHIMA<br>(Morocco)    |
| A. HESSELLUND-JENSEN<br>(Denmark)  | S. A. NIELSEN<br>(Norway)     |
| T. MEKASHA<br>(Ethiopia)           | B. LEWANDOWSKI<br>(Poland)    |

(Signed)	(Signed)
M. HASEGANU (Romania)	A. KURAL (Turkey)
O. S. DIOP (Senegal)	N. T. FEDORENKO (Union of Soviet Socialist Republics)
S. K. EL SANOUSI (Sudan)	M. RIAD (United Arab Republic)
A. RÖSSEL (Sweden)	A. E. STEVENSON (United States of America)
S. TARAZI (Syria)	C. M. VELÁZQUEZ (Uruguay)
T. SLIM (Tunisia)	

## EXPLANATORY MEMORANDUM

Acting upon instructions from our Governments, we have the honour to draw the attention of the Member States to the following:

1. A disastrous earthquake took place in Yugoslavia on 26 July 1963, reducing to ruins the city of Skoplje, capital of the Socialist Republic of Macedonia. This terrible cataclysm caused the death of more than one thousand people. More than two thousand people were severely injured. Eighty per cent of the buildings in the city, including 34,000 apartments, were completely destroyed. In actual fact, practically the entire population of this city of 200,000 was left homeless. Most industrial enterprises were also destroyed and economic life was thereby fully disrupted. Education, culture and arts in this important cultural centre of contemporary Yugoslavia were most adversely affected. The misery and sufferings of the population are all the more tragic because of the devastating floods in Skoplje at the end of 1962.
2. The Government of Yugoslavia has taken every possible measure to ease the plight of the distressed. The entire Yugoslav nation has made exceptional

efforts to help the Skoplje population. Many foreign countries also helped Yugoslavia in its initial efforts to overcome the abysmal consequences of the disaster. This assistance was a demonstration of the best traditions of mutual help and co-operation among nations. It is worth noting the timely initiative of the Economic and Social Council at its thirty-sixth session in passing resolution 970 (XXXVI) of 29 July 1963, which provided for initial measures on the part of the United Nations in this respect.

3. Through the mobilization of its own resources and with the generous assistance of many countries, the Yugoslav Government has succeeded in relieving the sufferings of the population. Due to the magnitude of the disaster, however, all these measures were primarily of a first-aid character. Even the temporary housing and feeding of the population will require extensive efforts and funds. While welcoming the Yugoslav Government's Five-Year-Plan for the restoration of economic and cultural life in the city of Skoplje, we consider that further and efficiently organized international assistance is of incontestable importance for the more successful accomplishment of this huge task during the forthcoming period. No doubt, such assistance would be most effective if the United Nations took an active part in its organization. The participation of the United Nations and its specialized agencies, which have the necessary means, funds and experience in this assistance and its organization, will help the Yugoslav Government accomplish its difficult task and will contribute towards shortening the period needed for the normalization of the living conditions of the population of Skoplje.

Guided by the above considerations, we request that the General Assembly include in the agenda of its eighteenth session the item: "Measures in connexion with the earthquake at Skoplje, Yugoslavia".

We hope that, in view of the need for prompt action, the General Assembly will examine the above question as an urgent matter.

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1240th plenary meeting, on 14 October 1963, the General Assembly adopted the draft resolution submitted by fifty-six countries (A/L.426 and Add.1). For the final text, see resolution 1882 (XVIII) below.

**Resolution adopted by the General Assembly**

1882 (XVIII). MEASURES IN CONNEXION WITH THE EARTHQUAKE AT SKOPLJE, YUGOSLAVIA

*The General Assembly,*

*Noting with deep regret the tragic consequences of the severe earthquake which destroyed the city of Skoplje in Yugoslavia, caused the death of more than 1,200 persons, and brought about vast material and cultural damage,*

*Recalling its resolution 1753 (XVII) of 5 October 1962 and Economic and Social Council resolution 766 (XXX) of 8 July 1960,*

*Noting the energetic and urgent measures taken by the Government of the Socialist Federal Republic of Yugoslavia to provide relief for the victims of the*

*earthquake and to restore normal living conditions for the people,*

*Noting also the preparation by the Government of Yugoslavia of a five-year plan for the reconstruction of the city of Skoplje,*

*Taking note of the assistance rendered to the people of Skoplje by many nations, by organizations of the United Nations family and by other organizations, and noting with satisfaction that the spirit of international solidarity demonstrated on this occasion has transformed the reconstruction of Skoplje into a real symbol of friendship and brotherhood among peoples,*

1. *Expresses its deep sympathy to the people of Skoplje and the Government of Yugoslavia over this disaster;*

2. *Endorses* the recommendation contained in Economic and Social Council resolution 970 (XXXVI) of 29 July 1963 inviting Member States to consider what further assistance they may be in a position to offer to Yugoslavia, and appeals to them to assist the Yugoslav Government in the execution of the five-year plan for the reconstruction of Skoplje;

3. *Requests* the Secretary-General of the United Nations, the heads of the specialized agencies, the Executive Directors of the World Food Programme

and the United Nations Children's Fund, the Managing Director of the Special Fund, and the Executive Chairman of the Technical Assistance Board, to bear in mind the immediate and long-term needs of the Yugoslav Government in connexion with its plan for the reconstruction of Skoplje when deciding on the services to be provided to Member States in the light of the funds available.

*1240th plenary meeting,  
14 October 1963.*

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 83 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5553	Second report of the General Committee	<i>Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 8</i>
A/L.426 and Add.1	Afghanistan, Algeria, Argentina, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Chile, Colombia, Cyprus, Czechoslovakia, Dahomey, Denmark, Ethiopia, Finland, France, Ghana, Greece, Guinea, Hungary, India, Indonesia, Iran, Iraq, Italy, Japan, Jordan, Liberia, Mali, Mauritania, Mongolia, Morocco, Nepal, Niger, Nigeria, Norway, Peru, Poland, Romania, Senegal, Sudan, Sweden, Syria, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yemen: draft resolution	Adopted without change. See above "Action taken by the General Assembly", resolution 1882 (XVIII)





**Agenda item 84: Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems\***

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\* See *Official Records of the General Assembly, Eighteenth Session, First Committee*, 1346th meeting; and *ibid.*, *Plenary Meetings*, 1280th meeting.

**DOCUMENT A/5557**

**Romania: request for the inclusion of an additional item in the agenda of the eighteenth session**

[Original text: English]  
[26 September 1963]

LETTER DATED 25 SEPTEMBER 1963 FROM THE MINISTER FOR FOREIGN AFFAIRS OF ROMANIA TO THE SECRETARY-GENERAL

In accordance with the instructions of the Government of the Romanian People's Republic, I have the honour to request, under rule 15 of the rules of procedure, that given its important character, the following item be included in the agenda of the eighteenth session of the General Assembly:

"Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems."

An explanatory memorandum under the terms of rule 20 of the rules of procedure is attached herewith.

(Signed) Corneliu MANESCU  
Minister for Foreign Affairs

**EXPLANATORY MEMORANDUM**

1. The General Assembly at its fifteenth session included in its agenda, at the proposal of the Romanian People's Republic, the item entitled "Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems". In the explanatory memorandum circulated on the introduction of that issue, the Romanian delegation expressed its conviction that "any improvement in the relations among States on a regional level would contribute to the improvement of international relations as a whole, to the creation of a favourable atmosphere for peace in the whole world, for

international security, for settlement of the big yet unsolved international issues".<sup>1</sup>

2. Given that the agenda of the fifteenth session was overcharged and that the time was lacking for an efficient examination of that item, the Romanian delegation did not insist on its being discussed at that time.

3. During the ensuing period, it has appeared that the idea of regional agreements under various aspects has been gaining ever more support and that the efficacy of such measures is attested by numerous proposals. Thus, the progress of the idea of establishing denuclearized zones, which corresponds to the aspirations of all peoples for peace and security, is confirmed by the proposals for denuclearization regarding various geographical regions of the globe.

4. With reference to Europe, there exist proposals aiming at the establishment of denuclearized zones in northern and in central Europe, in the Balkans, as well as in the regions of the Adriatic Sea and the Mediterranean Sea.

5. Numerous other proposals have also been made, providing for measures conducive to the improvement of international relations, to the strengthening of security, to the elimination of the regional sources of conflict, to the settlement of the yet unsolved issues by way of negotiation and to the promotion of many-sided cooperation between European States having different social and political systems.

<sup>1</sup> *Official Records of the General Assembly, Fifteenth Session, Annexes*, agenda item 75, document A/4440, para. 4.

6. Out of the desire that the General Assembly should begin the examination of these proposals, focusing the attention upon the most important and the most urgent ones, and that it should recommend principles and measures of a nature to facilitate the negotiation and conclusion of such regional agreements

between the States concerned, the Government of the Romanian People's Republic requests the re-inclusion of the item "Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems".

#### DOCUMENT A/5668

#### Letter dated 10 December 1963 from the Chairman of the First Committee to the President of the General Assembly

[Original text: English]  
[12 December 1963]

By letter dated 2 October 1963 (A/C.1/886/Add.1),<sup>2</sup> you informed me of the allocation to the First Committee of agenda item 84 (Actions on the regional level with a view to improving good neighbourly relations among European States having different social and political systems). At its 1346th meeting, held on 5 December 1963, the First Committee decided to recommend to the General Assembly that the consideration of this item should be deferred until the nineteenth session of the General Assembly.

(Signed) C. W. A. SCHURMANN  
Chairman of the First Committee

<sup>2</sup> *Ibid.*, Eighteenth Session, First Committee, prefatory fascicle, agenda.

#### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1280th plenary meeting, on 13 December 1963, the General Assembly adopted the recommendation of the First Committee (A/5668).



**Agenda item 85: Measures in connexion with the hurricane which has just struck the territories of Cuba, the Dominican Republic, Haiti, Jamaica and Trinidad and Tobago\***

**C O N T E N T S**

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, General Committee*, 157th meeting; and *ibid.*, *Plenary Meetings*, 1253rd and 1254th meetings.

**DOCUMENTS A/5566/REV.1 AND ADD.1 AND 2**

**Chile: request for the inclusion of an additional item in the agenda of the eighteenth session**

**DOCUMENT A/5566/REV.1**

**Letter dated 10 October 1963 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General**

[*Original text: Spanish*]  
[14 October 1963]

The Permanent Mission of Chile to the United Nations presents its compliments to the Secretary-General and, on the instructions of the Chilean Government, has the honour to request, under rule 15 of the rules of procedure of the General Assembly, the inclusion in the agenda of the eighteenth session of the General Assembly of an additional item entitled: "Measures in connexion with the hurricane which has just struck the territories of Cuba, Haiti, Jamaica and Trinidad and Tobago".

In compliance with rule 20 of the rules of procedure, the Permanent Mission of Chile will in due course transmit an explanatory memorandum and a draft resolution.

**DOCUMENT A/5566/REV.1/ADD.1**

**Explanatory memorandum**

[*Original text: Spanish*]  
[15 October 1963]

In accordance with instructions from the Government of Chile, the attention of the States Members of the United Nations is drawn to the following:

1. On 30 September 1963 hurricane "Flora", with torrential rains and winds up to 110 miles an hour, struck the island of Tobago, which has a population of 35,000, causing loss of life and considerable damage to crops, dwellings and public buildings. The effects of this storm were also felt in Trinidad, especially in

the north-eastern section, where winds of considerable velocity and heavy rains caused floods and landslides. Up to the present time, in addition to the missing, it is estimated that twenty-one persons have died. It is also estimated that 85 per cent of the field and plantation crops have been totally destroyed. Some villages have completely disappeared; in others more than 60 per cent of the buildings have been destroyed. The Government of Trinidad and Tobago declared the island of Tobago an emergency area. Although aid was received immediately from the Secretary-General of the United Nations and from the Governments of the United Kingdom, the United States of America and others, and massive emergency measures were carried out with extraordinary energy, the health of the inhabitants of the stricken area is in serious danger.

2. Hurricane "Flora" then attacked the Republic of Haiti, where the damage has been so heavy and the destruction of communications so complete that at the moment of drafting this memorandum no estimate of these can yet be made. Press reports, however, give the death toll as about 4,000 and state that the material damage is enormous and affects whole towns.

3. During the period from 4 to 8 October, hurricane "Flora" attacked eastern Cuba, wreaking appalling havoc in the provinces of Oriente and Camagüey. Although rescue and salvage operations have not yet been completed, nor has all the information been assembled, it is estimated that more than 1,000 persons have lost their lives, that thousands of homes have been destroyed and that tens of thousands of rural and farming families have lost everything they possessed. In Oriente Province alone about 150,000 persons have had to be evacuated from the danger area. The most important farming areas of Cuba have suffered tremendous losses: 50 per cent of the rice, 50 per cent of the maize (400,000 quintals) and 50 per cent of the industrial cotton have been ruined. The sugar plantations

have suffered heavily; there have been serious losses of poultry and cattle; the banana crop is a total loss; large quantities of soft fruit, beans and other products have been seriously damaged; and the coffee-growing areas, which produce 90 per cent of the coffee and cocoa, have been badly hit. In addition, highways, railways, bridges and roads have been destroyed, and electrical installations, sewers and other works of all kinds seriously damaged.

4. Jamaica has also suffered heavy damage from hurricane "Flora", chiefly through flooding. Seventeen inches of rain fell in twelve hours, a record for the country. Up to the present seven persons are known to have lost their lives. The Department of Public Works has estimated the damage to roads and bridges at \$US 6 million, and to houses and crops at not less than \$US 1.5 million.

5. The Governments of the stricken countries have taken every possible step to relieve the plight of the victims, but the disaster has been so widespread that their measures have really been no more than first aid. Many countries have offered generous help to relieve the desperate situation of the victims and to rebuild ruined areas, but there is no doubt that this aid would be more effective if the United Nations took an active part in its organization. Participation of the United Nations and its specialized agencies, which possess the necessary means, funds, experience and organization for this help, would assist the Governments of Cuba, Haiti, Jamaica and Trinidad and Tobago to fulfil their difficult task and would shorten the time needed to restore normal conditions of life in the areas affected by hurricane "Flora".

6. For all these reasons the General Assembly is requested to include in the agenda of its eighteenth session the item: "Measures in connexion with the hurricane which has just struck the territories of Cuba, Haiti, Jamaica and Trinidad and Tobago". It is confidently expected that the General Assembly will regard this item as urgent and realize that it is necessary to act with the greatest possible speed.

#### DOCUMENT A/5566/REV.1/ADD.2

**Letter dated 22 October 1963 from the representatives of Brazil, Chile, Mexico and Uruguay, addressed to the Secretary-General**

[Original text: Spanish]  
[24 October 1963]

We have the honour to present our compliments and to submit to you, with reference to the additional item "Measures in connexion with the hurricane which has just struck the territories of Cuba, Haiti, Jamaica and Trinidad and Tobago", the request for inclusion of

which has published in documents A/5566/Rev.1 and A/5566/Rev.1/Add.1, the attached draft resolution for consideration by the General Assembly.

(Signed)

Carlos A. BERNARDES  
Brazil

Luis BOSSAY  
Chile

(Signed)

Luis PADILLA NERVO  
Mexico

Carlos M. VELLÁZQUEZ  
Uruguay

MEASURES IN CONNEXION WITH THE HURRICANE WHICH HAS JUST STRUCK THE TERRITORIES OF CUBA, HAITI, JAMAICA AND TRINIDAD AND TOBAGO<sup>1</sup>

*Brazil, Chile, Mexico and Uruguay: draft resolution  
The General Assembly,*

*Noting with deep regret* the tragic consequences of the hurricane which struck the Caribbean area—especially the territories of Trinidad and Tobago, Haiti, Cuba and Jamaica—resulting in the loss of thousands of lives and causing considerable material damage,

*Considering* the urgent measures adopted by the Governments of the above-mentioned countries to alleviate the suffering of the victims of the hurricane, reconstruct the devastated areas and restore normal living conditions in those areas,

*Noting with particular satisfaction* that many States, international bodies and organizations in the United Nations family have taken immediate steps to help the victims of the hurricane,

1. *Expresses its deep sympathy* to the peoples of Cuba, Haiti, Jamaica and Trinidad and Tobago in connexion with the loss of human life and the material damage caused by the hurricane;

2. *Invites* Member States and non-governmental organizations to study ways of providing large-scale assistance, either individually or collectively, to the above-mentioned territories in order that they may make a more effective effort to rehabilitate the devastated areas, and asks them to furnish such assistance generously;

3. *Requests* the Secretary-General and the executive heads of the United Nations agencies concerned to bear in mind the immediate and future needs of the affected countries, and to make available to them, in connexion with their rehabilitation plans, the necessary resources, obtaining where necessary the authorization of the governing bodies of their respective organizations.

<sup>1</sup> At its 157th meeting held on 25 October 1963, the General Committee recommended (A/5580) that the Dominican Republic should be added to the countries referred to in the title of the item. The General Assembly approved the recommendation at its 1253rd plenary meeting.

#### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1254th plenary meeting, on 1 November 1963, the General Assembly adopted the draft resolution submitted by twenty-three countries (A/L.430 and Add.1 and 2), as amended orally. For the final text, see resolution 1888 (XVIII) below.

#### Resolution adopted by the General Assembly

1888 (XVIII). MEASURES IN CONNEXION WITH THE HURRICANE WHICH HAS JUST STRUCK THE TERRITORIES OF CUBA, THE DOMINICAN REPUBLIC, HAITI, JAMAICA AND TRINIDAD AND TOBAGO

*The General Assembly,*

*Noting with deep regret* the tragic consequences of the hurricane which struck the Caribbean area—especially the territories of Cuba, the Dominican Republic, Haiti, Jamaica and Trinidad and Tobago—resulting

in the loss of thousands of lives and causing considerable material damage,

*Considering* the urgent measures adopted by the Governments of the above-mentioned countries to alleviate the suffering of the victims of the hurricane, reconstruct the devastated areas and restore normal living conditions in those areas,

*Noting with particular satisfaction* that many States, international bodies and organizations in the United Nations family have taken immediate steps to help the victims of the hurricane,

1. *Expresses its deep sympathy* to the peoples of Cuba, the Dominican Republic, Haiti, Jamaica and Trinidad and Tobago over the loss of human life and the material damage caused by the hurricane,

2. *Invites* Member States and non-governmental organizations to study ways of providing large-scale assistance, either individually or collectively, to the above-mentioned territories in order that they may make a more effective effort to rehabilitate the devas-

tated areas, and asks them to furnish such assistance generously;

3. *Requests* the Secretary-General and the executive heads of the United Nations agencies concerned to bear in mind the immediate and future needs of the affected countries and to provide assistance, in connexion with their rehabilitation plans, from available resources, obtaining where necessary the authorization of the governing bodies of their respective organizations.<sup>2</sup>

*1254th plenary meeting,  
1 November 1963.*

<sup>2</sup> In the original draft resolution (A/L.430 and Add.1 and 2), paragraph 3 read as follows:

*"Requests* the Secretary-General and the executive heads of the United Nations agencies concerned to bear in mind the immediate and future needs of the affected countries, and to make available to them, in connexion with their rehabilitation plans, the necessary resources, obtaining where necessary the authorization of the governing bodies of their respective organizations".

### CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 85 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5566	Letter dated 10 October 1963 from the Permanent Mission of Chile to the United Nations addressed to the Secretary-General	Replaced by A/5566/Rev.1
A/5580	Fourth report of the General Committee	<i>Official Records of the General Assembly, Eighteenth Session, Annexes</i> , agenda item 8
A/5631	Letter dated 27 November 1963 from the representative of Haiti to the President of the General Assembly	Mimeographed
A/L.430 and Add.1 and 2	Algeria, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Ceylon, Chad, Chile, Cyprus, Dahomey, Ethiopia, Ghana, Guinea, Iraq, Liberia, Mali, Mexico, Nigeria, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay and Yugoslavia: draft resolution	For the text of this document, as amended orally by the General Assembly at its 1254th plenary meeting, see above "Action taken by the General Assembly", resolution 1888 (XVIII)



**Agenda item 86: Admission of new Members to the United Nations\***

**C O N T E N T S**

<i>Document No.</i>	<i>Title</i>	<i>Page</i>
A/5640	Australia, Canada, Ceylon, Cyprus, Ghana, India, Jamaica, Malaysia, New Zealand, Nigeria, Pakistan, Sierra Leone, Tanganyika, Trinidad and Tobago, Uganda and United Kingdom of Great Britain and Northern Ireland: request for the inclusion of an additional item in the agenda of the eighteenth session.....	1
A/5677	Letter dated 16 December 1963 from the President of the Security Council to the President of the General Assembly.....	2
A/5678	Letter dated 16 December 1963 from the President of the Security Council to the President of the General Assembly.....	2
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<b>Check list of documents</b> .....		3

\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, General Committee*, 158th meeting; and *ibid.*, *Plenary Meetings*, 1281st and 1282nd meetings.

**DOCUMENT A/5640**

**Australia, Canada, Ceylon, Cyprus, Ghana, India, Jamaica, Malaysia, New Zealand, Nigeria, Pakistan, Sierra Leone, Tanganyika, Trinidad and Tobago, Uganda and United Kingdom of Great Britain and Northern Ireland: request for the inclusion of an additional item in the agenda of the eighteenth session**

[*Original text: English*]  
[4 December 1963]

The undersigned delegations have the honour to draw Your Excellency's attention to the fact that Zanzibar and Kenya are to become independent on 10 and 12 December 1963, respectively. It is our understanding that the Governments of Zanzibar and Kenya intend to submit applications for membership in the United Nations during the course of the eighteenth session.

Pursuant to rule 15 of the rules of procedure of the General Assembly, the undersigned delegations therefore request the inclusion in the agenda of the eighteenth session of the General Assembly of an additional item entitled "Admission of new Members to the United Nations". Addition of this new item will enable Zanzibar and Kenya to become members of the United Nations at its present session if the Governments of these two countries apply and if the Security Council and the General Assembly agree.

(*Signed*)

D. O. HAY  
*Australia*  
P. TREMBLAY  
*Canada*  
S. GUNewardENE  
*Ceylon*  
Z. ROSSIDES  
*Cyprus*  
A. QUaISON-SACKEY  
*Ghana*  
B. N. CHAKRAVARTY  
*India*

(*Signed*)

E. R. RICHARDSON  
*Jamaica*  
Dato' ONG Yoke Lin  
*Malaysia*  
F. H. CORNER  
*New Zealand*  
S. O. ADEBO  
*Nigeria*  
M. ZAfrULLA KHAN  
*Pakistan*  
R. E. KElfA-CAULKER  
*Sierra Leone*

(*Signed*)

E. A. M. MANG'ENYA  
*Tanganyika*  
E. CLARKE  
*Trinidad and Tobago*  
A. K. KIRONDE  
*Uganda*  
P. DEAN  
*United Kingdom of  
Great Britain and  
Northern Ireland*



## DOCUMENT A/5677

Letter dated 16 December 1963 from the President of the Security Council  
to the President of the General Assembly[Original text: English]  
[16 December 1963]

I have the honour to request you to transmit to the General Assembly the following resolution on the admission of Zanzibar to membership in the United Nations, adopted by the Security Council at its 1084th meeting on 16 December 1963:

*"The Security Council,*

*"Having examined the application of Zanzibar for admission to the United Nations,*

*"Recommends to the General Assembly to admit Zanzibar to membership of the United Nations."*

In accordance with rule 60, paragraph 2, 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 1084th meeting of the Security Council, at which the application of Zanzibar was discussed.

(Signed) Adlai E. STEVENSON  
President of the Security Council

## DOCUMENT A/5678

Letter dated 16 December 1963 from the President of the Security Council  
to the President of the General Assembly[Original text: English]  
[16 December 1963]

I have the honour to request you to transmit to the General Assembly the following resolution on the admission of Kenya to membership in the United Nations, adopted by the Security Council at its 1084th meeting on 16 December 1963:

*"The Security Council,*

*"Having examined the application of Kenya for admission to the United Nations,*

*"Recommends to the General Assembly to admit Kenya to membership of the United Nations."*

In accordance with rule 60, paragraph 2, 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 1084th meeting of the Security Council, at which the application of Kenya was discussed.

(Signed) Adlai E. STEVENSON  
President of the Security Council

## ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1281st plenary meeting, on 16 December 1963, the General Assembly adopted the draft resolution submitted by forty-three countries (A/L.447 and Add.1). For the final text, see resolution 1975 (XVIII) below.

At the same meeting, the General Assembly adopted the draft resolution submitted by forty-three countries (A/L.448 and Add.1). For the final text, see resolution 1976 (XVIII) below.

**Resolutions adopted by the General Assembly**  
1975 (XVIII). ADMISSION OF ZANZIBAR TO MEMBERSHIP IN THE UNITED NATIONS

*The General Assembly,*

*Having received the recommendation of the Security Council of 16 December 1963 that Zanzibar should be admitted to membership in the United Nations (A/5677),*

*Having considered the application for membership of Zanzibar (A/5661),*

*Decides to admit Zanzibar to membership in the United Nations.*

1281st plenary meeting,  
16 December 1963.

1976 (XVIII). ADMISSION OF KENYA TO MEMBERSHIP IN THE UNITED NATIONS

*The General Assembly,*

*Having received the recommendation of the Security Council of 16 December 1963 that Kenya should be admitted to membership in the United Nations (A/5678),*

*Having considered the application for membership of Kenya (A/5662),*

*Decides to admit Kenya to membership in the United Nations.*

1281st plenary meeting,  
16 December 1963.

## CHECK LIST OF DOCUMENTS

NOTE. This check list includes the documents mentioned during the consideration of agenda item 86 which are not reproduced in the present fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/5650	Fifth report of the General Committee	<i>Official Records of the General Assembly, Eighteenth Session, Annexes, agenda item 8</i>
A/5661	Telegram dated 10 December 1963 from the Prime Minister of Zanzibar to the Secretary-General	For the text of this document, see <i>Official Records of the Security Council, Eighteenth Year, Supplement for October, November and December 1963, document S/5478</i> <i>Idem, document S/5482</i>
A/5662	Telegram dated 12 December 1963 from the Prime Minister of Kenya to the Secretary-General	<i>Idem, document S/5482</i>
A/L.447 and Add.1	Algeria, Australia, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Jamaica, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, New Zealand, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and Upper Volta: draft resolution	Adopted without change. See above "Action taken by the General Assembly", resolution 1975 (XVIII). The text of the resolution appears also in <i>Official Records of the General Assembly, Eighteenth Session, Supplement No. 15</i> <i>Idem, resolution 1976 (XVIII).</i>
A/L.448 and Add.1	Algeria, Australia, Burundi, Cameroon, Canada, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Congo (Leopoldville), Cyprus, Dahomey, Ethiopia, Gabon, Ghana, Guinea, India, Ivory Coast, Jamaica, Liberia, Libya, Madagascar, Malaysia, Mali, Mauritania, Morocco, New Zealand, Niger, Nigeria, Pakistan, Rwanda, Senegal, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Republic, United Kingdom of Great Britain and Northern Ireland and Upper Volta: draft resolution	The text of the resolution appears also in <i>Official Records of the General Assembly, Eighteenth Session, Supplement No. 15</i>



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Organization of the work of the Second Committee at future sessions of the General Assembly

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\* For the discussion of this item, see *Official Records of the General Assembly, Eighteenth Session, Second Committee*, 946th, 947th, 949th and 950th meetings; and *ibid., Plenary Meetings*, 1285th meeting.

**DOCUMENT A/C.2/222**

**Note by the Chairman of the Second Committee**

[Original text: English]  
[22 November 1963]

The Chairman has the honour to transmit to members of the Second Committee the attached statement which he has prepared with regard to the possible reorganization of the practices and methods of work of the Committee at future sessions of the General Assembly.

If it would be agreeable to the Committee, the Chairman would propose to take up this matter at the penultimate meeting of the Committee during the eighteenth session of the Assembly; he hopes that the delegations at that time will be ready to give their reactions to the suggestions he has made at the end of this statement.

**Methods of work of the Second Committee**

1. Before concluding our work this year, it seemed to me desirable that we should spend a little time reviewing and evaluating our practices and methods of work. In doing so, we would, in fact, be implementing the policy which the General Assembly adopted in its resolution 1845 (XVII), when it recommended that priority should be given to the consideration of ways and means of improving methods of work. In its resolution 1898 (XVIII) the Assembly approved a series of arrangements aimed at expediting the work, which had been prepared by an *ad hoc* Committee after long study and extended consultation.

2. It is, of course, true that this review and the recommendations emerging from it were made primarily from the point of view of the General Assembly as a whole. On the other hand, each one of the Main Committees has developed over the years methods of work and even procedural practices which have seemed best suited to the areas in which it operates and to the problems which it has encountered. Thus it seems to me to be in line with the policy of the General Assembly if

we in this Committee have an exchange of views aimed at improving our methods of work and our practices in the light of experience gained during past sessions and particularly during the session which we are about to conclude. In undertaking this exercise I believe that we must go beyond procedural devices and seek an appropriate relationship between the substance of what we are doing and the alternative ways of doing it. We must go into the record of earlier years and then try to take a "forward look" at the possible course of the Committee's work in the next few years.

3. In what follows I have naturally drawn on my personal experience in the Second Committee during four sessions of the General Assembly, but I have also had discussions with a number of old-timers and newcomers in this Committee. I need hardly add that I have also sought the advice of the Secretariat, which observes both the continuing and the changing elements in our work from its vantage point. Indeed, I was encouraged to take the lead by Mr. de Seynes, when he said on 21 October 1963 at the end of the general debate (902nd meeting):

"As I have listened to this debate, I have been struck by the extent to which there is a common outlook with respect to the problem of economic development, which is the central theme of all our deliberations. I think that we now have enough points in common on the general aspect to enable us to consider giving our debates a more specific turn, so that we may see how we can use the Second Committee to advance the solution of the specific problems which will arise. One aspect, and a far from negligible one, of the wider problem of institutional mechanisms to which I have referred, is the organization of our debates. I think that when our present deliberations,

Annexes (XVIII) Organization of the work of the Second Committee at future sessions of the General Assembly

which in many respects have been so encouraging, are concluded, we would do well to give some thought to this question so that, in the future as in the past, your Committee may continue to play the important part which it is expected to play." [A/C.2/L.732.]

4. Let me turn first to the record. Looking back over past sessions of the Second Committee, we can discern two main phases in the way the Committee has gone about its work. In the earlier phase it used to take up first and in some detail the operational programmes and then turn to general economic questions, including a general debate and the consideration of the draft resolutions which emerged from it. This period can be characterized more or less as follows: (a) there was a considerable diversity of views regarding economic development and the role of the United Nations in dealing with it; (b) the operational programmes, in particular the regular and Expanded Programmes of technical assistance, were still in their formative stages and the system of close scrutiny and continuing evaluation was being developed. In particular, it was a time when the developing countries placed considerable emphasis on giving sound direction to these programmes; however, they began increasingly also to stress general development problems, such as planning and industrialization, capital flow and trade.

5. Soon after the establishment of the Special Fund, the Committee moved into a new phase, which became particularly evident during the fifteenth session, in 1960, when, as we remember, Mr. Janz Stanovnik, the distinguished representative of Yugoslavia, was in the Chair. This second phase was reflected in a shift in our methods of work. Consideration of general economic questions became the main feature of each session, and the operational programmes were taken up afterwards in the time that remained, which resulted in a brief, perhaps too brief, review of these programmes. Although this year we had only one general debate, the two groups of items which we set up in 1960 are still reflected in our arrangement of business.

6. The new arrangement introduced in 1960 was perhaps overdue. On the whole, the operational programmes were working well, and the main task of the Assembly was to appeal to Governments to increase their contributions, a task which incidentally, we still face. It was natural, therefore, for the Committee to focus its attention on policy-making for economic development, both at the national and international levels, and to take up the specific problems encountered there, such as planning, the diversification of national economies, industrialization, regional and sub-regional integration, capital flow, the multilateral financing of economic development through the United Nations, and last but not least, international trade as a principal instrument of economic development.

7. I need hardly add that each of these questions provoked long and difficult discussions, and sometimes we heard sharply conflicting views on specific issues. I believe, however, that we all gained from these frank exchanges a better understanding of the basic problems of development and a mutual comprehension of the differing points of view. Particularly during the last two sessions, we have witnessed a narrowing of sharp differences, and we are making progress towards a consensus on certain basic aspects of major issues. For example, the Secretary-General himself recently indicated that development is one of the three objectives with the highest priority (disarmament, decolonization

and development) of the United Nations. I presume we agree on the imperative need to diversify the economies of developing countries and in particular to promote industrialization. We agree that spontaneous market forces cannot, by themselves, ensure development which requires a conscious effort, both at the national and international levels, that is, by planning. We are agreed on the high priority which must be given to training and other important means of progress in order to enable the developing countries to move forward from their traditional stationary way of life. More recently we have unanimously agreed to convene the United Nations Conference on Trade and Development, of whose importance we are all aware.

8. I would not like to exaggerate the gains we have made. Many important differences remain. In some areas, instead of general agreement, we find working compromises. But both on the theoretical and on the day-to-day practical levels, we have moved closer together, and we may, I think, take satisfaction from the fact that these gains have been registered in the United Nations and in the Second Committee. Of course, they are also to be associated with many phenomena occurring outside the Organization; since 1945, by means of university and other research and from day-to-day experience—sometimes harsh experience—in the developing countries and elsewhere, we know much more than we did about development, both in theory and in practice. In this general context I regard it as a great, and perhaps even an historic, achievement that the United Nations and the Second Committee have been able to proceed as far as they have towards building a common platform.

9. If what I have just said truly reflects our present position, it follows that a readjustment of our methods of work may be in order and that in considering what kind of readjustment should be made, we should keep very much in mind the substantive framework within which we work. Thus, although I shall now proceed to take up the pedestrian questions of arrangement of business and agenda formulation, I feel that they could not be tackled except in the context of our work as a whole.

10. It may be opportune to remind you that we can have no more than an exchange of views, that we can take no decision regarding methods of work which would be binding on the Second Committee when it meets in future years. On the other hand, I hope that our exchange of views may be useful to future sessions of the Assembly. It is difficult to effect a major change or indeed to make any significant departure from traditional and well-established practices without prior discussions, since delegations in making their preparations for a session do so on the basis of the previous years' pattern. Thus, while we cannot commit our successors in the Second Committee next year, we can give them the benefit of our collective experience after nearly three months of work in an atmosphere which this year has been relatively free of sharp controversy. It is because of this that I felt encouraged to raise certain questions and even to make certain suggestions.

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\* \* \*

11. First of all, a number of members have spoken to me about the possibility of modifying our present procedures with regard to the general debate, although others also have seen some advantages in the present

system. I must admit that I myself feel that, notwithstanding the fact that the various statements were useful and thought-provoking, the general debate in its present form is overlong and contains much repetition, both as regards individual speakers and from year to year. Indeed, I must say that, in my opinion, in future years the time might be better spent in the consideration of specific questions.

12. I should hasten to add that, in suggesting this change, I have no wish to imply that the general debate has not fulfilled an important function in the past, and that in general delegations have not found it a useful vehicle for setting forth their views. It has given everybody a broad and highly useful review of the thinking on economic questions throughout the world. It cannot be denied that the round of general statements has also played a certain role in the fashioning of draft resolutions, which goes on simultaneously behind the scene. It may be wondered, however, whether it is the general debate that is of key importance to the draft resolutions or rather that the time of the general debate is used by delegations for informal consultations.

13. As we have all gained greater experience in the Second Committee's field of endeavour, the value of this phase of our work has become somewhat less apparent. At the same time, the increase in the number of States Members of the United Nations has lengthened the list of speakers until this year we listened to eighty-seven addresses. In the last few years an average of four to five weeks has been given over to the general debate.

14. Thus the question is not so much whether the general debate is useful or not; we all agree that it serves a certain purpose. We must, however, think whether this is the most useful way we spend the limited time at our disposal; in short, whether this is the best way of fashioning policies which will be helpful to developing countries in their struggle for development. There is also an additional aspect. The general debate at the plenary meetings of the General Assembly increasingly includes the principal views of delegations on economic and social problems, including development, capital flow and trade. In fact the two general debates already overlap to a significant extent. Since a further expansion of statements on these subjects in the plenary meetings of the General Assembly may be expected in view of the increasing importance attached to development, this overlapping will tend to become more and more pronounced. Accordingly, the plenary meetings of the General Assembly might in future years also be considered the proper place for general statements on economic policy. Moreover, the general debate in the plenary meetings is reported verbatim and could, of course, be taken fully into account by the members of the Second Committee.

15. In any change in our methods of work, the formulation of the agenda as well as the scope of the items allocated to the Committee are of basic importance. This, of course, lies outside our field of competence, and yet I think that the Secretary-General, Governments and the General Committee of the General Assembly might wish to take into account our views expressed on the subject. I think that most members who have taken part in our discussions during the last few years would agree that economic development has occupied almost all our time, indeed that we have not had enough time for a comprehensive consideration of the many problems falling under this general heading.

These economic development problems are so difficult and far-reaching and their bearing on key world problems so obvious, that we simply have not had time to address ourselves to many other questions—important as they may be.

16. If we recognize this fact, we must also recognize that our agenda—which year after year has featured the economic development of under-developed countries as only one of several items—does not provide a sufficiently concrete basis for our work. It is as if the First Committee had on its agenda some such general item as “political problems”. It is too general, and, in fact, almost any draft resolution can be submitted under it. The question arises whether it would not be better to replace the omnibus item—if I may call it that—by specific items which would tend to focus attention on those aspects of the economic development of developing countries which in the opinion of Member States most urgently need it, as has been done hitherto in the form of sub-items of the general development item.

17. I may be mistaken, but it seems to me that the criticisms which were directed at some of the procedural suggestions I made at the beginning of the session were, in fact, intended to make our work more specific and to enable it to proceed in an orderly fashion from one topic to another. If, by elimination of the general debate, we gain more time and have a limited number of specific topics on our agenda, it might be possible to proceed in a less hasty fashion and to take up each topic in succession rather than to consider them when the time is so limited that, in many cases, the general observations which delegations wish to make either have to give way to the detailed discussion of the proposals themselves or do not receive the attention they deserve.

18. The question may also be raised whether, in view of the urgent economic and financial questions confronting the Committee, it is desirable for us to attempt to tackle closely related questions of social development. While these questions have usually been allocated to the Third Committee, there have recently been occasional departures from this practice, and consideration of these matters has proved rather lengthy and has cut into the time available for important economic questions. It can hardly be doubted that one Committee could not do justice to the many questions of economic and social development, and that the present procedure of allocating economic questions to the Second Committee and social questions to the Third Committee, while presenting certain obvious difficulties, seems on balance the best solution available.

19. I would envisage, if I may repeat myself, a number of items on our agenda, each of which would be limited to specific topics; at the beginning of each session the Committee would approve a time-table indicating the approximate number of meetings it planned to devote to each item both for general observations and for the consideration of concrete proposals relating to it. This is indeed the procedure being followed by other committees of the Assembly.

20. Of course, the report of the Economic and Social Council has to be retained as an item on the agenda, and this would ensure that we had sufficient flexibility to take up matters dealt with in this report but for which no specific agenda item had been provided. For example, this year the draft resolutions on the United Nations Conference on Trade and Development and on the enlargement of the sessional committees of the Economic and Social Council were tabled under this item.

21. An approach of this kind would require that an effort should be made to list items in the order in which delegations would wish to take them up. A preliminary attempt to establish this order might be undertaken by the Secretary-General when he draws up the provisional agenda. The Committee would naturally retain the right to adjust the order in which it takes up the various items, taking into account their urgency and the time required by the delegations for preparing themselves to begin discussions in the Committee and for submitting draft resolutions.

22. However, one of the aims of the new approach would be to reduce the delays attributable to lack of adequate advance preparation. Since the delegations would have an accurate picture of most of the topics to be discussed well in advance, it should be possible for them to come to the opening of each session prepared to begin consideration of most of the specific topics without undue delay and having, if possible, advance texts of draft resolutions. The importance of such advance preparation, which to some extent already takes place, can hardly be overemphasized.

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23. May I now recapitulate and make my suggestions more specific:

(a) I would suggest that the general debate in the Second Committee might be discontinued. Statements of economic policy would be made in the general debate of the General Assembly in plenary meeting, where they are already being made by many delegations and where they are promptly published in the verbatim records.

(b) I would suggest that the agenda should be so formulated as to avoid items on general subjects in order to focus attention on specific topics. There would continue to be one mandatory general item, entitled "Report of the Economic and Social Council", which would ensure whatever flexibility may be required. The agenda would, of course, regularly include an item covering the United Nations operational programmes.

(c) I would suggest that an effort should be made to list items in the agenda in the order in which they

are most likely to be taken up by the Committee and that the Committee, at the beginning of each session, should determine the final order.

(d) I would suggest that the Committee, when it organizes its work for the session, should allocate provisionally a certain number of meetings to each item before it, and determine deadlines for submission of proposals.

(e) I would suggest that any draft resolutions unrelated to any specific item and submitted under the item entitled "Report of the Economic and Social Council" should normally be considered towards the end of the session, so as to give the delegations sufficient time to familiarize themselves with the topic concerned.

(f) I would suggest that the General Committee of the General Assembly should give particular consideration to the distribution of items between the Second and Third Committees, bearing in mind that the economic sections of the Economic and Social Council report are allocated to the Second Committee and the social and human rights sections to the Third Committee, and taking into account the length of time required for the adequate consideration of the primarily "economic" items.

\* \* \*

24. In conclusion, I should like to explain that in presenting these ideas and suggestions to the Committee my intention has been to stimulate your thinking and to provoke your comments, even if they are critical comments. Indeed, I hope you will feel as free as I have felt to present your frank views on how we may further improve our working methods in the years to come. I say this because it is my firm belief that frank and constructive criticism is not only the privilege but even the duty of those who hold that international co-operation through the United Nations is the best way of solving the world's pressing problems. The purpose of my suggestions has been to stimulate an effort, by reviewing our methods of work, to make the Second Committee, at future sessions of the General Assembly, better able to focus its discussion on the main substantive issues. I believe that this would be achieved if the foregoing suggestions were applied.

## DOCUMENT A/5651

### Report of the Second Committee

[Original text: English]  
[9 December 1963]

1. The Chairman of the Second Committee transmitted to the members of the Second Committee a note (A/C.2/222), containing a statement which he had prepared with regard to the possible reorganization of the practices and methods of work of the Committee at future sessions of the General Assembly.

2. The Committee considered this statement at its 946th, 947th and 949th meetings.

3. The Committee, at its 949th meeting, took note with appreciation of the initiative taken by its Chairman in his note on the organization of the Committee's work at future sessions of the General Assembly and was of the view that the Governments of Member States should consider the suggestions made in the Chairman's note and during the Committee's discussions at its 946th and 947th meetings, so that the Committee could take a decision on these matters at the beginning of the nineteenth session of the General Assembly.

### ACTION TAKEN BY THE GENERAL ASSEMBLY

At its 1285th plenary meeting, on 17 December 1963, the General Assembly took note of the report of the Second Committee (A/5651).



**CHECK LIST OF DOCUMENTS**

NOTE. This check list includes the documents mentioned during the consideration of the organization of the work of the Second Committee at future sessions of the General Assembly which are not reproduced in the fascicle.

<i>Document No.</i>	<i>Title</i>	<i>Observations and references</i>
A/C.2/L.782	Argentina, Ghana, India, Jordan, Mali, Mexico, New Zealand, Nigeria and Yugoslavia: draft text for inclusion in the Committee's report	Mimeographed
A/C.2/L.782/ Rev.1	Argentina, Ghana, India, Jordan, Mali, Mexico, New Zealand, Nigeria and Yugoslavia: revised draft text for inclusion in the Committee's report	<i>Idem</i>
A/C.2/L.784	Draft report of the Second Committee	Replaced by A/5651

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